

MINUTES
BOARD OF THE DEPARTMENT OF NATURAL
RESOURCES

Room 335, Rembert C. Dennis Building
Columbia, South Carolina
Friday, March 22, 1996
10:00 A.M.

The regular meeting of the Board of the South Carolina Department of Natural Resources was held at 10:00 a.m. on Friday, March 22, 1996 in Room 335 of the Rembert C. Dennis Building in Columbia, SC. Notice of the date, time and place of the meeting was mailed to the state's media. Chairman George Graham presided at the meeting and other Board members present included: Tom Miller, Ted Oxner, Mary Pope Waring, Marion Burnside and Campbell Coxe. Dr. James A. Timmerman, Jr., and staff members of the Department of Natural Resources were present at the meeting as well as various guests.

I. Call to Order

Chairman George Graham called the Board Meeting to order at 10:00 am, and welcomed everyone to the meeting.,

II. Meditation

The Board held a moment of silent meditation as noted by Chairman Graham prior to the beginning of the meeting.

III. Approval of Minutes from Last Meeting

The Board adopted a motion to approve the minutes of the February 15, 1996, Board meeting as submitted.

IV. Presentations/Commendations

There were no presentations or commendations to be presented to the Board at this time.

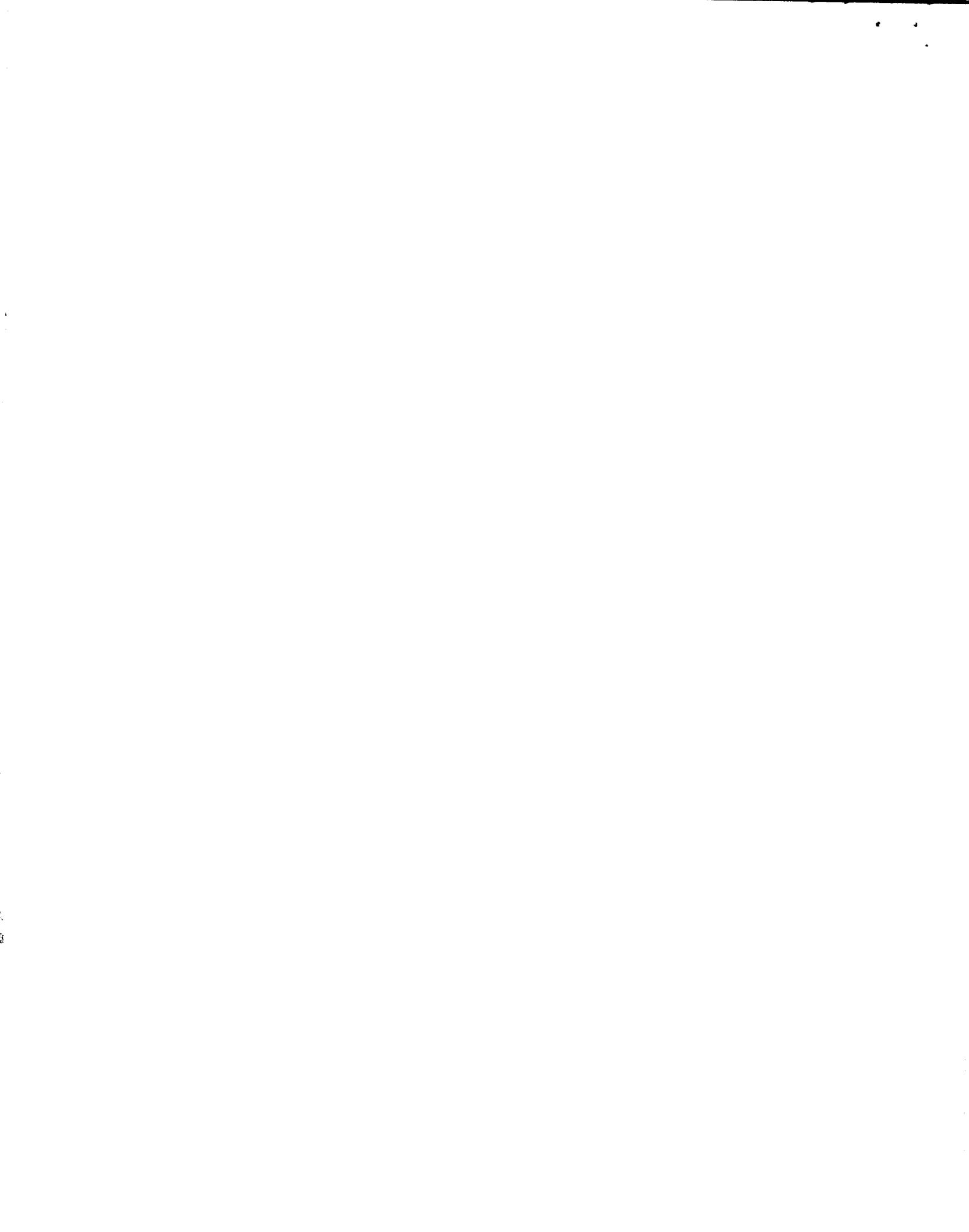
V. Constituent Comments

There were no constituency comments to be presented to the Board at this time.

VI. Director's Briefing

A. Executive Office

1. Director - Dr. Timmerman then called on Mr. Oxner for an introduction. Mr. Oxner then introduced to the Board Mr. Tommy Byrd, Chairman of the Governor's Cup Billfish Tournament Board.



Dr. Timmerman and Benny Reeves gave the Board a briefing on the status of the State Budget. He stated that we had to testify before the Senate Finance Committee Sub-committee on April 3, 1996, at 2:00 pm and asked Board members to be present if possible. He stated that they would stress the Governor's budget proposal for our agency, and stated that the Governor had recommended \$1.2 million of non-recurring money in the Capital Reserve Fund for equipment, but that it had been placed in the Supplemental Bill by House. He stated that he would like this to be moved back to either recurring funds on the Capital Reserve Fund. He also stated that the Heritage Trust Program was suffering economically because of the dilution of check-off money by the addition of other check-offs on the income tax forms. He stated that these funds had been reduced over the years from over \$300,000 to about \$50,000. He stated that if the Board did not object, he would like to ask for an additional \$100,000 in the Senate for Heritage Trust.

Dr. Timmerman then introduced Mike Willis who has recently been hired as the Conservation Education and Communications Division's Special Assistant for Media Affairs and who will also serve as our Department Spokesman. Mr. Willis expressed his appreciation for the opportunity to serve the agency in this capacity.

