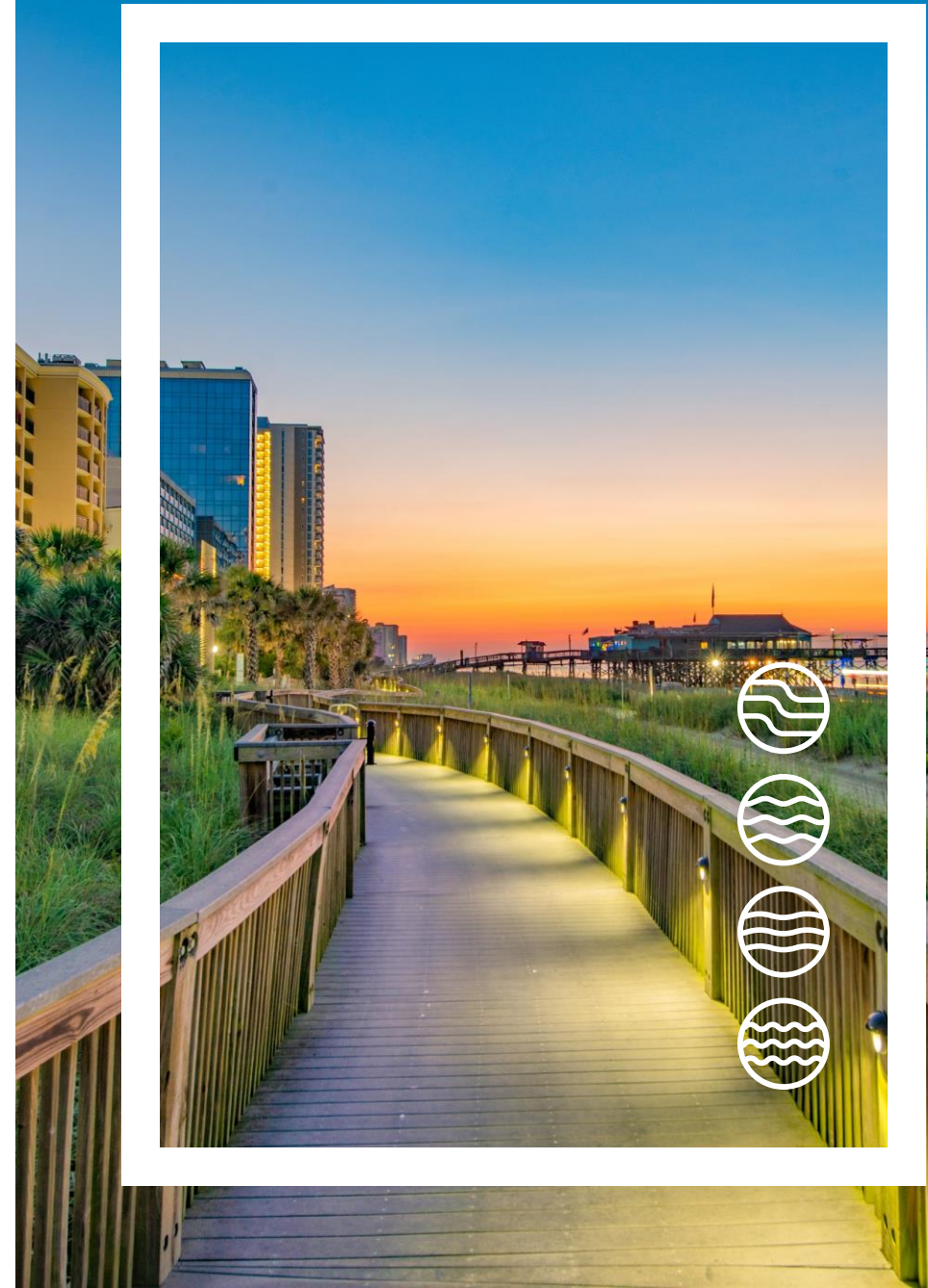




SC DEPARTMENT of  
**ENVIRONMENTAL  
SERVICES**

# South Carolina Living Shoreline **Regulations and Permitting**

**Blair Williams - SC Department of Environmental  
Services, Bureau of Coastal Management, Critical  
Area Permitting Manager**



# SCDES BCM Regulatory Authority

- SCDES BCM has direct regulatory authority within the State's **critical areas**.
  - Coastal Waters
  - Tidelands
  - Beaches
  - Beach/Dune System
- Alterations within the critical areas, including **living shoreline installations**, require a permit.



# Developing SC Living Shoreline Regulations

**2016:** SCDES BCM begins 5-year strategy to develop living shoreline regulations

**2017:** Stakeholder Engagement - SC Living Shoreline Working Group established

**2019:** Summary of Living Shoreline Research to Inform Regulatory Decision-Making in SC

**2020:** Living shoreline regulation development - SC Administrative Procedures Act

**2021:** Living shoreline regulations passed by the South Carolina General Assembly.

# SC Regulatory Living Shoreline Definition

**Living Shoreline** - *A shoreline stabilization approach utilized in intertidal wetland environments that maintains, restores, and/or enhances natural estuarine processes through the strategic placement of native vegetation and/or use of green infrastructure as described in 30-12.Q. Living shorelines promote wetland resiliency and water quality, and enhance the diverse intertidal habitat.*

***South Carolina Code of Regulations R.30-1.D***

# Living Shoreline Regulations (R.30-12.Q)

- Living shorelines are encouraged as an **alternative to traditional hardened erosion control structures** in estuarine environments because they provide an environmental benefit and reduce the environmental impacts associated with hardened structures.
- Living shoreline methods involve planting of **native vegetation** and/or the installation of other **green infrastructure**.



