

Marine Leasing on South Carolina's Coastal Submerged Lands: Potential Options and Considerations for Commercial and Conservation Strategies

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Consortium**

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Overview of Today's Talk

- **Questions addressed for this project**
- **Materials and Methods**
- **South Carolina's Submerged Lands Policy**
 - Shellfish
 - Marinas
 - Conservation
- **Examples of coastal states with Submerged Lands Leasing Programs**
- **Submerged Lands leasing options for South Carolina**
- **Overall conclusions and next steps**

Questions Addressed

- (1) How does South Carolina currently regulate its submerged lands?**
- (2) What submerged lands leasing options could South Carolina consider based on states that currently regulate through leasing?**

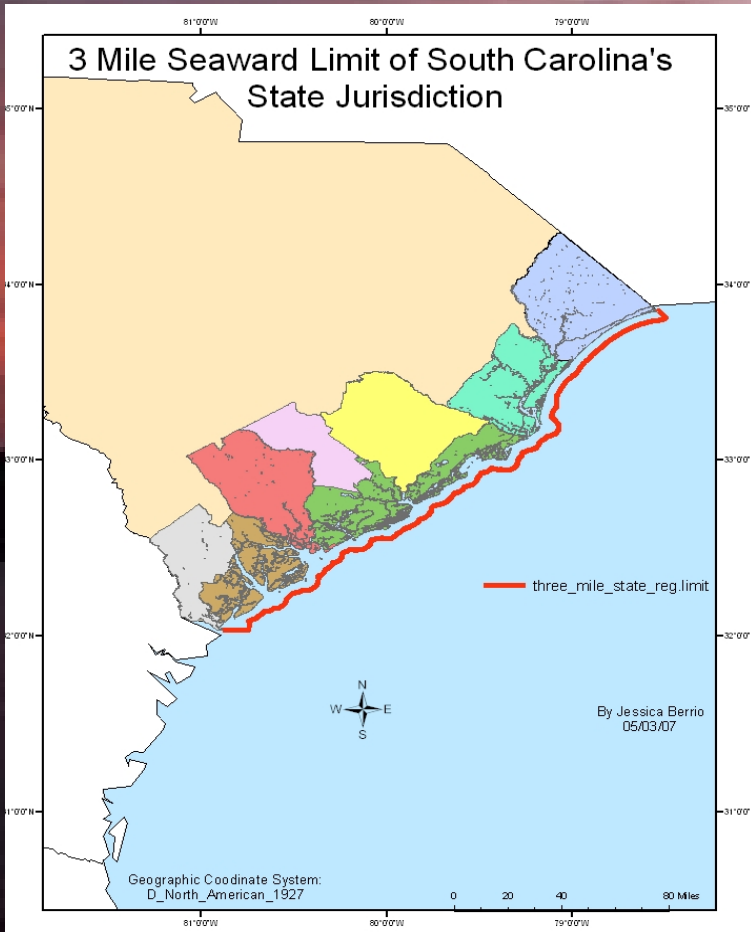
Materials and Methods

Information was gathered by:

- **Researching laws and policies**
- **Reviewing documents and journals related to the management of submerged lands**
- **Conducting interviews with different state marine land managers**
- **Reviewing case studies involving the implementation of conservation strategies occurring on submerged lands**
- **Addressing how South Carolina manages its coastal zone- specifically state submerged lands**

How does South Carolina Regulate its Coastal Zone?

- **South Carolina's Coastal Zone Management Act (Coastal and Tidal Wetlands Act-Section 48-39-10):**
 - Definition of the coastal zone
 - Definition of the critical area

