

Minutes
Board of the South Carolina Department of Natural Resources
Videoconference Meeting
March 18, 2021 10:00 AM

The regular meeting of the Board of the South Carolina Department of Natural Resources was held by videoconference at 10:00 a.m., March 18, 2021. Notice of the date, time and place of the meeting was posted and mailed to the news media. Chairman Norman Pulliam presided at the meeting. Board members present included Dr. Mark Hartley, Mike Hutchins, Jerry Lee, Carlisle Oxner, Jake Rasor, Jr. and Duane Swygert. Director Boyles and staff members of the Department of Natural Resources were present at the meeting.

I. Call to Order

Chairman Norman Pulliam called the meeting to order and welcomed everyone to the meeting.

II. Invocation

Chaplain Dave Tafaoa, SC Law Enforcement Assistance Program (SC LEAP), offered the invocation.

III. Pledge of Allegiance

Mr. Hutchins led the group in the Pledge of Allegiance.

IV. Chairman's Comments

Chairman Pulliam welcomed and thanked Board members for being present. Chairman Pulliam expressed his appreciation to Director Boyles and staff for keeping business going during this difficult time.

V. Introduction of Guests

Emily Cope, Deputy Director for Wildlife and Freshwater Fisheries, introduced Wendell Reilly, Dewees Island; Jimmy Smith, Dewees Island; Alex Kliros, Dewees Island; Jason Brown, Dewees Island; Scott Whitaker, Coastal Conservation Association; and Austin Smallwood, SC Realtors Association.

VI. Constituent Comments

Mrs. Cope informed the Board that Jason Brown, Alex Kliros, Jimmy Smith, Brett Bower and Bryan Hann have requested to make comments to the Board. All comments were regarding the Dewees Island Short Term Rental Framework Proposal.

VII. Items for Board Information

Dewees Island Short Term Rental Framework Proposal

Mr. Reilly reviewed the Dewees Island Short Term Rental Framework Proposal along with the results of the recently conducted straw poll.

VIII. Executive Session

Mr. Hutchins made a motion that the DNR Board go into executive session pursuant to SC Code Section 30-4-70(A)(2) to discuss contractual matters related to Items for Board Action (A). Mr. Rasor seconded the motion and the motion carried unanimously.

IX. Open Session

Mr. Hutchins made a motion that the DNR Board return to open session, noting that no action was taken during executive session. Mr. Swygert seconded the motion and the motion carried unanimously.

X. Item for Board Action

A. Deweese Island

Shannon Bobertz, General Counsel, read a draft resolution.

Dr. Hartley made a motion that the DNR Board accept and approve the resolution as read. Mr. Lee seconded the motion and the motion carried unanimously. Approved resolution attached to the minutes.

XI. Approval of Minutes

Chairman Pulliam asked if there were any additions, deletions or corrections to the February 18, 2021 meeting minutes. *Mr. Rasor made a motion that the Board approve the minutes of the February 18, 2021 meeting be approved as revised on March 15, 2021. Mr. Hutchins seconded the motion and the motion carried unanimously.*

XII. Presentations/Commendations

A. Director Boyles commended Lorianne Riggin, Director of Environmental Programs, on serving on the Board of Directors of Sustain SC which launched on March 9, 2021, with a mission to connect the sustainability goals of business in South Carolina with local natural resource solutions for the benefit of our economy, environment, and people.

B. Director Boyles commended Dr. Hope Mizzell and Melissa Griffin of the Office of State Climatologist, Land, Water & Conservation Division, for coordinating Governor McMaster's Proclamation proclaiming March 14-20, 2021, as South Carolina Citizen Weather Observer Week throughout the state and encouraging all South Carolinians to join him in celebrating the volunteers for their efforts in contributing data that stands as the cornerstone of our state and nation's weather history.

C. Director Boyles commended Ryan Tyler of the Wildlife and Freshwater Fisheries Division on his selection as their 2020 Wildlife Section Technician of the Year. Ryan Tyler works at Bonneau Ferry in Berkeley County and with the challenges presented with COVID-19, Ryan and his colleagues stepped up to have a productive summer and fall planting season and conducted public lottery hunts with the highest degree of professionalism while following COVID protocols. Fall 2020 was one of the best deer seasons for Bonneau Ferry in many years, thanks to Ryan's working magic with the tractor around all the challenging weather conditions.

D. Director Boyles commended Jessica Kinsella and Matt King of the Marine Resources Division for starting up a prescribed fire program within the MRD, and Andrew Hook of the Wildlife and Freshwater Fisheries Division for significant assistance with planning and on-the-ground oversight. This will increase our capacity to manage habitats on South Fenwick and potentially other islands in the future.

