

**COASTAL WATERFRONT ACCESS CHALLENGES & OPPORTUNITIES  
FOR SOUTH CAROLINA MARINE FISHERIES STAKEHOLDERS**

**Project Final Report<sup>1</sup>  
JUNE 2008**

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<sup>1</sup> The views expressed herein are solely those of the authors and do not necessarily reflect those of their employers or the funding entities.

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## ACKNOWLEDGEMENTS

In preparing this report, we received assistance from many people. First, we want to express gratitude to all stakeholders who took time from their busy schedules to be interviewed, as well as those that took time to respond to our follow-up phone calls and/or e-mails. Without their participation, this report would not have been possible. We also want to express thanks to the staff of South Carolina local governments for providing us important details and insight regarding their waterfront initiatives and programs, including Beaufort, Georgetown, and Horry Counties, and the municipal governments of Edisto Beach, Hilton Head Island, Mount Pleasant, North Myrtle Beach, and Port Royal. Additionally, we want to acknowledge technical assistance provided by those with the South Carolina State Park Service, the South Carolina Department of Health & Environmental Control – Office of Ocean and Coastal Resource Management, and the South Carolina Department of Natural Resources, especially Kimberly McLawhorn and Robert Wiggers of the Marine Resources Division, for providing data on South Carolina boat registration trends and coastal fishing pier usage. Last, but certainly not least, we want to thank Robert Bacon, Extension Program Leader of the .S. C. Sea Grant Extension Program, as well as Denise Sanger, Assistant Director for Research and Planning and M. Richard DeVoe, Executive Director of the S. C. Sea Grant Consortium, for serving as constructive sounding boards for the approach and ideas contained in this report. Funding for this project was provided by the National Oceanic and Atmospheric Administration (NOAA) through grant number NA06OAR4170015. Of course, the authors take full responsibility for the opinions and information contained herein.

## EXECUTIVE SUMMARY

*“Waterfront access” means a parcel, or parcels, of real property that provide access for water-dependent commercial and/or recreational activities in coastal public trust waters and/or on coastal public trust submerged lands. “Public waterfront access facilities” are infrastructure owned by government or other public entities that provide public access for water-dependent recreational and other activities (e.g., aquatic research, etc.). “Working waterfronts” are commercial facilities or private infrastructures that require direct access to or a location on, over or adjacent to South Carolina’s coastal public trust waters or submerged lands.*

South Carolina’s working waterfronts are an exceptionally valuable state resource. This overall value or benefit stems from both market-oriented economic values as well as the role of working waterfronts in shaping and preserving the unique cultural and social fabric of South Carolina’s coastal communities. However, traditional uses of coastal waterfront property are quickly changing as more of the U.S. population moves to the coast, and in several local coastal areas commercial fishermen are finding it difficult to secure dependable and affordable docking space, fuel, and/or ice. Water-dependent access needed by both shore-based and private boat marine recreational anglers also remains problematic. Therefore, sustaining traditional working waterfronts and coastal access for recreational angling involves balancing rapidly changing needs and resources of coastal communities that are intertwined with a diverse array of stakeholder interests including individual property owners, commercial/recreational fishermen, developers, and resource managers.

Overall, coastal access challenges facing various water-dependent marine fishery stakeholders is becoming a high priority issue, here in South Carolina as well as the rest of the nation. Therefore, the S.C. Sea Grant Extension Program in 2007 initiated this exploratory study with the goal of identifying and assessing coastal access issues and exploring possible options to address the apparent declining shore-side access needed by South Carolina fisheries stakeholders. Methods<sup>2</sup> used in this study included:

- Conducting focused interviews of various stakeholders including commercial fishermen, representatives of marine (saltwater) recreational fishing clubs, coastal fishing pier operators and local government planning staff;
- Based upon stakeholder interviews and other sources, identifying and compiling documents, data sets and other materials (e.g., research literature, etc.) that might be readily available and possibly germane to this study’s exploratory approach;
- Reviewing recent studies and coastal waterfront access initiatives in progress in other selected U.S. coastal states;
- Analyzing stakeholder responses, available secondary data (e.g., annual South Carolina boater registration data), actions taken in other states and other materials; and

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<sup>2</sup> This study did not attempt to address the role of public and/or privately owned coastal marinas as access structures for water-dependent users (See Appendix B).

- Developing options (recommendations) congruent with the study’s findings that could be used to address certain coastal waterfront access issues relevant to South Carolina marine fishery user groups and other stakeholders.

It is readily apparent that the challenges surrounding coastal waterfront access for South Carolina marine fisheries stakeholders are diverse and generally symptomatic of several interacting causative factors. Some of these factors that are influencing coastal waterfront access issues include:

- **Increased population growth along coastal South Carolina** – Increases in coastal population are often coupled with strong demand for and use of public waterfront access facilities and greater potential for congestion and related user conflicts, such as conflict between user groups at county boat landings. (See *Appendix A: Overview of South Carolina Coastal Trends and Findings: Water- Dependent Access Challenges for Coastal Recreational Anglers* sections);
- **Declining profitability of the SC commercial fishing industry** – The mainstay of the SC seafood industry, the shrimp trawler sector, has been caught in a “cost-price” squeeze as operating expenses increase, especially fuel, and dockside shrimp prices have declined. (See *Appendix A: Overview of South Carolina Coastal Trends and Findings: Conversion of Commercial Fishing Oriented Waterfront Facilities* sections). This declining profitability has also apparently contributed to the market-driven conversion of private commercial fishing-oriented support-system (infrastructure) businesses in South Carolina and neighboring states, such as boat railway facilities, to other non-commercial fisheries oriented uses.
- **Rising real estate values and other economic drivers** – Values of waterfront property along the coast continue to escalate. As a result, some owners of working waterfront facilities, confronted with the declining profitability of their commercial fishing industry, have had to make the difficult decision to “cash-in” on their highly valued waterfront real estate. Additionally, private fishing pier owners often cannot afford the insurance premiums to provide full coverage for their fishing pier for recovery after catastrophic natural disasters (e.g., hurricanes). (See *Appendix A: Overview of South Carolina Coastal Trends and Findings: Shore-Based Anglers and Fishing Piers* sections); and
- **Limited information exchange among stakeholders concerning issues, needs and solutions to coastal waterfront access issues** - Coastal communities, local government staff, elected officials and other marine fishery stakeholder groups are often unaware of waterfront access solutions that are being developed within other South Carolina coastal communities and other coastal states in the region that could potentially be applicable to their community. Moreover, this lack of information exchange can lead to communities feeling isolated and often trying to “reinvent the wheel” for specific projects.

Although these and other factors have contributed to the decline in or reduced availability of waterfront access for South Carolina marine fisheries stakeholders, it is also readily apparent that several South Carolina coastal communities with local government support have already initiated “grassroots” efforts for maintaining, enhancing and preserving coastal waterfront access (See *Examples of South Carolina Projects* section). These efforts include:

- Local planning staff in some coastal communities are leading initiatives to address access issues through waterbody planning policies that identify and prioritize waterfront access sites and uses, as well as the incorporation of land-use policies in their comprehensive plans that address future access for commercial and recreational fishermen;
- Local governments have begun to partner with non-profit land trust organizations to acquire critical lands that may provide waterfront fishing access as well as acquiring development rights for traditional use (e.g., commercial fishing) properties; and
- Communities are identifying potential funding sources (and successfully receiving funding) that give funding priority to projects that will enhance or acquire coastal waterfront access sites, such as the creation of recreational fishing access sites (fishing piers, docks, bridge cat walks) and the preservation of historic commercial fishing docks.

These local initiatives have been timely and effective, but the limited information exchange between SC coastal communities and experience in other states indicates that developing and implementing effective policies and strategies for addressing waterfront access issues as they relate to marine fishery stakeholders will require cooperation and collaboration among different groups of stakeholders, including state and local governments. Additionally, coordinated state-wide education and outreach efforts aimed at providing critical information will be needed to ensure an informed public as well as identifying potential cost-effective “tools” for addressing coastal access issues at both the local and state-wide level. Coupled with education and outreach efforts, applied research focused on various information gaps/needs regarding waterfront access issues could also serve as the catalyst to developing new and cost-effective strategies to address these issues.

Responses by South Carolina coastal communities to additional displacement of water-dependent uses are consistent with national trends. From the north coast to the south coast, South Carolina marine recreational fishing stakeholders are becoming involved in the public process of providing input to their local government officials on critical recreational fishing access needs, such as improvements to county boat landings. Additionally, some local coastal governments, both staff and elected officials, are becoming increasingly concerned about waterfront access issues affecting commercial fisheries dock owners and harvesters as these officials struggle to balance the economic development opportunities, cultural/historical significance and land-use policies of their coastal communities.

The study also suggests that marine fisheries waterfront access issues are interconnected to and symptomatic of several other critical waterfront access issues. Issues that continue to confront other coastal states, such as the further privatization of marinas into “dockominiums” in Florida, may very well be issues that South Carolina will see intensify in the not too distant future as the public and private uses of coastal waterfront property are altered with changes in the economic environment and the related demographics of the South Carolina coastal population. The fact is that the coastal communities of the state will not only continue to be faced with considering short-term solutions to coastal waterfront access issues but will also need to develop comprehensive long-term solutions, as well as look to other regions of the

country for innovative strategies and tools that can be tailored for South Carolina coastal communities (See *Appendix D and E*).

Finally, stakeholder interviews revealed that they recognized the timeliness and urgency of this study as a “priority topic” for coastal communities especially given various developing events (e.g., redevelopment of the Port Royal terminal, etc.) that could further limit waterfront access for stakeholders in the near future. These interviews also indicated that various stakeholders, especially local government staffs, in S.C. coastal communities are currently in need of technical resources including specialists to assist them in evaluating options for coping with the competing uses of waterfront properties – both traditional and new economic/community development uses.

The authors believe that the findings in this exploratory study clearly support the need for implementing a comprehensive review of South Carolina coastal waterfront access issues impacting South Carolina marine fisheries and similar coastal water-dependent stakeholders (e.g., recreational boaters), a task clearly beyond the intended scope of this study and requiring collaboration among different groups of stakeholders, including state and local governments. Based upon the findings of this proposed review and in conjunction with coastal communities, state agencies and/or other stakeholders, feasible options should then be identified, evaluated and recommended for addressing current coastal waterfront access issues facing marine fisheries stakeholders while still recognizing the need for comprehensive, long-term approaches for addressing waterfront access issues of other stakeholder groups. In the interim, the authors also recommend that the findings of this study, including the set of options developed during this study, should serve as an initial starting point for developing various outreach/extension resources that target individual coastal communities, NGOs, state agencies and other interested stakeholders that want immediate technical assistance for developing feasible approaches to address coastal waterfront access issues. (See *Options section*.)



## WHAT IS WATERFRONT ACCESS?<sup>3</sup>

In this report, the terms waterfront access, working waterfronts, water-dependent and public waterfront access facilities will be defined as follows.

**Waterfront access** means a parcel, or parcels, of real property that provide access for water-dependent commercial and/or recreational activities in coastal public trust waters and/or on coastal public trust submerged lands.

**Working waterfronts** are commercial facilities or private infrastructures that require direct access to or a location on, over or adjacent to South Carolina's coastal public trust waters or submerged lands. The term includes water-dependent facilities that may be open to the public, offer access by vessels to State waters and lands or that support facilities for recreational, commercial, research, or government vessels. **Water-dependent** is generally described as consumptive and non-consumptive uses that require direct access (e.g., fishing, boat haul-out facilities) to the water to accomplish their primary function. Examples include, but are not limited to: commercial fishing facilities, such as shrimp unloading/packing houses; marinas available for public use; boat construction facilities; boat haul-out and repair facilities; recreational fishing facilities, such as fishing piers; facilities engaged in or offering boating "for hire" services (e.g., charter/headboats); and aquaculture facilities that require direct use/flow of coastal waters and/or wharf areas for marine aquaculture operations, including product transport.

**Public waterfront access facilities** are infrastructure owned by government or other public entities that provide public access for water-dependent recreational and other activities (e.g., aquatic research, etc.). Of course, in this study much of the emphasis is on coastal infrastructure (e.g., public boat landings, shrimp packing houses, etc.), including land parcels that allow direct access by South Carolina marine fisheries stakeholders to carry out water-dependent uses (e.g., catch and release fishing by recreational marine anglers) of public trust marine resources usually under state or federal jurisdiction (e.g., commercial fishing in the U.S. Exclusive Economic Zone, etc.).

As a point of comparison to the above definitions and examples, there are obviously publicly and privately owned facilities that are significantly "enhanced" by a waterfront location but do not require direct access to the water, such as restaurants, condominiums, or perhaps simple public "waterfront" parks that discourage or prohibit shore-based fishing at their site. Moreover, premiums paid for working waterfront real estate suggest that in some situations it has apparently been financially viable to convert private working waterfront facilities to water-enhanced enterprises (e.g., a seafood restaurant, etc.) to the complete exclusion of water-dependent uses. There are also water-related enterprises that do not require direct access to the water but provide goods or services (e.g., outboard motor repair shop) associated with water-dependent uses. Additionally, the above waterfront access definitions do not address

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<sup>3</sup> The following definitions are adapted from the North Carolina Waterfront Access Study Committee Report (WASC 2007).

affordability considerations of water-dependent facilities being “open to the public.” For example, a county-owned marina will be “open to the public,” but marina slip and/or dry rack fees may be beyond the affordability of many county residents.

## **INTRODUCTION**

South Carolina ranks tenth in coastal population growth in the U.S. and continues to be one of the fastest growing states with more than 1 million new residents forecasted to move to South Carolina over the next few decades. Given the overall population growth and related economic development in the coastal region, the monetary and unique non-monetary benefits of South Carolina water-dependent marine fisheries have sometimes been overlooked. The fishing industry, including recreational and commercial segments, represents a significant economic sector within the South Carolina coastal region. For example, in 2006, just the annual dockside (ex-vessel) value of commercial marine landings was \$17.0 million without even considering wholesale prices and/or value of South Carolina seafood processing activities.

Fishing activities have also shaped and preserved the unique cultural and social fabric of South Carolina’s coastal communities and continue to define an important segment of the maritime living heritage. The South Carolina commercial fishing industry still remains “a way of life” and for some resident fishing families, this way of life goes back more than 100 years. While more recent in its growth, marine recreational fishing non-monetary contributions to the coastal quality of life in South Carolina include the opportunity for relaxation and leisure by residents and tourists. However, traditional uses of coastal waterfront property are also quickly changing as more of the U.S. population moves to the coast, and in some local areas commercial fishermen are finding it difficult to secure dependable and/or affordable docking space, fuel, and/or ice. Water-dependent access needed by both shore-based and private boat marine recreational anglers also remains problematic. Sustaining traditional working waterfronts and coastal access for recreational angling involves a balancing of rapidly changing needs and resources of coastal communities embedded with a diverse array of stakeholder interests, including individual property owners, commercial/recreational fishermen, developers, and resource managers.

## **STUDY PURPOSE AND APPROACH**

Given these apparent trends, the coastal access challenges facing various water-dependent marine fishery stakeholders represent an emerging issue in South Carolina. Consequently, the S.C. Sea Grant Extension Program in 2007 initiated this exploratory study with the goal of identifying and assessing coastal access issues and exploring possible options to address the apparent declining shore-side access needed by South Carolina fisheries stakeholders.

Specifically, the purpose of this study was to explore several pressing questions:

- Are there waterfront access issues in coastal South Carolina impacting marine fisheries stakeholders?
- If so, what are these issues as it relates to South Carolina marine fisheries user groups?
- Are coastal communities identifying waterfront access issues?

- If so, how are South Carolina coastal communities planning and developing solutions for addressing waterfront access issues?
- What are some local initiatives that highlight solutions for addressing coastal waterfront access issues as it relates to South Carolina marine fisheries stakeholders?
- What are other coastal communities across the nation doing to address waterfront access issues?

To initially address these questions, the S.C. Sea Grant Extension Program conducted an exploratory study of SC waterfront access issues apparently confronting water-dependent South Carolina marine fisheries-oriented stakeholders. Information sources used in this study included a preliminary review of selected literature such as newspaper articles compilation and analysis of readily-available secondary data (e.g., SC fisheries landings data available on the Internet) and exploratory interviews with various coastal South Carolina stakeholders. The exploratory stakeholder interviews were conducted in an informal manner with a set of standard questions about the current state of waterfront access, perceived issues, information/research needs to address issues, and potential solutions for addressing waterfront access issues into the future as they pertained to the marine fishing interests of those interviewed. The informal interview process also allowed for an open discussion of marine fishery trends and/or management issues (e.g., proposed federal fisheries management actions, state regulatory legislations, etc.) that may impact coastal access issues now and/or in the future. These stakeholder interviews were critical in the identification and subsequent follow up investigation of relevant local initiatives implemented by coastal communities to address waterfront access issues.

A variety of stakeholder groups were interviewed, including:

- Local government staff and officials (e.g., planners, members of planning commissions and councils, etc.);
- commercial fishermen and commercial fishing industry organizations;
- commercial fishing dock owners;
- recreational fishermen and sportfishing club members;
- for-hire sector representatives (e.g., fishing guides, charter boat/headboat captains);
- fishing pier operators; and
- state marine resource fishery managers and engineering staff;
- state coastal management staff.

For details regarding the study's methodology, see *Appendix B: Study Methodology and Limitations*.

## FINDINGS

The Findings section will first outline the perceptions of waterfront access issues expressed by various stakeholders during the interviews to highlight the diversity of perceptions on the issues and the variance in the type of waterfront access issues between certain regions of

coastal South Carolina. Next, this section will discuss the impacts of changing land use and coastal development on the commercial fishing industry in South Carolina based upon input from stakeholder interviews. Last, this section will discuss the waterfront access challenges faced by coastal recreational anglers focusing on private boat anglers, shore-based anglers, and anglers utilizing fishing piers.

### **Common Coastal Waterfront Access Issues from Stakeholder Interviews**

Waterfront access issues varied among stakeholder groups and among regions of the coast. The northern region of the coast is seasonally dominated by tourism in the coastal counties of Horry and Georgetown giving rise to different issues compared to other areas of the coast. For instance, over 90% of coastal fishing piers in South Carolina are located in Horry County and it was apparent that the need to develop solutions for maintaining fishing pier access was greatest in this region of the coast. Commercial fishing in this region has greatly diminished over time and only small, isolated pockets of commercial fishing activity still remain in Little River and Murrells Inlet, S.C. The “middle” coastal region between McClellanville and Charleston, S.C., is an area that is experiencing rapid growth in the coastal population. Access to both commercial and recreational fishing access points is meeting increased demand and competition from private coastal development in this region. The southern coast from Edisto Island to Beaufort/Hilton Head Island encompasses both rural and densely populated areas that are experiencing some protection of recreational fishing access areas (Ashepoo-Combahee-Edisto Basin, county boat landings, etc.), while at the same time facing the loss of working waterfronts for commercial fishing access. Despite these regional differences, some common themes emerged that were representative of waterfront access issues coast-wide. Common themes and related views expressed in the stakeholder interviews include:

- All areas of the South Carolina coast are experiencing dramatic population growth and the related increased pressure on waterfront access, as it pertains to fishing;
- Commercial fishing-oriented working waterfront facilities (e.g., shrimp packing houses, etc.) are facing significant market pressure from coastal developers wanting to buy these properties for residential and/or commercial development projects that may not include any water-dependent uses;
- Other water-related or water-dependent commercial fishing infrastructure (e.g., small processing houses, commercial fishing vessel haul-out and repair facilities, ice/fuel services, etc.) in the Carolinas and Georgia has also declined as commercial fisheries working waterfront facilities are closed or converted to non-commercial fisheries uses;
- Many stakeholders place value on the historical and cultural significance of traditional commercial fishing communities and related businesses (e.g., shrimp packing houses that retail locally caught shrimp, etc.) and want to see some of these businesses remain in their community;
- Some stakeholders believe recreational boating and fishing is rapidly gaining popularity along the coast as more people retire to coastal communities. This, in turn, is increasing demand and use of recreational fishing access points;
- Several private, fee-based coastal fishing pier owners feel they are at risk of closure due to the lack of affordable insurance to offset the threat of costly damage from coastal hazard events, such as northeasters and tropical storm events;

- Shore-based anglers (people fishing from a dock, pier, beach or other shoreline sites) are finding it difficult to locate public fishing access points especially given the continued privatization of traditional sites;
- Given the escalating use of coastal public boat landings, congestion and related user conflicts at county public boat landings are on the rise with more stakeholders using the landings for boating, fishing or other commercial uses. This view was expressed by a number of stakeholders including boat-based recreational and commercial fishermen, shore-based recreational fishermen, commercial dock building companies, eco-tour companies, etc.;
- At some county boat landings inadequacies (such as location and/or design, etc.) and amenities (such as number of launching lanes, floating dock, etc.) offered make recreational fishing access challenging;
- Coastal local governments are in need of various resources (e.g., funding, technical assistance, etc.) for improving recreational fishing access and/or preserving commercial fishing access, but are often unaware of waterfront access solutions that are being developed within other South Carolina coastal communities and other coastal states in the region;
- In contrast, some local coastal governments with community support are already developing solutions to address coastal waterfront access in their communities, but they are concerned that they are “re-inventing the wheel”;
- Funding for enhancement or acquisition of waterfront access sites is limited and sources of funding are scattered throughout local, state and federal programs; and
- Stakeholders up and down the coast are generally concerned about the increase in coastal economic development and the “privatization” of the S.C. coastline as well as related environmental impacts on coastal natural resources and ecosystems.

