



The seawall, shown here during its construction, impacts the public beach.

CASE BRIEF

On behalf of the Coastal Conservation League, we filed a complaint with the Beaufort County Circuit Court against SCDHEC and five beachfront property owners on Hilton Head who constructed a continuous seawall in front of their properties in 2018.

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Background - For over 30 years, since the Beachfront Management Act was enacted, South Carolina law, policies and practice have established and enforced a prohibition on new seawalls. The General Assembly declared that the use of armoring our shoreline through hard erosion control structures has been ineffective and given beachfront owners a false sense of security.

In addition, scientific data shows that **seawalls increase the vulnerability of beachfront property to damage, while also resulting in the loss of the public beach:** (i) they exacerbate erosion from wave energy, and (ii) they deprive sand replenishment as the shoreline migrates.

Our state policy is to protect, preserve, restore and enhance the beach/dune system as well as public access to and full enjoyment of these resources.

Action - In the summer of 2018, a group of five beachfront property owners on Hilton Head banded together to build a 449-foot long by 40-foot deep seawall on the beach in front of their properties. And **they did so without obtaining any permit or authorization.**

On behalf of the Coastal Conservation League and Karen Wells, a property owner adjacent to the seawall, we filed a complaint in the Beaufort County Circuit

Court against DHEC and the five beachfront property owners asking the court to declare that this seawall is unlawful.

As a significant construction project in the coastal zone, the landowners were required to obtain various land disturbance and coastal management program approvals from DHEC.

This structure was erected in “critical area,” which receives heightened protection, and should have been required to obtain an additional critical area permit from DHEC as well.

“We are asking the court to declare that this seawall is unlawful,” said SCERP Staff Attorney Jessie White. “We learned a long time ago that seawalls are environmentally destructive and ultimately result in the loss of public beaches. Their location on our beaches is simply a bad idea for all South Carolinians.”

Today’s management decisions will have a major impact on the health of our shoreline for this and future generations. If we allow seawalls to be erected anywhere on our beaches, we will lose valuable and cherished coastal resources forever.



THE PROBLEM WITH SEAWALLS

Seawalls are hard erosion control structures built parallel to the shoreline. Their purpose is to shield structures or property on the landward side; however, in doing so, seawalls prevent natural shoreline movement and cause erosion, ultimately leading to the loss of the public beach.

Seawalls do this in several ways:

- First, they cause **active loss of beach**, which occurs when waves bounce off the wall, scouring the base of the wall and increasing the rate at which sand is removed in front of the wall. Put simply, wave impact with the wall causes more beach sand to wash away.
- Next the walls cause **passive loss of beach**, which occurs when normal ocean levels move closer to the wall, eventually causing the beach in front of the wall to disappear. With the shoreline locked in place by a seawall, natural shoreline migration causes submersion of the dry sand beach behind it is no longer accessible to the public. The public is excluded from an area that otherwise might be part of the public trust.
- Finally, seawalls cause **placement loss**, which occurs because of the simple fact that a wall is on the beach and the land behind it is no longer accessible to the public. The public is excluded from an area that otherwise might be part of the public trust.



In 1988 the South Carolina General Assembly acknowledged that seawalls on our beaches were destroying the public beach by preventing the shoreline's migration and leading to loss of the public beach through these three loss mechanisms, and prohibited new seawalls in South Carolina. Our state's policy is to "protect, preserve, restore and enhance the beach/dune system," and the scientific evidence is that seawalls instead destroy these resources.

Moreover, under the Public Trust Doctrine, all citizens of the state have a legally protected right to recreate upon our beaches free from private encroachment. The Coastal Zone Management Act recognizes these rights by requiring DHEC to "preserve existing public access and promote the enhancement of public access to assure full enjoyment of the beach by all our citizens." DHEC can not carry out this directive if the prohibition on seawalls is weakened or eliminated.

As we have seen on our coast, once the ocean reaches the seawall, the sand that normally would feed the beach is trapped behind the wall. Yet as the ocean continues to move landward – either through natural erosion or gradual sea level rise – the dry sand beach disappears when a seawall is in place.

Ultimately, as erosion continues or the sea continues to rise, the public beach even at low tide will completely disappear. Over time, the result is a hard, vertical wall abutting the ocean without any sand. On parts of our coastline where seawalls have been allowed, a simple walk on the beach has become difficult, dangerous, or impossible.