

MINUTES
SOUTH CAROLINA WILDLIFE & MARINE RESOURCES COMMISSION
ROOM 335, REMBERT C. DENNIS BUILDING
COLUMBIA, SOUTH CAROLINA
MARCH 25, 1994
10:00 A.M.

The regular monthly meeting of the South Carolina Wildlife and Marine Resources Commission was held at 10:00 a.m., Friday, March 25, 1994, in Room 335 of the Rembert C. Dennis Building, Columbia, South Carolina. Chairman Marion Burnside presided. Notice of the date, time, and location was mailed to the state's media. Commissioners present included: Commissioners Burnside, Poston, Miller, Pendarvis, Haynsworth, Graham, Rasor, and Leary. Directors and staff members present included: Dr. Timmerman, Dan Dobbins, Brock Conrad, Bill Chastain, Paul Sandifer, Benny Reeves, Sonny Baines, and various other staff members and guests.

CALL TO ORDER:

Marion Burnside called the meeting to order at 10:00 a.m., and welcomed everyone to the meeting.

ITEM I. READING OF THE MINUTES:

The Commission adopted a motion to dispense with the reading of the minutes of the February 18, 1994 Commission meeting and approve them as submitted.

ITEM II. COMMENTS:

Dr. Timmerman provided the Commission with information concerning the budget, as passed by the House, and provided material detailing the Department's budget request that has been placed before the Senate Finance Committee. He asked all Commissioners to assist in any way that they could to communicate our needs to the Senate Finance Committee.

Dr. Timmerman distributed a Resolution to the Commission which commended Jimmy Huggins and Southeastern Wildlife Exposition and staff for the job they do and expressing their appreciation for allowing the Department to showcase their projects and activities at their annual event. The Commission instructed Dr. Timmerman to transmit that Resolution to the Exposition.

Dr. Timmerman reminded the Commission that their Ethics Commission forms were due and stated that, if they had any questions, Ms. Rose Marie Scheibler would be available to assist them.

Dr. Timmerman reminded the Commission that the Palachucola dedication has been set for 3:00 p.m., Saturday, April 23, 1994, at the Webb Center and that Senator Strom Thurmond will be present. He asked the Commission to consider whether or not they would like to have a Commission meeting in conjunction with that dedication.



Dr. Timmerman stated that he would like to have the opportunity for he and Larry Cartee to brief the Commission at the May 1994 meeting with regard to the Responsive Management Program.

Dr. Timmerman informed the Commission that his counterpart from the State of Florida, Mr. Bob Brantly, would be coming to South Carolina to meet with our staff to discuss how we could better coordinate our game and non-game functions and to develop a plan which will carry us into the next century.

Dr. Timmerman stated that we were looking forward to another outstanding Palmetto Sportsmens Classic. The awards luncheon will be held at 1:00 p.m., and the Harry Hampton Wildlife Fund Board had invited the Commission to attend.

ITEM III. LEGISLATIVE REPORT:

Dan Dobbins provided a brief status report on legislation before the General Assembly and distributed copies of his office's 9th Legislative Report. He pointed out that there had been some activity during the week which was not reflected in the Report and gave a brief description of the activities.

ITEM IV. OLD BUSINESS:

A. Report on Southeastern Hunting and Fishing Guide Survey. Tim Ivey gave a brief report on the survey conducted in the southeastern states on hunting and fishing guides. He pointed out that only five (5) southeastern states required licensing of guides in any form at this time. He gave a detailed description of the survey and of the contacts made by staff with the southeastern states. He concluded by informing the Commission that staff did not recommend any licensing of guides at this time; however, if this type of activity increased and commercialization appeared to have an adverse biological impact in the future, it should be revisited.

After a brief discussion, Commissioner Pendarvis stated that he would like to get a better handle on the number of guides in South Carolina, what they were charging, and what level of activity they were experiencing. Commissioner Pendarvis stated that he had talked with Bill Chastain, of the Law Enforcement Division, and felt that Conservation Officers across the state would know when individuals in their areas were representing themselves as guides and that they could assist in getting a handle on this. Commissioner Pendarvis asked that, before the Commission closed this question, the Law Enforcement and Boating Division try to make a determination of the level of guiding activity occurring in their respective areas, reporting back to the Commission as soon as possible.

