

MINUTES

SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES COMMISSION MEETING

Bankers Trust Tower, Columbia, S. C.
October 17, 1979

The regular monthly meeting of the S. C. Wildlife and Marine Resources Commission was held at Bankers Trust Tower, Columbia, S. C., at 1:00 p. m., October 17, 1979, with Chairman Edens presiding. Notice of the date, time and place for the meeting was mailed to the state's media. Commissioners present at the meeting included Commissioners Edens, Pendarvis, Dawson, Stubbs, Boykin, and Harrelson. Directors and staff members present included Dr. Timmerman, Larry Cartee, Paul Sandifer, Jim Mills, Mike Creel, Tommy Edwards, Bill Chastain, John Evans, Prescott Baines, Pat Ryan, Jeff Fuller, Vernon Bevill, Dan Dobbins, Brock Conrad and Benny Reeves. Guests at the meeting included Pat Robertson of the Columbia Record, Betty Spence of the S. C. Wildlife Federation, Ken Kinard of the House Agriculture and Natural Resources Committee, and Frank Caggiano of the Senate.

CALL TO ORDER

Chairman Edens called the meeting to order at 1:00 p. m.

ITEM I. READING OF THE MINUTES

Dr. Timmerman noted that the Minutes of the last meeting regarding guidelines on the utilization of aircraft needed to be clarified and he asked Larry Cartee to explain this proposed change. Larry Cartee noted that in reviewing the tapes of the September 21, 1979 meeting, it was revealed that an amendment to a motion had been withdrawn, thus, the Minutes should not include the sentence, "Following other discussion, Commissioner Shuler agreed to amend his motion to insert the S. C. Coastal Council personnel after Department personnel in the first sentence of #2 on the guidelines", on page 7 of the Minutes. In addition, "as amended" in the following sentence should be deleted. Commissioner Boykin moved that this referenced sentence and the "as amended" in the following sentence be deleted from the September 21, 1979 Minutes. Commissioner Dawson seconded the motion and it was adopted by the Commission. Following other discussion, the Commission approved the Minutes of the September 21, 1979 meeting as amended.

ITEM II. COMMENTS

Dr. Timmerman reported that he and Chairman Edens had recently met with the Governor's natural resources study group to discuss coordination and long-term legislative needs. Dr. Timmerman distributed a list of anticipated three-year legislative needs to the Commission that were discussed at the meeting



(copy attached to original Commission Minutes). Chairman Edens noted that one of the purposes of the group is to bring together some cohesiveness and develop a closer working relationship with natural resources agencies. One of the big things pushed for is to catalog the responsibilities and functions of the natural resources agencies. Another item discussed was legislation to allow for inter-agency agreements between natural resources agencies. An example of this includes some of our working relationships with the S. C. Department of Parks, Recreation and Tourism. Chairman Edens stated that the group was informed that we are getting out of transporting people with the aircraft, but we would be glad to work with other agencies such as the Forestry Commission on spotting fires, disease, etc. This was well received by the group. Chairman Edens noted that a catalog of mission and agency responsibilities will be developed and another meeting will be held in December. Dr. Timmerman stated that the need for a license fee increase was mentioned. In addition, the leasing of land for .24¢ an acre from timber companies was discussed and potential tax deductions for benefits were mentioned.

Dr. Timmerman distributed to the Commission, for their information, some data prepared by Larry Cartee on the Consumer Price Index relative to license fees. This data shows what inflation has done to purchasing power of license revenue which we receive.

Dr. Timmerman reported that he has received about fifty-two letters from residents in York County who are concerned about the trespassing law. They claim that non-residents are leasing land in their area and using the trespass law to keep people off. Dr. Timmerman noted that he responded to each letter and a copy of the response was passed out to the Commission for information.

Dr. Timmerman noted that he has been out talking to various groups and he met recently with news media individuals at Bonneau Ferry which was a very productive meeting.

Dr. Timmerman noted that before former Chairman Trask went off the Commission, he wanted to give some marsh property to the Department. Before we can accept the property, the Attorney General's Office has to review this to determine the legalities. Dr. Timmerman asked the Commission to approve polling the Commission to accept this property once all the legalities are worked out. Commissioner Pendarvis moved that if the property is legally cleared that Dr. Timmerman poll the Commission to accept the property. Commissioner Dawson seconded the motion and it was approved by the Commission. Chairman Edens suggested that a mailing to the Commission on this matter be made once



all the details are worked out.