Additionally, many stakeholders provided input and suggestions on some critical information gaps/needs with regards to specific waterfront access issues. Many coastal communities are lacking basic inventories of existing commercial and recreational fishing access points and need assistance in compiling an updated account of these access points. A few communities have completed preliminary inventories and mapping of waterfront access facilities, such as permitted private docks in a county, using a Geographical Information System (GIS) to document these locations to assist in addressing various issues, such as water quality monitoring and population density. Utilizing a GIS to inventory similar waterfront access points, both existing and potential, was viewed as critical in order to better manage waterfront access now and into the future on a county level.

Interviewees indicated there was a specific need for quantitative information on the current and future economic impacts of water-dependent activities, such as commercial fishing and recreational fishing tournaments, and related waterfront facilities on the local area economy of various S.C. coastal communities. Additionally, interviewed local government planners felt there was a general need for systematic applied socioeconomic research on waterfront access issues that would help communities identify and analyze current and future trends impacting

access issues in their community and develop appropriate land-use policies that will accurately reflect the vision of the community relative to these trends.

Some local governments have identified funding for coastal waterfront access projects in their community and awards have been given to these communities for a range of projects (e.g., from improving recreational fishing access from old bridges to preservation of a historic commercial shrimp packing dock). Unfortunately, these sources of funds are limited and often priorities for these types of projects may not be considered for funding under some programs. Stakeholders suggested initiating an inventory of potential funding sources that have recently awarded funds for various coastal waterfront access projects.

Interviewees also expressed the need for collaboration among a diversity of stakeholder groups in order to develop effective community-specific solutions for addressing waterfront access issues. Overall, participants offered useful insight into the specific issues of their stakeholder group and community and provided constructive criticism and positive solutions for addressing waterfront access into the future.

Lastly, as the number of stakeholder interviews increased, it became apparent that the timeliness and urgency of this study was a “priority” for stakeholders in several coastal communities, especially given various developing events (e.g., redevelopment of the Port Royal terminal, etc.) that could further limit waterfront access for stakeholders in the near future. Waterfront access is an emerging issue for which many stakeholders and communities are seeking information and solutions to balance the competing uses of waterfront properties – both traditional and new economic/community development uses.

### **Conversion of Commercial Fishing Oriented Waterfront Facilities**

Like other coastal states, traditional private working waterfront facilities in South Carolina are in jeopardy or have been sold and converted to other uses including non-water-dependent uses, such as hotels, offices, restaurants, retail shops, and/or residential dwellings (e.g., vacation/resort condos). This trend is no more conspicuous than the conversion of traditional commercial fishing-oriented waterfront facilities to other uses during the past 30 years. A 1976 chart of “shrimp packing houses” – the major South Carolina commercial fishery, with waterfront facilities (e.g., mooring and/or unloading) – revealed that there were 37 commercial fishing-oriented working waterfront facilities (Theiling 1977). As of November 2007, there are only 17 of these facilities remaining. In other words, more than 50% of these working waterfront properties have been converted to other uses since 1976. During the past ten years, a substantial conversion of commercial finfish fisheries-oriented waterfront facilities has also occurred in Little River and Murrells Inlet, S.C.

Interviews with commercial fishery-oriented stakeholders during this study, including current and past owners of working waterfront facilities, revealed a number of factors apparently contributing to the conversion of these waterfront facilities to other uses. Many of these contributing factors are similar to those found in other U.S. coastal regions and partly symptomatic of the “cost-price” squeeze found in various U.S. commercial fisheries. The

negative synergistic effect of these interacting factors has been to exert substantial economic pressures on members of the SC commercial fishing industry to sell and/or completely convert their property to non-commercial fishery uses (e.g., development of residential condos) over the past 30 years; for instance:

- Increases in harvest regulations of commercial fisheries;
- Since 2001, increases in imported shrimp have depressed the ex-vessel and wholesale prices for S.C. harvested wild shrimp, further reducing income;
- Substantial increases in vessel operating costs, especially fuel;
- Persistent alternative employment opportunities for experienced fishing vessel captains in other maritime related industries;
- The accompanying decline of private commercial fishing-oriented support-system (infrastructure) businesses in South Carolina and neighboring states, such as ice loading services, boat railway facilities, off-loading space, as well as trucking services<sup>4</sup> for shipping of seafood harvested in South Carolina; and
- Regulatory issues for developing new marina sites may have enhanced the attractiveness of converting existing commercial fishing-oriented waterfronts sites to recreational boating-oriented sites.

It could also be argued with important exceptions (e.g., Shem Creek in Mount Pleasant, McClellanville) that the coastal topography (e.g., shrimp docks on shallow estuarine creek capable of only mooring just a few trawlers) had historically constrained resident fleet concentration, therefore making the related South Carolina shrimp industry infrastructure especially vulnerable to declining below a critical mass or level. Moreover, with these small “pockets” of shrimp docks and trawlers scattered along the South Carolina coastline, the overall impact of the above factors influencing the conversion of shrimp docking and unloading waterfront facilities to non-commercial fishery uses has perhaps been more “subtle” within South Carolina coastal communities compared to concentrated fishing fleets changes in other regions (e.g., Gloucester; MA; Brownsville, TX).

The interaction of these factors has resulted in a dilemma for waterfront property owners wishing to retain some or all of the traditional commercial fisheries-oriented uses of their property, while being confronted with the high opportunity costs<sup>5</sup> of not selling or leasing their working waterfront property for “non-commercial” fishery uses. A few commercial

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<sup>4</sup> For example, one interviewed South Carolina stakeholder, a seafood wholesaler, owning a working waterfront site located in a rural community reported difficulties with consistently getting trucking services for interstate shipping of seafood unloaded at his dock in recent years. Apparently, other seafood wholesalers in his local community were no longer operating or had substantially reduced their demand for interstate shipping services; therefore, from the trucker’s perspective, the shipping quantities of seafood available in the community may not be adequate to justify routine “side trips” to his rural area as in the past.

<sup>5</sup> In general, opportunity costs are the costs (monetary and non-monetary) of selecting one mutually exclusive alternative over another. It is usually assumed that the alternative not selected was the next best alternative. It became apparent during this study that some private owners of coastal working waterfront facilities were currently choosing not to sell or lease their waterfront real estate for non-commercial fishing industry uses, and consequently they were incurring a monetary opportunity cost for this decision.

fisheries-oriented waterfront property owners are attempting to cope with this situation by “down-sizing” their operations and/or modifying portions of their properties to include mixed-use development (e.g., recreational/transient marinas, dry storage for recreational boat owners, etc.). For example, one commercial fishery working waterfront owner in Charleston County has added a dry stack storage facility for recreational boaters to his property, while still retaining mooring space for several shrimp trawlers.

Some local governments and associated coastal communities have also been supportive of owners (See *Examples of South Carolina Projects Addressing Waterfront Access* section) wanting to continue commercial fishing-oriented uses of their working waterfront property. Interviews with local government stakeholders indicate this support stems for a variety of reasons, including concerns about the potential of increased boating congestion if working waterfront property is converted to a marina, perceived negative impact of developing multi-resident condominiums on their local coastal view-scape, and/or the general desire to retain traditional commercial fishing establishments in their community “portfolio”, including the communities desire of being able to directly purchase locally harvested seafood species.

Studies (e.g., CCA 2004, WASC 2007, etc.) in other states of working waterfront issues have reported that rising property taxes were becoming a significant financial burden for working waterfront businesses. Accordingly, it was common in these studies to recommend that state and/or county level property “tax relief” be extended to commercial fishing, private fishing pier and/or “for-hire” enterprises by taking state legislative or regulatory action to make these businesses eligible to employ present use value taxation options or other appropriate tax relief approaches in order to ease the rising property tax burden. Recognizing that this is an exploratory study (e.g., not a comprehensive survey of the state’s commercial fishing enterprises), interviews with commercial fishery-oriented stakeholders with working waterfront properties appeared satisfied with the lower property assessment currently allowed for their commercial assets, including their commercial fishing vessels and waterfront property.<sup>6</sup> Additionally, owners of private fishing piers and full-time charter fishing and headboat enterprises generally appeared disinterested in exploring property tax relief for their industry.

## **Water-Dependent Access Challenges for Coastal Recreational Anglers**

- *Private Boat Coastal Recreational Anglers*

The following findings will mainly focus on public boat landings as the major water-dependent access point (i.e., public waterfront access facility) for recreational private boat anglers, while recognizing that marinas also provide an important waterfront access facility for recreational boaters and others (e.g., charter vessel operators).

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<sup>6</sup> Per S.C. Code of Laws, Title 12, Chapter 43, § 12-43-220(d)(5) and (6)(f); ([www.scstatehouse.gov/CODE/t12c043](http://www.scstatehouse.gov/CODE/t12c043)).



When discussing public access issues with recreational fishing stakeholders, one of the consistent themes was the urgency for actions to protect, enhance, and expand public access to South Carolina coastal waters before waterfront privatization, directly or indirectly, further constrains the array of affordable opportunities available to local and state governments. Coastal residential development that has been accompanying coastal population growth may also be decreasing the relative availability of public access to the water through boat landings. Furthermore, it generally appears that the construction of new launch facilities and expansion of existing sites has not kept pace with increases in annual boat registrations, while concurrently rising coastal real estate prices continue to make it more expensive for state and/or local governments to purchase new access points to meet this growing demand.

The cost of developing and/or improving coastal public boat landings, as major water-dependent access facilities for recreational boaters, is a prime example of the above generalization. Specifically, it was recently estimated that the cost of a new public boat ramp with a 40 trailer-vehicle parking capacity was nearly \$600,000, depending upon the market value of the waterfront site (ZJGT 2007) and assuming suitable land was available for purchase, a questionable assumption. In addition, the permitting process for a new ramp can be lengthy, complicated and costly.

Another consistent theme revealed by interviews with recreational fishing-oriented stakeholders was the relatively limited number of public access facilities for recreational boating and reports of long waits for ramp use and/or lack of parking near the ramp site, especially on weekends and holidays. These views are consistent with the recent five-county survey results of coastal boaters that indicated that 53% of the respondents wanted expanded parking areas (ZJGT 2007). Increasing parking area is a very common suggestion in boater needs assessment surveys, but addressing these needs is often complicated by the paucity of available and/or affordable adjacent land near an existing boat ramp site. As the Zande-Jon Guerry Taylor, P.E., Inc. 2007 study stated: “Expansion for more parking at certain boat landings will *come at a premium* if it can be done at all. It may be necessary to build new boat landings to replace these older limited boat ramps.”

Along with access challenges for coastal recreational boaters, the authors are also concerned that South Carolina resource management agencies (e.g., South Carolina Department of Natural Resources) in the future may face serious constraints on finding and utilizing sites to serve as coastal waterfront access and/or staging areas needed for various water-dependent management activities (e.g., estuarine environmental sampling trips requiring small “trailerable” boats, oyster shell transport and recycling). For example, in a recent North Carolina study (WASC 2007), it was recommended that agencies involved in the management of North Carolina coastal resources “... catalog and prioritize those waterfront sites required to conduct resource management activities...” and “high priority” access sites should be added to an active state land or easement acquisition efforts, or, if possible, the site “...should be secured via cooperative agreements reached with local governments or private landowners.”

- *Shore-Based Coastal Anglers and Fishing Piers*

There are currently a number of fee-based, public access (“open-to-the-public”) coastal fishing piers in South Carolina. All of the privately owned fee-based fishing piers, a total of seven (7), are located north of Georgetown, S.C., while three (3) are government owned fee-based coastal fishing piers, which include the Folly Beach Pier<sup>7</sup> owned by Charleston County and fishing piers located at Myrtle Beach State Park and Hunting Island State Park.

Whether publicly or privately owned, shore-based fishing piers provide public access for thousands of South Carolina resident and “tourist” anglers every year for an affordable daily fee (i.e., less than \$10), as well as recreational opportunities for visually or other impaired visitors. For example, in 2006, the South Carolina coastal piers reported selling more than 216,000 tickets to shore-based anglers. As noted in a 1977 South Carolina Department of Natural Resources (SCDNR) publication (Hammond and Cupka 1977), “The ease with which one may fish from piers, coupled with relatively inexpensive tackle that it requires, lends a relaxed attitude to this sport.” Moreover, wooden fishing piers in the Grand Strand region are considered unique, if not historical, icons of the coastal recreational experience.

As wooden “over-the-ocean” fishing platforms for anglers, it is not surprising that coastal storms, especially hurricanes, have taken a toll on South Carolina coastal fishing piers. The most recent hurricane to impact coastal fishing piers in the northern part of the South Carolina coast was Hurricane Hugo, a Category 4 hurricane that made landfall just north of Charleston on September 21, 1989. There were eleven (11) private, commercial (fee-based) piers recorded north of Georgetown in 1974 (Hammond and Cupka 1977). Although Hugo’s landfall was near Charleston, all of the private Grand Strand piers suffered major damage<sup>8</sup> and interviews with pier owners/stakeholders during this study indicated that apparently three of the private piers active in 1974 were not rebuilt after Hugo because the owners were unable or unwilling, mainly because of financial considerations related to Hugo damage. Since 1974, increasing maintenance and operating costs coupled with escalating waterfront real estate values have also contributed to the conversion of private fee-based fishing piers to other uses (e.g., hotels). The net result has been a substantial decline in private fee-based fishing piers north of Charleston from 12 fishing piers in operation in 1974 to only 7 in 2007. In other words, the availability of private fee-based fishing piers as reasonably priced waterfront access structures for shore-based anglers have declined in the northern coastal region of the state.

Although private fishing piers have typical business owners insurance policies that include coverage for all major property and liability risks, interviews with several piers owners indicated that their business property insurance does not include major wind damage (e.g., hurricanes) coverage because the additional cost of premiums for storm damage coverage and related deductibles make additional coverage financially unviable relative to the profitability of their business. The lack of affordable alternatives (e.g., a low-interest loan program) for private pier owners to fund major storm damage repairs has also been implicated as one of the

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<sup>7</sup>The complete name of the Folly Beach Pier is the “Folly Beach Edwin S. Taylor Fishing Pier.”

<sup>8</sup> NOAA (1990) reported that Hugo’s hurricane-force extended nearly 100 miles northeast on the South Carolina coast and a storm surge “...of up to 20 feet inundated coastal sections from around Charleston northward to Myrtle Beach...”

major factors contributing to the substantial decline of private fishing piers in the coastal area of North Carolina since 1980<sup>9</sup> (WASC 2007).

However, the number of publicly owned coastal fishing piers in South Carolina increased after Hurricane Hugo with the addition of the Folly Beach Pier and the currently planned construction of a new public pier at the Mt. Pleasant Memorial Waterfront Park site (See *Examples of South Carolina Projects Addressing Waterfront Access: Other Projects*). Stakeholder interviews suggest that the continued presence of publicly owned coastal fishing piers in South Carolina and other states is not only related to public sector resources to fund the construction and subsidize the operation of these piers, but also government agency confidence in having various government funding sources (e.g., Federal Emergency Management Agency) available for major repairs or re-building their piers, if needed after major storm damage.

It is also worth noting that public sector involvement in the development and operation of coastal fishing piers was a concern in North Carolina. When the N.C. Waterfront Access Study Committee recommended public sector funding and other resources for the development of three public fishing piers by the North Carolina Aquariums, they also cautioned that this development (WASC 2007) "...should be initiated on a pilot basis so as to ensure that its implementation does not unfairly compete with existing privately held and operated fishing piers. Authorization and funding of such a limited pilot development program should be provided with the understanding that formal public review be conducted, during the development and after the opening of such subsidized piers, to assess fully their impact on their private sister piers." The current lack of for-profit privately owned fishing piers in the coastal area of Charleston County and coastal counties south of Charleston suggests that private fishing pier enterprises might not be profitable enough to justify private sector development, including major permitting considerations and other costs, explicit and implicit, especially in the context of major storm damage risks. Moreover, providing public access using fishing piers is congruent with local governments providing outdoor recreational services if similar private sector services are constrained. In contrast, the presence of viable private fee-based fishing piers in the Grand Strand suggests that public sector involvement in addressing Grand Strand public access needs using fishing piers might be more cost-effective, if public sector involvement was limited to assisting existing private fishing piers including the possibility of the public sector subsidizing insurance costs.

South Carolina shore-based marine angler trips in 1997 comprised about 47% of all estimated marine fishing trips (excluding headboat trips), but by 2006, this share of all trips had increased to approximately 56%, whereas private boat angler trips comprised about ~43% of marine angler trips in 2006. This comparison evokes several implications. First, demands on coastal waterfront access sites designed for use by either shore-based anglers and/or private boat anglers has increased considerably during the 1997-2006 period despite various challenges

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<sup>9</sup> It has been roughly estimated that the number of North Carolina coastal fishing piers has declined from approximately 36 fishing piers in 1980 to only 20 operating piers in 2007 (WASC 2007).

to accommodating these demands. Additionally, if there is a relative decrease in the private boat anglers' share of recreational marine fishing trips compared to shore-based anglers, such a trend may be symptomatic of the general growth and changing demographics of the South Carolina coastal population that may be retarding the growth rate of the boating mode (e.g., boater frustration with boat ramp congestion, etc.), while perhaps enhancing the apparent growing popularity of shore-based angling for certain population groups (e.g. retirees, etc.) that prefer the simplicity of shore-based fishing and/or find private boat fishing too expensive. Regardless, if the popularity of shore-based fishing continues to grow faster than private boat fishing, local governments could face more constituent pressure to provide more and better public coastal access facilities to accommodate the needs of shore-based anglers as well as recreational boaters.

### EXAMPLES OF SOUTH CAROLINA PROJECTS ADDRESSING WATERFRONT ACCESS

- **Characterization of Common Mechanisms Used to Address Waterfront Access**  
During the study, it became apparent that several coastal communities had taken action or were beginning to take action to put in place various mechanisms to address local waterfront access issues. The mechanisms used to implement these initiatives can be categorized into the following three general themes:

**1) Acquisition and Enhancement of Fishing-Oriented Waterfront Facilities and Properties:** For the purpose of addressing waterfront access, waterfront property can be acquired, enhanced, or both. The purpose of taking such action can vary from preserving the historical use of a property or simply enhancing the access amenities of the property. Some common mechanisms used include, but are not limited to, sale (fee simple purchase), donation, land transfer, acquisition partnerships, funding enhancements and funding of public access sites (e.g., boat landings/fishing).

**2) Protecting Waterfront Property without Acquisition:** If acquisition of waterfront property is not feasible, there are a number of other options, both regulatory and non-regulatory, that can be employed to protect and enhance waterfront property for both commercial and recreational use. Some of the non-regulatory tools may be used to place restrictions on property without the cost of outright purchase (keeping the land in private ownership) and in some situations (e.g., lease agreements) allow interested parties (e.g., local government) to enhance (improve) the access amenities of the property. In situations where regulatory measures are necessary, state regulations and local comprehensive planning and the accompanying zoning ordinances may be employed as an effective means to protect waterfront diversity and access. Some common mechanisms used include, but are not limited to, conservation easement, lease agreement, purchase of development rights (PDR), transfer of development rights (TDR), and zoning tools/techniques.

**3) Protecting Waterfront Access with Land-Use and Waterbody Planning Policies:** A comprehensive approach to land-use planning is key to setting policies that address the

retention or enhancement of waterfront properties. The approach can be specific to the future of land use in an area or address the impacts from competing uses within a specific area or waterbody. Some common mechanisms used include, but are not limited to, comprehensive land use plan, special area management plan (SAMP), and waterbody management plans.