Val Nash reported that the Fisheries Section had conducted a similar survey on fishing guides in the freshwaters of the southeast, and also found that only five (5) require licensing of



such guides. He then described the survey and the comments made by some of the other states, stating that, after reviewing the material, staff had concluded that it would not be appropriate to recommend licensing of freshwater fishing guides in South Carolina at this time.

ITEM V. NEW BUSINESS:

A. Construction of Bennett's Point Boat Landing. James Duke reported that, in the boating needs assessment study, the Bennett's Point Rehabilitation Project was listed as the number one project on the Ashepoo River. He stated that the estimated costs to rehabilitate the landing to meet anticipated needs into the distant future would be in excess of \$129,000.00 and that the Colleton County Water Recreation Fund now has only \$17,000.00 in it. Commissioner Pendarvis stated that this boat ramp was in the heart of the ACE Basin and that it was in bad need of rehabilitation. He stated that he understood that staff was working with key members of the General Assembly to explore ways whereby additional funds could be made available to rehabilitate boat ramps in the state. He asked that this boat ramp be given a high priority if and when funds became available. Chairman Burnside instructed staff to prepare a briefing for the Commission as soon as these issues were further resolved so that the Commission could take appropriate action.

B. Proposed WMA Regulations. Commissioner Haynsworth asked Brock Conrad to give a brief background presentation on the status of the WMA regulations. Mr. Conrad stated that the proposed regulations were in the Commission packet and then gave a detailed background briefing on the deer management program in the upper part of the state. Following the briefing, Mr. Conrad stated that staff recommends that it would be in the best interests of the overall Piedmont deer hunting program that there be no change made in the two (2) week break for gun hunting of big game now provided for in current regulations. He further stated that staff recommends that there be no change made in the current regulation that prohibits Sunday hunting of big game in Game Zones 1, 2, and 4.

He stated that staff also recommends that, in the event the Commission were to make recommendations for any changes on the two-week break following Thanksgiving, or on Sunday hunting, these changes be made to apply to public -- as well as private -- lands in the areas affected. He stated that staff had also proposed a new regulation dealing with the use of alcohol on WMA lands and asked that the Commission give consideration to approval of that regulation.

Brock Conrad then called on Derrell Shipes, who gave a briefing on the development of the survey used during the deliberations of these matters by staff. He pointed out that the



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survey had been thoroughly reviewed by Department staff and by at least two (2) members of the Commission prior to being sent out. He noted that there was a survey done of the landowners who are cooperators in our WMA program. Of the nineteen (19) major landowners surveyed in the Piedmont, sixteen (16) responded. Of those respondents, fourteen (14) were opposed to Sunday hunting, with thirteen (13) responding negatively to eliminating the small game and archery season after Thanksgiving. He then provided the Commission with a copy of the complete survey report, including a transcription of all written comments made on the survey form.

Commissioner Haynsworth reported that at the March 10, 1994 Wildlife and Freshwater Fisheries Advisory Board meeting, the Board asked him to make a motion to the Commission to the effect that regulations be changed to allow still gun hunting of deer in Game Zones 2 and 4 from October 11 to January 1 on private land only and to allow Sunday hunting on private land only during the same time frame.

Chairman Burnside then stated that there were several members of the public who asked to be heard on these issues. He asked Buford Mabry to distribute sign-up pads to those who wished to speak in order to allow them to indicate their feelings on the proposal placed before the Commission by Commissioner Haynsworth. Mr. Mabry then distributed the pads and gave a brief description of the Administrative Procedures Act and the process which the Department would have to adhere to in order to promulgate regulatory changes.

Chairman Burnside then stated that there were several people who wished to be heard and recognized Chairman Dave Waldrop, Jr., Chairman of the House Medical, Military, and Municipal Affairs Committee. Chairman Waldrop spoke in support of allowing big game hunting during the two weeks following Thanksgiving, as well as support for allowing Sunday hunting on private lands.

Senator Jim Lander spoke in support of allowing big game hunting during the two weeks following Thanksgiving; however, he stated that he did not support Sunday hunting on private lands.

Mr. Jim Simmons spoke in favor of Sunday hunting on private lands in Games 2 and 4. Mr. Jeremy Wilson spoke in favor of Sunday hunting on private lands and in allowing deer hunting during the two weeks following Thanksgiving. Mr. Frank Hunt spoke in favor of Sunday hunting and big game hunting on private lands during the two weeks following Thanksgiving. Mr. Beaver Hardy spoke in favor of Sunday hunting on private lands in Game Zones 2 and 4. Mr. Donnie Gambrell spoke in opposition to Sunday hunting on private lands in Game Zones 1, 2, and 4. Mr. Marshall Connor spoke in favor of allowing big game hunting during the two weeks following Thanksgiving. Mr. John Jernigan spoke in favor of Sunday hunting and in favor of big game hunting during the two weeks following Thanksgiving. Mr. Norm Hurley spoke in favor of big game hunting during the two weeks following Thanksgiving.



