

## The State of South Carolina



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William A. McInnis, Secretary  
State of South Carolina  
State Budget and Control Board  
Post Office Box 12444  
Columbia, South Carolina 29211

Dear Mr. McInnis:

In response to an inquiry from Wayne Rush today, I am writing to clarify the fact that our opinion to you this date does not address the issue of whether the conditions imposed in the original permit issued by the Budget and Control Board to Frederick A. Smith remain in force and effect. We would clarify our comment that all state permits under consideration in the opinion had expired as addressing only the issue of deadlines for construction or excavation as expressed in the permits and not a limitation upon the State to enforce its rights contained in the permits. As stated in the opinion issued to you, the so-called grandfather clause contained in Section 48-39-130(C) of the Code of Laws of South Carolina (1976) and the case of South Carolina State Ports Authority v. South Carolina Coastal Council, 270 S.C. 320, 242 S.E.2d 225 (1978), construing the grandfather clause, do not apply to the question of whether the Coastal Council now has jurisdiction to enforce the conditions of the permits. Accordingly, we reiterate our conclusion that the Coastal Council would have jurisdiction in this matter.

With kindest regards, I am

Very truly yours,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General

PDP/an