For additional descriptions of each type of mechanism and their uses, benefits and drawbacks, please refer to **Appendices C and D**.

Each of the following summarizes a South Carolina waterfront access project and identifies the mechanism(s) used to implement the initiative. The following summaries of the South Carolina initiatives clearly demonstrates that coastal local governments, as in other states (Walker and Arnn, 1998), can and have played a critical role in local land-use decisions impacting water-dependent uses.

- **PROJECT: Murrells Inlet Marshwalk**

Located within the jurisdictions of both Horry and Georgetown County is the quaint, historic fishing village of Murrells Inlet. Both the commercial and recreational fishing industries were well-established in this community by the early 1900s. As early as 1914, day-trip fishing excursions were led from Murrells Inlet by captains on 20-foot skiffs, costing five dollars per person. Along the waterway, numerous seafood processing facilities and boatyards dotted the landscape, and commercial fishing boats crowded the various docks where fishermen unloaded their catch. Development in more recent times has significantly altered the community's waterfront property, replacing marinas, boatyards, fish houses, and docks with private homes, restaurants, and condominiums. Today, the commercial fishing industry is practically nonexistent in what was once a thriving fishing village and charter fishing excursions and boat rentals are available from only a few marinas still in operation. With soaring land values, many of the traditional industries and businesses have decided to sell-off waterfront property that inevitably will be redeveloped for residential rental or restaurant uses. Marina owners are no exception and in order to continue business operations, some have sold their property and lease it back from the new owners for a limited period of time.

Murrells Inlet 2007<sup>10</sup>, a nonprofit, community revitalization group, was established in 1997 to rejuvenate the community and address the privatization of waterfront property including the related decline in public access. Using a 10-year plan, Murrells Inlet 2007 accomplished a variety of improvement projects including acquisition of waterfront property for the Morse Landing Park with a public crabbing dock and construction of a public boardwalk along the marsh to provide public access. This boardwalk, the Murrells Inlet Marshwalk, runs along private property on the waterway and is 10 feet wide and approximately 2,600 feet long. Construction of the first phase of the project was

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<sup>10</sup> Further information regarding the access improvement projects may be found on the Murrells Inlet 2007 Web site, [www.murrellsinletsc.com](http://www.murrellsinletsc.com)

completed in 1998, followed by four subsequent phases that were finished by 2005. The cost to construct this marshwalk was more than \$1 million dollars and the funding was provided by various sources, including Murrells Inlet 2007, Sunday liquor sales permits from Georgetown County, private donations, and grant awards from South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (SCDHEC-OCRM). Maintenance of the boardwalk is the responsibility of Georgetown County.

To promote environmental education about the salt marsh and riverine habitat, informational signage was placed along the waterfront walkway, while a fifth project phase for a fishing pier and 600 foot extension of the marshwalk is planned for the near future. The Murrells Inlet Marshwalk is an excellent example of a community project combining the efforts and cooperation of private landowners, local and state governments, nonprofits, and concerned citizens to provide public access to the riverfront adjacent to private property that would otherwise be off limits and inaccessible. Some of their new, future community improvement projects include establishing a long-term water quality monitoring program, completing the Veterans Pier, and securing associated public parking for the pier (Personal communication, S. Sledz, Murrells Inlet 2007 Executive Director).

#### **Mechanism(s) Used to Implement Project:**

**Sale (Fee Simple Acquisition/Purchase)** – This mechanism can best be described as the acquisition of property at an agreed upon price between the seller and the buyer.

**Acquisition Partnership** – This mechanism involves two or more entities coming to a land transfer or acquisition agreement for the purpose of preserving, protecting or enhancing the property. In this case, the partnership was between a non-profit group and the County.

**Funding Enhancement** – This mechanism can vary in nature to include direct set-aside funds, trust funds (either private or governmental), bond issues and competitive grant programs. This initiative received funding from a variety of sources including direct funds from a non-profit, local permit fees, private donations and state grants.

- **PROJECT: Picket Bridge Recreation Area (Pitt Street Bridge)**

At the end of Pitt Street in the Town of Mt. Pleasant are the remains of a bridge that once connected Mt. Pleasant with Sullivan's Island. This bridge, originally called the Cove Inlet Bridge, was opened in 1898 for trolley use, then converted to vehicle traffic in 1927, and finally closed to traffic in 1945 when the Ben Sawyer Bridge and causeway were opened (Quick 1995). After being closed to vehicle traffic, the site continued to serve as a popular waterfront access point for shore-based recreational anglers and others. This popularity apparently led to the development of the site into a "passive" recreational facility by the Town of Mt. Pleasant starting with \$38,000 worth of improvements (e.g., addition of wooden catwalks, benches, and gates) in 1987, followed by renovations needed after Hurricane Hugo (Orr, 2001). In 1995, a \$20,000 National Oceanic and Atmospheric

Administration (NOAA) grant was provided by SCDHEC-OCRM to the Town to extend the bridge another 60 feet. The most recent enhancements to the site included extending the causeway with a new 200-foot boardwalk and adding benches, lights, and a drinking fountain (Coley 2006). These recent enhancements including the 200-foot boardwalk extension cost about \$112,000, excluding labor provided by the Town's Public Service Department<sup>11</sup>. Funding for total direct cost included approximately \$51,000 of matching grant funds provided by SCDHEC-OCRM.

The enhancements of the Pitt Street site by the Town of Mt. Pleasant starting in the 1980's highlights several challenges facing municipalities in developing modest public recreation oriented access sites. First, these sites like other waterfront facilities are susceptible to major damage due to hurricanes or tropical storms. In addition, the apparent level of external matching funds (e.g., NOAA grants) available to make substantial improvements in these recreational sites can limit the scope of enhancements even for a small facility such as Pitt Street Bridge site.

Consequently, an incremental approach may be necessary along with perhaps the risk of incurring a significant opportunity cost of using municipal workers to make the improvements.

#### **Mechanism(s) Used to Implement Project:**

Partnership Acquisition (Land transfer) – In some cases, property can be transferred between private and public entities in order to meet the needs for the future use of a piece of property. The nature of the transfer can vary depending on the use of the land and the agreement reached between the two parties involved in the transfer. In this initiative, the most likely agreement was a transfer of the land from the S.C. Department of Transportation to the Town of Mt. Pleasant at the time the original bridge was constructed.

Funding enhancement - This mechanism can vary in nature to include direct set-aside funds, trust funds (either private or governmental), bond issues and competitive grant programs. This initiative received additional funding for improvements through a National Oceanic & Atmospheric Administration (NOAA) pass through grant administered by SCDHEC-OCRM. The grant, called the Coastal Access Improvement grant, is a competitive grant that supports improvements/additions to public access points in coastal communities.

- **PROJECT: Bell Buoy Property**

The Bell Buoy Seafood property in the Town of Edisto Beach is a three (3) acre waterfront parcel on the Big Bay Creek that flows into the mouth of the South Edisto River. The property was originally purchased by Weldon Bell, a commercial shrimper, in 1972 and

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<sup>11</sup> The Town estimated that it saved approximately \$100,000 by using their regular employees instead of contracting the labor component for recent improvements (Coley 2006).

developed by Bell into a working waterfront facility that includes a shrimp trawler dock and a building for packing and retailing seafood (Nelepa 2007). Unlike the transaction involving the Hudson's Seafood property (see below), the Town of Edisto Beach made a simple "bargain sale"<sup>12</sup> purchase of the Bell Buoy Seafood property for approximately \$4 million in March 2007 even though the property was appraised for about \$5.5 million. The Town's funding of this purchase included a \$2 million grant from the S.C. Conservation Bank and floating a bond for approximately \$2.7 million, a bond approved by a Town referendum in November 2006 (Personal communication, L. C. Woods, Town of Edisto Beach Administrator). Reasons for this local government acquisition are similar to those reported for other coastal working waterfront properties, such as preserving the waterfront site for future water dependent commercial fisheries oriented uses, developing a new public recreational water related facility, and mitigating the risks of high density, high traffic-generating commercial development (e.g., waterfront "condos", etc.), including concerns that a casino boat operation<sup>13</sup> would purchase the property. Revenue sources for servicing the resulting bond debt are accommodation tax funds and local hospitality taxes, plus a one-mill increase in local property taxes (Paras 2006).

The Town is currently planning to use about \$700,000 of the bond funds remaining after the purchase for site/facility planning and initial repairs on the property. As a mixed-use park site, preliminary improvement concepts for the property may include restoring a shrimp trawler for an on-land park display, expanding parking capacity, and restoring an existing garage building as an open-air market facility for selling local produce and crafts.

#### **Mechanism(s) Used to Implement Project:**

**Sale** - This mechanism can best be described as the acquisition of property at an agreed upon price between the seller and the buyer. However, in this initiative the town was able to negotiate a "bargain sale." A bargain sale occurs when the sale price of the property is less than the appraised value of the property. This commonly occurs when there is an attempt to preserve the property in its historical use (e.g., commercial shrimp dock).

**Partnership Acquisition** - This type of mechanism can occur when two entities come to an agreement to acquire property through a funding or land transfer agreement. In this initiative, the partnering entities were the Town of Edisto Beach and the SC Conservation Bank. The S.C. Conservation Bank provided a \$2 million grant for assistance in acquiring the property.

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<sup>12</sup> A bargain sale of property is when owners sell their property for less than market value to a government agency or an approved non-profit organization, and the difference between the market price and the sale price is considered a charitable deduction for state and federal income tax purposes.

<sup>13</sup> As allowed under current SC local option legislation, the Town of Edisto Beach Council took preemptive action in 2005 by voting to prohibit casino boat operations from operating within the Town's boundaries. The purchase of the Bell Buoy property might therefore be viewed as an extra safeguard against future attempts by casino boat operations (P&C, 2006).



Funding Enhancements – This mechanism can vary in nature to include direct set-aside funds, trust funds (either private or governmental), bond issues and competitive grant programs. For this initiative the Town of Edisto Beach floated a \$2.7 million bond referendum that would collect funds from accommodation and local hospitality tax funds plus a one-mill increase in local property taxes. These funds helped acquire the property and will be used to enhance the property. It is important to note that funds to acquire property may be more easily obtained than funds for enhancing the property.

- **PROJECT: Port Royal Seafood Dock**

In December 2006, the SC State Ports Authority (SPA) officially closed the Port of Port Royal, a 52-acre tract of land with approximately one-mile of deep waterfront property, located in northern Beaufort County, S.C. The Town of Port Royal underwent an exhaustive process to create a redevelopment plan for the property to include a mixed use development that includes commercial and residential uses as well as a marina complex<sup>14</sup>. A one-acre portion of the SPA property slated for redevelopment is also the location of the communities lone commercial shrimp dock that has been in operation in some commercial fishing capacity since the 1950s. This portion of the property contained an active shrimp dock, business offices, retail seafood market, fuel and ice capacity, and various seafood processing facilities and equipment. Once the port was closed, the SPA allowed the operator of the commercial fish dock, Port Royal Seafood, to remain in operation for the interim while the property was on the market. However, in August 2007 the SPA ordered Port Royal Seafood to vacate the property in preparation for the imminent sale of the total property. At that time there were approximately six active shrimp vessels operating out of the dock at Port Royal. However, several vessels had moved to other docks in the area several months prior, in anticipation of the dock at Port Royal closing as the sale of the property progressed.

The development agreement also specifically outlines options for negotiating the continued operation of the dock as a commercial fishing facility. The options include: a provision for the town to outright purchase the property from the new developer, should the developer decide to discontinue the use of the property as a commercial fishing facility; and a provision to negotiate a land swap with the new developer. During the creation of the redevelopment plan, the town discovered that they owned 1/10-acre of property that immediately abuts the commercial shrimp dock property. Therefore, in order to keep the commercial shrimp dock open, the Town offered to swap this piece of property with the new developer for the existing commercial shrimp dock property hence placing the dock and associated property under ownership of the Town of Port Royal. This approach was considered feasible because the two pieces of property are roughly the same acreage.

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<sup>14</sup> It is important to note that in the redevelopment plan created by the Town of Port Royal, the town expressed their commitment to preserving the commercial shrimp dock as a functional dock by incorporating the dock into the future redevelopment plans and outlining specific allowable land uses for the property that are congruent with commercial fishing operations (For reference, Section 13, pp. 11-12 of development agreement).

Upon the pending closure of Port Royal Seafood, a group of local shrimpers organized a boat parade down the Beaufort River to the dock at Port Royal to raise awareness of this potential loss of commercial working waterfront and rally community support to keep the dock operational. As a result, officials from the Town of Port Royal supported an effort to develop an interim agreement with the SPA and the agreement kept the commercial shrimp dock open through the end of the 2007 shrimp fishing season (January 24, 2008)<sup>15</sup>. In order to keep the dock operational, the town agreed to fund the necessary liability/insurance coverage for the dock and utilities, as well as provide a supply of fuel to the boats utilizing the dock to berth and offload seafood.

This project remains a work in progress. To date, the prospective new developer that previously secured a contract for purchasing the property was unable to meet the contractual deadline and the property is now back on the market. The Town of Port Royal developed a request for bids for interim operation of the dock starting in April 2008. The contract was awarded to a local shrimper (Port Royal Shrimp Company) who is now operating the dock and the retail seafood market. It is unclear how long this interim agreement will be maintained, especially after the property is sold; but at present, the Town is still paying the insurance coverage and leasing the property to the local shrimper. The Town of Port Royal continues its commitment to keeping the dock open and plans to work with the industry and other state agency partners to develop a plan for the future operation of a commercial fishing facility in Port Royal.

The key elements that contributed to this initiative's success were: commitment by the Town of Port Royal to ensure the continued operation of the commercial shrimp dock in the interim and into the future; community support for keeping the commercial shrimp dock open through the shrimp industry's public awareness campaign and associated media coverage; and involvement, cooperation, and collaboration of key governmental officials (South Carolina governor, state agencies, and industry organizations) in the negotiation of an interim solution for keeping the commercial shrimp dock open.

Other elements that could have further driven the success of this initiative include: earlier communication between the Town of Port Royal, SPA, and the commercial shrimp industry during the creation of the redevelopment plan; compilation of a needs assessment for a commercial fishing facility in Port Royal; and sources of funding to support the purchase and enhancement of the commercial fishing facilities located in Port Royal.

#### **Mechanism(s) Used to Implement Project:**

Land Transfer – This mechanism is unique because of the nature of the property in question. The mechanism being proposed is a land “swap” between the Town of Port Royal and the future buyer of the Port property. Although the Town is a willing partner

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<sup>15</sup> The Town of Port Royal extended the interim coverage through August 31, 2008 at a cost of approximately \$6,000. It is uncertain how the insurance will be paid for over the long term; but currently the Town is paying for this coverage (as of March 2009).

and advocate of a land swap, there is no guarantee that the future owner(s) of the overall Port property will be amenable to swapping the commercial dock property for the proposed Town's property because of the higher market value associated with deepwater dock and building located on this piece of property compared to the Town's property. Consequently, implementing this mechanism, a land swap, will probably be challenging and require innovative negotiations amongst the Town of Port Royal, the buyer, and the S.C. shrimp industry.

Funding Enhancement – Currently, the Town of Port Royal is incurring the costs of temporarily keeping the commercial dock and retail seafood market operational by providing insurance coverage and a lease-free agreement with the operator. Conversely, there are little prospects for additional future funding of this project by the Town. Additionally, the uncertainty of the land swap constrains the Town from improving the site (with or without external funding) and leasing it for profit.

- **PROJECT: Broad River Fishing Pier**

The Broad River Bridge spans 1.6 miles across the Broad River connecting northern and southern Beaufort counties via S.C. Highway 170. In 2000, a major highway widening project was implemented for a 12.5 mile section of S.C. Highway 170 that included replacing the aging Broad River Bridge. Construction of the new bridge was completed in the spring of 2005 and the old Broad River Bridge began to be dismantled. However, Beaufort County had a strong interest in converting a small portion of the old bridge into a recreational fishing pier and public access point<sup>16</sup>.

The county worked with planning officials and local citizens to receive input on the renovation of the fishing pier<sup>17</sup>. The pier was closed to the public for renovations in March 2007 and re-opened in July 2007. Major renovations to the pier were completed and included installing new hand rails and lighting, refurbishing the pier structure, parking and signage. Also, as part of the project, the old, condemned fishing pier was demolished and its concrete structures were placed around the new pier as artificial reef habitat to enhance recreational fishing opportunities from the pier. The project cost approximately \$694,000 and utilized county generated funds.

Most recently, the Beaufort County Council approved a \$1.2 million dollar project to renovate the adjacent Broad River boat landing utilizing leftover county sales tax revenue earmarked for the aforementioned S.C. Highway 170 widening project. Estimates for items to be included in the improvement project are:

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<sup>16</sup> At the site of the old bridge, there was an old fishing pier that had been condemned and closed to the public many years earlier. Also, there is a public boat landing located on the property adjacent to the old bridge and limited parking was already available for both launching boats and potentially for anglers utilizing the proposed new fishing pier.

<sup>17</sup> In the interim, the old bridge, now dubbed the Broad River Fishing Pier, remained open to the public without improvements or amenities until a plan and funding for the renovations were secured. This process took almost three years and by early 2007 a plan and funding had been secured for renovations.

- \$500,000 for installing water and sewer;
- \$115,000 for a restroom, shelter and fish cleaning area;
- \$200,000 to dredge near the boat landing;
- \$122,250 for architecture and engineering services; and
- \$262,750 for the installation of two intelligent traffic system cameras on S.C. 170.

Special project funding, such as was used in this initiative, is often useful for funding larger projects of this nature that require installation of utilities (e.g., water, sewer, electricity) and associated amenities (e.g., lighting, restrooms, etc.). Again, the key element to the success of this initiative was the involvement of local governments and their awareness of the value of public access to public trust waters. Additionally, the County has been proactive at gathering input from the recreational fishing and boating community about water access needs.

**Mechanism(s) Used to Implement Project:**

Land Transfer – Historically, it is believed that Beaufort County acquired this piece of property through a land transfer from the S.C. Department of Transportation as a public access site. Again, this mechanism demonstrated partnerships between a state agency and local government.

Funding Enhancement – Funding for the project was provided by special project funding for highway improvements and Beaufort County level funding.

- **PROJECT: Bluffton Oyster Company**

Bluffton Oyster Company (BOC) is an operating oyster harvesting and raw oyster shucking enterprise with commercial waterfront dockage on the May River in the Town of Bluffton, in Beaufort County. The BOC property is unique because various oyster-shucking houses have apparently occupied the site longer than any oyster shucking facility in South Carolina, with the first shucking operation starting at the site in early 1900s (Burrell 2003).

The BOC was preceded by the Bluffton Oyster Co-op, a producer cooperative formed in 1969 by a group of African-American oystermen, who wanted to sustain an oyster production facility in Bluffton (Burrell, 2003). A local businessmen purchased the Co-op after it went bankrupt in 1982 and it was renamed the Bluffton Oyster Company. In 2002, the BOC property was purchased for \$2.5 million with funding provided by Beaufort County Rural and Critical Land Preservation Program and the Town of Bluffton Capitol Improvement Project Funds. Under a lease with Beaufort County, the site’s working waterfront facilities are still used for commercial shrimping and crabbing, as well as oyster harvesting activities. The purchase and leasing of the BOC appears indicative of the countywide and the Bluffton community’s appreciation of the South Carolina oyster industry’s history and culture. The acquisition of the BOC also serves to preserve the last remaining oyster shucking company on the South Carolina coast. Additionally, Beaufort County is developing a passive park on five acres fronting Wharf Street, the Minor

Property, which is next to Bluffton Oyster Company and will include interpretive information regarding this business and the history of the South Carolina oyster industry.

**Mechanism(s) Used to Implement Project:**

Acquisition Partnership – In this initiative the partnership occurred between a non-profit and local government (e.g., Bluffton) with conveyance to another local government (Beaufort County). This was made possible through the Beaufort County Rural & Critical Land Preservation Program (see next mechanism below). The conveyance was apparently followed by a leaseback to the original operator of the Bluffton Oyster Company.

Funding Enhancement – The purchase of the Bluffton Oyster Company was funded through the Beaufort County Rural & Critical Land Preservation Program (BCRCLPP). The BCRCLP acquires property in Beaufort County for the purpose of conservation, parks, buffers, scenic vistas, and for preservation of valuable economic and natural resources. The program, a partnership with the Trust for Public Lands, negotiates a variety of acquisition mechanisms to include fee simple purchase, purchase or donation of development rights, conservation easements and cash gifts. The program, administered by County Council and a volunteer steering committee, is currently acquiring land using funds generated by a \$50 million bond passed in November 2006. Additional funding for the Bluffton Oyster Company project was provided through local government level funding for capital improvement projects.