# Living Shoreline Regulations (R.30-12.Q)

- Green infrastructure includes softer approaches to protecting estuarine shorelines and consists of **materials that promote growth of native biological components** and **maintain continuity of the natural land-water interface**.
- Environmental conditions of a site will be considered in the evaluation of living shoreline applications including whether the type of living shoreline has **demonstrated success**.



# Living Shoreline Regulations (R.30-12.Q)

- **Demonstrated success** can include an increase in the presence of native vegetation and/or oysters, and an increase in elevation on the landward side of the living shoreline installation.



Coir Log - Photo Credit SCDNR

# Living Shoreline Regulations (R.30-12.Q)

- (1) Living shorelines are limited to **waterfront parcels or lots** as defined in R.30-1.D.
- (2) Living shorelines must be **constructed within extended property boundaries** of the permittee for individual projects. One application may be submitted for a living shoreline installation that involves more than one adjoining waterfront parcel. The Department may consider an alternative alignment on a site-by-site basis if site-specific characteristics warrant such an alignment.



Crab Trap Reef - Photo Credit SCDNR



# Project Standards (R.30-12.Q)

- (3) Living shorelines must be **shore parallel and aligned to conform to the natural contours of the shoreline** to the maximum extent feasible.
- (4) Living shorelines **must not be installed in creeks less than twenty (20) feet in width** as measured from marsh vegetation on each side unless special geographic circumstances exist. In all cases, the Department will consider any navigational concerns when evaluating the siting of living shoreline projects.



# Project Standards (R.30-12.Q)

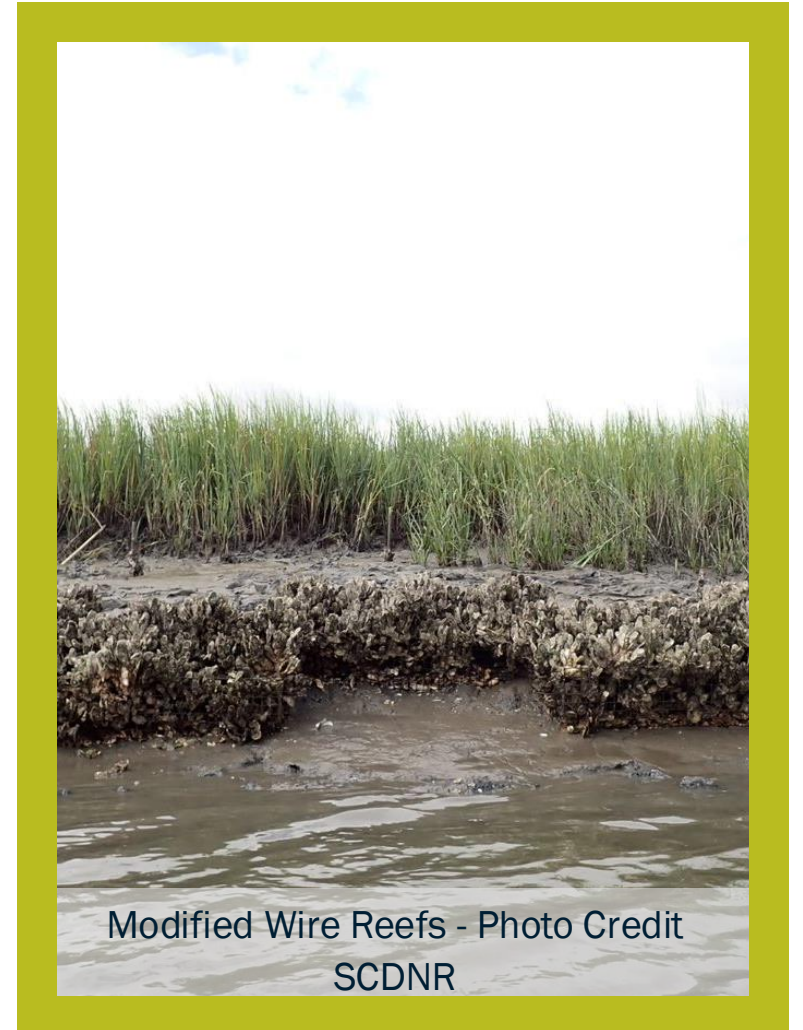
- (5) All living shoreline applications must demonstrate that the installations are designed to **promote growth of native biological components**. Only **native vegetation** may be used if the site is planted. Living shoreline installations must be composed of **Department approved materials**. Approval of materials by the Department may require the applicant to submit a certified letter from the supplier of the source material.



