

**Land, Water & Conservation Division
Advisory Committee Minutes
Dennis Building, Room 335
Columbia, South Carolina
Thursday, July 19, 2007**

Present: William S. Simpson, III Lewis Walker
Lynn Youmans, Jr. W. Dean Moss, Jr.
Thomas Garrison, III Frank Murray
Dr. John Mark Dean Patricia C. Hartung
Dr. Nadim Aziz Marvin Davant
Steve Kinard James McLeod
Charles Broadwell Larry Nates
Dr. Webb Smathers Oscar Stevens

Guests: Greg Henderson, S.C. Association of Conservation Districts
Dr. David B. Willis, Clemson University
Mike McShane, Chairman, DNR Board
Kirsten Singleton, Morris News Service
Jewel C. Stevens

Staff: Steve de Kozlowski Mark Malsick
Lisa Jones Von Snelgrove
Leslie Morgan Hank Stallworth
Ann Nolte Marc Cribb
Bud Badr Scott Harder
Shawn Putnam Barry Beasley
Dorothy Phillips Monica Linnenbrink

Call to Order/Welcome: The July 19, 2007, meeting was called to order by Chairman William Simpson at 10:15 a.m. In compliance with the provisions of Section 30-4-80(e) (Freedom of Information Act), notification of this meeting was given to all persons, organizations, local news media, and other news media that have requested such notification.

Mr. Simpson spoke about the passing of Mr. Glenn Alexander in May. Mr. Simpson read a brief statement highlighting Mr. Alexander's 50 years of service as a District Commissioner for Lancaster County and as an original member of the Land Resources Conservation Commission.

Mr. Simpson presented Mr. Alfred H. Vang with a Certificate of Appreciation on behalf of the LWC Advisory Committee. Mr. Vang was unavailable to attend the meeting and will be given the certificate at a later date.

Mr. Simpson reported that Mr. Snow was absent.

Approval of October 19, 2006, Minutes: Motion was made by Dr. John Mark Dean to approve the October 19, 2006, minutes and seconded by Mr. Steve Kinard. All were in favor.

S.C. Association of Conservation Districts: Mr. Greg Henderson, President of the S.C. Association of Conservation Districts, thanked the committee for the opportunity to review the subject of “Unwanted and Abandoned Pesticides” with them. He noted the SCACD’s desire to strengthen their partnership with the DNR. Small quantities of pesticides have accumulated over time on farms across the state. Registered pesticides, or certain uses of a registered pesticide, have been cancelled, resulting in no legal means of disposal of these substances. In 1992, Clemson conducted a survey that identified 867,728 lbs of solid waste pesticide of which only 40.6% is known, and 183,277 gallons of liquid waste pesticide, of which 75% is known. Much of the solid waste was in paper bags that degrade rapidly over time.

As farmland is sold, new landowners are uninformed and unfamiliar with pesticide safety. The lack of a recovery program forces the easy solution. Mr. Henderson reviewed various options and successful programs such as EPA’s Clean Sweep Programs. Twenty-one states have permanently funded programs, 12 have continuous programs, nine have intermittent programs (AL, LA, and SC), four have one-time programs, and four have never had one. The state Department of Agriculture or pesticide regulatory agency has led in 75% of the states with Clean Sweep programs.

The SCACD encourages the development and implementation of a pesticide recovery program. Mr. Henderson said they seek the DNR’s support and leadership in forming a state summit on this issue. It is his understanding that the S.C. Department of Agriculture and Clemson University’s Department of Pesticide Registration are cooperating on a small start up program with limited scope. He asked that this issue be brought to the attention of the DNR Board. Mr. Lynn Youmans noted that agricultural chemicals are a big problem but household chemicals should also be included. Mr. de Kozlowski said staff are discussing this issue with the responsible agencies and he would like to work with staff to better define the problem and discuss solutions prior to taking it to the Board. It will be an agenda item for the October LWC Advisory Committee meeting. *Mr. Jim McLeod moved, and Dr. Dean seconded, that staff review this topic with Mr. Henderson and other appropriate agencies and bring it back to the committee in October. All were in favor.*

Mr. Mike McShane stated he would inform the Board of this topic at their meeting the following day, noting the need to marshal political support. Mr. Larry Nates was to travel to Washington, DC, the following week to meet with the Congressional delegation and solicit support as well.