Dr. Timmerman then distributed minutes of the most recent Directors' Staff Meeting to the Board, bringing to their attention the discussion centering around legislative issues and the Department's new public awareness initiative. He stated that he and Michael Thompson had discussed the need for a more tightly coordinated effort as it relates to the General Assembly, and that he intended to police that more thoroughly. He stated that he and the Chairman had met this morning on the Chapter 9 revision to decide how best to proceed. He reported that he had had an opportunity over the last two weeks to meet with key leadership in both the House and the Senate, and has begun an effort to improve our relationship with the General Assembly. Board member Waring asked if there was a legislative committee among the staff, Dr. Timmerman stated that there was, and Michael Thompson reported that there was a legislative committee comprised of representatives of each division which meets sporadically during the session, but is in contact on a weekly basis either by telephone or by individual contacts through his office. Dr. Timmerman stated that he has been working to better coordinate our public awareness program within the

divisions. A committee has been formed under the leadership of Sonny Baines' division to better coordinate and improve this effort. He stated that he felt that this needs to be better coordinated to avoid duplication and avoid the appearance that this effort is disjointed and undisciplined.

Dr. Timmerman discussed briefly the initiative to develop an agreement with Duke Power for the dispensation and management of their property in the upper part of the state and indicated that he and Vice Chairman Miller had met recently with some of the leading conservation organizations in Washington, as well as our legislative delegation, to explore this further and to discuss funding initiatives. He stated that this effort was going well.

Dr. Timmerman then briefed the Board on the McClellanville boat ramp, indicating that he had recently met with the legislative delegations and their staff in that area to explore possible solutions. He stated that we were working with a local committee which has been formed in the area to find alternative sites for a boat ramp in that area.

Dr. Timmerman reminded the Board that the Ethics Committee Statement of Economic Interest is due by April 15, and indicated that members of the Board could seek advice from our legal section if necessary.

At that time, Vice Chairman Miller stated he enjoyed the trip to Washington and that he was personally convinced that the agency was getting our money's worth out of our staff effort. He stated in no uncertain terms that this agency has the complete confidence and cooperation of our legislative delegation, and that the relationships that we have developed are serving us well in Washington.