SCDNR volunteers make a Modified Wire Reef (MWR) - Photo Credit SCDNR

# Project Standards (R.30-12.Q)

- (6) The size and extent of the living shoreline must be **limited to that which is reasonable for the intended purpose**. All living shoreline applications must demonstrate that the living shoreline is designed and constructed in a manner that:
  - a) does not restrict the reasonable navigation or public use of state lands and waters;
  - b) has minimal effect on natural water movement and in no case prohibits water flow;
  - c) does not prevent movement of aquatic organisms between the waterbody and the shore;
  - d) maintains, restores, and/or enhances shoreline ecological processes;
  - e) maintains continuity of the natural land-water interface; and
  - f) prevents the installation from being displaced which can result in marine debris.



# Project Standards (R.30-12.Q)

- (7) **Filling or excavation of vegetated tidelands for the construction of a living shoreline is prohibited.** Minimal impacts to non-vegetated tidelands may be permitted to achieve a successful installation only if no feasible alternative exists. Projects with proposed non-vegetated tideland impacts must provide sufficient evidence that no feasible alternative exists and must demonstrate avoidance and minimization of impacts. Construction of living shorelines must not disturb established, live shellfish beds. Living shoreline installations must not be constructed in a manner that results in the creation of upland.



Coir log and shell bag installation - Photo Credit  
SCDNR

# Project Standards (R.30-12.Q)

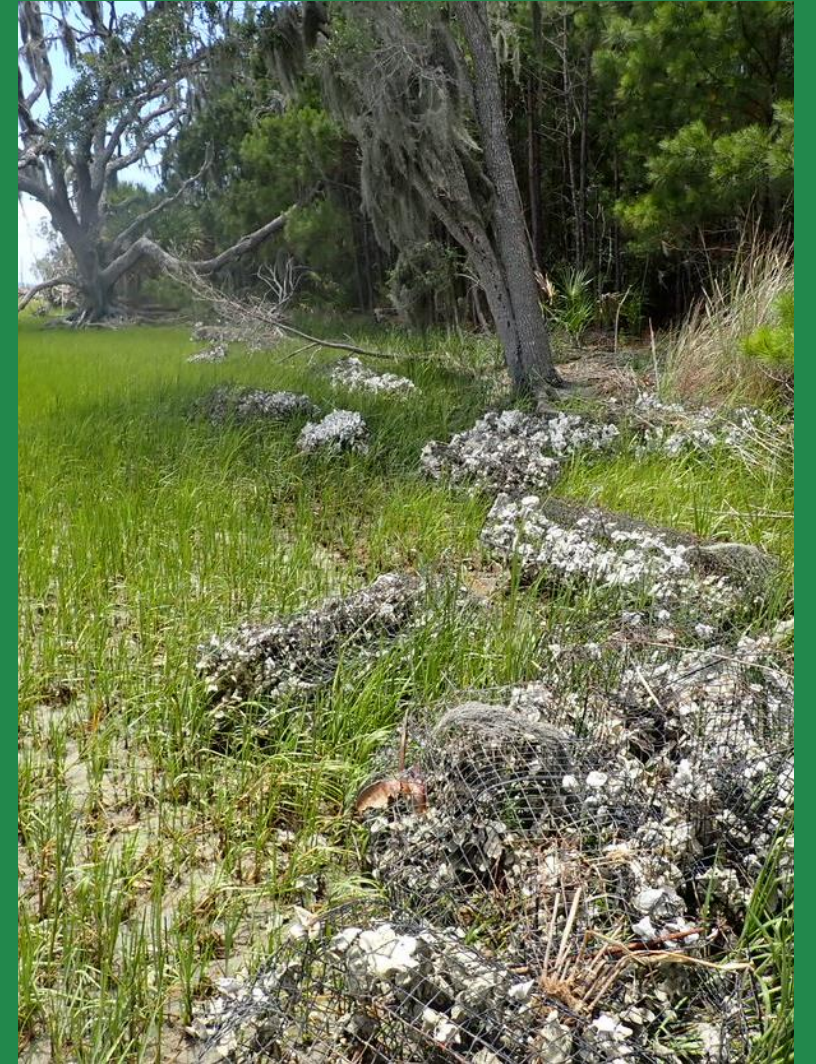
- (8) Living shorelines **must be maintained** by the permittee such that the installation is generally intact and functional. **The Department may require the permittee to monitor** the living shoreline subject to the critical area permit to determine whether the installation is functioning as intended, results in marine debris, or impedes navigation or public use of state lands and waters.