- **PROJECT: Hudson’s Seafood**

The Hudson’s Seafood property is a 4.21-acre waterfront parcel located on Hilton Head Island that includes commercial docks, shrimp and seafood processing facilities, and a concrete “skid” or railway for boat servicing and repair. The parcel, valued in the millions of dollars, has been in operation as a commercial seafood facility since the 1950s.

In 2001, the town began pursuing the acquisition of the Hudson’s Seafood property through a variety of mechanisms, including funding enhancements and the purchase of development rights. The Town of Hilton Head Island, located in southern Beaufort County, began its Land Acquisition program in 1991. According the town’s Land Acquisition Process, the criteria for considering land acquisition include: 1) Reduction of future development levels; 2) Open Space preservation; 3) Public access and/or view to the water; and 4) Furthers the Town’s Comprehensive Plan and other planning documents.

The sources of funding for the program are:

- Real Estate Transfer Fees: The fee is .0025 % of the purchase price upon the transfer of any real property interest of any real property situated within the town<sup>18</sup>.

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<sup>18</sup> The purpose of this funding source is to,

- acquire land while it is still available to be held in perpetuity as wildlife preserves or believed to be needed by the public in the future for active and passive recreation uses and scenic easements.

- Beach Preservation Fees: The fee is equal to 2.00 % on the gross proceeds derived from the rental for any rooms (excluding meeting rooms), campground spaces, recreational vehicle spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, condominium, motel, bed and breakfast, and residence<sup>19</sup>.
- Other Sources:
  - General Revenues: Funds provided by general taxes or other non-program specific sources.
  - Grants: Contributions of cash or other assets from governmental agencies, non-profit organizations, or others provided for land acquisition.
  - Donations: Gifts of cash or other assets from the private sector for land acquisition.
  - Capital Improvement Project Revenues: Includes General Revenues, Hospitality Tax, Beach Preservation Fees, Bonds, or other specific revenues.
  - Bond Issue: Town's obligation to repay a specific principal at a determined interest amount over a longer period of time than a note. The Town may use General Obligation Bonds, Revenue Bonds, or a combination of the two.
  - Certificates of Participation: Lease Purchase subject to an annual budget appropriation for debt service and maturing over a period of time.

The goal for this initiative was to preserve a working waterfront while reducing the potential for high density, high traffic-generating development. In December 2003, the Town Council approved the acquisition of a substantial portion of the development rights on the property for \$2 million. The funding source for this initiative came from a \$20-million bond referendum approved by local citizens in 2000. The Hudson family retains the ownership of their property and continues to pay property taxes on the land. The property is zoned Waterfront Mixed-Use and allows for a variety of commercial, residential and industrial uses. As a part of the purchase, permanent deed restrictions and covenants were placed on the property to eliminate any resort uses and many of the previously allowable commercial uses. The uses listed above will continue to be allowed as well as the addition of a marina store, a restaurant, and no more than four single family homes. Additionally, an existing office/warehouse building and a small seafood office will remain but count towards the total maximum allowable commercial density of 19,000 square feet.

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- acquire already developed land or development rights in order to convert its use to a public use, to restore the property to open space, or to redefine the property in accordance with the comprehensive plan and dispose of it.

<sup>19</sup> The purpose of this funding source is to,

- Pay, in whole or part, for the current and future preservation, maintenance, nourishment, renourishment, and improvement of the beaches of Hilton Head Island, and also those public facilities related to the use, preservation, maintenance, nourishment, renourishment and improvement of the beaches.
- Place restrictive covenants on property and resell where appropriate.

The benefit of this type of initiative is the ability to purchase the development rights (at a lesser value) instead of outright purchasing the property (at a much higher value). Also, by purchasing the development rights, both the commercial and residential density of the property have been significantly reduced under the permanent deed restrictions and covenants by 25% and 67%, respectively. The deed restrictions and covenants negotiated by the town with the Hudson family allowed them flexibility to continue their seafood facility operation, as well as expand the uses for other commercial operations (restaurant, marina store, etc.). Additionally, the family still has the option to sell the property at a later date after offering right of first refusal to the Town of Hilton Head Island. However, the Hudson's must sell the property under the exact price, terms, and conditions agreed upon in the covenants. This type of initiative is a win-win for both the property owner and the Town of Hilton Head because it accomplishes land preservation and working waterfront goals. However, purchase of development rights can be very difficult to negotiate and require extensive legal expertise and assistance.

**Mechanism(s) Used to Implement Project:**

Purchase of Development Rights (PDR) – This mechanism is a voluntary program used to regulate unwanted development while guaranteeing that participating property owners are fairly compensated for any development limitations incurred with respect to the subject property. The development rights associated with a specific parcel are sold by the property owner (e.g., Hudson family) to another entity (e.g., Town of Hilton Head Island), allowing the current use of the property to be maintained while placing restrictions on further development of the property in the future. The property owner receives a cash payment for the development rights and their tax burden is reduced as the current use of the property becomes the “highest and best use” of the property.

Funding Enhancement - As a property under a Purchase of Development Rights (PDR) agreement, improvements and/or changes to the property remain under the control of the private owner subject to the terms of the PDR agreement. Therefore, the property owner can choose to further enhance the property or keep the property at the current use and level of operation.

- **PROJECT: Boat Landing Projects in Coastal Counties**

- *Beaufort County*

- Located in the southern part of the state, Beaufort County supports 25 public boat landings providing access to a variety of waterways. The County's Public Works division is tasked with maintaining these public boat landings. In the fall of 2007, Beaufort County's Division of Public Works initiated a series of community forums aimed at receiving input from local citizens about the adequacy, needs, and use policies of the county's landings. Other items being considered by county officials is the implementation of a user fee for both county residents and non-county residents. The forums allowed citizens to voice their concerns about current conditions at the boat landings, including safety, services and infrastructure, as well as the needs (physical infrastructure, law enforcement, etc.) of the landings for the future. Also presented at

the forums were the funding projections for improvement projects at specific boat landings. Based on input from the community forums, the County has been able to prioritize immediate critical needs at specific landings and plan for the subsequent improvements at other landings. Several improvement projects are in progress to improve parking availability, motorized boat launching capabilities, and adding associated services (lighting, bathrooms, fish cleaning stations, etc.) to three county boat landings.

- *Charleston County*

Charleston County Park and Recreation Commission (CCPRC) is responsible for maintenance of 19 boat landings in Charleston County during 2007. As in other South Carolina coastal counties, weekend and holiday demands placed on public boat landings, especially vehicle-trailer parking areas, can often exceed the capacity of a given facility. CCPRC, a Special Purpose District eligible to receive half-cent sales tax funds approved by a South Carolina 2004 referendum, has actively solicited proposals for acquiring additional parkland using these funds, including sites potentially suitable for public boat landings.

Funding is available but identifying suitable proposed land parcels has apparently been a problem because the CCPRC reported in 2007 that it had reviewed 20 parcels offered for purchase as new boat landing sites and none were suitable (Behre 2007).

- *Georgetown County*

The Carroll Campbell Marine Complex project, originally known as the Sampit River<sup>20</sup> Park Boat Landing project, began in 1998 when a Georgetown County Boat Ramp Steering Committee identified the need for a new boat landing on county waterways that included facilities for hosting both freshwater and saltwater fishing tournaments. Consequently, Georgetown County acquired a 20-acre waterfront parcel on the Sampit River for developing the Complex. In addition to state and local government endorsement of the acquisition, it was also vigorously supported by several recreational stakeholder groups, including the Five Rivers Coalition, Freshwater Fisheries Coalition, Winyah Bassmasters, Tidewater Bassmasters, Sampit Bassmasters, and the Georgetown Sport Fishing Club.

The planned features of the site include parking space to accommodate 200 vehicles/boat trailers, a turnaround area, six boat launching ramps, a weighing and events area, an activity control facility, floating dock, and visitor car parking. The budgeted construction cost of the Complex is approximately \$5.9 million with funding provided through a combination of Federal Land & Water Conservation Fund, state, city, local and county sources. The bid solicitation stage for a design/build contract opened in December 2007.

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<sup>20</sup> The **Sampit River** originates in western Georgetown County and generally flows in an easterly direction into Winyah Bay.



- *Horry County*

The City of North Myrtle Beach (NMB) in Horry County has three public boat landings within their city limits: a basic boat landing (e.g., a dirt road leading to the ramp and no floating docks) on the Intracoastal Waterway (ICWW) at 2<sup>nd</sup> Avenue South, a joint county-city landing on Little River Neck Road, and the Cherry Grove Boat Ramp. The Cherry Grove Boat Ramp provides direct access to the Atlantic Ocean, while the other two landings are located along the Intracoastal Waterway. Using NMB properties that include the current 2<sup>nd</sup> Avenue South Boat Landing parcel, the city has developed a master plan, the 2<sup>nd</sup> Avenue South Municipal Improvement Project, to provide additional waterfront public access as part of a proposed major recreational complex. Phase I of the conceptual master plan includes proposed major improvements and expansion of the 2<sup>nd</sup> Avenue South site and adjacent parcels, such as providing tie-up space, boat trailer parking, numerous “day” slips, and bulkheads along the ICWW for temporary mooring of small and large recreational vessels.

**Mechanism(s) Used to Implement Projects:**

Funding of public access sites - In most cases in South Carolina, public boat landings are constructed and maintained by local county governments. County officials work with the SCDNR Engineering section on the siting and surveying of appropriate waterfront property and the design of the boat landing. Typically, the installation of new boat landings is advanced by specific need requests from local citizens and the availability of funds for the acquisition, design and construction of a boat landing. Funding for these projects can come from various sources.

Sale (fee simple purchase) - This mechanism can best be described as the acquisition of property at an agreed upon price between the seller and the buyer. Historically, the initial acquisition and related acquisition funding of current boat landing site is most likely variable. New (additional) boat landing sites may be acquired as fee simple purchases using mechanisms such as funds from a half-cent sale tax.

Funding Enhancement – Typically, funding for boat landings is generated from a variety of sources including a mix of local, state and federal funding.

- **PROJECT: May River Waterbody Management Planning Project**

The May River is a regionally significant public resource that runs through the heart of the Town of Bluffton and into Calibogue Sound. Recognizing the importance of the May River within the community and the region, the Town of Bluffton has partnered with South Carolina Department of Health and Environmental Control’s Office of Ocean and Coastal Resource Management (SCDHEC- OCRM) to help identify realistic and proactive actions that may be implemented to help better manage and protect the uses of the May River. By engaging in a comprehensive planning strategy, known as waterbody

management planning<sup>21</sup>, the Town with assistance from state agency personnel (SCDHEC-OCRM) and a variety of local stakeholders are preparing the Waterbody Management Plan for the May River in order to investigate and address the impacts of competing uses within the waterbody system. As a result of this planning process, direct impacts to the current and traditional uses of the May River from future competing uses can then be addressed.

In order to comprehensively manage the May River system, however, it will be necessary to understand, document, and direct the relationships (albeit complex) between various natural, physical, and social parameters in the river system<sup>22</sup>. The waterbody management planning process entails the development of a planning document shaped from the input of the advisory committee and other stakeholders at public meetings that when complete will provide comprehensive guidance for the management of the May River. The May River Waterbody Management Plan will include: a comprehensive inventory of the river resources and local conditions; identification and analysis of current and potential future waterbody issues; goals, objectives, policies, and implementation strategies for addressing the identified uses and achieving the stated goals; and a detailed implementation program. Critical to plan development is public involvement and input throughout the process. In addition to public participation, multiple agencies, groups, and organizations will need to take responsibility for ensuring that the plan goals and objectives for the May River are met and that the plan initiatives are put into action for plan success to be attained. The challenge for the local governments, such as Bluffton, will be to anticipate the likelihood of future changes, identify potential options to protect what is important to the community, and establish an ongoing strategy for encouraging uses of the May River system that are desirable, feasible, as well as executable. The Plan for the May River is still under development, but this type of plan is a planning tool that has the potential to be used by other South Carolina coastal communities to address waterfront access issues for both commercial and recreational fishing interests.

#### **Mechanism(s) Used to Implement Project:**

Waterbody Management Plan - A Waterbody Management Plan is a comprehensive planning strategy used by local governments with assistance from state agency personnel and a variety of stakeholders to identify and address the impacts of competing uses within a waterbody. The purpose of this special management planning technique is to help local communities develop comprehensive, implementable, and realistic plans for waterbodies within their municipalities and counties. This planning process enables communities to identify potential conflicts and recommended options to devise a holistic solution that

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<sup>21</sup> This is the first time this type of comprehensive planning process has been initiated in South Carolina. The plan is slated for completion and final approval in May 2008.

<sup>22</sup> The past, current, and potential changes to the May River use are not just related to land use, but also to changes in population, resource use, issues, jurisdictions and responsibilities. When the impacts of these changes are taken into consideration cumulatively, they become even more difficult to investigate and understand.

focuses comprehensively on the importance of these coastal systems. Different from a land-use plan, a waterbody management plan emphasizes the important relationship between land and water, addressing the way land use and water use affect each other. Issues such as land use, water quality, and historic, cultural, and natural resource preservation are all potential topics to be discussed in the context of plan development. To complete the planning process a series of actions is produced that may be implemented to address potential impacts to the desired use of the waterbody.<sup>23</sup>

- **OTHER PROJECTS**

- *Shem Creek, Mount Pleasant*

With easy access to Charleston Harbor for large shrimp trawlers and offshore headboats, Shem Creek in the Old Village section of Mount Pleasant was one of the major working waterfront sites in South Carolina after World War II. In 1976, Shem Creek was the unloading site for five shrimp packing houses (Theiling 1977), and over 50 large and small shrimp trawlers were often found moored in the creek during peaks of the South Carolina shrimp season. Today, with only two shrimp packing houses remaining, the resident fleet has declined to less than 15 trawlers, and waterfront property traditionally used for unloading seafood and mooring commercial fishing vessels has been replaced by restaurants, bars, condos, and a hotel.

In 2002, the Town of Mt. Pleasant was acutely aware of the declining Shem Creek commercial fishing fleet when its Shem Creek Management Committee (SCMC) acknowledged the economic and cultural importance of the fleet by stating that, “The presence of commercial shrimping and fishing boats is vital to the character of Shem Creek” (SCMC 2002). Recognizing the importance of the Shem Creek commercial fishing fleet’s presence and “increasing pressure for redevelopment,” the SCMC made several recommendations to assist with maintaining the seafood industry’s presence in Shem Creek, including the option that the town could purchase dock space along Shem Creek and then lease it back to the industry, as well as supporting marketing programs being developed by the South Carolina seafood industry. In its 2002 report, the SCMC also stated that, “Despite its importance to the town, Shem Creek is relatively inaccessible to the public at large. Unless an individual has a boat, or gains access through visiting a restaurant, there is little opportunity to enjoy the Creek.”

The SCMC recognition of this public access problem and the concern of Mt. Pleasant residents, eventually led the town in December 2007 to purchase 43.5 acres of property known as the “Bailey Docks” (immediately adjacent to Shem Creek). The public concern centered on a planned private conversion of this property into a condominium development that included 24 additional recreational marina slips in Shem Creek. Those opposing private development of the property contended

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<sup>23</sup> Waterbody Planning Policies are effective locally driven planning tools, but as with any plan there are no “teeth” (regulatory authority) to require implementation of planning elements or action strategies identified and encouraged in these types of plans.

(SCSSCPA 2007) that the planned addition of 24 floating dock structures (slips) by the private developers would have not only escalated boating congestion on Shem Creek, "...but spells the certain end of this historic center of Mt. Pleasant as a viable commercial marine district." Others in support of the town's purchase felt that Shem Creek was historically a working waterfront and the town's purchase would be consistent with helping re-establish Shem Creek as a working waterfront. This was a view congruent with the Shem Creek Management Committee's recommendations of more than four years (2002), encouraging the town to continue supporting the use of Shem Creek as a working waterfront site for commercial fishing vessels, as well as enhancing shore-side access for the public through the creation of a public park on the property (Findlay 2007).

**Mechanism(s) Used to Implement Project:**

Sale (Fee simple acquisition) – This initiative used this type of mechanism to acquire the property. However, the Town attempted to condemn the land using its power of eminent domain prior to reaching an agreement to purchase the land from the property owner. The Town of Mt. Pleasant appears to have exclusively funded the acquisition of this property.

Funding Enhancement – The Town of Mt. Pleasant is in the planning stages of how to improve this property. Currently, there are concerns about the safety of some commercial vessels utilizing the property for dockage. Recently, the Town held a public meeting to receive input on this issue and to receive recommendations for uses of this property. There has been some discussion of improving the Bailey docks.

▪ *Memorial Waterfront Park, Mt. Pleasant*

The Town of Mt. Pleasant has also responded to public access needs of shore-based anglers and others by planning a new 22-acre waterfront park that includes a 1,200-foot fishing pier (Findlay 2008) that is expected to open on Memorial Day weekend in 2009. The park land, which a part of long-term lease type agreement with<sup>24</sup> the S.C. Department of Transportation (SCDOT), is next to the new Arthur Ravenel, Jr. Bridge that opened in July 2005. In addition to the pier, phase one construction plans at the site also include a sweetgrass pavilion, a visitor's center, an eight-foot tall bronze war memorial statue, as well as a playground. Mt. Pleasant has budgeted about \$14 million for Phase one construction costs, which include about \$3 million for the planned pier. The park site is within a Mt. Pleasant tax increment finance (TIF) district, so approximately 75% the project's construction costs will be derived from TIF district funds and the remainder provided by local accommodations and hospitality taxes, along with other sources.

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<sup>24</sup>The Town does not actually own the 18 acres to be used in the first phase of the Park instead the Town will own the improvements on the land such as the fishing pier (Findlay 2008).

The pier planned for the Memorial Waterfront Park will be built upon pilings remaining from the dismantled Silas Pearman Bridge and will extend out into a water depth of approximately 12 feet, near artificial reef materials provided by the SCDNR. Specifically, the contract for dismantling the Silas Pearman Bridge included not removing bridge pilings in the Cooper River near the Mt. Pleasant side, but cutting these piling down to a size to support the future pier deck. The SCDOT donation of the land for the park, valued at about \$6 million, and modifying the remaining Pearman Bridge pilings during the bridge's dismantling were part of mitigation actions needed to offset negative environmental impacts that occurred during the Ravenel Bridge construction.

**Mechanism(s) Used to Implement Project:**

Acquisition Partnership – The mechanism used for this initiative was a land type transfer or long-term lease from the one government agency (SCDOT) to another government agency (the Town of Mt. Pleasant).

Funding Enhancement – Additionally, this initiative used a different type of funding to support the project in the form of a Tax Increment Finance (TIF) district. Under a TIF district approximately 75% of the project's construction costs will be covered.

**OTHER COMMON MECHANISMS FOR ADDRESSING WATERFRONT ACCESS**

There are other mechanisms that are commonly used to address waterfront access that were not observed being used in South Carolina at this time. These mechanisms are briefly described in the following section under the three overarching themes described previously to include:

- Acquisition & Enhancements of Fishing-Oriented Waterfront Facilities and Properties;
- Protecting Waterfront Property Without Acquisition; and
- Protecting Waterfront Access With Land-Use & Waterbody Planning Policies.

Many of the common mechanisms described below have been previously identified by a study conducted for the N.C. Waterfront Access Study Committee (WASC 2007), entitled "Funding Mechanisms for Land Acquisition" authored by Erin Wynia of the N.C. Coastal Resources Law, Planning, and Policy Center (See Appendix E). For more detailed descriptions of the use, benefits and drawbacks of these mechanisms and the mechanisms currently being used in South Carolina, please refer to Appendices C and D.

**Acquisition & Enhancements of Fishing-Oriented Waterfront Facilities and Properties:**

Donation

This mechanism entails an actual gift of cash or other assets from the private sector for land acquisition. Specifically, it can entail a donation of property or an interest in the property to another entity (public or private) for the purpose of preservation/conservation or to continue the present use(s) of the property. In return, the owner donating the property may receive a

tax break for charitable purposes. This is very similar to what is termed an “easement.” (For additional information regarding easements see Appendix D).