Chairman Graham asked about the Statement of Funds on Hand, pointing out that it indicated a deficit in available federal funds, and asked if there was a problem. Benny Reeves stated that this was due to the series of government shutdowns in Washington and the flow of funds becoming sporadic. He stated that he has shifted revenue monies into those accounts to make up for those shortfalls until that money does come in and that everything is on schedule. He stated that this had not been done at the time the report was mailed to the Board.

Chairman Graham stated that there were two other items that the Board needed to study, one being the management plan for Santee Coastal Reserve. He asked the Board to study this and stated that it would be on the agenda for the retreat meeting in April. He stated that he also wanted the

Board to begin thinking about the hog farming controversy in Marion County and that this would be on the agenda for the retreat as well. He stated that this would be a major impact in the Pee Dee as far as land resources and water resources was concerned and that he wanted to see us discussing options at the April meeting.

VII. Items for Board Action

Chairman Graham stated that we would now take up Items for Board action, and suggested that this may be moved up on the agenda for future meetings.

- A. 1996 Objectives and Areas of Concentration - Dr. Timmerman submitted this document at the last Board meeting and asked if the Board had any comments or suggested changes they were submitted as information only. Board member Waring stated that there were several pieces of information that she would like to have available to the Board prior to the retreat so that they could evaluate it before then. One would be a budget, broken down by divisions, so that they can see the expenditures at the division level. She also stated that she understands that the Division Directors have gone through a priority setting exercise and would like to have a copy of this sent to the Board. She would also requested an inventory of all our offices, boat ramps, properties, etc. provided to the Board prior to the Retreat. Dr. Timmerman stated that this material would be mailed out at least two weeks prior to the Board Retreat.
- B. DNR Mitigation Policy - Freddy Vang and Ed Duncan gave a detailed briefing on the Mitigation Banking Proposal prepared as directed by the Board at the February meeting, apologizing for the fact that this was not completed in time to be mailed in the Board package. Following the presentation, Dr. Timmerman indicated that he and staff would move ahead with discussions with the Department of Commerce, the Department of Transportation and the Governor's Office to move this matter forward. Following that, he would explore the possibility of having a technical amendment placed in the budget bill to allow a Mitigation Trust Fund to be established. A draft of such a proviso will be provided to the Board before this action is taken and would be approved by telephone poll, if necessary, before the next Board meeting.

There then ensued a brief discussion of the Sandy Island project recently announced in the press. Chairman Graham congratulated the Department of Transportation for taking a lead role in that mitigation effort and pledged our Department's continuing support and involvement in that project. He asked staff to move forward quickly with their own Mitigation Banking Proposal so that we will be in a more favorable position for such projects in the future. Mrs. Waring echoed the Chairman's comments, stating that this should serve as a wake-up call to DNR and

should encourage us to ensure that the lines of communication are open between our sister agencies in matters of this kind. Chairman Graham then asked staff to send this material out by fax or in writing the first of next week, with the language necessary for a budget proviso, and that the Board be polled by telephone on this matter. He also asked that this be discussed with the Governor's Office to be sure that they agree with the concept.

- C. Governor's Cup Annual Report and Appointments - Dr. Graham called on Dr. Sandifer who reported that the Governor's Cup Billfish Tournament was a program that was on the cutting edge of marine fisheries conservation and one of which the Department can be very proud. He then introduced Tommy Byrd, Chairman of the Board, and Don Hammond, who gave a brief report and overview of the program. Don Hammond and Chairman Byrd distributed a copy of the Governor's Cup Board's Annual Report. Chairman Byrd then discussed the vacant positions on the Governor's Billfish Board. Tommy Miller moved that the appointments be approved by the Board, Board Member Waring seconded, and the motion passed. Chairman Byrd stated there was one more vacancy on the Board that had just recently occurred, and they would be bringing a nomination to the Board at a subsequent meeting. Chairman Byrd then commended Don Hammond for his extraordinary effort in assisting the Board in the accomplishment of their duties and in ensuring the excellence of the program here in South Carolina. Chairman Graham praised the billfish tournament, Chairman Byrd and the Board for their effort, pointing out that this was begun by Governor Campbell and continued by Governor Beasley and expressed appreciation with the way that the program had been carried out since its inception.
- D. Radio Frequency Policy - Chairman Graham called on Colonel Mark Huguley who reported on the policy amendment that had been mailed to the Board. He stated this was a follow-up from the discussion at the last Board meeting and the change would make approval of such frequencies an administrative matter under the Division of Natural Resources Enforcement. After a brief discussion, Board Member Burnside made a motion that the policy change be adopted, Board Member Coxe seconded, and the motion was passed.
- E. Proposed 1996/97 Mourning Dove Season - Chairman Graham called on Brock Conrad to give a detailed report on the season structure as recommended by the staff and the Wildlife and Freshwater Fisheries Advisory Committee. Following that report, Chairman Graham stated that he understood that the Law Enforcement Advisory Committee would like the Board to consider an alternative proposal and called on Vice-Chairman Miller. Vice-Chairman Miller indicated that the Law Enforcement Advisory Committee respectfully requested that the Board consider opening the season on the 1st, which is a Sunday. He stated that this was the unanimous vote of the Committee and was based on a large number of calls and contacts that had been made by constituents. Buford Mabry then pointed out that