Modified Wire Reefs - Photo Credit SCDNR

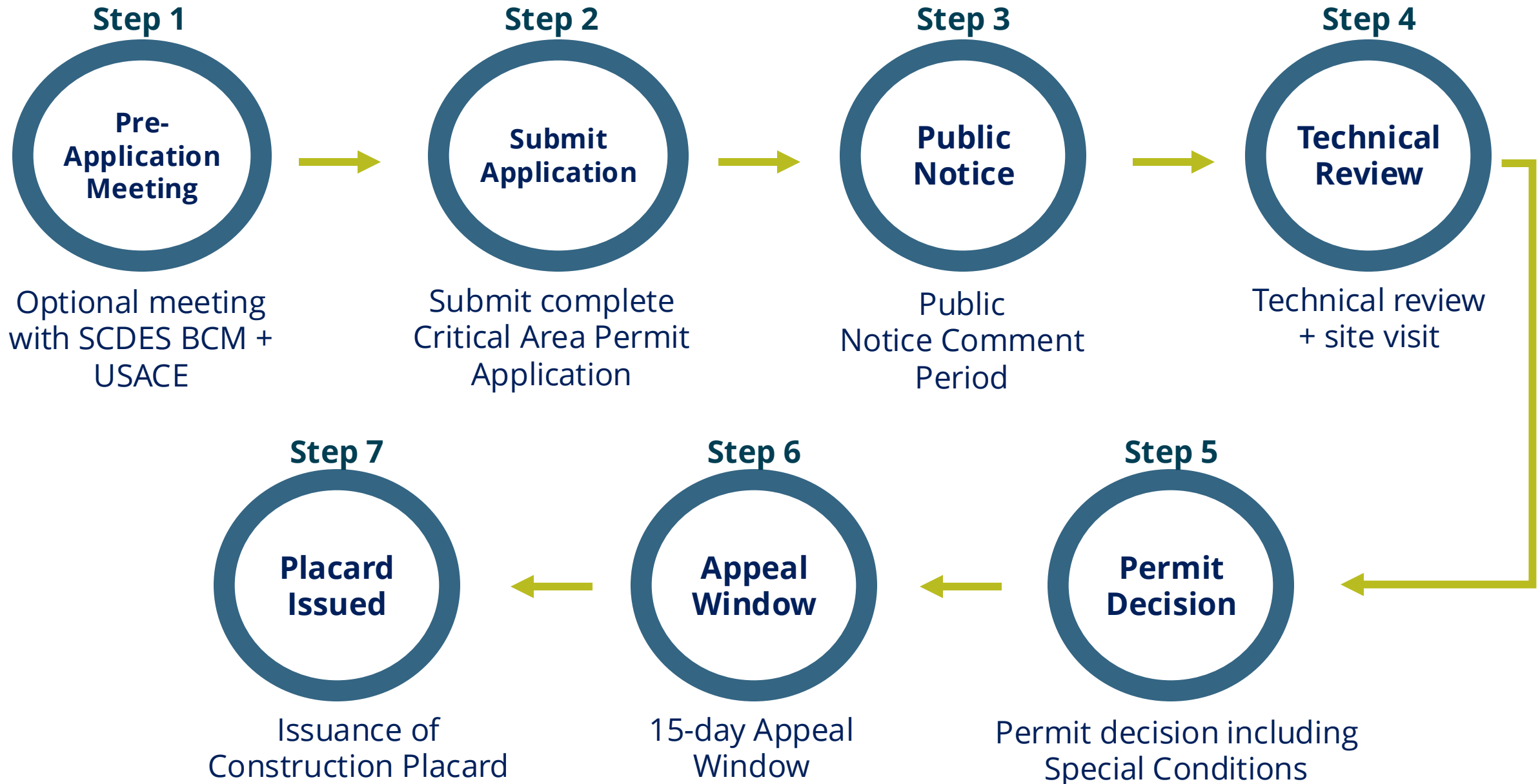
# Project Standards (R.30-12.Q)

- (9) The **Department may require remediation or removal** of a living shoreline for reasons that include, but are not limited to:
  - a) the installation is no longer generally intact and functional;
  - b) the installation has resulted in marine debris;
  - c) the installation impedes navigation or public use of state lands and waters; or
  - d) the installation is not accomplishing the intended purpose of the living shoreline.
- (10) If a living shoreline is destroyed by natural events, the installation may be rebuilt to its previously permitted configuration so long as reconstruction is completed within one (1) year of the date of the event unless there are extenuating circumstances justifying more time.