Climate Update: Hurricane Season/Drought Status: Mr. Mark Malsick, Severe Weather Liaison for the State Climate Office, briefed the committee on the drought status and the June 6, 2007, Drought Committee Meeting. The long-range forecast calls for

above average rain for the next three months as well as above average temperatures for that time period. All signals keep South Carolina in moderate drought.

Mr. Malsick reviewed the 2007 Hurricane Season predictions from Colorado State. He provided a recapitulation of their predictions for 2005, 2006, and 2007. The numbers are lower than normal last year and this year. The prediction is for a normal season. To date, two very minor tropical storms have occurred. Mr. Malsick also called attention to the State Climate Office's new and improved website.

Water Issues: In-state and Interstate: Dr. Bud Badr reviewed important water issues facing South Carolina. The three principle issues are the following:

1. NC/SC Concord-Kannapolis Interbasin Transfer Permit: S.C. Attorney General Henry McMaster asked the United States Supreme Court to hear the dispute in its original jurisdiction. The Court will decide whether to take the case. McMaster outlined his argument that North Carolina's Environmental Management Commission (EMC) ran afoul of the U.S. Constitution's doctrine of equitable apportionment when it ignored the interests and needs of South Carolina by permitting large amounts of the Catawba River to be diverted upstream of its neighboring state. Under the Constitution, each state is a coequal sovereign and is entitled to equal status and treatment with respect to interstate rivers.

DNR provided technical information as a part of this lawsuit. Staff examined the number of days each year in which the average daily flow of the Catawba River below Lake Wylie was less than 1,100 cubic feet per second (cfs).

2. S.C. Surface Water Withdrawal, Permitting Use and Reporting Act (S.428, H.3578)
This bill would require SCDHEC to permit surface water withdrawals of three mgd/month. Problems with the bill include the exemptions that were included (hydropower, industry, and agriculture); minimum flow requirements (only the 7Q10); IBT/Water Plan triggers; and the allocation mechanism.
3. Georgia/South Carolina Water Transfers from the Savannah River Basin
The upper basin is ripe for potential transfers due to Atlanta's need for water, while the lower basin must deal with the EPA's TMDL ruling that eliminates all municipal and industrial wastewater discharges of oxygen-demanding organics into the river from Lake Thurmond to the Savannah Harbor. Dr. Badr noted that saltwater intrusion on Hilton Head, caused by overpumpage in the Savannah area, has resulted in the salting of five to six of 11 wells there.

Mr. McShane thanked the members of the committee for their service and thanked Mr. Dean Moss for his work on the Savannah Basin issue. He reviewed the background of the committee that is working on this issue, appointed by the Governors of Georgia and South Carolina. He emphasized the need to resolve the issue without going to court as

such litigation costs in the range of \$25 million. Following further discussion, he noted it was a priority for the DNR Board.

Scenic Rivers Update: Dr. Barry Beasley provided an update on the State Scenic Rivers Program. A 48-mile segment of the Little Pee Dee River in Dillon County was designated a State Scenic River in June of 2005. The advisory council has completed the final draft of the management plan that will be reviewed at the next meeting. The plan was developed with a lot of public input and local involvement. The advisory council's five management goals are land use and development, water quality and stream flow, recreational use and access, fishery resources, and habitat and habitat protection (29 total recommendations). Scenic river management plans are more focused than previously so that tangible results may be achieved.

The program has a new staff person based in Charleston, David Lansbury, who is working with the Great Pee Dee Scenic River project. This area is from Highway 378 to Winyah Bay. Their next step is to write a management plan.

An eligibility study is underway on the lower Lynches River, adding 50 miles to the existing scenic river. The study was requested by landowners, the mayor and council of Johnsonville, and Senator Hugh Leatherman. The upper Lynches River, from Bishopville to Lynches County Park, was designated a State Scenic River in 1994. Stuart Greeter is the project manager.

Requests for eligibility studies of the Enoree and Catawba Rivers also have been received.

A trails grant was received from SCPRT (\$27,000) to work on a recreation canoe trail on the Lynches Scenic River. The grant will provide the funds for the necessary infrastructure for the trail and to publish a promotional brochure.