there was a state law that says if, for whatever reason, a season opens on Sunday, that it would open on the Saturday before, and that this would place the opening outside of the legal structure authorized by the U.S. Fish and Wildlife Service. Vice-Chairman Miller stated that in light of this legal opinion rendered by Mr. Mabry, he would withdraw his proposal. After a brief further discussion, Board Member Coxe made the motion that the season structure as recommended by staff and the Wildlife and Freshwater Fisheries Advisory Committee be adopted, Board Member Burnside seconded, and the motion was passed.

F. Request for Easement - SC Pipeline Company - Chairman Graham called on Chief Counsel Mabry who discussed the proposal before the Board. He stated the SC Pipeline Company had requested a six foot right-of-way across the McBee Wildlife Management Area and discussed in some detail the aspects of the proposal before them. He stated that District Biologist Gerald Moore had been the chief negotiator between the Department and the company and was very satisfied with the additional consideration that the company has offered. Following detailed discussion among the Board of the aspects of the arrangement, Board Member Burnside made a motion that the Board approve the request, Board Member Miller seconded, and the motion was passed.

G. Emergency Regulation for Lake Paul Wallace - Brock Conrad stated that he had an Emergency Regulation to bring before the Board having to do with Lake Paul Wallace. He stated there was an emergency problem with the spillway at Lake Paul Wallace, and that we had no recourse except to drain that lake. He stated it was unfortunate that this occurred during the peak fishing period, but that it is fortunate that the lake is divided into two parts. He stated they intended to collect as many fish as possible through electroshocking and move these over into the other part of the impoundment so that they would still be available to fishermen in that section of the lake. He stated the regulation calls for fishing to be closed on April 1, 1996, the lake will be restocked, and they intend to reopen it in June of 1998. He requested that the Board approve this regulation change, pointing out that it would then have to be taken to the County Legislative Delegation for further approval before being put into effect. Board Member Burnside moved that the regulation be approved, Board Member Coxe seconded, and the motion was approved.

IX. Missions, Goals, & Strategic Planning

There was nothing further to report to the Board this month.

X. Policy Review

There was nothing further to report to the Board this month.

XI. Comments

There was no further comments for the Board this month.

XII. Executive Session

Board member Miller moved for the Board to hold an executive session to discuss legal and personnel matters. Board member Burnside seconded; and the motion was adopted by the Board. Chairman Graham announced that, at this time, the Board would hold an executive session to discuss legal and personnel matters.

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RETURN TO REGULAR SESSION

The regular meeting was resumed and participants were invited into the meeting.

The Board adopted a motion to approve an Award for Meritorious Service as discussed in Executive Session.

VI. Director's Briefings

A. Executive Office

2. Legal - There was nothing further to report to the Board this month.
3. Legislative Affairs - Dr. Graham stated that they had already had an extensive meeting with Michael Thompson on Chapter 9 legislation and the Bill dealing with game zones.
4. Human Resources - Ms. Agardy reported that last month we had awarded the Department of Natural Resources' Outstanding Employee Of The Year for the first time since restructuring and this honor had gone to Mr. Drew Robb, who is a fisheries technician in the Eastover Office. She further reported that her office is putting the final touches on the Compensation Plan for the Department. She also reported that her staff was working with the CEC staff to coordinate a day-long workshop to cross-train employees on public relations and public awareness issues.
5. Environmental - There was nothing further to report to the Board this month.

B. Deputy Directors

Chairman Graham stated that he would like each Deputy Director to be prepared, at the April retreat, to individually discuss priorities and concerns for their divisions. He stated that this was part of the overall plan and structure that is being considered to increase efficiency in the agency. He said he would be interested in seeing each director narrow their priorities to those that are absolutely essential.