### **Protecting Waterfront Property Without Acquisition:**

#### Conservation Easement

This is a voluntary, legally binding agreement between a landowner and a certified non-profit that allows the landowner to protect his/her property from inappropriate development or alteration. An easement is a legal agreement restricting the development of a piece of property and in most cases is legally binding in perpetuity. The easement is flexible and can cover all or part of the property, and it may be tailored to meet the personal and financial interests of the individual.

#### Lease Agreement

This option entails an agreement between a conservation organization or agency and a landowner to rent a property for the purpose of preserving and managing a significant resource. Entering into a lease agreement allows the landowner to retain ownership of the property, while short-term protection of a valuable property from development is provided by a conservation organization or agency.

#### Transfer of Development Rights (TDR)

Similar to the Purchase of Development Rights (PDR) program, the purpose of the TDR program is to remove the development rights from private property, but when the TDR program is utilized the rights to develop one parcel of land are voluntarily transferred to another parcel. The outcome of this type of transaction results in the protection of the resources on the first parcel from development in exchange for increased development density on the second parcel (where the development rights were transferred). The TDR program, often requiring state enabling legislation, is based on a government-created market system that allows the purchaser to transfer the development rights to another area to legally increase development potential on a site that would have more restricted limited development in the absence of the TDRs. Through this program “sending zones” (areas where development rights are removed) and “receiving zones” (areas with increased development potential) are designated.

#### Zoning Tools/Techniques

There are a variety of planning and zoning techniques and tools that can be employed to effectively manage growth in coastal communities and specifically, waterfront properties. Combining these strategies with non-regulatory measures can lead to the protection and enhancement of waterfront access properties for both commercial and recreational interests. For example, special purpose districts, such as Conservation Overlay Districts, can provide added protection to traditional commercial waterfront industries and businesses through traditional fishing village designations. Overlay zoning allows for additional or stricter development standards and criteria to be established to protect significant resources or features within an existing zone (e.g., scenic views, open space, and natural, historic, and cultural resources).

## **Protecting Waterfront Access with Land-Use & Waterbody Planning Policies**

### Comprehensive Land-Use Plan

Often called a “Comp Plan”, this mechanism is a specialized planning technique that serves as a blueprint or guide for community land-use decision-making and the future vision of desired community growth. The state of South Carolina mandates that comprehensive plans be developed for communities that have instituted zoning ordinances. Nine required elements, including population, housing, community facilities, cultural resources, natural resources, land use, transportation, economic development, and priority investment are required to be addressed in all South Carolina local comprehensive plans, but communities may include additional elements (e.g., open space) as needed or desired. Comprehensive land-use plans are required by state enabling legislation<sup>25</sup> to be reviewed every 5 years and updated regularly within a period not to exceed 10 years to reflect changing conditions in the community.

### Special Area Management Plan (SAMP)

The SAMP process provides a framework for the management of cumulative impacts that threaten a specific geographic area or body of water. The various uses of coastal resources are not necessarily mutually compatible, which can result in conflicts of use. The SAMP can be a comprehensive and effective planning tool employed where conflicts are widespread to addresses critical issues by identifying necessary actions needed to prevent further deterioration of community resources.

Outcomes include policy refinement and/or new policy development based on recommended water management policies and strategies to be applied to the designated SAMP study area to balance the needs of a community with coastal resource protection. Involvement of multiple levels of government and representation from a wide variety of stakeholders from the area is a crucial component for accomplishing SAMP implementation.

## **CONCLUSIONS**

This exploratory study focused on identifying and characterizing S.C. coastal waterfront access issues, mainly from the perspective and needs of marine fisheries stakeholders. It is apparent that the challenges surrounding coastal waterfront access for South Carolina marine fisheries stakeholders are diverse and symptomatic of several interacting causative factors. Some of these factors that are influencing coastal waterfront access issues include:

- Increased population growth along coastal South Carolina;
- Declining profitability of the SC commercial fishing industry;
- Rising real estate values and other economic drivers; and
- Limited information exchange among stakeholders concerning issues, needs and solutions to coastal waterfront access issues.

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<sup>25</sup>Enabling legislation for comprehensive land-use planning in South Carolina was enacted into law in 1994. See S.C. Code of Laws, Title 6 - Local Government - Provisions Applicable to Special Purpose Districts and Other Political Subdivisions, **Chapter 29, Article 3, Section 6-29-510: Local Planning -- The Comprehensive Planning Process** ([www.scstatehouse.gov/code/t06c029.htm](http://www.scstatehouse.gov/code/t06c029.htm)).

Although these and other factors have probably contributed to the decline in or reduced availability of waterfront access facilities for South Carolina marine fisheries stakeholders, it is also readily apparent that several South Carolina coastal communities with local government support have already initiated “grassroots” efforts for maintaining, enhancing and/or preserving coastal waterfront access (See *Examples of South Carolina Initiatives* section).

- Local planning staff in some coastal communities are leading initiatives to address access issues through waterbody planning policies that identify and prioritize waterfront access sites/uses, as well as the incorporation of land-use policies in their comprehensive plans that address future access for commercial and recreational fishermen.
- Local governments have begun to partner with non-profit land trust organizations to acquire critical lands that may provide waterfront fishing access, as well as acquiring development rights for traditional use (e.g., commercial fishing) properties.
- Communities are identifying potential funding sources (and successfully receiving funding) that give funding priority to projects that will enhance or acquire coastal waterfront access sites, such as the creation of recreational fishing access sites (such as fishing piers, docks, bridge cat walks) and the preservation of historical commercial fishing docks.

These local initiatives have been timely and effective, but the limited information exchange between S.C. coastal communities and experience in other states indicate that developing and implementing effective policies and strategies for addressing waterfront access issues as they relate to marine fishing stakeholders will require cooperation and collaboration among different groups of stakeholders, including state and local governments. Additionally, coordinated state-wide education and outreach efforts aimed at providing critical information will be needed to ensure an informed public, as well as identifying potential cost-effective “tools” for addressing coastal access issues at both the local and state-wide level. Coupled with education and outreach efforts, applied research focused on various information gaps/needs regarding waterfront access issues could also serve as the catalyst for developing new and cost-effective strategies to address these issues.

This study also suggests that marine fisheries waterfront access issues are interconnected and symptomatic with several other critical waterfront access issues. Issues that continue to confront other coastal states, such as the further privatization of marinas into “dockominiums” in Florida, may very well be issues that South Carolina will see intensify in the not too distant future as the public and private uses of the state’s coastal waterfront property are altered with changes in the economic environment and the related demographics of the coastal population. The fact is that South Carolina coastal communities will not only continue to be faced with considering short-term solutions to coastal waterfront access issues but will also need to develop comprehensive long-term solutions, which may entail looking to other regions of the country for innovative strategies and tools that can be tailored for South Carolina coastal communities (See *Appendices D and E*).

Finally, stakeholder interviews revealed that these stakeholders recognized the timeliness and urgency of this study as a “priority topic” for coastal communities especially given various



developing events (e.g., redevelopment of the Port Royal terminal, etc.) that could further limit waterfront access for stakeholders in the near future. It is apparent that marine fisheries and other stakeholders, especially local government staffs and elected officials, in S.C. coastal communities are also currently in need of technical resources and related expertise to assist them in evaluating options for coping with the competing uses of waterfront properties – both traditional and new economic/community development uses.

In conclusion, the authors believe that the findings in this exploratory study clearly support the need for implementing a comprehensive review of S.C. coastal waterfront access issues impacting S.C. marine fisheries and similar coastal water-dependent stakeholders (e.g., recreational boaters), a task clearly beyond the intended scope of this study and requiring collaboration among different groups of stakeholders, including state and local governments. Based upon the findings of this proposed review and in conjunction with coastal communities, state agencies and/or other stakeholders, feasible options should then be identified, evaluated and recommended for addressing current coastal waterfront access issues facing marine fisheries stakeholders while still recognizing the need for comprehensive, long-term approaches for addressing waterfront access issues of other stakeholder groups. In the interim, the authors also recommend that the findings of this study, including the set of proposed options developed during this study, should serve an initial starting point for developing various outreach/extension resources that target individual coastal communities, NGOs, state agencies and other interested stakeholders that want immediate technical assistance for developing feasible approaches to address coastal waterfront access issues (See *Options section*).

**OPTIONS:  
ADDRESSING COASTAL WATERFRONT ACCESS ISSUES OF  
SC MARINE FISHERIES STAKEHOLDERS**

**A. STAKEHOLDER & GOVERNANCE OPTIONS:** Developing and implementing effective policies and strategies for addressing waterfront access issues as they relate to marine fishing stakeholders will require cooperation and collaboration among different groups of stakeholders, including state and local governments. Options for involvement of stakeholders include:

1. **Establish a committee or legislative commission to comprehensively review and analyze trends impacting diversity of waterfront use and coastal access along the South Carolina coast and provide guidance on potential solutions, including approaches to appropriately enhance riparian land-use diversity and public access.**
2. **Support the continuing efforts of local and state governments, non-governmental organizations, and other stakeholder groups to address coastal public waterfront access.**

**Rationale (A.1 and A.2):** The findings indicate<sup>26</sup> changes in apparent use and accompanying growing loss of recreational (relative to angler needs) and commercial waterfront access for fisheries stakeholders along the South Carolina coast. However, as an exploratory study, the authors also acknowledge the findings lack quantitative content and related specific characteristics of these changes for coastal South Carolina, as well as having a narrow focus on marine fisheries related access issues. Moreover, efforts to protect or enhance recreational and working waterfront access in other states (e.g., North Carolina, Maine, etc.) indicate that it is necessary to have a solid comprehensive (i.e., statewide) understanding of the current status, issues of access, and the related factors that impact coastal access coupled with the active involvement of state legislators and agency staff, as well as various non-government organizations. These options may be considered in order to comprehensively delineate South Carolina coastal access issues and identify viable approaches to address these issues.

3. **Establish local advisory committees, including optional ex-officio state agency representation, to identify and seek cooperative local-state solutions to waterfront and coastal access issues including those impacting water-dependent marine fisheries stakeholders.**
4. **Designate a liaison to provide coordination between the state level committee and local advisory committees to ensure effective communication of the activities and needs of both committees.**

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<sup>26</sup> Refer to the Finding sections, specifically *Conversion of Commercial Fishing Oriented Waterfront Facilities* and *Water Dependent Access Challenges for Coastal Recreational Anglers*.

**Rationale (A.3 and A.4):** Compiling information about coast-wide waterfront access issues is important to creating the ability to develop solutions for addressing these access issues.

However, some generic solutions developed on a coast-wide basis to address waterfront access that may not effectively address the needs of a specific community, stakeholders, or issue. Therefore, as has been done in other states, input from a variety of stakeholders, interests, and areas of expertise at a local level may be necessary to develop effective solutions that may be successful in a variety of circumstances.

Experience in other coastal states indicate a liaison agency is usually needed to facilitate and coordinate communication between local and state level committees, as well as serving as a point of contact for identifying expertise and related technical resources.

## **B. INFORMATION (Education & Outreach):**

Education and outreach efforts aimed at providing critical waterfront access information will ensure an informed public, as well as potential opportunity that may otherwise be unknown.

Some education and outreach needs identified by this study include:

1. **Develop technical assistance resources for coastal local governments and non-governmental organizations to aid working waterfront and/or public recreational fishing waterfront access facility developers, subject to local government approval, in developing or redeveloping facilities along the South Carolina coast in ways that conform fully with appropriate land use and environmental policies/regulations. Technical assistance resources may include, but are not limited to:**
  - a) **Establish a technical advisory team with focused areas of expertise to be utilized as a point of contact to address specific waterfront access issues (e.g., land-use policies, marine fisheries, legal issues, etc.)**
  - b) **Development of a “toolkit” to address various waterfront access issues for use by coastal communities and other stakeholder groups. The toolkit may include options for funding of waterfront access projects, land-use policy options for addressing waterfront access projects, and a variety of other options currently in use in South Carolina and/or in other coastal states.**

**Rationale (B.1):** As described in the study findings on “*Example of South Carolina Initiatives Addressing Waterfront Access*,” local governments, NGOs, and industry organizations are becoming more aware of some of the complex issues surrounding waterfront access for both commercial and recreational fishery user groups. The issues vary by community and can be rooted in local socioeconomic, geographic and other factors that vary by community. Moreover, approaches to address these factors and

related access issues may also vary by community. Consequently, stakeholders need to understand and have available a range of “tools” that they can tailor to their local needs. Stakeholders working to address waterfront access issues also need access to coordinated expertise such as technical advisory team that can assist them in their efforts.

- 2. Develop and support educational outreach programs to educate a variety of stakeholders on issues related to working waterfront access, public waterfront access facilities, and general public access to coastal waterfront properties needed by water-dependent marine fishing stakeholders.**

**Rationale (B.2):** As the state of coastal waterfront access continues to change in South Carolina, more stakeholders will begin to become aware of these changes, yet may not understand the factors influencing these changes and the options<sup>27</sup> available to address these changes. As has been seen in other state programs addressing waterfront access issues, education has been the key element in raising public awareness about the issues and in successfully developing cooperative solutions between various stakeholder groups, local and state governments, and other interested organizations. Through extension programming, media coverage, and other informational campaigns, communities can begin to educate the public and involve the public in the decision-making process as it pertains to addressing waterfront access issues.

**C. APPLIED RESEARCH INITIATIVES:** Focused applied research investigating various information gaps/needs about waterfront access issues, coupled with education and outreach efforts aimed at providing critical waterfront access information may serve as the catalyst for developing new and cost-effective strategies to address these issues. Some information needs identified by this exploratory study include:

- 1. Monitor local, state, regional and national efforts including federal legislation (e.g., H.R. 3223) regarding coastal access issues, especially with regard to efforts that might directly impact and/or be applicable to state and local initiatives in South Carolina to address these issues.**

**Rationale (C.1):** As shown in this study, efforts underway in other states and at a national level have been critical to moving forward efforts to begin proactively addressing coastal waterfront access in South Carolina. Issues and the solutions to address the issues surrounding waterfront access are also often similar between states and regions. Therefore, many lessons can be learned from the efforts put forth in each community and state as waterfront access issues are addressed.

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<sup>27</sup> For example, interviews of local government stakeholders (See section *Findings: Common Coastal Waterfront Access Issues from Stakeholder Interviews*) indicated an awareness of fisheries access issues but scattered resources on cooperative approaches that have been used in other South Carolina coastal communities and/or states to address these issues.

2. **Identify and pursue research funding for socioeconomic-oriented studies of working waterfronts and access to coastal public trust waters to examine these issues comprehensively, including how potentially competing future demands on coastal land and/or coastal water bodies may impact traditional uses (e.g., oyster harvesting) of coastal water bodies and related water access.**

**Rationale (C.2):** There is an urgent need for public policy-oriented qualitative and quantitative studies on the economic impacts, values (monetary and non-monetary), and associated costs (explicit and implicit) of retaining and expanding coastal working waterfronts and public access, especially in the context of escalating demands on coastal land and/or coastal water bodies. Moreover, there is an apparent lack of comprehensive studies that include applied research on the socio-cultural values of South Carolina coastal communities and related water-dependent occupations (e.g., commercial fishing), culture, and maritime heritage<sup>28</sup>.

3. **Develop a Geographic Information System (GIS)-based spatial inventory tool and accumulate related information that will identify the infrastructure of existing coastal working waterfronts and public waterfront access facilities<sup>29</sup>.**
  - a) **Develop a method to prioritize potential “developed” and “undeveloped” sites, for new working waterfront developments. Evaluation of potential, but undeveloped potential sites, may include consideration of ecological and/or cultural significance of these undeveloped sites and related preservation approaches.**
  - b) **Identify and develop a method to prioritize specific undeveloped coastal access sites essential to conducting resource management activities, such as critical water access facilities (e.g., public boat landings) needed for coastal water quality monitoring and/or fishery independent sampling programs<sup>30</sup>.**

**Rationale (C.3):** As more of the South Carolina coast is developed, the uses of waterfront property will also rapidly change (e.g., commercial working waterfront to non-water dependent residential housing). Changes in the use of waterfront property may also lead to a loss of publicly accessible waterfronts and commercial working waterfronts. In some local areas, these changes are happening at such a rapid rate it will be important to regularly document existing coastal waterfront access sites in order to determine the rate of change and to identify potential sites for waterfront access that may need to be acquired or preserved. Preservation goals may differ and include land-acquisition/conservation goals and/or cultural/historical significance goals. These

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<sup>28</sup> See section *Findings: Common Coastal Waterfront Access Issues from Stakeholder Interviews*.

<sup>29</sup> Refer to section *Findings: Common Coastal Waterfront Access Issues from Stakeholder Interviews*.

<sup>30</sup> Refer to section *Findings: Water-Dependent Access Challenges for Coastal Recreational Anglers*.

options for developing inventories utilizing applied research should be considered by coastal communities and agencies.

**D. FUNDING:** Options involving the acquisition of coastal waterfront properties including waterfront facilities (e.g., seafood docks, etc.) and related financing options were found to be a critical element to developing successful waterfront access projects in this study. To assist in the improvement and/or retention of working waterfront land uses along South Carolina coastal public trust waters, the following options may be pursued:

**1. Identifying Funding -**

- a) **Identify and develop an inventory of all existing (e.g., local, state, and/or federal) funding sources for use by coastal local governments and non-government organizations that considers the needs of marine fishing-oriented stakeholders that may be directly allocated for the implementation of these and other options, including acquisition and/or enhancement of both public waterfront access facilities and working waterfronts.**
- b) **Identify the eligibility of working waterfront and public waterfront access facility projects under existing state and non-government organization land acquisition programs. Examples may include such programs as the Beaufort County Rural & Critical Lands Program and the Trust for Public Land.**

**Rationale (D.1):** As shown in the study findings, other coastal states, such as Mississippi and Alabama, have compiled information on potential funding sources available to support the retention and/or enhancement of working waterfronts for the commercial fishing and for-hire sectors. There are several existing sources of funding; both state and non-government organizations (NGOs), that currently support waterfront access projects in South Carolina, but a list of these funding sources has not been compiled for use by local governments and other interested stakeholder groups. Additionally, there may be other sources of funding that exist at a national level that have yet to be identified as potential sources of funding for waterfront access projects. Local governments and NGOs are often not aware of the availability of specific funding sources that include waterfront access projects as eligible funding areas. Systematically identifying these funding sources is an important step in developing effective programs for addressing waterfront access issues and the following options are suggested<sup>31</sup>:

**2. Developing Funding -**

- a) **Investigate potential mechanisms (e.g., trust or revolving fund, bond referendum, etc.) for generating new sources of revenue that may be exclusively reserved for financing both public waterfront access facility and**

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<sup>31</sup> Refer to section *Findings: Common Coastal Waterfront Access Issues from Stakeholder Interviews*

**working waterfront retention and enhancement programs with an emphasis on the needs of marine fishing-oriented stakeholders.**

**Rationale (D.2.a):** Coastal access initiatives by South Carolina local coastal governments and governments in other coastal states have obviously demonstrated that diverse and creative funding mechanisms are one of the critical ingredients financing both public waterfront access facility and working waterfront retention and enhancement efforts. Furthermore, when legally possible, these mechanisms should allow for flexibility to include partnerships with private businesses, as well as non-government organizations<sup>32</sup>.

- b) Investigate potential financing mechanisms to be used in assisting coastal private recreational (fee-based) fishing pier owners that provide public access with mitigation solutions for major storm (e.g., hurricanes, “northeasters”, etc.) damage repairs, including the feasibility of using special funds to finance a low-interest loan program and allocated only to assisting private pier owners in rebuilding due to single-storm events damages.**

**Rationale (D.2.b):** Several private fishing pier enterprises in the Grand Strand have typical business owner’s insurance policies, but these policies do not include major wind damage (e.g., hurricanes) coverage because the additional cost of premiums for storm damage coverage and related deductibles make additional coverage financially unviable relative to the profitability of their business<sup>33</sup>.

**E. LAND-USE AND WATERBODY PLANNING POLICIES:** Coastal communities may be able to use land-use and water body management policies to address the retention and enhancement of working waterfronts and public waterfront access facilities. The following options may be considered<sup>34</sup>:

- 1. Examine planning guidelines used in land-use policy for the possible incorporation of recommendations that encourage local governments to inventory, assess, and develop policies that proactively address the needs of working waterfront and/or public recreational fishing access facilities within their planning jurisdiction and congruent with local water body management objectives.**

**Rationale (E.1):** One of the key components to protecting and enhancing waterfront access is comprehensive land-use planning. While the flood of tourists, second

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<sup>32</sup> Similar options have been proposed in North Carolina and were outlined in the North Carolina Waterfront Access Study Committee Report, 2007. Since the publication of this report, the North Carolina General Assembly set aside \$20-million bond program for addressing coastal waterfront access projects.

