

1977 S.C. Op. Atty. Gen. 82 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-91, 1977 WL 24433

Office of the Attorney General

State of South Carolina

Opinion No. 77-91

March 30, 1977

*1 Honorable John D. Bradley, III
Representative
Charleston County
308 Swift Avenue
Charleston, SC 29407

Dear Representative Bradley:

You have requested an opinion as to whether the public has the right of access to any oceanfront beach in the State. In order to answer this question, some definition of terms is necessary. For the purposes of this letter, the area between the mean high water mark and the mean low water mark, i.e., the area covered twice daily by tides will be referred to as the 'foreshore,' while the dry sand area immediately landward of the foreshore will be referred to as the 'beach.'

It is well settled that as a general rule the State owns the foreshore; any member of the public may use the foreshore in a reasonable and lawful manner. However, there is no absolute right, applicable in every case, in the public to cross the beach in order to reach the foreshore. 65 C.J.S., Navigable Waters, Section 60. A given beach may be privately owned. Whether the public has a right to cross a particular beach in order to reach the foreshore depends on the answer to such questions as whether this right has been expressly granted by the owner of the beach, or whether the public has gained such a right through long usage. These questions and others are presently being litigated by this office in connection with certain dry sand areas on the Isle of Palms.

In summary, while we have no information regarding the legally relevant facts on Kiawah or Seabrook Islands, we can state that it is not impossible that the owners of those islands may have a right to prevent the public to cross the dry sand beaches.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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