

In accordance with its mission and purpose of public protection and Section 40-8-10 et seq. of the South Carolina Perpetual Care Cemetery Act, (1976 Code of Laws, as amended), notice is hereby given that the Perpetual Care Cemetery Board has adopted the following statement as guidance for licensees and other individuals seeking to operate a nature preserve cemetery.

For purposes of discipline and licensure in matters before the Board, failure to practice in compliance with this statement may lead to discipline or an Order to Cease and Desist as a violation of the South Carolina Perpetual Care Cemetery Act, S.C. Code Section 40-8-10, *40-8-40 and 40-8-150* and (1976 Code of Laws, as amended).

The South Carolina Perpetual Care Cemetery Act, (1976 Code of Laws, as amended) provides a licensure exception for “nature preserve” cemeteries. See S.C. Code 40-8-200 (1976 Code of Laws, as amended) below, emphasis added.

***Cemeteries excepted from provisions of chapter.***

***The provisions of this chapter do not apply to governmental cemeteries, nonprofit cemeteries, church cemeteries, nature preserve cemeteries, or family burial grounds.***

The Board has received inquiries concerning the definition of nature preserve as it appears in the statute. “Nature preserve” for the purposes of this chapter, is a conservation burial ground for the interment of human remains.

**Prior approval of the Board is required for all licensing exemptions granted for a nature preserve cemetery.**

The proposed nature preserve cemetery must be duly licensed and approved by all other applicable licensing authorities. Perpetual care as it is defined in the South Carolina Perpetual Care Cemetery Act may not be offered. Burial or scattering of cremated remains is permissible.

- (a) Vaults are not permitted.
- (b) Decedents are not to have been embalmed, or embalmed only with approved nontoxic chemicals.
- (c) Burial containers are to be limited to those made from materials that are nontoxic/nonhazardous and natural/plant derived, with shrouds allowed.
- (d) An Integrated Pest Management (IPM) program must be implemented, so as to prohibit the use of pesticide other than in instances where it is required to eradicate invasive species.
- (e) Land criteria: A Nature Preserve Cemetery must:
  - (i) Be contiguous to, or in a position to augment the conservation goals of an ecologically significant park, wildlife corridor, critical habitat area, or permanently protected open space; or (with appropriate management practices) be large enough on its own to be considered a landscape-level conservation effort;

- (ii) Operate only in areas of the property where burial would not degrade the land and the surrounding landscape;
  - (iii) Be owned by, or operated in conjunction with a government agency or a nonprofit conservation organization that is recognized by the Internal Revenue Service as a public charity and in business for at least five years (the “conservation partner”). The conservation partner must have legally binding responsibility for perpetual stewardship of the land, both in the operational facility and in the conservation area(s), and must set all conservation policies; and
  - (iv) Utilize a deed restriction (if operator is a nonprofit conservation organization that has been established for at least five years) or a conservation easement that incorporates these standards. A conservation easement must also conform to all provisions of the Internal Revenue Code Section 170(h) and provide for public access to and through the site, particularly to connect it to adjoining protected open space, to the extent public use of the property is compatible with ecological goals.
- (f) Start-up criteria. A Nature Preserve Cemetery must:
- (i) Conduct a biological evaluation including baseline information on existing geology, hydrology, soils, and topography, and on both existing and potential vegetation and wildlife. This evaluation must be used by the facility designers and operators to ensure that existing site resources are not degraded, and that the potential for re-introducing native species is given appropriate consideration in design and planning;
  - (ii) Conduct an evaluation to determine potential erosion issues and measures necessary to prevent them;
  - (iii) Develop a plan for limiting visitation to sensitive areas as well as policies for families who choose “back country” or “off trail” burial;
  - (iv) Compile a plant list for use as memorial features for every area or “zone” of property where burial will take place, and a list of plants appropriate for use in restoration and/or preservation of native vegetation.
  - (v) Develop a plan for limiting the types, sizes, visibility of memorial markers/features to preserve or restore naturalistic vistas.
- (g) Operations and management criteria. A Nature Preserve Cemetery must:
- (i) Develop a plan for using native plants and for protecting or rescuing locally rare plants;
  - (ii) Establish an endowment fund to ensure the long term maintenance of the land and its trail system by setting aside at least 5% of all burial plot sales;
  - (iii) Utilize excavation and burial techniques/technology that minimizes impact on surrounding land, and protects native plant diversity.
  - (iv) Develop a policy for dealing with unauthorized grave decoration and landscaping.
  - (v) Develop a “systems and operations” manual to be given to all staff members, contractors and volunteers that communicates the above criteria and the goals and methods of meeting them.