<sup>33</sup> Refer to section *Findings: Shore-Based Coastal Anglers and Fishing Piers*.

<sup>34</sup> Refer to the section, *Findings: Common Mechanisms for Addressing Waterfront Access: Protecting Waterfront Access with Land-Use and Waterbody Planning Policies*.

homeowners, and retirees to coastal communities stimulates economic growth, this immense in-migration can also lead to increased property taxes, natural and cultural resource degradation, and diminished quality of life. Add soaring property values and loss of community character into the mix to increase the potential for negative impacts on traditional waterfront uses for both commercial and public recreational activities. That is why good land-use planning and sustainable sound policies are imperative to coastal community health and prosperity. The option below encourages local governments to address the issue of waterfront access in the local comprehensive planning initiatives.

- 2. Consider the potential uses of special planning tools/techniques (e.g., Special Area Management Plans, Fishing Village designation, and/or other types of overlay districts with special zoning and development restrictions) as measures to retain and/or enhance areas for working waterfronts and/or public waterfront access facility development, congruent with the S.C. Coastal Zone Management Act.**

**Rationale (E.2):** In the past, sound land-use planning and the development of effective ordinances have been, for the most part, lacking or even absent in many South Carolina communities, yet both are imperative when managing for population growth, development, and coastal resources. With no slowdown in site, the increasing population trends will continue to put pressure on coastal waterfront property, and therefore, a need to examine local planning, zoning, and regulations to identify existing problems and gaps in the community planning process and policies. There are a variety of planning and zoning techniques and tools that may be employed to effectively manage growth in coastal communities and specifically, waterfront properties. Employing the use of a variety of planning tools and techniques may have a profound effect on current and future community planning policies.

- 3. Identify the appropriateness and availability of programs that authorize transfer of development rights and purchase of development rights programs at the local government level for use in local working waterfronts.**

**Rationale (E.3):** Findings from this study indicate that the transfer or purchase of development rights is a viable solution for acquiring commercial working waterfronts. Key elements that make these types of programs successful are: identifying appropriate programs that support working waterfront priorities; developing priorities to identify specific properties for acquisition based on the needs of the property owner and goals of the acquisition; ensuring cooperation between the property owner, local government and non-governmental organization (e.g., land trust); and establishing clear goals and objectives for acquiring development rights.



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## APPENDIX A: OVERVIEW OF SOUTH CAROLINA COASTAL TRENDS

### Population Growth and Real Estate

Population increases in a region are commonly considered a rough indicator of escalating pressures on land uses. U.S. coastal regions remain among the most rapidly growing and developed areas in the nation with about 55% of the United States population living within 50 miles of the coast. The total U.S. coastal population increased by 33 million people between 1980 and 2003, and the coastal states in the Southeast region (i.e., North Carolina, South Carolina, Georgia, and Florida), have had the greatest rate of change with a 58% increase, followed by the Pacific and the Gulf of Mexico at 46% and 45%, respectively. The rapid growth of coastal Southeastern states is attributed to it being a leading destination for job seekers and retirees (Crossett *et al.* 2003), as well as access to coastal amenities (e.g., beaches, fishing, etc.). Also indicative of the population increases in the U.S. coastal regions, is the conversion of farmland to other uses. The USDA (2004) estimated that U.S. coastal counties are losing approximately 2,000 acres of farmland per day to urban or other land uses, a daily change about 2% higher than U.S. non-coastal counties.

South Carolina (S.C.) ranks tenth in coastal population growth in the U.S. and continues to be one of the fastest growing states with more than 1 million new residents forecasted to move to S.C. over the next few decades. Two of the state's eight coastal counties have had population increases of over 60% during the 1990-2006 period: Beaufort (64%) and Horry (66%). To meet the demands of growing population, new residential (e.g., condos, etc.) and commercial developments (e.g., resort hotels, restaurants, etc.) have proliferated along coastal sounds, rivers, beaches and inlets, intensifying coastal access issues confronting South Carolina fishery user groups.

The market price of South Carolina coastal real estate has escalated in response to demand stemming from the housing needs of a growing coastal population and related economic development. For example, Blackwell et al. (2008) estimated that the sale price of residential real estate on Folly Beach, a developed coastal barrier island in Charleston County, had an average annual increase of approximately 20% during the 1988-2005 period, a long-term (compounding) annual rate that would be equivalent to doubling sale prices about every four years<sup>35</sup>. As another indicator of escalating coastal property values, the market value of insured coastal area properties has doubled over the last decade (AIR 2006) as South Carolina experienced a major increase in the number of new commercial and resident structures along the coast. Additionally, insured property value along the coast has increased 377% since 1988 and the total insured value of South Carolina property in 2004 was \$581 billion, of which 26% (\$148.8 billion) was located in the hurricane prone coastal area (SCDI 2007).

### **Commercial Fisheries**

The commercial fishing industry in South Carolina has historically depended upon both inshore and offshore habitats. Past and current fishing practices include long-lining for swordfish, coastal trawling for shrimp, and potting (trapping) for blue crab. Waterfront access facilities to accommodate South Carolina commercial fishing crafts have ranged from boat landings for small crab fishing boats (e.g., under 20 feet) to docks capable of mooring and unloading 70-foot or larger steel hull shrimp trawlers and other vessels used in offshore fisheries.

Historically, these fisheries have supported coastal families and small communities. Unfortunately, the U.S. seafood market conditions and other factors (See *Findings*) have interacted to cause an overall decline in many of these fisheries in recent years that have led to economic stress not only for the industry participants and their families, but also related small communities along the South Carolina coast. In 1991, the landings (poundage) for the state's major fisheries - snapper/grouper, swordfish, mackerel, shrimp, and blue crab combined - were about 20.0 million pounds, with total gross (ex-vessel) revenues of \$29.2 million. By 2006, the total South Carolina landings had dropped by 7.4 million pounds to approximately 12.6 million pounds, a 37% decrease. More importantly, total gross revenues in South Carolina fisheries have dropped about \$17.0 million, a decline of more than 55%.

While the South Carolina shrimp fishery remains the state's most economically important commercial fishery, this decline in total gross fishery revenues has mainly stemmed from decreased South Carolina shrimp fishery landings and associated revenues in recent years. A number of factors (See *Findings* section) have contributed to this decline, but the overall reduction of U.S. shrimp dockside prices induced by foreign shrimp imports has and will most likely continue to play a major role. Consequently, South Carolina shrimp landings have gone from 9.6 million pounds<sup>36</sup> with gross revenues of \$17.8 million in 1991 to just 5.7

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<sup>35</sup> For those familiar with the "Rule of 70," an annually compounding growth rate of 20% would actually lead to prices doubling over a 3.5 year time period, i.e.  $70/20 = 3.5$ .

<sup>36</sup> Shrimp landings in "heads-on" pounds as reported by the National Marine Fisheries Service.

million pounds of reported shrimp landings with gross revenues of \$6.4 million in 2006, a decline of nearly 4 million pounds and \$11.4 million, respectively. The number of commercial shrimp trawler licenses (resident and non-resident) purchased from the S.C. Department of Natural Resources (SCDNR) between 2000 and 2006<sup>37</sup> fell from 687 to 369 licenses, a 46% decrease. This reduction in licenses is probably symptomatic of several factors including adverse U.S. shrimp market conditions, limited in-state processing facilities, as well as vessel owners having difficulties securing dependable and/or affordable docking space due to the continuing conversion of working waterfronts to potentially more profitable non-commercial fisheries-oriented uses.

### **Marine Recreational Fisheries and Coastal Boating**

Participants in South Carolina's inshore and offshore recreational fisheries contribute significantly to the state and local coastal economies, and the continued popularity of recreational fishing as a coastal outdoor activity is readily apparent. For example, the total (aggregated) South Carolina recreational marine fishing trips for the major marine fishing modes (e.g., charter, private/rental boat, and shore-based fishing) has increased substantially in recent years. The estimated total number of marine recreational fishing trips nearly doubled between 1997 and 2006 from approximately 1.6 million trips in 1997 to about 2.6 million trips by 2006<sup>38</sup>, an overall average increase of about 100,000 trips per year since 1997 by South Carolina marine recreational anglers. As might be expected, the number of saltwater recreational fishing licenses sold by SCDNR has also increased during the same period from 91,450 to 106,390 licenses in 2006, respectively, a 16% increase. It should be noted that anglers fishing from SC saltwater shore-based sites are not currently (2008) required to purchase a South Carolina saltwater recreational fishing license so SCDNR saltwater license trends are probably not indicative of the apparent growth in the number of S.C. anglers participating in shore-based fishing.

While the apparent popularity of recreational fishing has increased, estimates of the "landed" harvest by South Carolina marine recreational anglers has changed comparatively little during recent years. The total estimated recreational harvest in 1997 was about 4.5 million pounds compared to an estimate of approximately 4.1 million pounds in 2006, a small decline (approximately 300,000 pounds), and perhaps an insignificant aggregate difference given the accuracy of the federal Marine Recreational Fisheries Statistics Survey (MRFSS) estimates. In contrast, the total number of individual fish caught, including estimated number of fishes released, increased from 8.7 million in 1997 to an estimated 14.4 million individual fish in 2006, a 65% increase. The aggregate number of fish caught and released by South Carolina marine anglers in 2006, 65% of the total estimated catch (i.e., number of fishes), was also slightly higher than the 1997 estimated release percentage of 61%. This persistent catch-release

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<sup>37</sup> The 2001 and 2006 license data are actually based on SCDNR license sales during S.C. Fiscal Years 2002 (e.g. July 1, 2001 to June 30, 2002) and S.C.FY 2007, respectively, but it is assumed that many of the S.C. trawler licenses are usually sold during the first six months of a Fiscal Year.

<sup>38</sup> For comparison, the 2006 fishing trip total does not include headboat (A.K.A. party boat) trips because the MRFSS did not begin including party boat trips in the SC fishing trip summaries until 2005. In 2006, 32,405 headboat trips were reported by the MRFSS.

percentage is probably attributable to the interaction of several factors, such as anglers' continued willingness to voluntarily release fish for non-regulatory conservation purposes, as well as complying with required smaller creel (bag) limits for certain species (e.g., red drum, etc.) since 1997.

Recreational boating is closely related to recreational fishing; nationally over 80% of the recreational boaters use their boat for fishing (RM 2000), and in a recent survey of South Carolina coastal boaters, 65% of the responding boaters claimed that private boat fishing was the primary purpose for using a given boat ramp. Given the popularity of saltwater fishing and other coastal recreational boating activities, it is not surprising that boat ownership in the coastal counties has outpaced other non-coastal regions in the state. In 1991, about 31% of all South Carolina registered boats (approximately 79 thousand boats) were in coastal counties. By 2006 there were approximately 102 thousand registered boats in S.C. coastal counties, 43% of all South Carolina registered boats, even though the coastal population comprises only about 26% of the 2006 estimated total population of South Carolina. Additionally, the two highest rates of boat registration increases during the 1991-2006 period, 62% and 52%, occurred in the two fastest growing South Carolina coastal counties, Horry and Beaufort Counties, respectively.

It should also be noted that visiting vessels registered in other states also require waterfront facilities.

It is reported that South Carolina is one of the top ranked transient mooring locations among the U.S. eastern coastal states for vessels traveling to and from Florida using the Intracoastal Waterway (ICW).

While use of private and rental boats is a common mode for marine recreational fishing, the popularity of saltwater fishing from various waterfront sites, including coastal bridges, fishing piers, and beaches, has also grown as a popular fishing mode. Estimated shore-based fishing trips were ~752,000 and ~1,481,000 trips in 1997 and 2006, respectively, nearly a doubling of trips. Moreover, South Carolina shore-based marine angler trips in 1997 comprised about 47% of all estimated marine fishing trips (excluding headboat trips), and by 2006, this share of all trips had increased to approximately 56%. In contrast, private boat angler trips comprised about 46% of trips in 1997, but this share had declined to ~43% of marine angler trips.

## APPENDIX B: STUDY LIMITATIONS AND METHODOLOGY

In May, 2007, the S.C. Sea Grant Extension Program funded an exploratory study, “South Carolina Sea Grant Fisheries Extension Enhancement Program: Delineating Coastal Shore-side Access Challenges and Opportunities for South Carolina Commercial and Recreational Fishing-Oriented Stakeholders,” with the goal of identifying and assessing the coastal access issues and exploring possible options to address the apparent declining shore-side access for fisheries stakeholders.

R. J. Rhodes, a resource economist and adjunct professor in the Department of Economics and Finance at the College of Charleston, conducted this exploratory study as the Principal Investigator (PI) and in collaboration with both the S.C. Sea Grant Extension Program Fisheries Extension (SCSGEP FE) specialist, A. Von Harten, and S.C. Sea Grant Extension Program Coastal Communities (SCSGEP CC) specialist, A. Turner.

In support of the study’s goals, the PI and the above specialists used the following objectives and related methods:

1. In consultation with the SCSGEP FE and the SCSGEP CC specialists, identify and qualitatively characterize major coast-wide and/or local causative factors (e.g., burden of rising waterfront property taxes) that have and/or may contribute to the decline in South Carolina community waterfronts and waterway access points (i.e., shore-side access) for marine water-dependent commercial fishing related businesses (e.g., commercial shrimp trawler operations, seafood dealers, etc.) and recreational fishing-oriented stakeholders (e.g., saltwater anglers, charter fishing boat owners, etc.).
2. Based on the apparent major causative factors identified in Objective 1, explore possible regulatory and nonregulatory approaches (e.g., land acquisition options, planning and zoning tools, etc.) currently available in South Carolina and/or used or proposed in other coastal states.
3. With assistance of the SCSGEP FE and the SCSGEP CC specialists, conduct a small number of exploratory interviews of selected stakeholders regarding their views about factors influencing the changes in shore-side access for water-dependent South Carolina marine commercial fishing and saltwater recreational fishing stakeholders, as well as possible solutions.
4. Prepare a final report summarizing the project results and include prescriptive recommendations or options.

### **Limitations**

First and foremost, this is a preliminary exploratory study, and therefore, is mainly a qualitative impression of coastal access issues confronting South Carolina marine fishery user

groups, including mostly recreational anglers, commercial fishermen, seafood wholesalers, head-boat owners, and charter boat owners. Although some of the above fishery stakeholder groups were also involved in South Carolina coastal mariculture enterprises, this study did not attempt to identify and address their coastal access issues, but it is believed that some of the findings and related options may be congruent with the coastal access needs of South Carolina mariculturalists. Various public beach access issues were also beyond the scope of this study except for the consideration of shore-based anglers that may be fishing from beach sites.

Additionally, this study does not attempt to address the role of public and/or privately owned coastal marinas as access structures for water-dependent users, especially for recreational boaters. There were several reasons for this. First, balancing the need for new marinas against the protection of natural resources and potential negative externalities (e.g., public waterway congestion, etc.) is complicated and problematic, and therefore, generally beyond the resources that were available for this study. Second, and admittedly a normative perspective, the cost of leasing or purchasing a marina wet slip or dry rack is probably beyond the affordability of many in the South Carolina recreational fishing public, let alone small, commercial fishing-oriented enterprises. As a contrasting reference point, public water-dependent access structures intended for recreational anglers, including private fee-based fishing piers, were considered an affordable outdoor activity for much of the South Carolina public.

## **Methodology**

The approach used in this study emphasized the exploratory “why” and “how” focus. For example, “why” is there an apparent decline in commercial fisheries-oriented working waterfronts and “how” have affected stakeholders attempted to cope with this trend? Given this emphasis, there was no major quantitatively-oriented surveying or historical data collection conducted in an attempt to quantify over time the specific events (e.g., annual sales of commercial fishing waterfront properties, etc.) that may be considered potential indicators. Additionally, the design of the study was flexible, sometimes ad-hoc, and generally not intended to address any specific socioeconomic theories and related hypotheses.

Consequently, the methodology used may be described as research needed before designing a case study and/or survey pretest. Regardless, the methodological tasks in this study included the following:

1. Identifying a range of apparent issues including a preliminary working list of possible causative factors related to changes;
2. Designing a set of questions to be used in focused interviews based upon the issues;
3. Identifying and developing a diverse list of stakeholders for interviewing and related follow up;
4. Conducting focused interviews of selected stakeholders and preparing summary notes on each interview;
5. Based upon stakeholder interviews and other sources, identifying and compiling documents, data sets, and other materials (e.g., research literature, etc.) that may be readily available and possibly germane to this study’s exploratory approach;



6. Reviewing recent studies and coast access initiatives taken in other selected coastal states;
7. Analyzing stakeholder responses, available secondary data (e.g., annual South Carolina boater registration data), actions taken in other states and other materials;
8. Using analysis results, developing options or recommendations that may be used to address certain coastal access issues relevant to South Carolina marine fishery user groups and other stakeholders; and
9. Summarizing relevant background materials, the analysis, and related options in a study report suitable for a general audience.

The focused interviews by design were conducted in an informal manner with a set of standard questions about the current state of waterfront access, perceived issues, information/research needs to address issues, and potential solutions for addressing waterfront access issues into the future as it pertained to the marine fishing interests of those interviewed. The informal interview process also allowed for an open discussion of other relevant marine fishing issues that may not have been able to be addressed by this particular study, such as fisheries management, regulations, legislative issues, and permitting issues, etc.

**APPENDIX C:**  
**Descriptions of Common Mechanisms for Addressing Acquisition & Enhancements of  
Fishing-Oriented Waterfront Facilities and Properties**

- **Sale:** As described previously, this mechanism is one option for acquiring or enhancing waterfront facilities and properties. Under some circumstances a piece of property may be sold for less than the appraised value, and under this circumstance the property owner may be working with a land acquisition organization wanting to acquire historical, cultural, or ecologically significant property. Often times, the property owner will agree to sell the property below the agreed upon appraised value in return for receiving some tax benefit, such as property tax incentives based upon the difference between the actual appraised value and the agreed upon appraised value.

Benefits to this type of acquisition mechanism include: outright ownership and control of use(s) of the property by the purchaser; possible tax benefits to the property seller; and a less complex transaction process. Drawbacks to this type of acquisition mechanism include the effect of the rising cost/value of coastal properties and the ability to purchase property at appraised values, as well as the removal of property from the local government tax base if the property is purchased by a government entity.

- **Donation:** Another type of property donation that has been explored in South Carolina is what is termed a “land swap.” Land swaps can be pursued by a government entity and involve trading one piece of waterfront property owned by

the government entity for another waterfront property owned by a private entity that is comparable in value. In the case of commercial waterfront property, this type of acquisition mechanism can be beneficial because it allows owners of commercial waterfront property to transfer the ownership, management, and operation of a specific-use (e.g., commercial fish dock) property to a government entity while still retaining another waterfront property similar in value. Donations of this nature can be effective if: 1) the details of the property transfer (title, surveying, appraisals, etc.) can be negotiated early in the acquisition process; 2) the zoning (allowable uses) of the waterfront property matches the current and future intended uses of the property and are not limiting; and 3) the government entity received adequate feedback from the commercial industry on how to best utilize and operate the property. Some drawbacks to this type of mechanism are limited resources for the government entity to operate the commercial waterfront property; lack of funding for enhancements to the property after the transfer; and uncertainty of the longevity of commercial activity on the property.

- **Public-private acquisition partnerships:** This type of acquisition could potentially reduce waterfront access for commercial and recreational fishing-oriented businesses, if the purpose of the acquisition is to protect and conserve natural resources and not preserve a working commercially-oriented waterfront. However, private interest groups, such as commercial fishing industries, may also collectively pursue this type of acquisition to ensure present and future access to the water. This could be pursued in the same manner as above by working with land acquisition organizations such as land trusts.

Another recreationally-oriented mechanism can include local governments requiring developers to incorporate public waterfront access with any new waterfront development. However, as an example, some partnerships of this nature have reached joint agreements for enhancing recreational waterfront access by utilizing property already in existing land trust agreements. More specifically, local governments have worked with land trust organizations to utilize property that is owned by the local land trust and located next to a boat landing to provide opportunity for enhancements to the boat landings (e.g., additional parking, bathrooms, boat wash down, etc.).

