

US Army Corps of Engineers Background Information

On September 24, 2018, the USACE will hold a public meeting to discuss the Edisto Beach Coastal Storm Damage Reduction Project as approved by the Civil Works Board Chief of Engineers on September 5, 2014. Council has not decided whether to move forward with this funding offer. It is critical that everyone provide their input so Council can make an informed decision.

Anyone who lives on the coast knows the beach is dynamic. The problem is that beaches and barrier islands are not permanent. Wind and water reshape them. Some areas will accrete (gain sand) and some areas will erode (lose sand). This process is unpredictable. Areas that previously have accreted may begin to erode and vice versa. Without outside intervention, structures and properties are lost.

Proximity to the ocean is why most people live on Edisto Beach. A house with an ocean view is prime real estate with property values increasing the closer a property is to the ocean. Since tourism is the Town's main industry, the beach is the Town's industrial park. Without the beachfront, everyone is impacted.

Beach Nourishment History

The Town of Edisto Beach has paid for three beach nourishments—one in 1995, one in 2006 and one in 2017. In 1995, the nourishment project cost \$1,500,000 to place 155,000 cubic yards of sand on the beach and perform some groin repairs. The State paid \$1,000,000 and the Town paid \$500,000. In 2006, the beach nourishment project cost \$8,063,445 to place 877,647 cubic yards of sand on the beach. The State paid \$4.75 million, Colleton County \$1.5 million and the Town \$1.8 million. In 2017, the nourishment project cost \$19,375,536 to place 1,176,209 cubic yards of sand and lengthen the groins by 1,765 linear feet. Because some of the erosion occurred from a declared disaster, FEMA paid \$2,865,183. State Grants paid \$9,341,472, Colleton County paid \$4 million from capital project sales taxes and the Town paid \$3,168,881 from tourism taxes. All of these projects were funded without the use of property taxes or assessments.

Beach Project Costs

Year	Federal Funds	State Funds	Colleton Funds	Local Funds	Total Funds	Cubic Yards Sand
1995	0	1,000,000	0	500,000	1,500,000	155,000
2006	0	4,750,000	1,500,000	1,813,445	8,063,445	877,647
2017	2,865,183	9,341,472	4,000,000	3,168,881	19,375,536	1,176,209

Funding

The overall question is—How does the Town fund the next beach nourishment project? Basically, on average every 10-16 years the Town has to nourish the beach. This does not account for storm-related damages. In addition, the Town has invested and lengthened the groins to impede the littoral drift of sand to keep the sand from washing to neighboring beaches. “With so much invested in the oceanfront already, retreat has not been feasible. Increased coastal defense is the only option” (Seabrook).

In 2001, Town officials began discussions with the US Army Corps of Engineers about joining the federal funding program. The partnership with the USACE was based on a commitment of assistance for a 50-year term and a cost share of 65% federal/ 35% non-federal. Once in the federal program, if the beach is damaged by storms, the feds will pay 100%, not 75% as we recently experienced.

Without such a commitment, beach maintenance and preservation costs are the sole responsibility of the Town. Previously, the Town has saved tourism taxes and relied on assistance from Colleton County and the State of South Carolina. Funding for this last beach nourishment project was a chance occurrence. The Town was able to acquire funds from sources that normally are not available. If those sources had not been available, the project would have been much smaller in scope. Even with saved monies, additional funds are needed and funding options are limited.

Some funding options are:

- borrow money and apply the offset of that debt to each property owner on property tax bills,
- establish special taxing districts which can be arranged in various way,
- join the federal program,
- only pay for a project we can afford.

Continuing to “hope for the best” when it comes to funding beach nourishment is a risky option.

In 2014, the feds approved the Town’s project, but did not fund construction. Two months ago, the feds funded construction. There were limited beach funds under previous federal administrations. There are drawbacks to federal funding. The decision to nourish would be under federal control and based on federal funding. The same applies if the beach is damaged. Federal projects tend to cost more than local projects. Local officials tend to respond quicker than the feds.

Funding is dependent two issues. The updated (Preliminary Engineering Design) PED must show that the benefits outweigh the costs and easements must be obtained for the entire project. All indications are the benefit to cost ratio will be better than previously calculated when taking into consideration the recently completed improvements.