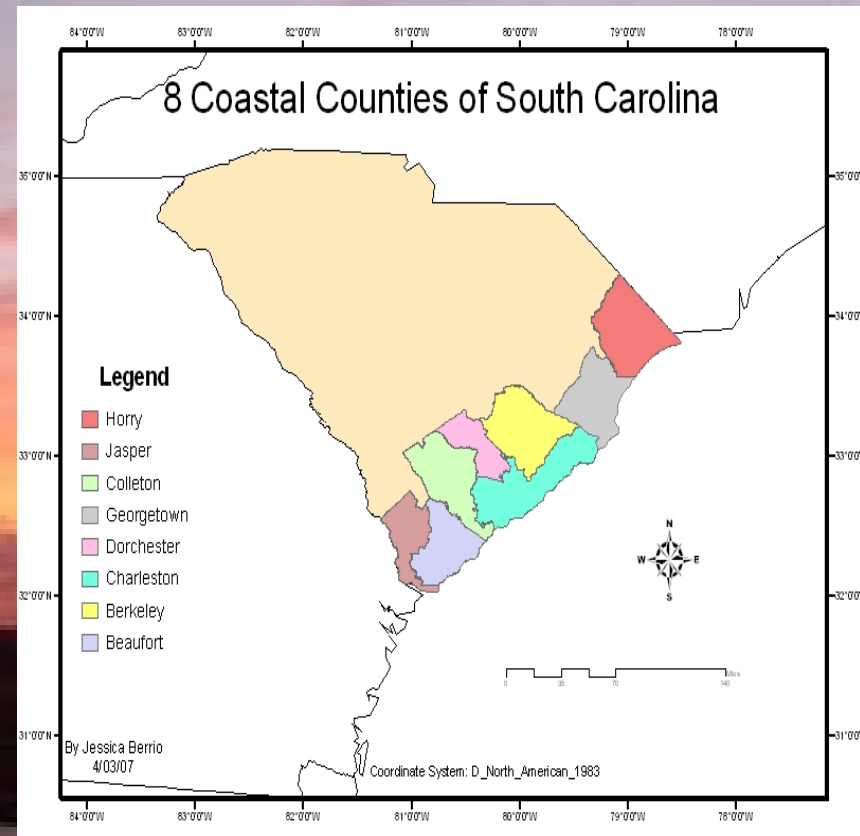


Shellfish Harvesting in South Carolina



South Carolina's Current Submerged Lands Policy

- South Carolina does not have a submerged lands leasing program
- Currently the State has a licensing program-
 - Activities allowed on state submerged lands:
 - Shellfish harvesting
- Current Regulations:
 - Exclusive area licenses can only be acquired by private individuals for a commercial purpose which means that:
 - “The individual is to be engaged in buying or selling fish, taking or attempting to take fish in order to derive income or other consideration, using commercial equipment, and otherwise being engaged in the fisheries industry with the intent to derive income”



Shellfish Harvesting on South Carolina's Submerged Lands

- Overall, there are 5 different types of shellfish harvesting grounds in South Carolina, including:

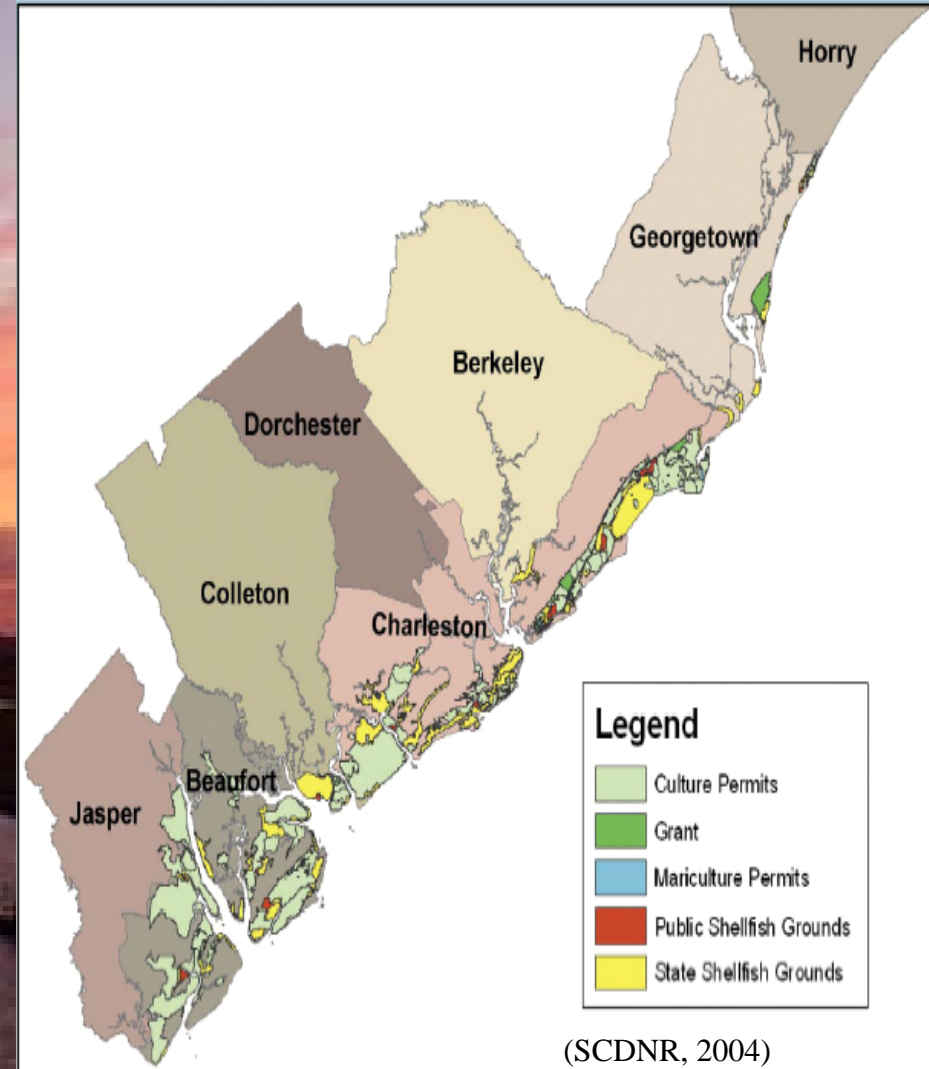
- (1) Culture permitted areas

- (2) Granted areas

- (3) Mariculture permitted areas

- (4) Public shellfish grounds

- (5) State shellfish grounds





Shellfish Harvesting Requirements



SC Shellfish Grounds:

- 20 public shellfish grounds make up approximately 100 acres (SCDNR, 2004)
- 61 state shellfish grounds (intertidal) account for 222 acres (SCDNR, 2004)
- Shellfish Culture permits account for approximately 1,800 acres (SCDNR, 2004)