Mr. Glenn Meetze spoke requesting that the Department make an effort to make their regulations easier to understand by the hunting public. Mr. Oscar Stewart spoke, representing the U.S. Forest Service, and read a prepared statement.

Following discussion, Commissioner Razor made a motion that the legal staff be directed to file Notices of Drafting on three proposed regulations, as follows: (1) One which would abolish the two week small game season following Thanksgiving on private lands but leave intact the prohibition on Sunday hunting; (2) One which would allow big game hunting on Sunday on private lands but would keep intact the two week small game season on private lands; and (3) One which would abolish the two week small game season after Thanksgiving on private lands and allow Sunday hunting for big game on private lands. Further, that the Commission Chairman appoint a Hearing Officer to hold a minimum of four (4) public hearings under the Administrative Procedures Act (APA), reporting back to the Commission at its May 1994 meeting with findings and recommendations as to which, if any, of the above ideas should be submitted to the Legislature as a regulation change. Commissioner Poston seconded the motion and it was passed.

Commissioner Haynsworth then moved that the Department promulgate regulations which state that while hunting on WMA land, no person may consume or be under the influence of intoxicants, to include beer, wine, or liquor; that while hunting on WMA land, no person may possess an open container of alcoholic beverage(s). Commissioner Poston seconded the motion. After a brief discussion, Commissioner Leary suggested an amended motion which would include being in possession of, or under the influence of, drugs while hunting on WMA lands. Commissioner Haynsworth agreed to amend his motion and Commissioner Poston amend his second. The motion, as amended, was approved with Commissioner Pendarvis abstaining.

C. Division Reports.

(1) Administrative Services. Nothing further to report.

(2) Wildlife and Freshwater Fisheries. Brock Conrad briefly discussed with the Commission several expressions of concern received by the Department over dog hunting and stated that members of the General Assembly who had expressed an interest had been contacted and that dialogue would be opened to seek solutions.

Brock informed the Commission that the charge for the hunt for the Webb Center had been \$40.00 for some time and that, unless there was Commission objection, there would be an increase to Fifty (\$50.00) Dollars to cover rising costs.

(3) Law Enforcement and Boating. Nothing further to report.



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(4) Conservation, Education & Communication. Nothing further to report.

(5) Marine Resources. Nothing further to report.

D. Advisory Board Reports.

(1) Wildlife and Freshwater Fisheries. Nothing further to report.

(2) Law Enforcement and Boating. Chairman Miller stated that the Advisory Board had met on March 9, 1994, and that there was no action taken that requires further Commission action. He informed the Commission that a phone poll of the Board had been made following the meeting and that a majority of the Board members were in favor of the changes proposed by the Wildlife and Freshwater Fisheries Advisory Board.

(3) Conservation, Education, & Communication. Dr. Graham gave a detailed report on the issues discussed during the Advisory Board meeting; there was no action taken by the Board which required further Commission action.

E. Other Remarks. Dr. Timmerman reported that the Palachucola dedication will be on Saturday, April 23, 1994, at 3:00 p.m.

There were no further remarks from the Commission and, at this time, Commissioner Miller moved that the Commission hold an Executive Session to discuss contractual and personnel matters. Commissioner Poston seconded the motion and it was adopted by the Commission. Chairman Burnside announced that, at this time, the Commission would hold an Executive Session to discuss contractual and personnel matters.

RETURN TO REGULAR SESSION:

Following the Executive Session, the regular meeting resumed and participants were invited into the meeting.

The Commission adopted a motion to accept the staff recommendations on Wildlife Conservation Officers and Deputy Wildlife Conservation Officers, including those approved or disapproved, and on revocations, as presented.

G. Time and Location of Next Commission Meeting. The next meeting of the South Carolina Wildlife and Marine Resources Commission will be Friday, April 15, 1994, at 10:00 a.m., in the Columbia office.



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ITEM VI. ADJOURNMENT.

There being no further business to come before the regular meeting, the Commission adopted a motion to adjourn.