Easements

In 2016, the Town mailed letters to 159 property owners requesting easements. Over half of the easements were signed and returned, but due to errors in executing these documents, only 36 were recorded. According to the USACE, the cost of obtaining the easements is the sole responsibility of the Town. The easement must include the language “Perpetual Beach Storm Damage Reduction Easement...together with the right of public use and access...”. This generated questions from property owners. The most obvious question was the language that included irrevocable and perpetual. If the project has a fifty-year funded term, why does the easement need to be perpetual? Why not term at 50 years? The USACE explained that the project term is

not for 50 years, but the 50-year term was a measuring block. Rehabilitation will extend past the 50-year term. Fifty years was the codified federal design life. The feds have to show economic justification to enter into an agreement with the local sponsor and this is the measuring block for economic justification. The authorization never goes away. The local sponsor (Town) has to have authority before the feds will authorize the construction solicitation and associated funding. USACE stated that the irrevocable language is necessary so someone cannot stop the project just because they do not want or like the project. This reduces the risk to the feds. The projects are designed as a system to reduce storm damage and the system is integral to the entire beach. The local sponsor cannot divide or select what can or cannot be constructed.

Public access is also an area of contention. Does this mean the public has access across private property? The simple answer is no. The public aspect would encompass the dune, but ordinances prohibiting damages to dunes will deter public access. Numerous homeowners asked that the project area be more defined which would be completed when the PED is finalized.

The easement document is standardized and is used by every beach project that is federally funded. The perpetual, irrevocable language is necessary so the project can be constructed and maintained forever. Because beaches are dynamic, there will always be ongoing operation, maintenance and repair (OMR).

The USACE reviewed our easement language which states “between the mean high-water mark of the Atlantic Ocean, and the landward toe of the frontal dune or primary dune.” Although this is acceptable, it is not optimal in their opinion. They recommended moving forward with the Preliminary Engineering Design (PED) so the Town has draft engineering plans for the future project. Using this document, the Town can hire a surveyor to survey each property within the project limits and develop a document that has specified metes and bounds for the easement. The USACE also stated each property would have to have a title exam and appraisal. The Town would be responsible for all costs associated with this work including title insurance and recording costs. These costs could be applied to local cost share, but only if we had an agreement with the USACE. If the project area moves over time, additional easements may be necessary. The easements would be to the Town of Edisto Beach, not the USACE.

Would the homeowner be required to build a walkover to get to the beach? Edisto Beach prides itself on having a natural landscape without having to look at structures over the dunes. The USACE basically stated they would not direct the Town to provide any structures. They did feel that other beaches that had walkovers did not have issues with them and they did not detract from the views of the area.

A question was asked about the easements signed by owners who have mortgages, judgement creditors, etc. The USACE does not require subordination agreements and understands the easement may be terminated by foreclosure which would necessitate a new easement for future projects.

When asked about the regulations regarding the USACE for perpetual and irrevocable they stated that it is dictated by the US Constitution. There are sections dealing with real estate. They mentioned Code 405.112, 91.646 procedure to acquire lands, the 5th amendment, cannot take private property to be used for public use without payment or just compensation. The reduction of flood risk to property owner benefits the owner and is considered compensation. They do not feel that the Town would have to pay owners for these easements. Would this easement devalue the property? They have found that the easements add value because the homeowners know that the beach will be maintained.

If the Town moves forward with the USACE, the overall goal of the project is to reduce the adverse economic effects of coastal storms at Edisto Beach, South Carolina. Identifying and considering the problems, needs, and opportunities of the study area in the context of federal objective defined in the previous section resulted in the establishment of the following study specific objectives:

Over a 50-year period of analysis and while minimizing or avoiding adverse impacts to natural resources:

1. Provide coastal storm damage reduction (as measured by increases in National Economic Development (NED) plan net benefits) to approximately 4.5 miles of the Edisto Beach shoreline.
2. Reduce the risks of damages to SC Hwy 174, which is the only emergency evacuation route for the community.
3. Preserve sea turtle nesting habitat and protect shorebird nesting habitat, foraging areas, and roosting areas.

Achieving these objectives would likely yield increased benefits to recreation. However, those benefits are considered incidental to the primary objective of providing coastal storm damage reduction benefits to the study area and are not specifically formulated for recreation. The nourishment cycle is based on every 16 years, but is subject to change based on what happens on the beach.

During the initial phase of the USACE feasibility project, the main concern voiced was the height of the dune and “blocked views”. The dune height is designed at 15 feet above mean sea level. That means if you go to the south end of the beach and look at the artificial berm pushed up after Irma, that is about 15 feet. It is designed to take the impact from wave action during a storm to protect homes. It is designed to be sacrificed. After three storms, three years in a row, anyone

with first- hand knowledge knows this works. After Joaquin, what little dunes the Town had were eroded. Before the beach could be nourished, Matthew hit Edisto Beach and caused extensive front row damage. After the nourishment, Irma hit Edisto Beach with much less impacts.