Displaced Modified Wire Reefs - Photo Credit SCDNR

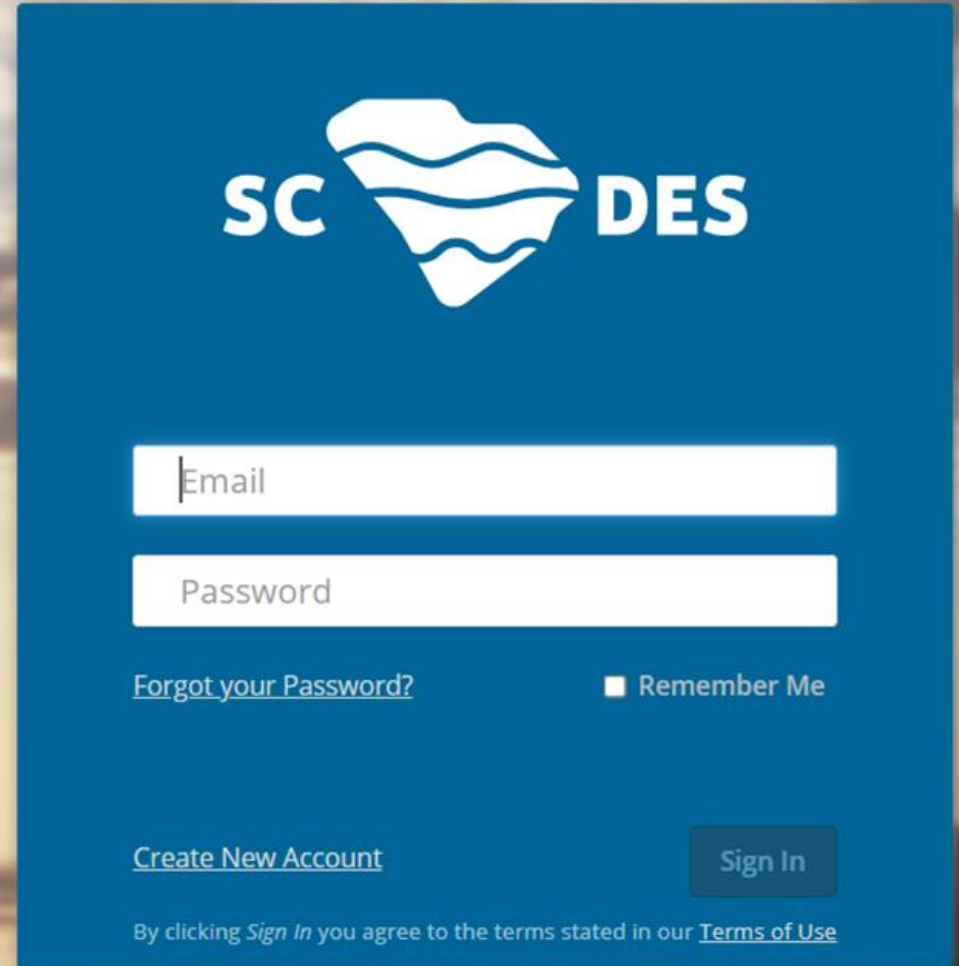
# State Permitting Process



# State Permitting Fees

- Minor Activities - \$250.00 for private property
- Major Activities - \$1,000.00 for commercial properties
- Local Agency Request - \$250.00
- State Agency Request - No fee

SCDES ePermitting:  
<https://epermweb.dhec.sc.gov/ncore/external/home>

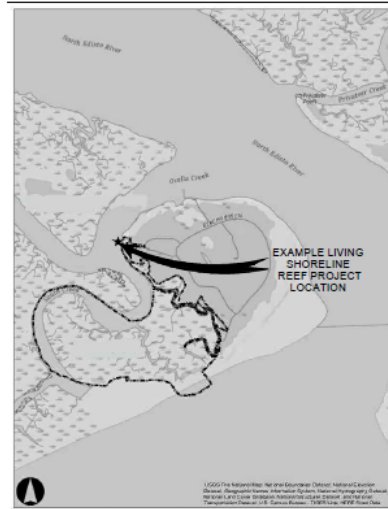


The image shows a login interface for SCDES ePermitting. It features a blue background with the SCDES logo at the top. Below the logo are two input fields for 'Email' and 'Password'. There are links for 'Forgot your Password?' and a 'Remember Me' checkbox. At the bottom, there are links for 'Create New Account' and a 'Sign In' button. A disclaimer at the bottom states: 'By clicking Sign In you agree to the terms stated in our Terms of Use'.



# Professional Drawings

## FOR ILLUSTRATIVE PURPOSES ONLY EXAMPLE LIVING SHORELINE REEF PROJECT CHARLESTON COUNTY, SOUTH CAROLINA

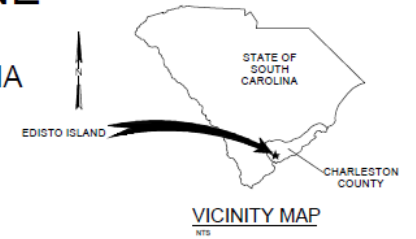


LOCATION MAP  
NTS

AFFECTED PARCELS:

LAT AND LONG:

DIRECTIONS:



PROJECT INFORMATION:  
APPLICATION NUMBER:  
PROJECT ADDRESS:

COUNTY:  
ACTIVITY:  
DATE:  
APPLICANT:

CONTACT INFORMATION:  
APPLICANT:

AGENT:

DESIGNER:

DRAWING COURTESY  
OF THE NATURE  
CONSERVANCY AND  
JACOBS SOLUTIONS

### INDEX OF DRAWINGS

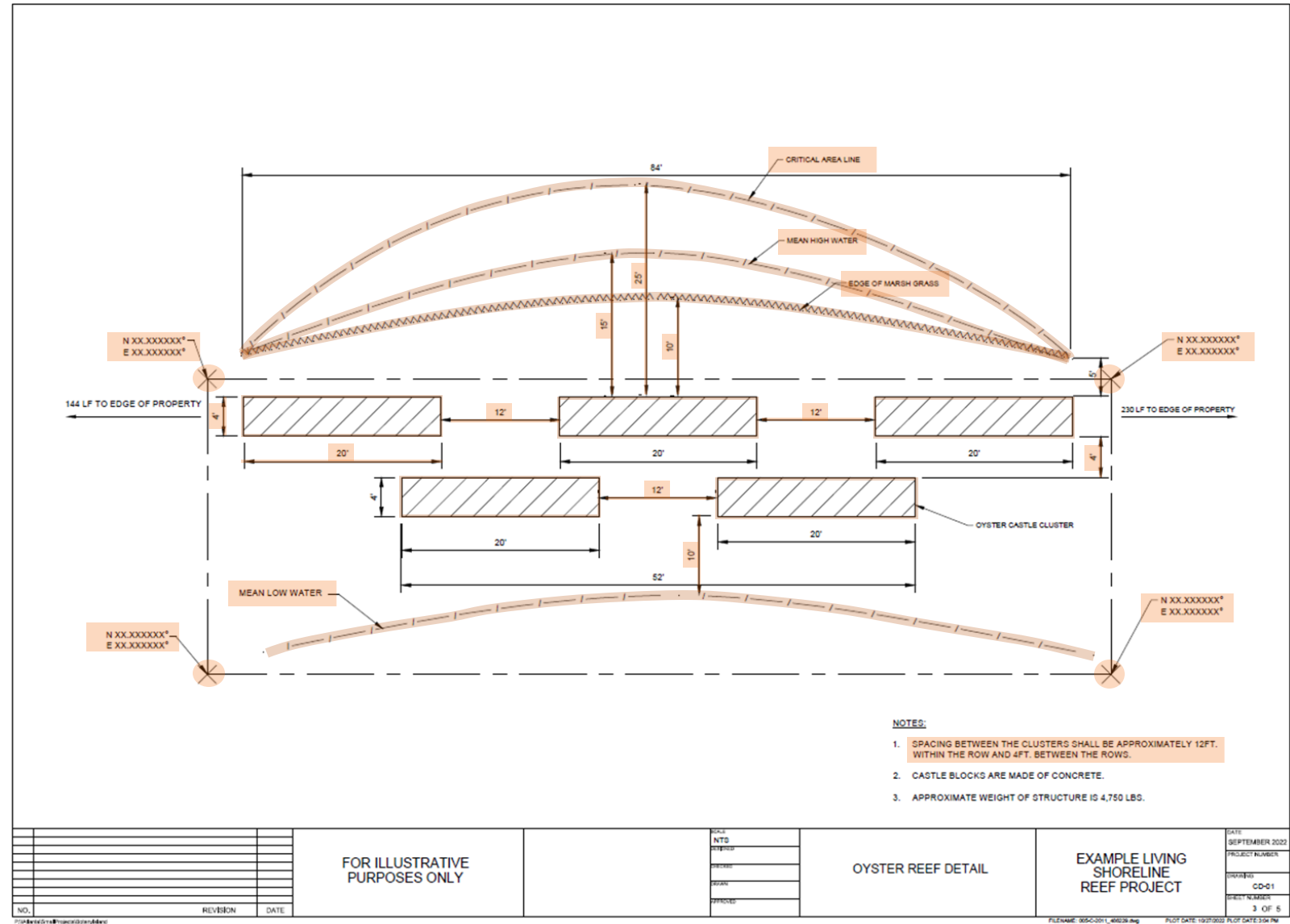
G-01	TITLE SHEET, VICINITY MAP AND LOCATION MAP
CG-01	PROPOSED CONDITIONS SITE PLAN
CP-01	SITE PROFILE
CD-01	OYSTER REEF DETAIL
CD-02	OYSTER REEF DETAIL

			FOR ILLUSTRATIVE PURPOSES ONLY		TITLE SHEET, VICINITY MAP AND LOCATION MAP		EXAMPLE LIVING SHORELINE REEF PROJECT		DATE: SEPTEMBER 2022	
									PROJECT NUMBER	
									DRAWING: G-01	
									SHEET NUMBER: 1 OF 5	
									FILENAME: 005C-001_0001.dwg PLOT DATE: 10/25/2022 PLOT DATE: 10:45 AM	
NO.	REVISION	DATE								