- **Funding Enhancements:** Each type of funding mechanism has benefits and limitations. One of the limitations, in particular, has shown that once property is acquired through these types of programs it is often difficult to obtain capital improvement funds for renovating or physically enhancing the acquired property. Also, these certain sources of funding will not provide recurring funding for projects, which forces grantees to locate other sources of additional funding to support the project in the long-term.
- **Funding of public boat landings and other recreational fishing access sites:** Funding for the landings, both acquisition of land and enhancements, can come

from a variety of sources to include but are not limited to, county generated funds (e.g., stormwater utility funds, bond referendum funds from highway improvement projects, etc.) and state/federal funds. Two funding mechanisms currently available to acquire real property for water-oriented recreational purposes are the Water Recreational Resources Fund and the County Game and Fish Fund. These two funds support a variety of purposes related to recreational access to include but are not limited to:

- Acquisition of real property for water recreational purposes;
- Installation, maintenance, repair, or improvement of public boat landings and public boat docks;
- Fishing access; and
- Acquisition of real property and promotion for public wildlife habitat, hunting, or fishing recreational facilities.

**APPENDIX D:**  
**Descriptions of Common Mechanisms for Addressing Protecting Waterfront Property  
Without Acquisition and Land-Use Waterbody Planning Policies**

- **Conservation Easement:** As described previously, this is a voluntary agreement between a landowner and a certified non-profit that allows the landowner to protect his/her property from inappropriate development or alteration. An easement is a legal agreement restricting the development of a piece of property, and in most cases is legally binding in perpetuity. The easement is flexible and can cover all or part of the property, and it can be tailored to meet the personal and financial interests of the individual. Conservation easements have been proven to be a valuable tool to preserve and protect South Carolina significant properties, while maintaining the tradition of local control and private ownership. Examples of property rights that may be retained include: selling, leasing, assigning, and using the property; public access restriction; farming; and construction of additional dwellings. Subdividing, land disturbance, timber harvesting, mining, and building are some examples of property rights that may be given up by the landowner.

Benefits gained from placing easements on private property to the landowner include provisions tailored to meet the needs of the landowner and site, title and use of land is retained by landowner, assurance that private land will be protected for future generations, potential federal and state income tax deductions, and possible decreased property and estate taxes. Additionally, there are benefits to the community, such as protection of water quality, preservation of open space, outdoor recreation and education opportunities, increased property values, increased revenues generated by recreational users, maintaining the viability of agricultural- and water-dependent businesses and industries, permanent protection, and reduced costs associated with protection. Drawbacks to using this protection mechanism include the risk of less protection than outright acquisition, the management-intensive nature of easements with respect to monitoring and enforcement, and the potential for limited property resale due to easement restrictions.

- **Lease Agreements:** This option entails an agreement between a conservation organization or agency and a landowner to rent a property for the purpose of preserving and managing a significant resource. Entering into a lease agreement allows the landowner to retain ownership of the property, while short-term protection of a valuable property from development is provided by a conservation organization or agency.

Benefits to entering into a lease agreement include a lower cost approach to site protection, landowner retains ownership of property, landowner receives income for the transaction, and landowners have an alternative approach to preservation

rather than committing to a permanent sale or easement. These properties can be management-intensive so the agency/organization involved in the agreement must work closely with the property owner. Another drawback to lease agreements is that they only afford short-term protection to the property of concern.

- **PDRs:** The Purchase of Development Rights is voluntary market-based program used to regulate unwanted development, while guaranteeing that participating property owners are fairly compensated for any development limitations incurred with respect to the subject property. The development rights associated with a specific parcel are purchased (as opposed to donated) by the property owner, enabling the property to be used in its present capacity, but restrict further development by the current owner or future owners. The development rights associated with a specific parcel are permanently removed or “retired” from the property and often sold to a government agency or nonprofit organization. In addition to receiving a cash payment for selling the property development rights, the current landowner’s real property tax burden is reduced and the current use becomes its “highest and best use.”

The use of PDRs has both benefits and limitations. Using a PDR program may be preferred over a TDR program when complete protection is needed quickly or the area of concern is too small to warrant the transfer of development rights. PDRs can be used to preserve significant landscape features and limit the spread of development. However, PDR programs are most effective in small areas or where development potential is low. While a PDR transaction is much less complicated than a TDR transaction, it is more expensive for the governmental or private entity. For example, using a PDR program may be cost prohibitive to compensate a property owner fairly in a market with high land values. In some cases development restrictions through zoning may be a more prudent course of action.

- **TDRs:** The Transfer of Development Rights program is another tool (similar in some respects to PDR programs) that may be used to help preserve working waterfronts and public access facilities. Similar to the PDR program, the purpose of the TDR program is to remove the development rights from private property, but when the TDR program is utilized the rights to develop one parcel of land are voluntarily transferred to another parcel. The outcome of this type of transaction results in the protection of the resources on the first parcel from development in exchange for increased development density on the second parcel (where the development rights were transferred). The TDR program, often requiring state enabling legislation, is based on a government-created market system that allows the purchaser to transfer the development rights to another area to legally increase development potential on a site that would have more restricted limited development in the absence of the TDR program. Through this program “sending zones” (areas where development rights are removed) and “receiving zones” (areas with increased development potential) are designated.

The overall development potential of a community is not diminished with the use of a TDR program because development rights are sold to another receiving area rather than being “retired” permanently, as with a PDR program. Additional benefits include the protection of resources without large capital expenditures (i.e., less expensive than PDRs) and the ability to protect large land tracts effectively. Some drawbacks include requiring enabling legislation to develop the program that may be controversial with respect to “downzoning,”<sup>39</sup> may be complicated (fraught with legal complexities) to establish, and involve high administrative overhead costs.

- **Special State Codes of Law:**

Present Use Value Taxation, also referred to as “current use value” taxation, is a tax levied based on the value of the land for its current use. This method of taxation is commonly associated with agricultural property, but the application of this taxation principle can be used as a means to lower property taxes on working waterfronts, thus preserving water-dependent uses and curbing undesirable effects of increasing land market values (e.g., conversion of these properties to residential or non-waterfront-dependent commercial uses) on these types of waterfront uses. The difference between the taxes that would be paid on the current use basis and those taxes that would have been paid in the absence of the current use basis are treated as a lien on the property. This difference or lien would be recorded on taxation records and when the property no longer qualifies for the present use classification, the deferred taxes (based on the three immediately preceding tax years) become due and payable.

In South Carolina, commercial fishing facilities (e.g., docks, seafood processing facilities) are eligible for this special valuation applicable to agricultural real property. S.C. Code §12-43-220(d)(5) states that “...notwithstanding any other provision of law, agricultural real property also includes a dockside facility whose primary use is the landing and processing of seafood.” Additionally in S.C. Code §12-43-220(f), commercial fishing boats are taxed based on an assessment ratio of 5% of fair market value.

- **Special Zoning Techniques & Overlay Zoning Districts:**

Zoning is a method used by municipal governments to promote the compatibility of land uses by dividing tracts of land within the community into different districts or zones. For example, zoning ensures that a factory or other industrial enterprise is not located in the middle of a residential neighborhood or that a bar is not

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<sup>39</sup> “Downzoning” or “down zoning” is the practice of restricting the amount of property development. It is often done by reducing the allowable density of the property (e.g. prohibiting high-rise apartments, etc.).

located next to an elementary school. There are a variety of zoning techniques and tools that can be employed to effectively manage growth in coastal communities, and specifically, waterfront properties. Combining these strategies with non-regulatory measures can lead to the protection and enhancement of waterfront access properties for both commercial and recreational interests. For example, special purpose districts, such as Conservation Overlay Districts or a Cultural Protection Overlay District can provide added protection to traditional commercial waterfront industries and businesses (e.g., fishing, dock space and processing).

Overlay Zoning is a tool local governments can employ to provide additional or stricter development standards and criteria to be established to protect significant resources or features within an existing zone. Development in an overlay district must conform to the base district, as well as the overlay zoning requirements. Overlay Zoning Districts are commonly used for the protection of scenic views, open space, and natural, historic, and cultural resources. Several examples of communities zoning for cultural protection overlay districts are noted throughout the South Carolina coast, some of which are designated for the protection of traditional fishing villages. This special type of zoning can provide effective protection of identified resources from current and future development pressures. Zoning ordinances can be effective planning tools, but depending on the political climate and will, they can be changed at the discretion of local planning commissions' decisions. Overlay districts provide protection for a specific geographic area but do not address resource protection beyond the designated zoning district.

- **Comprehensive Land-Use Plans:** Adopted regulations at the state and local government level, along with their associated permitting programs guide and manage community land-use activities that may negatively affect the coastal resources. State and local regulatory authorities often implement the goals and objectives of a number of governing bodies, such as the General Assembly, state coastal management agencies, and county and municipal councils and planning commissions. Local government comprehensive land-use plans are an important vehicle for planning for future community land-use activities in the face of ever-increasing population growth. This type of planning attempts to answer the question: "What will our community look like in the future?" It is a specialized planning technique that serves as a blueprint or guide for community land-use decision-making and the future vision of desired community growth. Comp plans are critical to shaping how and where we develop our built environment, which affects land values, emergency and public service and infrastructure, location of businesses and industry, where we recreate, taxes, etc.

In 1994 state enabling legislation was enacted, mandating that comprehensive plans be developed for all South Carolina communities that have instituted zoning



ordinances. Comprehensive plans are required by state enabling legislation to be reviewed every 5 years and updated regularly within a period not to exceed 10 years, to reflect changing conditions in the community. Nine required elements, including population, housing, community facilities, cultural resources, natural resources, land use, transportation, economic development, and priority investment are required to be addressed in local comprehensive plans. Each element is supported by goals and objectives, with associated action plans/tasks and a detailed implementation schedule to accomplish the stated goals. Other elements (e.g., open space) may be added as needed or desired.

As part of a visioning process a comp plan can help a community define itself and it can give a community the power and direction to chart its own future. In communities faced with the pressures of growth, it can help maintain and improve the quality of life desired by residents. A comp plan should reflect the input of the residents from that jurisdiction. Citizen engagement is critical throughout the planning process and can be accomplished by holding well-publicized public meetings. Comprehensive planning provides an opportunity for broad-based input in the planning process, ensures diversity of viewpoints and perspectives, ensures ownership in the process, legitimizes the process, and helps to ensure accountability on the part of elected and appointed officials.

To accompany these comprehensive plans, new or revised regulations and ordinances need to be developed to reflect the community visions set forth in the plans. The state enabling legislation and the local comprehensive land-use plans, if developed properly, may provide a starting point for addressing the issues surrounding the loss of waterfront diversity and access for both commercial fishing businesses and the recreating public.

- **Special Area Management Plans (SAMPs):** The SAMP process provides a framework for the management of cumulative impacts that threaten a specific geographic area or body of water. The various uses of coastal resources are not necessarily mutually compatible, which can result in conflicts of use. The SAMP can be a comprehensive and effective planning tool to employ where conflicts are widespread to address critical issues by identifying necessary actions needed to prevent further deterioration of community resources. It is used to collect and examine data, identify growth and development trends, and to anticipate different use conflicts. Through the SAMP process a variety of stakeholders collectively develop strategies to protect and manage resources to ensure the goals of the many resource users are compatible. As part of the SAMP preparation process, stakeholder groups, which may include state and federal agencies, local governments, nonprofit organizations, and interested private citizens, explore alternative strategies for addressing and managing conflicts and identify policies for implementing chosen alternatives. State, local, or federal entities can request a SAMP. SAMPs encompass a wide range of topics and activities and lay a

foundation for the application of recommended water management policies and strategies. Outcomes include policy refinement and/or new policy development to be applied to the designated SAMP study area. Involvement of multiple levels of government and representation from a wide variety of stakeholders from the area is a crucial component for accomplishing SAMP implementation. The plan implementation balances the needs of community with the management and protection of the water and natural resources of a community.

- **Waterbody Management Plans:** The purpose of this special management planning technique is to help local communities develop comprehensive, implementable, and realistic plans for waterbodies within their municipalities and counties. A Waterbody Management Plan is a comprehensive planning strategy used by local governments with assistance from state agency personnel and a variety of stakeholders to identify and address the impacts of competing uses within a waterbody. This planning process also shows how competing future uses can cause direct impacts to the current and traditional uses of a waterbody. A waterbody management plan, when compared to a local government comprehensive land-use planning approach, can provide comparable benefits for predicting and addressing the cumulative impacts of development, social, and environmental changes on the uses of the waterbody. With this planning methodology, communities are able to focus comprehensively on the value and importance of these coastal systems by identifying potential conflicts and opportunities within a waterbody and devising a holistic solution. Initially a Study Area Boundary is established, including the waterbody and interrelated surrounding land areas to ensure that areas that most likely impact the waterbody are the focus of investigation. Next, an inventory of existing conditions within the designated study area boundary is compiled. The intent of a Waterbody Management Plan is to direct the planning focus on uses of the waterbody itself. Issues such as land use, water quality, and historic, cultural, and natural resource preservation are all potential topics to be discussed in the context of how they affect the ways people use a waterway. The final stage of the planning process ends with the preparation of a series of actions/activities that can be implemented to address potential impacts to the desired use of the waterbody.

All of the above mentioned Land-use and Waterbody Planning Policies are effective locally driven planning tools, but as with any plan there are no “teeth” (regulatory authority) to require implementation of planning elements or action strategies identified and encouraged in these types of plans. Therefore, it is imperative to incorporate these policies into action plans to be carried out/implemented by the local governments in addition to the development and passage of revised and/or new ordinances and regulations that reflect the objectives and recommendations set forth in the plans.



## APPENDIX E: Initiatives in Other States and Regional/Federal Initiatives

### Summary of Initiatives in Various Coastal Southeastern States

Summary information on selected and recent coastal access initiatives in only four southeastern states (i.e., Alabama, Florida, Mississippi, and North Carolina) was presented in this report. These coastal southeastern states were selected because the legal, physical (e.g., coastal topography), and/or economic environment of these states are generally considered closer to the current South Carolina setting, or as in the case of Florida and North Carolina, may characterize how future coastal development may further intensify coastal access issues in South Carolina. Recent initiatives in South Carolina's neighboring state, North Carolina (N.C.), were also selected because of the similarity of fisheries, as well as the relative timeliness of the N.C. initiatives.

- **North Carolina's Waterfront Access Study Committee**

North Carolina (N.C.) has witnessed a 31% increase in population since 1990, making it one of the fastest growing U.S. states. Moreover, several N.C. coastal counties (Brunswick, Currituck, and Pender County) have experienced population increases of 60% or higher since 1990. Given these substantial population increases, especially in the coastal region and related development, North Carolinians have also shown an increasing concern for access to their public trust waters and the outlook for retaining traditional working waterfront facilities. For example, a N.C. Sea Grant-supported study indicated that 39 of 117 North Carolina seafood packing facilities had closed or came under contract for sale between 2000 and 2006, a 33% decline, and the seafood industry concerns about additional losses of critical water-dependent infrastructure (e.g., work boat railways, commercial fishing docks), along with overall coastal development pressures (e.g., new coastal residential development) were among the major contributing factors to this seafood industry situation.

Given the above concerns, it is not surprising that the N.C. General Assembly created a 21-member Waterfront Access Study Committee (WASC) in August 2006 and instructed the WASC to "study the loss of diversity of uses along the coastal shoreline of North Carolina and how these losses impact access to the coastal public trust waters of the State." The WASC was also charged with providing the N.C. General Assembly with guidance on potential solutions, including "incentive-based techniques and management tools, to sustain riparian land-use diversity and public access along the State's coastal shorelines."

The WASC released its final report in April 2007 after seven months of reviewing public access issues, waterfront-dependent use trends in coastal North Carolina, and several meetings including three related public comment meetings. [The complete report is available online at [www.ncseagrant.org/waterfronts](http://www.ncseagrant.org/waterfronts).] The WASC "...determined that North Carolina is "experiencing a significant loss in the diversity of waterfront-dependent uses and in public access" and concluded, "that the need to ensure existing waterfront-

dependent uses, to ensure future diverse waterfront-dependent uses of the shoreline, and to retain and enhance public access to coastal public trust waters is an important and urgent issue confronting the people of North Carolina, and that there are grounds for an immediate, comprehensive, and creative response by the State.” In other words, the WASC felt that a significant number of issues required proactive state government involvement to ensure the diversity of existing and future waterfront-dependent uses and continued access to North Carolina’s coastal public trust waters.

WASC provided 27 recommendations for consideration by the N.C. Joint Legislative Commission on Seafood & Aquaculture, N.C. Coastal Resources Commission, as well as the N.C. Marine Fisheries Commission. These recommendations by major issue included the following:

- Retaining and Enhancing Working Waterfronts — establish a trust fund of other distinct set-aside of state funds to assist in the enhancement and retention of working waterfronts along the N.C. coast and extend the present use value taxation option used for North Carolina private farms and forest lands to ease the rising property tax burden on working waterfront businesses including private coastal fishing piers.
- Enhancing Public Access to Coastal Waters — increase funding for existing North Carolina programs that promote access to coastal public trust waters, including programs within the N.C. Wildlife Resources Commission, the N.C. Division of Coastal Management and the N.C. Division of Water Resources, along with programs expected to be supported by the N.C. Coastal Recreational Fishing License fees.
- Planning and Zoning Approaches to Waterfront and Access Issues — encourage local coastal governments to explore potential uses of special zoning techniques for retaining working waterfronts and/or public access facility development; and amend existing North Carolina regulations and guidelines to provide grants to assist local government efforts to enhance and/or retain these facilities.
- Purchase or Transfer of Development Rights — the N.C. General Assembly should consider passing legislation to expand purchase of development rights and transfer of development rights programs for use by local governments for enhancement and/or retention of working waterfront and/or public access facilities.
- Coastal Fishing Piers—the state should provide a source of low-interest loans to cover future storm damage to coastal piers, and the N.C. Aquariums should be funded to pilot the development of three public piers to provide access and educational opportunities for anglers and others.
- Fees for Public Trust of Submerged Lands Easements —the N.C. General Assembly should re-examine and possibly reformulate the public trust submerged lands easement fee structure and recommend that the state review the legality of long-term or permanent sale of docks or “dockominiums” that occupy coastal public trust submerged lands.
- Meeting Environmental Compliance Costs — subject to local government approval, funding sources and mechanisms should be made available to assist

working waterfront and public access facility developers in developing or redeveloping facilities along the waterfront in ways that fully comply with environmental regulations.

- Need for a Socioeconomic Study — the N.C. General Assembly should provide funding for a comprehensive socioeconomic study of working waterfronts and access to coastal public trust waters issues.
- Cooperative State-Local Partnerships and Approaches —the N.C. General Assembly should encourage coastal counties and waterfront municipalities to establish working waterfront and public access advisory bodies, with ex-officio representation from state agencies, to seek cooperative inter-governmental solutions to waterfront and access issues.
- Educational Outreach — N.C. General Assembly should fund educational outreach programs to improve retention and enhancement of working waterfronts and public access to coastal waters.
- Further Study and Oversight — the N.C. General Assembly should establish a formal joint legislative commission to continue the WASC effort and to guide any programs or other actions implemented from the WASC study or related deliberations.

During the 2007 session, the N.C. General Assembly passed legislation based upon several of the above WASC recommendations, including the creation of the North Carolina's Waterfront Access and Marine Industry (WAMI) Fund to acquire waterfront properties or develop facilities for the purposes of providing, improving, and/or developing public and commercial waterfront access. The WAMI will receive \$20 million through Certificate of Participation (COP) bonds, which are loans that do not use the government's taxing power as collateral; therefore, they do not require approval by a referendum, as do general obligation bonds. The state must take ownership of any land or facility purchased or upgraded with this money, so the state will be looking for funding proposals with long-term maintenance agreements. The North Carolina Parks will repay the debt service using the N.C. Recreation Trust Fund, which is financed by a deed stamp tax on the transfer or sale of property and by specialty license plate revenues.

The Division of Marine Fisheries (DMF) was designated as the state agency responsible for establishing a program to solicit proposals and disburse WAMI Funds. DMF's strategic plan for administering the WAMI funds sets out four general program areas for funding: public docking facilities, public boat landings, fishing access, and other marine industry facilities. Moreover, funding priority will be given to multi-use facilities that incorporate multiple program areas while maintaining "environmental responsibility." Special consideration also will be given to projects that partner with state agencies or local governments, as well as proposed projects that encourage development of working waterfronts in areas where access has been lost.

As required by the 2007 legislation, the DMF director has established an advisory committee with representatives from the North Carolina commercial fishing and other

marine trade industries and from other state agencies to assist in establishing a strategic plan for the fund and developing guidelines to evaluate and select proposals. Priority projects recommended by the citizen advisory committee will undergo a final review by an Advisory Committee for the Coordination of Waterfront Access housed within the N.C. Department of Environment and Natural Resources. By the November 1, 2007, the proposal deadline, DMR had received 159 project proposals, but only 21 projects are expected to be selected to use WAMI Funds during 2008.