The advisory council for the lower end of the Little Pee Dee River is being reestablished. A number of land ownership changes occurred and the advisory council dissolved a few years ago. With the passage of the Public Waters Nuisance Abatement Act (River Shacks), this council needs to be put back in place.

Dr. Beasley also mentioned that staff were involved in assisting with the Junior Wildwater World Championships on the lower Saluda River in Columbia which involved 90 young people from 15 countries.

Coastal Insurance Reform Act: Ms. Lisa Jones, Flood Mitigation Program, noted that South Carolina flood insurance policies grew by 18% in the past year, more than any other state in the Southeast. She reviewed the Omnibus Coastal Reform Act of 2007, H.3820, which was signed by the Governor on June 11, 2007. This legislation creates an advisory committee to oversee the South Carolina Safe Home Program that gives grants to property owners to make structures more resilient to disaster damage. The legislation

calls for a representative of the Flood Mitigation Program of DNR to serve on the committee. She provided the committee with a handout concerning the new legislation.

Mr. McShane asked Ms. Jones the status of the Map Modernization Program. She said the first phase will be completed by 2010.

Deputy Director's Report: Interim Deputy Director Steve de Kozlowski informed the committee of the retirements of Mr. Vang and Danny Johnson. He noted that the division has several new staff persons: Sean Taylor, archeologist with Habitat Protection; two new Administrative Assistants; David Lansbury, Scenic Rivers, with Habitat Protection; and Jen Majors, Conservation Districts.

Staff Recognition: Lisa Jones recently graduated from the Certified Public Manager program. This program takes 18 months and is a 300-hour commitment. Leslie Morgan, with the Conservation Districts program, was named Outstanding LWC Employee for 2006 and DNR's Outstanding Employee of the Year.

The division's state budget is similar to last year, with a 3% increase for salaries and an increase in funding to conservation districts (\$15,000).

The Southeast Regional Climate Center was moved to the University of North Carolina at Chapel Hill. While disappointing, this was a politically motivated move.

Mr. de Kozlowski distributed copies of the Vision for the Future, the agency's strategic plan, noting it was developed by staff through a number of committees. It then was approved by Mr. Frampton and the DNR Board. All division activities are based on this strategic plan and the division has developed an operational plan that is based on it.

Maps produced by the Geological Survey also were distributed to the committee.

Mr. McShane informed the committee of a new initiative by the Governor called Saving the Last Great Places in South Carolina. Such places could be an historic structure, an old battlefield, etc. He solicited the advisory committee's input on areas that are important in their counties.

Dr. Dean asked if the strategic plan contained a mechanism for an independent external review to determine if the objectives are being achieved. Mr. de Kozlowski responded that accountability is a primary focus of the plan. The plan ties in with the agency's annual accountability report, noting it hasn't been done well in the past, but that measurements and tracking the progress of achieving these goals and directives are important components of this plan.

Committee Member Comments: Mr. Simpson asked for comments from other committee members. There were none.

Executive Session: A motion to go into executive session for the purpose of discussing personnel was made by Mr. Steve Kinard with second by Mr. Moss. All were in favor. A motion to come out of executive session was made by Mr. Tom Garrison with second by Mr. Moss. All were in favor. The re-appointments were approved and are as follows: Ms. Rebecca H. Davis, Barnwell; Mr. Claude E. McLeod, Jr., Beaufort; Mr. Marion L. Rizer, Colleton; Mr. E. Michael O'Tuell, III, Marlboro; and Ms. Jayne D. Carsten, Williamsburg. Mr. Youmans moved to accept with second by Mr. Garrison. Mr. Moss abstained. All others were in favor.

The new appointments were approved and are as follows: Mr. Troy Maxwell Diel, Berkeley; Mr. C.B. Player, III, Lee; Mr. Dan Juengst, McCormick; Mr. Alexander P. Ramsay, Oconee; and Mr. Brian McClam, Williamsburg. Mr. Youmans moved to accept all except Florence and Newberry Counties and to ask for additional names for those with second by Dr. Webb Smathers. All were in favor.

Mr. McLeod asked when terms begin and end. Mr. Von Snelgrove said all were four-year terms.

Next Meeting Date: October 18, 2007.

Adjournment: The meeting adjourned at 1:05 p.m.

Dorothy Phillips
Recording Secretary