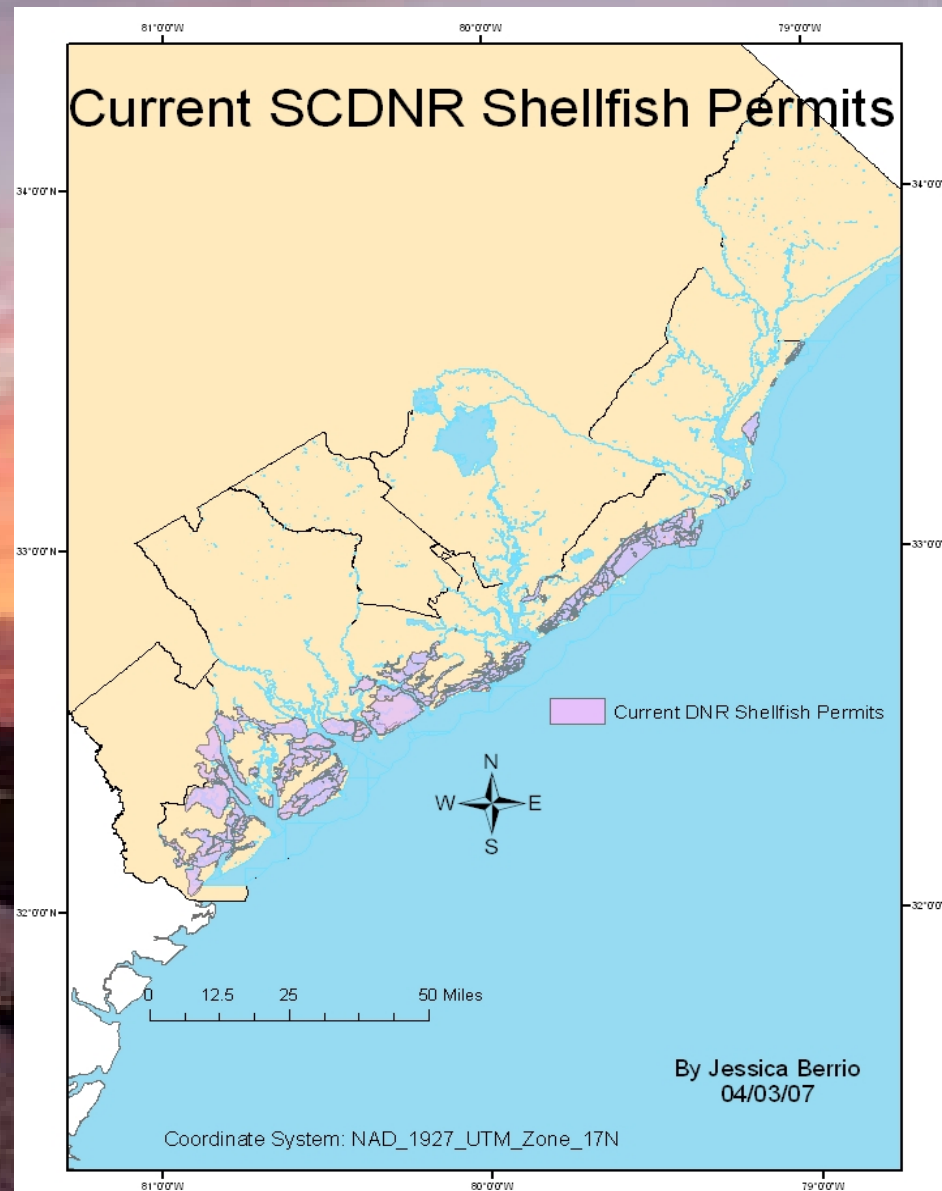


Private/Commercial Shellfish Grounds



Commercial Shellfish Harvesting:

- Annual fees
- Licensing Requirements
- Additional Fees
- Planting Quotas

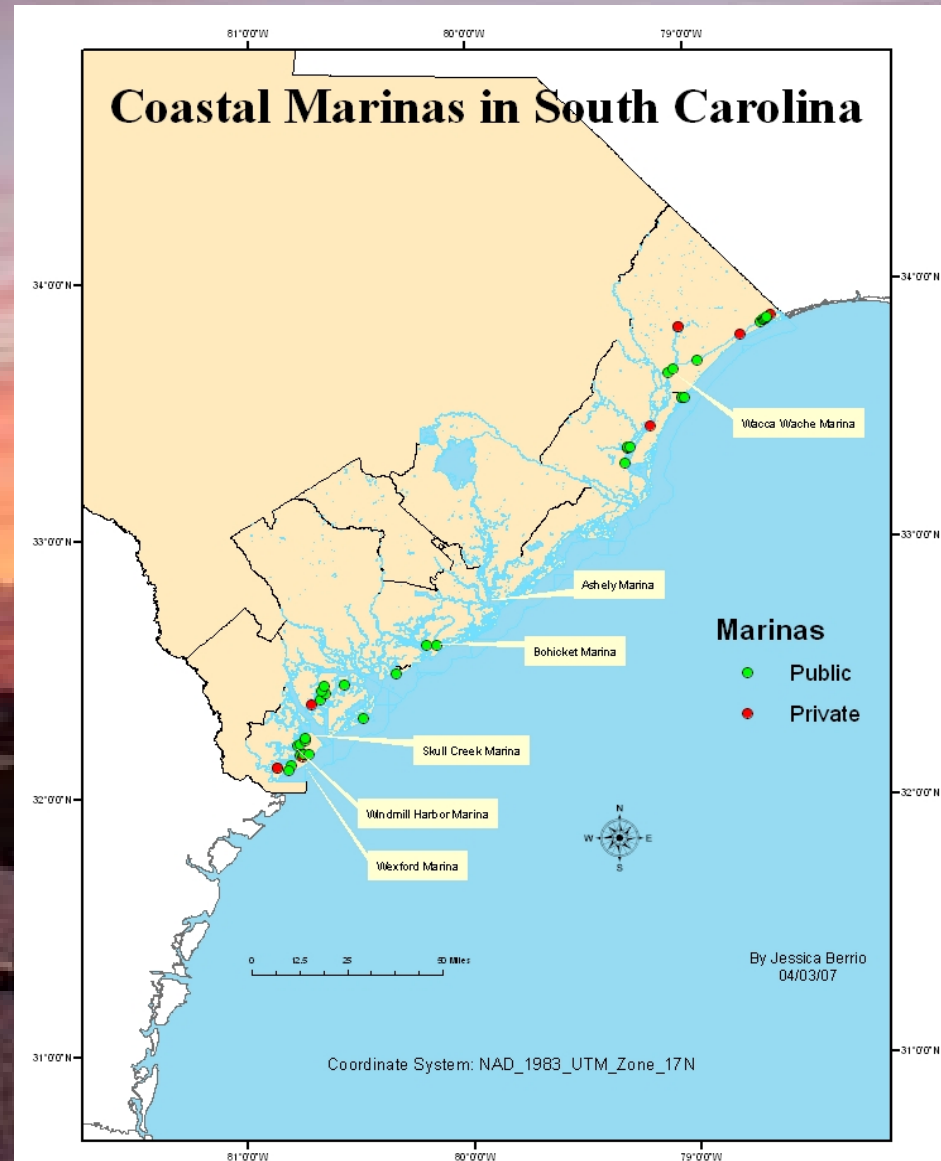


Marinas in South Carolina



Other Permitted Activities on South Carolina's Coast Impacting Submerged Lands: Marinas