- E. Director Boyles commended Law Enforcement Dive Team members LCPL Josh Walters, LCPL Matt Owen, INV Daniel Lynch, and INV Dwayne Rogers and K9Team LCPL Blake Baxley and K9 Arya. The SC DNR Dive Team was called out to assist the West Columbia Police Department on the Saluda River. The Police Department was requesting the dive team's help to try and recover any evidence. The SC DNR K9 Team received a call to search the area adjacent to the river to try and locate any evidence helpful in the case. The SC DNR Dive Team arrived on scene and began preparing for their search. The K9 Team arrived shortly after and K9 Arya began the search of the land adjacent to the river. It took K9 Arya seven minutes to locate a single shell casing under the root ball of a tree along the side of the riverbank. The location of the shell casing led the dive team to believe the handgun had to be in the water. The dive team began searching the area using metal detectors. The water was about four feet deep in that area. The dive team was able to locate the handgun. This was a great example of the expertise of each of these DNR teams working together to assist another agency.
- F. Director Boyles commended Law Enforcement staff in the Horry/Georgetown units for their hard work regarding the flooding issues in their area.

XIII. Advisory Committee Reports

A. Governor's Cup Billfishing Series

Phil Maier, Deputy Director for Marine Resources, reported that the Governor's Cup Billfishing Series Advisory Board met virtually on February 23, 2021. The Advisory Board received a report from the Tournament Committee, a fundraising update on the Highway 21 Bridge Project. The Advisory Board approved the 2021 proposed expenditures and the 2020 Annual Report, as presented by staff.

B. Wildlife and Freshwater Fisheries

Mr. Hutchins reported that the Wildlife and Freshwater Fisheries Advisory Committee met March 4, 2021 in Columbia. The Advisory Committee approved the 2021-2022 Migratory Bird Season as recommended by staff. The Advisory Committee received a presentation on the protection and enhancement of the habitat of Gopher tortoise on Aiken Gopher Tortoise Heritage Preserve; an overview of DNR's Hatchery infrastructure and needed improvements; an update on Sunday hunting and legislation.

XIV. Items for Board Information

A. Climate Update

Hope Mizzell, Land, Water and Conservation Division, spoke of the possible severe weather forecasted for today. Dr. Mizzell provided rainfall totals, precipitation percentiles, streamflow, lake levels, groundwater monitoring wells around the state, precipitation forecast and temperature forecast.

B. Use of Prescribed Fire on DNR Properties

Johnny Stowe, Wildlife and Freshwater Fisheries Division, gave the Board a brief presentation on the Use of Prescribed Fire on SC DNR Properties. The presentation included the history and benefits of prescribed fire, as well as the areas receiving prescribed burning from 2017-2020.

C. Overview of Category 1 Waterfowl Management Activities

Mrs. Cope gave the Board a brief overview of Category 1 Waterfowl Management Activities. The presentation included the 2020 Accomplishments for Broad River, Clemson, Bear Island, Wateree, Beaverdam, Sandy Beach, Santee Coastal Reserve, Murphy Island and Cedar Island. Mrs. Cope reviewed renovations and accomplishments at Santee Delta, Samworth, Lower Middleton and Upper Middleton.

XV. Director's Briefings

Director Boyles reminded the Board that their Statement of Economic Interest form is due to the Ethics Commission by March 30, 2021.

Director Boyles reported that staff will be returning to work in the office.

Director Boyles inquired of the Board's interest in participating in Adaptive Management training along with staff.

Director Boyles informed the Board that the ribbon cutting of the Horry County Licensing and Boat Titling and Registration Office, located in Aynor, will be held on April 5, 2021.

Director Boyles reviewed the status of the FY 2022 budget request, as sent to the Board on March 16, 2021.

XVI. Legislative Report

Kevin Ryan, Director of Government Affairs, reported that the Senate is working remotely, and the House has adjourned for the day. Mr. Ryan informed the Board that the House will begin working on the budget next week. Mr. Ryan reported on the boater education bill, hunting of bears over bait in Game Zone 4 and flounder.

XVII. Environmental Report

Lorianne Riffin, Director, Office of Environmental Programs, gave the Board an update on Crab Bank restoration, Horry County Rezoning (Lewis Ocean Bay) and Haile Gold Mine Expansion.

XVIII. Deputy Directors' Reports

A. Wildlife and Freshwater Fisheries

Mrs. Cope reported on zebra mussels.

B. Law Enforcement

COL Chisolm Frampton, Deputy Director for Law Enforcement, reported that background checks are being completed on the new class of officers.

C. Marine Resources

Mr. Maier informed the Board that a ground lease will be presented for action at the next meeting.

D. Administration

Angie Cassella, Deputy Director for Administration, extended an invitation to Board Members to attend the Ribbon Cutting Ceremony at the Horry County Licensing and Boat titling and Registration Office.

E. Land, Water and Conservation

No further report.

XIX. Item(s) for Board Action

B. Migratory Bird Season Recommendations

Billy Dukes, Wildlife and Freshwater Fisheries Division, briefly reviewed the Proposed Migratory Bird Season Recommendations. *Mr. Hutchins made a motion that upon the recommendation of DNR Staff the DNR Board approve the Migratory Bird Season Recommendations, as presented. Mr. Swygert seconded the motion and the motion carried unanimously.*

XX. Executive Session

Mr. Hutchins made a motion that the DNR Board go into executive session pursuant to SC Code Section 30-4-70(A)(1) and (A)(2) to discuss appointments to advisory committees related to Items for Board Action (C) and to discuss contractual matters related to Items for Board Action (D, E and F). Mr. Swygert seconded the motion and the motion carried unanimously.