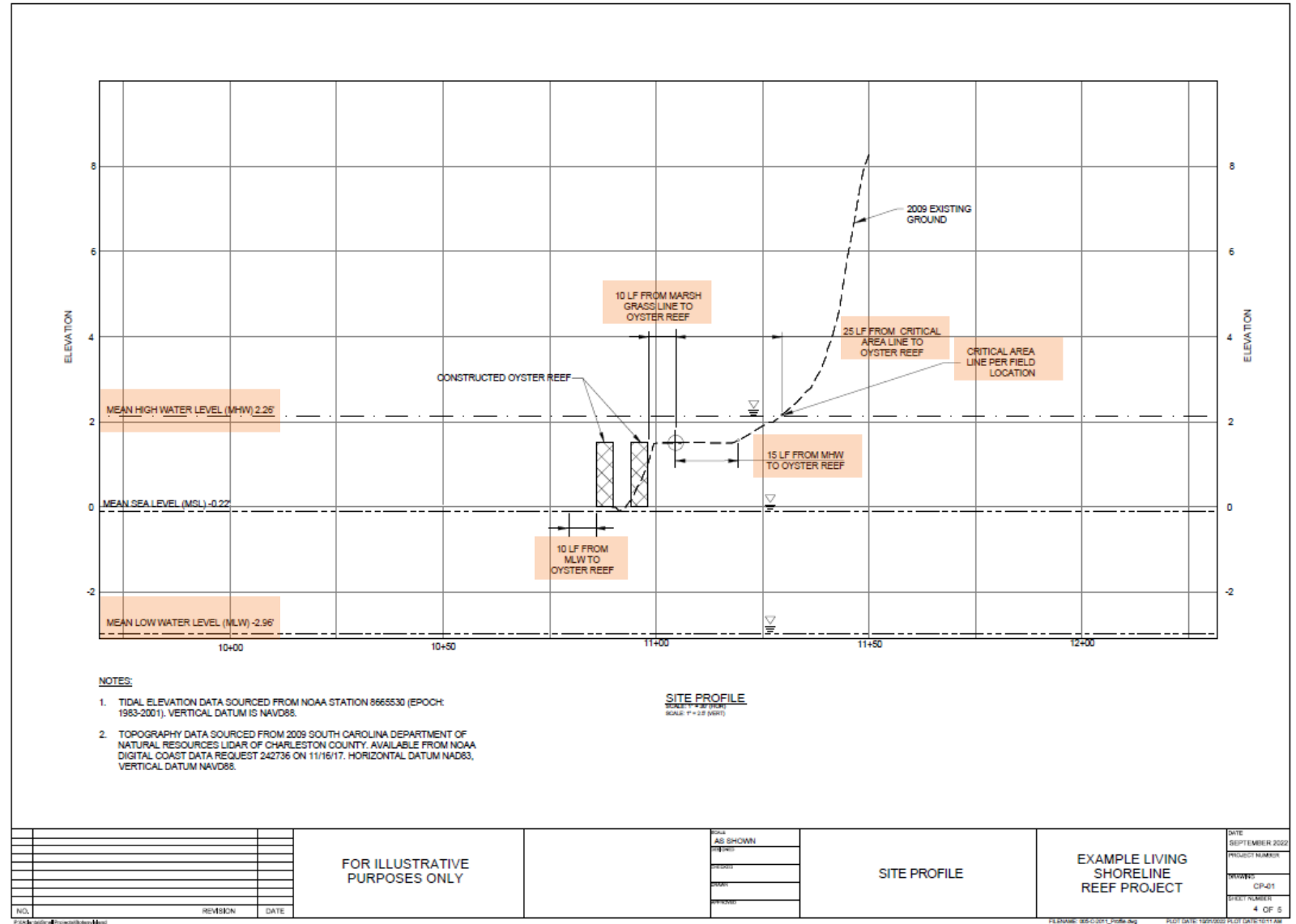
# Plan View

- Distance to:
  - Critical line (required for projects with an eroding upland/marsh interface)
  - MHW
  - Eroding shoreline/edge of marsh
  - MLW
- Footprint and dimensions
- Spacing
- Coordinates on 4 corners of project site



