

1975 WL 29308 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 4, 1975

**\*1 Re: Project No. 516—Docket No. E-7791**

Mr. J. W. Lawrence  
Assistant Director—Operation  
S. C. Department of Parks, Recreation and Tourism  
Box 113  
Edgar A. Brown Office Building  
1205 Pendleton Street  
Columbia, SC 29201

Dear Mr. Lawrence:

Since receipt of the Order Accepting Settlement Agreement issued by the FPC October 20, 1975, several questions have arisen as to the authority of the Department of Parks, Recreation and Tourism to enter into such an agreement. It is obvious from the powers and duties enumerated in Section 51-76, CODE OF LAWS OF SOUTH CAROLINA (1962) (1974 Cum. Supp.), that the Commission has the authority to enter into such an agreement. First, the Commission is specifically directed to 'promote the general health and welfare of the people of this State by developing and expanding new and existing recreational areas, including the existing state park's system.' Section 51-76(b). Also, the Commission has the authority to accept gifts and 'to acquire by gift, purchase or otherwise real estate and other property, . . . ' Section 51-76 (Emphasis supplied).

The settlement agreement is nothing but part of the process of reaching a point where a binding lease may be executed between SCE&G and PRT for the acquisition of real property, i.e. Dreher Island. Acquiring the use of the land on Dreher Island obviously aids in the development and expansion of new recreational areas within the State. Thus, it is apparent that the Parks, Recreation and Tourism Commission had the authority to enter into the settlement agreement which was approved by the FPC October 20, 1975.

Yours very truly,

M. Elizabeth Crum  
Assistant Attorney General

1975 WL 29308 (S.C.A.G.)

---

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.