The 2007 budget included an additional \$50 million that could go for state park land acquisitions and the Mountains to the Sea Trail, as identified in the One North Carolina Naturally Program. In addition, up to \$50 million could be used to fund land purchases through the N.C. Natural Heritage Trust Fund. The budget also included an additional \$2.5 million of operating funds for the N.C. Aquariums so admission receipts could be reallocated to help fund initial renovations to Jennette's Pier on the Outer Banks. Moreover, the N.C. Aquarium Society is proposing to turn over the pier site to the state to be used for educational programs, as well as recreational fishing, a proposal consistent with the WASC recommendation of developing three public fishing piers on the North Carolina coast.

As recommended by WASC, property tax relief legislation was also passed that made owners of fish processing and commercial fishing operations, as well as fee-based fishing piers eligible to request that their working waterfront property be taxed at the value for its present or current use, not on the higher value based on the property potentially being redeveloped for residential or other purposes. Legislatures also increased North Carolina boat registration and owner transfer fees, and these increases are predicted to generate nearly \$2 million in additional new annual funding for the state's boating access projects. In addition, the N.C. Division of Emergency Management was also tasked with completing a study by March 2008 for the JLCSA<sup>40</sup> on approaches to facilitate the repair and construction of coastal water-dependent structures such as fish processing and packing facilities ("fish houses") and boat repair structures located in North Carolina's regulated flood zones.

It should be noted that some of the WASC recommendations did not require legislation, but requested review and possible implementation by state agencies. Furthermore, it is expected that recommendations still needing legislative action may be addressed in future sessions, including tax relief for marine trades and other water-dependent businesses.

- **Florida Legislative Actions & Collaborative Initiatives**

Florida has also experienced a significant loss of both recreational and commercial fishing working waterfronts, and this trend has prompted efforts to protect such waterfronts. Efforts include legislative action, collaborative state/local government initiatives, and

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<sup>40</sup> The North Carolina Joint Legislative Commission on Seafood and Aquaculture (JLCSA).

support of funding programs for working waterfront initiatives, both recreational and commercial.

- Legislative action: The Florida Legislature sought to address trends of declining working waterfronts with 2005 and 2006 legislation focused on local governments and their comprehensive planning process. The 2005 legislation (Laws of Florida Chapter 2005-157) and 2006 legislation (Laws of Florida Chapter 2006-220) related to working waterfronts covered a variety of issues, including but not limited to, definitions of working waterfront communities, future land-use element incentives and criteria, submerged lands for public access/use, and tax deferral programs. Another bill was introduced in 2007 that would provide tax relief for working waterfronts through present use tax valuation. (See *Appendix B* for additional information on the legislative actions.)
- Collaborative state/local government initiatives: The Waterfronts Florida Program under the Department of Community Affairs is a program designed to assist all coastal local governments in Florida by providing planning resources to revitalize their working waterfronts. In addition, the program designates selected communities to receive technical and limited financial assistance through the Waterfronts Florida Partnership Program. The Waterfronts Florida Partnership Program was created in 1997 to address the physical and economic decline of traditional working waterfront areas. Communities receive designation as a waterfront Florida community through a competitive application process every two years. Upon designation, the community receives intensive technical assistance and limited financial assistance from the Department of Community Affairs, resulting in a two-phase process. (See *Appendix B* for additional information on these initiatives.)

Funding Sources: The following programs potentially provide support to waterfront access acquisition and improvement projects in the state of Florida.

- Florida Department of Environmental Protection under the Florida Coastal Management Program, Coastal Partnership Initiative grant program: Encourages community action and promotes the protection and effective management of Florida's coastal resources with a funding priority for working waterfronts.
- Florida Department of Environmental Protection's, Recreation and Development Assistance Program (FRADAP): Provides financial assistance to local governments for outdoor recreation projects per Statewide Comprehensive Outdoor Recreation Plan (SCORP).
- Florida Fish and Wildlife Conservation Commission's, Conservation and Recreational Land Trust Fund and Boating and Waterways Section, Florida Boating Improvement Program supports boating access projects.
- Florida Fish & Wildlife Conservation Commission's, Boating and Waterways Section, Boating Infrastructure Grant Program: Funding through competitive and



non-competitive grants is provided for tie-up facilities for transient recreational boats 26' or longer (non-trailerable).

- **Other State Initiatives:**

Mississippi and Alabama – In the wake of Hurricanes Katrina and Rita in 2005, the Gulf of Mexico states were left in a state of chaos and disrepair. As a result several funding mechanisms and financial incentive programs were initiated to revitalize the region's waterfronts. While many of these programs are oriented toward fisheries disaster and recovery programs, they are still pertinent as examples of working waterfront initiatives. (See *Appendix E* for a complete list of all funding programs and program priorities.)

### **Current Regional and Federal Initiatives**

- **Regional**

On a regional level, several state agencies and non-governmental agencies are beginning to work together to identify the current state of waterfront access issues and develop solutions that are cross-regional in nature. Regional Sea Grant programs from North Carolina, South Carolina, Georgia, and Florida have developed extension and communication networks (listserves, coordinating committees, etc.) to share information about waterfront access issues on a range of topics from marine fisheries to land use and planning within coastal communities. Additionally, the South Atlantic Fishery Management Council through the Socioeconomics committee have begun gathering information to better understand the state and future needs of working waterfronts from both a commercial and recreational fishing perspective. This will be helpful in determining how fishery management regulations will impact coastal communities as it pertains to traditional fishing communities and working waterfronts.

- **Federal**

In September 2005, Senator Susan Collins (ME) introduced the first bill aimed at addressing working waterfronts. The bill was called, "Working Waterfront Preservation Act of 2005," Senate Bill 1723 and was co-sponsored by Senators Edward Kennedy (MA), John Kerry (MA), Trent Lott (MS), Jack Reed (RI), and Olympia Snowe (ME). The bill was referred to the Senate Committee on Finance. If enacted, the bill would amend the Magnuson-Stevens Fishery Conservation and Management Act and establish a fund for the acquisition of waterfront property by state and local governments, nonprofit organizations, and fishing cooperatives to provide access for commercial fishing and aquaculture industries. It would appropriate \$50 million in 2005 and 2007 to fund eligible projects. No major action has been taken on S. 1723 since being introduced.

**APPENDIX F:  
Selected Resources and Other Materials**

**STATE AND LOCAL:**

**FLORIDA:**

- **Legislation:** For full text of the 2005 and 2006 legislation see:  
[www.law.ufl.edu/conservation/waterways/waterfronts/pdf/text\\_2005\\_working\\_waterfronts.pdf](http://www.law.ufl.edu/conservation/waterways/waterfronts/pdf/text_2005_working_waterfronts.pdf)  
[www.law.ufl.edu/conservation/waterways/waterfronts/pdf/text\\_2006\\_legislation\\_modifying.pdf](http://www.law.ufl.edu/conservation/waterways/waterfronts/pdf/text_2006_legislation_modifying.pdf)
- **Local/State government Initiatives:**  
 Waterfronts Florida Partnership Program:  
[www.dca.state.fl.us/fdcp/dcp/waterfronts/index.cfm](http://www.dca.state.fl.us/fdcp/dcp/waterfronts/index.cfm)  
 Upon funding, communities receive technical training in a two-phase process:  
 Year 1: Development of a new or refined community-designed vision plan (special area management plan) to guide the revitalization of the community's designated waterfront area.  
 Year 2: Implementation of the vision plan by incorporating elements into the comprehensive plan and undertaking projects that further the cause of preserving waterfronts.
- **Funding Sources:**  
 See list of potential waterfront access funding available in Florida in Appendix D, Initiatives in Other States and Regional/Federal Initiatives.
- **Community Resources:**  
 The University of Florida Law Conservation Clinic-  
[www.law.ufl.edu/conservation/waterways/waterfronts/index.htm](http://www.law.ufl.edu/conservation/waterways/waterfronts/index.htm)

The University of Florida Law Conservation Clinic in conjunction with partners, Florida Sea Grant and the Waterfronts Florida Partnership Program, has created a website with materials to assist local governments in Florida and others with understanding recent waterfront related legislative changes, tax deferral strategies, discussion papers on public to private conversions of waterfronts, and a toolbox of local government policies for use by communities attempting to understand the options available to address waterfront access. The resources include fact sheets on:

- |  |  |
|--|--|
| > <a href="#">Moratoria</a> (pdf)            | > <a href="#">Concurrency: Levels of Service for Public Access</a> (pdf) |
| > <a href="#">Zoning</a> (pdf)               | > <a href="#">Transferable Slip Rights</a> (pdf)                         |
| > <a href="#">Exactions</a> (pdf)            | > <a href="#">TDRs</a> (pdf)   |
| > <a href="#">Incentive Strategies</a> (pdf) | > <a href="#">Visual Access</a> (pdf)                                    |
| > <a href="#">Design Standards</a> (pdf)     | > <a href="#">Liability Waivers</a> (pdf)                                |
| > <a href="#">No-Net-Loss Policy</a> (pdf)   | > <a href="#">Rights of Way</a> (pdf)                                    |

There are also links to other websites including the Waterfronts Florida Partnership Program.

## **NORTH CAROLINA:**

North Carolina Sea Grant, Waterfront Access Initiatives: Provides extensive information on current waterfront access initiatives in NC and resources on a variety of related topics.

[www.ncseagrant.org/waterfronts](http://www.ncseagrant.org/waterfronts)

North Carolina Waterfront Access Study Committee: Established by the General Assembly in 2006, the 21-member study committee developed a report providing information on current waterfront access issues in North Carolina and recommendations on developing solutions to address these issues. Members represented a spectrum of interests, including state and local agencies and commissions, scholars, and business interests, such as economic development, fisheries, marine trades, and real estate.

- **FINAL REPORT:** [www.ncseagrant.org/files/WASC\\_FINAL\\_web.pdf](http://www.ncseagrant.org/files/WASC_FINAL_web.pdf)
- **For additional details of the WASC meetings, agenda, and transcripts, go to the “Meetings” section at:**  
[www.ncseagrant.org/index.cfm?fuseaction=page&filename=waterfronts.html](http://www.ncseagrant.org/index.cfm?fuseaction=page&filename=waterfronts.html)
- **Mechanisms for Supporting Waterfront Access:**
  - [Funding Mechanisms for Land Acquisition](#) (Erin Wynia, N.C. Coastal Resources Law, Planning, and Policy Center)
  - [Potential Funding Mechanisms/Sources and Their Advantages/Disadvantages](#), Erin Wynia, UNC-CH Law School
  - [Conditional Zoning in North Carolina](#) FINAL REPORT (submitted March 2007)
  - [The Working Waterfront: Incentive-based techniques for protecting the traditional waterfront worker](#), Jared Zajac, UNC-CH Law School, FINAL REPORT (submitted March 2007)
  - [Market-Based Planning Tools: An Overview of TDRs and PDRs](#), Kevin Cheshire, UNC-CH Law School FINAL REPORT (submitted February 2007)
- **General Resources:**
  - [An Inventory of Fish Houses along Coastal North Carolina](#), Barry Nash, NC Sea Grant Seafood Specialist, and Barbara Garrity-Blake, WASC Member
  - [An Inventory of North Carolina Fish Houses](#) FINAL REPORT (submitted March 2007)
  - [Defining "Access" in the N.C. Context](#), Joe Kalo and Walter Clark, Co-Directors, N.C. Coastal Resources, Law and Policy Center
  - [The NCWR Boating Access Program and Survey](#), Gordon Myers, WASC Member
  - [DCM's Beach and Estuarine Access Program](#), Steve Underwood, Division of Coastal Management
- **Legislation & Resolutions**
  - [Session Law:2006-248](#)
  - [SENATE BILL 646](#)
  - [Committee Member List and Contact Information](#)
  - [Resolution of the North Carolina Marine Fisheries Commission](#) on Public Access to the State's Estuarine and Marine Waters and Fisheries

- [Resolution of the North Carolina Coastal Resources Commission](#) on Public Access to the State's Coastal Waters and Fisheries
- [Resolution of Maritime Scholars](#) Concerned About the Future of North Carolina's Fishing Communities
- [Resolution Supporting the Protection of Public Access to Coastal Waters](#) (Wilmington City Council)
- [Resolution in Support of the Jennette's Pier Project](#) (Town of Nags Head)
- [Resolution of the Brunswick County Economic Development Commission on Public Access to the State's Coastal Waters and Fisheries](#) (Brunswick County Chamber of Commerce)
- [Resolution of Support](#) (Carteret County Chamber of Commerce Board of Directors)
- [Resolution of Carteret County Economic Development Council](#) (Board of Directors)

#### SOUTH CAROLINA:

- **Research Publications:**

[\*The Contribution of the Coast to the South Carolina Economy\*](#). Regional Economic Development Research Laboratory, Clemson University, September 30, 2002.

[\*Visitor Needs Assessment and Economic Analysis at South Carolina Beaches \(2006\)\*](#) , Chi Ok Oh, Clemson International Institute For Tourism Research & Development, June 2006.

*Assessing Recreational Needs at South Carolina Beaches*, M. Grant Cunningham, Clemson University, Department of Planning, September 28, 2006.

- **Potential Funding Resources:**

[SC Conservation Bank](#): To improve the quality of life in South Carolina through the conservation of significant natural resource lands, wetlands, historical properties, and archeological sites.

[Trust for Public Land, South Carolina](#): A national, nonprofit, land conservation organization that conserves land for people to enjoy as parks, community gardens, historic sites, rural lands, and other natural places, ensuring livable communities for generations to come.

[OCRM Coastal Access Improvement Grants](#): Awards grants to communities for projects that enhance public access to the water.

[Water Recreational Resources Fund](#) (SC Code of Laws, Section 12-28-2730): Program that is legislatively mandated and provides funds to support water recreational activities or facilities for public use.

County Game and Fish Fund (SC Code of Laws, Section 50-9-910): Program that is legislatively mandated and provides funds for the protection, promotion, propagation, and management of wildlife and fish and the enforcement of related laws

Nature Conservancy: Conservation organization that often works with other state agencies and other non-profit land trust organizations to preserve critical lands.

Beaufort County Rural & Critical Lands Preservation Program: Program by which Beaufort County Council acquires property for conservation, parks, buffers, scenic vistas and for preservation of valuable economic and natural resources.

- General Resources:  
[S.C. Sea Grant Consortium, \*Coastal Heritage\* publication, “Our Changing Waterfronts”](#)

#### OTHER STATES:

- **Mississippi/Alabama – Funding Sources:**

2005 Gulf Opportunity Zone (GO Zone) Act: Offers a variety of tax incentives, some of which could be used by working waterfront communities within designated GO Zones (which include the coastal counties of Alabama and Mississippi). Some incentives include:

- Increases in the Rehabilitation Tax Credit
- Fifty percent bonus depreciation within the GO Zone
- Increase in expensing limits for small businesses
- Carry back period for net operating loss extended from two to five years for certain circumstances
- Allows expensing 50 percent of cleanup and demolition costs in the GO Zone
- Expansion of the Employee Retention Tax Credit
- Increase in new markets tax credits
- Additional bonding authority
- Allows municipalities to reduce costs by restructuring outstanding debt
- Authorizes Gulf Tax Credit Debt Service Bonds

Community Development Block Grants: helps local governments recover their potential by providing funds necessary to provide basic community services, environmental quality, economic opportunities, and decent housing. Currently, there is an RFP available for a working waterfronts block grant that is aimed at recovering the commercial fishing, for-hire/charter industries, that is similar in nature to a program in Louisiana.

Alabama Industrial Development Grant Program: Program pays for site preparation for land owned or leased by various local government entities and authorities. This may be

useful for ancillary facilities that provide services to working waterfronts, such as vessel haul-out/repair and construction.

Alabama Infrastructure Grant Program: Facilitates the location or expansion of existing industry and the infrastructure needs of that industry (i.e., sewer, utilities, etc.)

Alabama Industrial Access Road and Bridge Program: Provides financial assistance to communities for industrial access to new and expanding industries. This could be important as fishing businesses rebuild their waterfront infrastructure.

Mississippi Tidelands Trust Fund: The trust receives money from leases of tidelands and submerged lands. These funds are then used for various tideland management programs that include preservation, acquisition or enhancement of public access to public trust tidelands.

Mississippi Infrastructure Development Grant Program: Finances small infrastructure projects to promote economic growth.

Mississippi Job Protection Grant Program: Provides funds to “at-risk” industries for job retention and to improve productivity and competitiveness.

Mississippi Local Governments Capital Improvements Revolving Loan Program: Provides loans to finance capital improvement projects including renovation, repair, and/or purchase of buildings for economic development purposes.

Mississippi Business Investment Program: Finances authorized improvements that complement investments by private companies that will increase domestic commerce.

## **MAINE:**

[Maine Sea Grant, Waterfront Resources](#): Resources on a variety of topics in Maine and the nation dealing with working waterfronts and waterfront access including:

[Coastal Access Studies](#)

[Current Use Taxation](#)

[Economic Impact Studies](#)

[US Ocean and Coastal Economy](#)

[Educational Publications](#)

[Investments of Funding](#)

[Opportunities](#)

[Protecting Working Waterfronts](#)

[Legislative Reports](#)

[Maine Coastal Plan](#)

[Maine Working Waterfront](#)

[Coalition](#)

[Marine Trades](#)

[National Legislation](#)

[Working Waterfront Bond](#)

[Tourism and Related](#)

[Additional Useful Websites](#)

[For More Information](#)

[Maine Coastal Program: Working Waterfronts Initiative](#):

Extensive list of community and funding resources and organizations in support of working waterfront initiatives in Maine - [www.maine.gov/spo/mcp/wwi/resources.php](http://www.maine.gov/spo/mcp/wwi/resources.php)

#### Island Institute, Working Waterfront Program:

This organization is a membership-based community development organization focusing on the Gulf of Maine. One of their program areas focuses on working waterfronts.

- FINAL REPORT: [Mapping Maine's Working Waterfront](#)
- [The Affordable Coast Fund](#): Grant program designed to address two critical issues facing Maine's year-round island communities: diminishing saltwater access for those who depend upon fishing for their livelihoods, and the lack of affordable housing in Maine's island communities.
- [The Working Waterfront](#): Monthly publication about relevant issues in Maine
- [The Maine Working Waterfront Coalition](#) – a statewide group of industry associations, nonprofits, state agencies, and concerned citizens, formed to preserve working waterfronts. Their work has led to the creation of a Current Use Taxation program for commercial fishing properties and the Working Waterfront Access Pilot Program
- [Maine Working Waterfront Coalition Accomplishments of 2003-2005](#)  
Detailed history of the Coalition with landmark dates, successes, and events.
- [WWC Association Membership List 3 January 2006](#)
- [WWC Case Study Update 3 January 2006](#)  
A 2-page factsheet outlining the issue and the WWC approach
- [WWC Governance Structure](#)

#### Maine's Department of Marine Resources, Working Waterfront Access Pilot Program:

Funding program to assist commercial fisheries businesses, co-ops, municipalities and other interested parties in securing strategically significant working waterfront properties.

#### Coastal Enterprises, Inc.:

A private, nonprofit Community Development Corporation (CDC) and Community Development Financial Institution (CDFI) founded in 1977 to develop job-creating natural resources and small business ventures in primarily rural regions of Maine. Selected CEI publications on working waterfront issues include:

- [Preserving Commercial Fishing Access: A Study of Working Waterfronts in 25 Maine Communities](#)
- [Tracking Commercial Fishing Access: A Survey of Harbormasters in 25 Maine Coastal Communities](#)
- [The Contribution of Working Waterfronts to the Maine Economy](#)

#### **FEDERAL AND REGIONAL:**

Working Waterways & Waterfronts 2007: A National Symposium on Water Access:

In May 2007, a national symposium on water access issues was held in Norfolk, VA to serve as a catalyst to organize and share the most current thinking regarding the growing



impediments to boating and fishing access. Through presentations and panel discussions attendees learned about local, state, and national-level initiatives designed to address issues of water access and water-dependent industries. This symposium offered a unique opportunity for coastal zone, city and regional planners, public officials, resource agency staff, water-based enterprises (marinas, boat yards, etc.), academics, aquatic resource educators, fishery management professionals, and the fishing and boating industries to exchange ideas and develop potential collaboration strategies that address public access needs. Full proceedings from the symposium including the agenda, participants, and all presentations are available at: [www.wateraccess2007.com/](http://www.wateraccess2007.com/)