- The Definition of a marina in South Carolina
- Conversions from traditional leases to condominium sales, creating “dockominiums”
- The leasing and selling of “dockominiums”
- Question becomes is this sale legal on public trust lands



A Unique Conservation Technique



Conservation Leasing

Case Studies Investigated:

- **WA- Port Susan Bay**
 - Types of leasing options created
- **NC- Pamlico Sound**
 - Smaller scale leasing
- **NY- Great South Bay**
 - Creating partnerships to help with costs



Picture by Joyce Bergen
<http://www.nature.org/wherewework/northamerica/states/washington/preserves/index.html>



Picture by Patrick Ertel/TNC
<http://www.nature.org/initiatives/marine/strategies/shellfish.html>

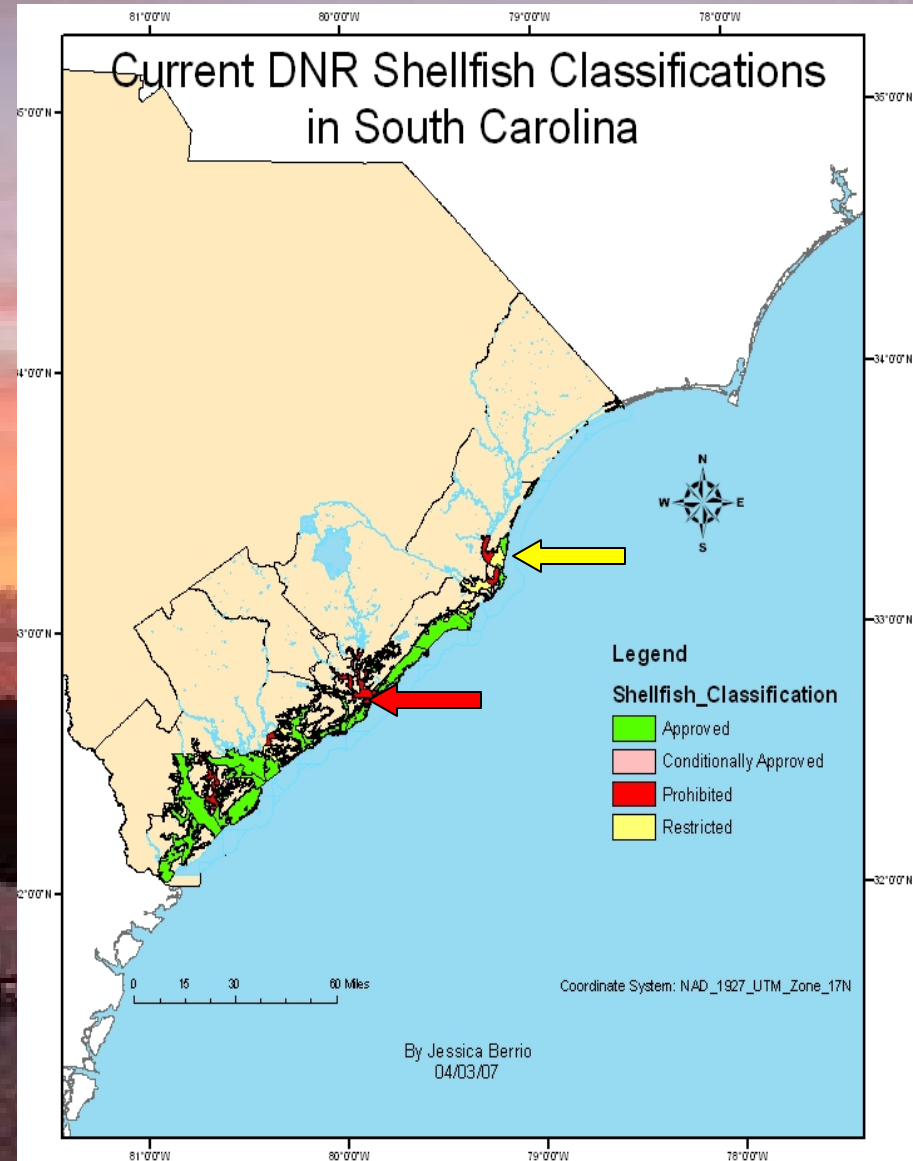


<http://www.estuary.cog.ny.us/council-priorities/living-resources/bluepoints-bottomlands-project.pdf>