1. Administrative Services - Benny Reeves reiterated that we would be appearing before the Senate Finance Sub-committee on April 3 at

2:00 pm and encouraged members of the Board to attend. He pointed out that our agenda would be to emphasize the Governor's budget, request that the Senate retain everything that the House has approved, that we would like to see the equipment money in the Supplemental Bill moved to non-recurring or the Capital Reserve Fund in the Bill, and request additional money to support Heritage Trust.

2. Wildlife & Freshwater Fisheries - Brock Conrad then distributed the new WMA Regulation changes and discussed them with the Board in some detail. He then called on Tom Kohlsaas, who gave a brief report on the ongoing investigation concerning user fees. He reported that Board member Waring had been meeting with staff and some of our user groups and were developing a proposal for consideration by the Board at their next meeting.
3. Natural Resources Enforcement - There was nothing further to report to the Board.
4. Conservation Education & Communication - Sonny Baines reported that his division is working on a department wide public awareness program. He referred to the report that Ms. Agardy made concerning the day-long awareness workshop being held to train staff and reported that the staff response to this meeting had been very encouraging with 150 already signed up.
5. Marine Resources - Dr. Sandifer referred to the Memorandum of Agreement that had been distributed to the Board between the Department of Natural Resources and the Department of Health and Environmental Control concerning agreement on shellfish, wherein procedures were established for the interaction between our agencies concerning the closure of shellfish grounds due to pollution, and the subsequent rehabilitation and reopening of such grounds. He stated that he felt this was an encouraging initiative and emphasized that the agreement calls for DHEC to work with us to develop a remediation plan for any shellfish grounds that they believed would be closed for more than one year.
6. Water Resources - Mr. Vang distributed a new publication on hydrilla and other prohibited aquatic plants, that will be used to educate the public on the dangers of bringing these plants into South Carolina. He also reported on a recent meeting held in Washington at the budget that would be part of the material to be considered by the Board in a telephone poll next week.

National Press Club where the National Water Policy Charter that had been proposed by the Interstate Council on Water Policy was announced. He then distributed the draft language for a budget proviso that would authorize a mitigation banking fund in the state

7. Land Resources and Conservation Districts - Cary Chamblee distributed a publication to the Board on the South Carolina Land Resources Information Center.

Chairman Graham asked if there were any other reports, pointing out that Larry Cartee was at the Palmetto Sportsmen's Classic and stated that each Board member had a badge and a packet of information before them on the Classic and urged their attendance. He stated that this was an outstanding program with numerous benefits to the Department and extended his appreciation to all the staff and to the Harry Hampton Wildlife Fund Board for their support.

VIII. Advisory Committee Reports

- A. Natural Resources Enforcement - Mr. Miller distributed the minutes from the last meeting and asked Mark Huguley to report on the raid on the coyote pens in Pickens. Chairman Graham asked Mark Huguley to write each member of the Natural Resources Enforcement Advisory Committee and explain why the Board took the action it did on the dove season. Since it went counter to their unanimous vote, he felt the legal technicality should be explained so they would understand why the Board action was taken. He asked Mr. Huguley to let them know that we very much appreciate their concern and their sentiment, that it was a good idea but we just could not implement it because of the legal technicalities. Chairman Graham then asked Mr. Huguley about the recent amendments to the Deputy Enforcement Officer legislation dealing with grandfathering some serving DEO's. Mr. Huguley stated that we would try to reiterate our case on that issue before the General Assembly. He reported they have analyzed the grandfather clause and that it would affect twenty-one existing DEO's. He stated that we oppose the grandfathering clause, but that if it were to pass in that form, we could deal with these individuals through time.
- B. Marine Resources - Paul Sandifer passed out minutes of the last meeting, and stated that the National Marine Fisheries Services is interested in the new TED restrictions in our waters and that they may end up with a request to modify opening days of our season to restrict trawling during times when turtles were most numerous in our waters. He stated that there were no items for action by the Board.



XIII. Time and Location of Next Board Meeting

Chairman Graham stated that the next Board meeting will take place at the Board Retreat at the Webb Wildlife Center which will begin on Thursday, April 18, at 1:00 pm. The retreat would continue until 2:00 pm on Friday afternoon, at which time the regular Board meeting would begin. He stated that Dan Dobbins would be in contact with the Board prior to that meeting to inform them of what to bring and develop the itinerary in greater detail.

XIV. Adjournment

There being no further business to present before the regular Board meeting, a motion was adopted to adjourn.