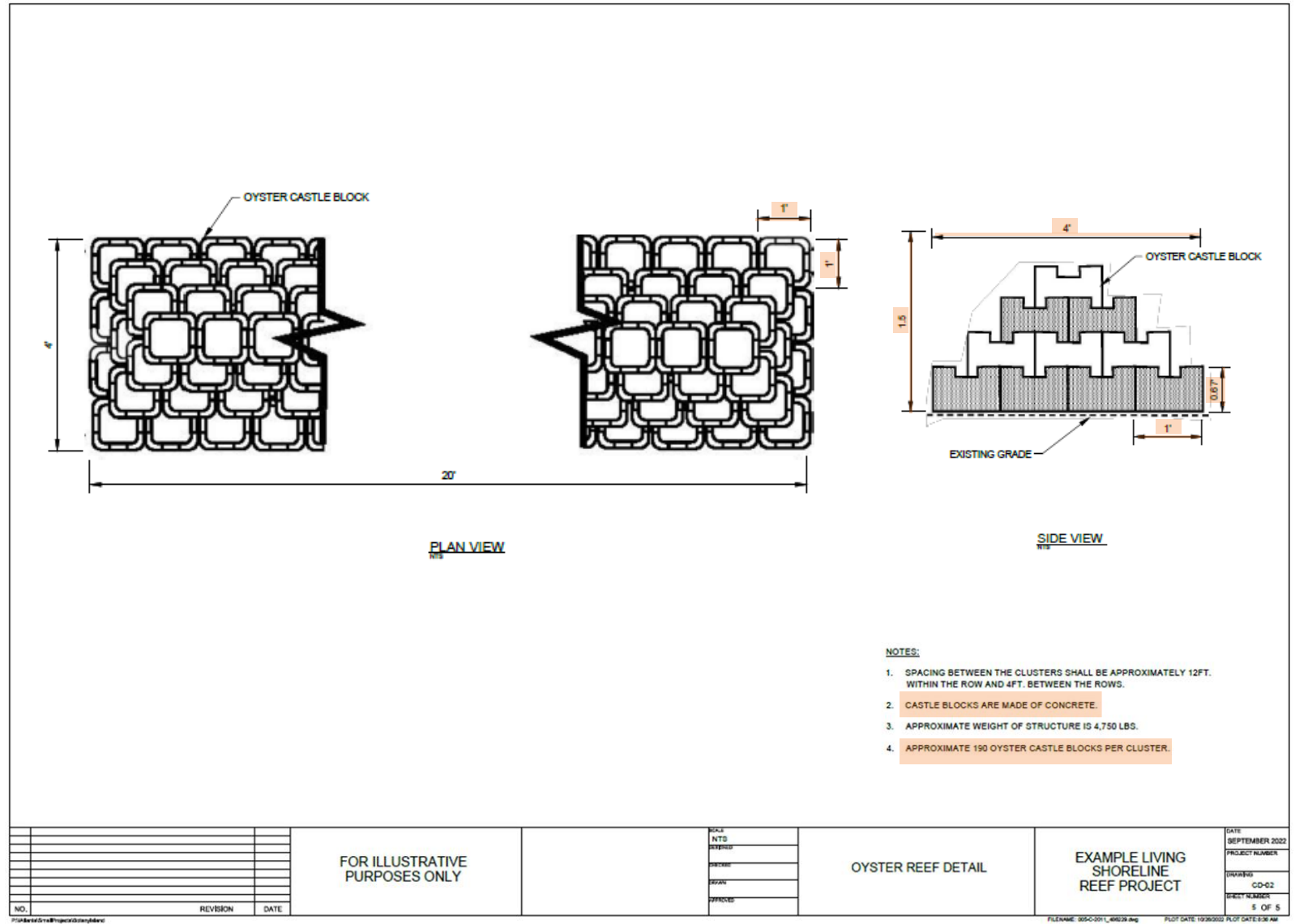
# Side View

- Distance to:
  - Critical line (required for projects with an eroding upland/marsh interface)
  - MHW
  - Eroding shoreline/edge of marsh
  - MLW



# Material Details

- Type and quantity of materials
- Unit dimensions
- Stacked dimension



# Federal Permitting

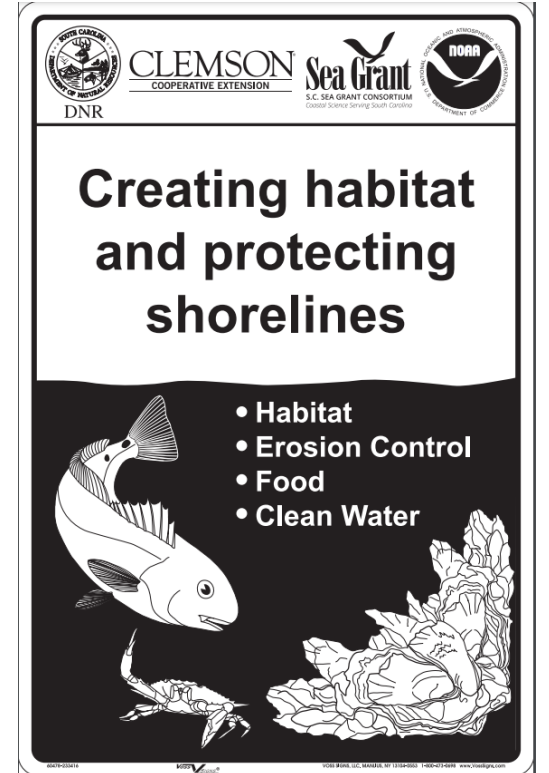
- Federal authorization from U.S. Army Corps of Engineers (USACE) required for **all** living shoreline activities in waters of the U.S. **prior** to construction.
- Pre-Construction Notifications (PCN) or Individual Department of the Army (DA) permit applications required for **all** living shoreline projects and **must** be submitted directly to USACE.
- U.S. Army Corps of Engineers Electronic Submittals:  
<https://www.sac.usace.army.mil/Missions/Regulatory/Electronic-Submittals/>

# Federal Permitting

- USACE will review and determine type of permit required, which **may** include:
  - **Nationwide Permit (NWP) 27** (Aquatic Habitat Restoration, Enhancement, and Establishment),
  - **NWP-54** (Living Shorelines), or
  - May be evaluated under an **Individual Department of the Army (DA) permit**.

# Signage Requirements

- If project requires federal authorization, **signage** will be required.
- Type of signage is determined by U.S. Coast Guard (USGC) and **depends on location and height** of proposed structures and/or fills.
- **Permittees must contact USCG** after USACE permit issuance.





# U.S. Coast Guard Signage Contact

U.S. Coast Guard PATON (Private Aids to Navigation) Requests:

**Address:**

USCG Seventh District Waterways Management (Attn: PATON Staff)  
909 SE 1ST Street  
Miami, FL 33131

**Email:** [SMB-D7-PATON@uscg.mil](mailto:SMB-D7-PATON@uscg.mil)

**CG-22554 PATON Request Form:**

<https://homeport.uscg.mil/Lists/Content/DispForm.aspx?ID=73838&Source=/Lists/Content/DispForm.aspx?ID=73838>

# Conclusions

- Living shoreline installations require a critical area permit from SCDES BCM.
- Pre-application meetings with SCDES BCM are strongly encouraged.
- Authorization from the U.S. Army Corps of Engineers is required for all living shorelines proposed in waters of the U.S.
- Federal authorization will require signage, type determined by the U.S. Coastal Guard.
- For general inquiries, or to request a pre-application meeting with SCDES BCM contact BCM.

# SCDES Webpages

- SCDES Living Shorelines:  
<https://des.sc.gov/programs/bureau-coastal-management/critical-area-permitting/living-shorelines>
- SCDES ePermitting: <https://des.sc.gov/permits-regulations/permit-central/epermitting>
- ePermitting Home:  
<https://epermweb.dhec.sc.gov/ncore/external/home>
- ePermitting Training:  
<https://des.sc.gov/permits-regulations/permit-central/epermitting/epermitting-training>