XXI. Open Session

Mr. Hutchins made a motion that the DNR Board return to open session, noting that no action was taken during executive session. Mr. Swygert seconded the motion and the motion carried unanimously.

XXII. Item(s) for Board Action

C. Conservation District Commissioner Appointments/Reappointments

Mr. Lee made a motion that upon the approval and recommendation of the Land, Water and Conservation Advisory Committee, the DNR Board approve the following Conservation District Commissioner appointments:

Daniel Baxley, Dillon – 3/18/21 – 1/31/24
Julie Davis, McCormick – 3/18/21 – 1/31/23
Jan Figueria, Greenwood – 3/18/21 – 1/31/24
Kevin Yon, Saluda – 3/18/21 – 2/27/22
Frazier D. Riley Jr., Saluda – 3/18/21 – 1/31/24

Dr. Hartley seconded the motion and the motion carried unanimously.

D. Property Acquisition in Colleton County

Mr. Oxner made a motion that upon the recommendation of staff and subject to standard due diligence, the DNR Board grant final approval to purchase approximately 148 acres beside the Edisto River WMA in Colleton County. Mr. Swygert seconded the motion and the motion carried unanimously.

E. Property Acquisition in Chester County

Mr. Swygert made a motion that upon the recommendation of staff and subject to standard due diligence, the DNR Board grant final approval to acquire approximately 385 acres adjoining Landsford Canal WMA in Chester County. Dr. Hartley seconded the motion and the motion carried unanimously.

F. Property Acquisition in Laurens County

Mr. Hutching made a motion that upon the recommendation of staff and subject to standard due diligence, the DNR Board grant final approval to acquire approximately 121 acres beside Belfast WMA in Laurens County. Mr. Swygert seconded the motion and the motion carried unanimously. Mr. Rasor and Mr. Oxner recused themselves due to a potential conflict of interest.

South Carolina Department of
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DISCLOSURE OF ACTUAL OR POTENTIAL CONFLICT OF INTEREST

Pursuant to S.C. Code Section 8-13-700 (1976 & Supp. 2019), I make this disclosure as a member of the SCDNR Board to the Chairman of the SCDNR Board and request to be excused from any votes, deliberations, and other actions on this matter on which the actual or potential conflict of interest exists. Furthermore, I ask that this statement be incorporated in the minutes to reflect my disclosure, recusal, and the reasons for it.

Matter requiring action or decision:

March 18, 2021 SCDNR Board Meeting

Agenda Item XIII. Items for Board Action: F. Property Acquisition in Laurens County

Nature of my actual or potential conflict of interest:

It is my understanding that this agenda item concerns the acquisition of real property by SCDNR that is located in close proximity to property in which I have an ownership interest.

I disclose this potential conflict of interest in an abundance of caution.

Respectfully submitted:

J. Carlisle Oxaer III

Date: March 18, 2021

Name: J. Carlisle Oxaer III

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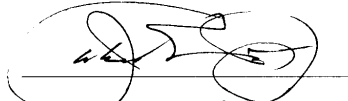
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Respectfully submitted:


Name: JAKE PASCOE, JR.

Date: March 18, 2021

XXIII. Time and Location of Next Board Meeting

The Board will hold a workshop on April 22, 2021.

XXIV. Adjournment

Mr. Hutchins made a motion that the meeting be adjourned. Mr. Oxner seconded the motion and the motion carried unanimously.

SCDNR Board Resolution
March 18, 2021

WHEREAS:

The Department of Natural Resources' primary mission is to protect the State's natural resources and is charged with enforcing the protections and safeguards set forth in the Dewees Island 1975 Conservation Easement; and

WHEREAS:

The Department by letter of April 25, 2019, directed the Dewees Island Property Owners Association ("POA") and other concerned individuals and stakeholders to meet to formulate an appropriate and reasonable framework for restricting, if not eliminating over time, commercialized rental activity and restoring residential and lodging activity consistent with the Conservation Easement and the Dewees Island Land Use Plan within 60 days thereof; and

WHEREAS:

To date, the POA has not been able to deliver such an approved framework; and

WHEREAS:

The Department remains concerned that unrestrained and unregulated commercial activity on Dewees Island associated with short-term rentals, as defined by Charleston County ordinance, would have detrimental impacts on the State's natural resources on and around Dewees Island, and hence would constitute violations of the Conservation Easement if continued unabated.

NOW THEREFORE BE IT RESOLVED:

The Department will continue to monitor Dewees Island under the 1975 Conservation Easement and enforce it as necessary to preserve the conservation values and natural resources protected under the Conservation Easement;

The Department will enforce the Conservation Easement should it feel that the Conservation Easement has been violated, or determines the conservation values and natural resources protected by the Conservation Easement are threatened by commercial activity, including short-term rentals; and

Unless and until the Department is presented with a duly approved framework consistent with the Department's letter of April 25, 2019 addressing unregulated and unrestrained commercial activity on Dewees Island associated with short-term rentals, no short-term rentals, as defined by Charleston County ordinance, on Dewees Island will be approved by the Department, other than owner-to-owner rentals.