A Possible Future Conservation Leasing Strategy for South Carolina

Potential Conservation Lease Sites:

- Consider areas degraded and/or of poor water quality
- **According to SCDHEC:**
 - A **restricted shellfish classification** refers to an area where harvesting for **direct marketing is not allowed** and shellfish under this restricted classification may be **harvested only by special permit**.
 - A **prohibited shellfish classification** refers to waters which are **closed to shellfish harvesting for any purpose related to human consumption**.



Submerged Lands Leasing in Coastal States



Coastal States Investigated

- Investigated Gulf Coast and Southeastern States:
 - Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, & Virginia
- Submerged Lands Information found for each state:
 - Agencies in charge of Submerged Lands leasing
 - Acreage of marine/tidally influenced lands
 - Fee system for Submerged Lands leasing
 - Activities which require leases
 - Lease length for activities
 - Approximate revenue generated from leasing
 - What revenue supports

Findings

State Submerged Lands Leasing Comparisons:

- State regulating agency:
 - Lead Agency
 - Supporting Agency
- Fee systems:
 - Texas
 - Louisiana
 - Alabama
 - Georgia
- Types of activities leased:
 - Most states allow leasing for water-bottoms, marinas, and aquaculture
 - Texas and Louisiana
- What revenue supports:
 - Mississippi
 - Florida
 - Virginia
- Lease Lengths:
 - Vary greatly within states for different activities and between states

An aerial photograph of a coastal area at sunset. The sky is filled with vibrant orange and yellow clouds, transitioning to a darker blue at the top. In the foreground, a body of water reflects the sunset colors. A long wooden pier extends into the water from the right side. The background shows a dark silhouette of a forested area and some buildings in the distance.

Options for South Carolina to consider if initiating a General Submerged Lands Leasing Program

Why is it important to consider Submerged Lands Leasing in South Carolina?

(1) Private uses of Public Trust Lands

- Compensating the public
- Addressing profits being made by private entities

(2) Better regulation of coastal activities

- Prioritizing activities and uses
- Addressing User Conflicts
- Considering Potential Future Coastal Uses

Options for South Carolina

(1) Conduct a Submerged Lands Inventory

- Helpful to know current status of public trust lands
- Use Current technology (GIS)

(2) Consider the Public & Stakeholders

- Education
- Involvement

(3) Specify Leasing Activities:

- Typical activities
- Base on marine acreage (minimize user conflicts)
- Address conservation activities

Leasing Options Continued

(4) A General Fee System:

– Several Methods

- Initial fees
- Annual fees
- Bidding
- Royalties
- Current Market Value
- Individual land appraisal
- Incentive Plans
- Fee Installment Plans
- General Credit System
- Conservation Fees

(5) Revenue Uses:

- General State Fund versus Coastal Programs
- Combination of the two

Leasing Options Continued

(6) Lease Length

- Short-term, Long-term and/or Activity Dependent
- Renewable leases
- Reevaluations
- Violations

(7) Number of Leases Issued for each activity

- Marine Acreage
- Moratoriums
- Where leases can occur

(8) Regulating Agencies

- Lead Agency
- Supporting Agencies

Overall Conclusions and Next Steps

Summary:

- South Carolina is the only state between the Gulf and Southeast which does not have a Submerged Lands Leasing Policy
- South Carolina (The General Assembly and regulating state agencies) should determine the efficiency and effectiveness of a submerged lands leasing policy in the state

If it is deemed appropriate and pursued:

Recommendations:

- **Conduct a submerged lands survey/inventory**
- **Educate and involve the public about this issue**
- **Conduct a legal analysis***
- **Conduct an economic analysis**
- **Determine if conservation leasing should be considered under a general program or sometime in the future**
- **Utilize information and aspects from other states that have a submerged lands leasing policies**

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