ITEM III. OLD BUSINESS

A. Advisory Board Appointments: Chairman Edens noted that Commissioner Shuler's wife is expecting and he was not able to attend the meeting to make a recommendation on appointments to the Law Enforcement and Boating Advisory Board. Dr. Timmerman stated that Commissioner Shuler has requested that Marion Burnside be re-appointed to the Board by Governor Riley. Dr. Timmerman stated that he has called the Governor's Office and asked that Mr. Burnside be seriously considered for re-appointment. Relative to the Commission's appointment, Mr. Jim Kinard has been elected to the legislature and Commissioner Shuler asked the staff to check out the legalities to see if he can be re-appointed. After this is checked out, it will be brought back to the Commission. Relative to the Commission's appointment to the Marine Advisory Board, Commissioner Dawson recommended that Mr. Benjamin T. Hardesty, Vice-President of Shakespeare, P. O. Box 246, Columbia, S. C., be appointed. This was seconded and adopted by the Commission. Dr. Timmerman stated that a letter to Mr. Hardesty on this appointment will be drafted for Chairman Edens' signature. Chairman Edens noted that several people have contacted the Governor and his staff on the re-appointments of Mr. Buddy Kronsberg and Mr. Marion Burnside to the respective Boards and he asked any of the Commissioners that want to make such recommendations to do so at their convenience.

B. Proposed DWCO Legislation: Tommy Edwards reported that this matter has been discussed with the Law Enforcement and Boating Advisory Board and the Commission with several suggested changes. All of this discussion has been utilized and proposed DWCO legislation has been drafted. This was distributed to the Commission (copy attached to the original Commission Minutes) and discussed by Mr. Edwards. Chairman Edens asked if a DWCO could carry a weapon. Mr. Edwards noted that the proposed legislation includes an amendment to the S. C. Pistol Act to permit DWCOs to carry pistols within their territorial jurisdictions. Mr. Edwards noted that trespassing and the enforcement of litter laws have been included in the proposed DWCO legislation. Commissioner Dawson asked if there is an illegal activity such as shooting a duck in a pond or shooting a deer on your property, can the DWCO pursue the violator onto adjoining property. Mr. Edwards noted that this is a hot pursuit type question of law. The Commission could restrict the pursuit of DWCOs to their territorial jurisdiction. Commissioner Dawson stated that the DWCOs need to have the ability to pursue violators. Commissioner Harrelson stated



that statewide law restricts the hot pursuit of law enforcement officers based upon a mileage limitation and this question for DWCOs should be cleared up as legislation is proposed so there will be no conflict with existing law. He noted that the Commission may not be authorized to handle this matter by regulations. Bill Chastain noted that one of the reasons they have been contacted is that DWCOs want to expand their authority. Mr. Chastain stated that if the concern is with a violator jumping across a river or a property line, the DWCO territorial authority could be limited to the property in question and one-half or one mile beyond the territorial jurisdiction. Commissioner Dawson stated that this seems o.k. with him and should take care of the problem. Following other discussion, the Commission adopted a motion to include the proposed DWCO legislation in our legislative package.

ITEM IV. NEW BUSINESS

A. Briefing on Executive Sessions: Chairman Edens noted that there have been recent questions in the media regarding executive sessions and that he asked Tommy Edwards to brief the Commission on the law governing executive sessions. Tommy Edwards distributed an outline on the executive session provisions of the Freedom of Information Act (copy attached to original Commission Minutes). Mr. Edwards noted that the allowable subject matter for executive sessions include personnel matters, legal advice, negotiations involving contracts, sale or purchase of property, discussions regarding development of security systems, investigative matters regarding allegations of criminal misconduct, and an administrative briefing. Regarding the administrative briefing, Mr. Edwards noted that this provision is to be strictly construed in that compelling reasons for such must be set forth and votes of the members must be recorded in the Minutes as a matter of public record. Mr. Edwards discussed the procedures for calling an executive session and procedures following the executive session. Mr. Edwards recommended that public ratification of formal action taken in executive session be adopted in public session immediately following an executive session. Mr. Edwards stated that it is the spirit of the Act that no regular practice or pattern of holding executive sessions shall be permitted. As such, since executive sessions can be called for at any time for the allowable subject matter already discussed, Mr. Edwards suggested that the call for executive session be taken off the agenda for each Commission Meeting so it does not appear that we are violating the spirit of the Act. Chairman Edens noted that any Commissioner can call for an executive session at any time and the call for executive session should be taken off the agenda. Commissioner Harrelson noted that it could be understood that if an executive session is called for, it would be held at the end of



the regular meeting. Commissioner Boykin stated that it was his interpretation of the discussion; there will be no minutes of the executive sessions--only the results of the formal action that will be included in the regular Minutes. Chairman Edens noted that we would need to have minutes of the executive sessions. Commissioner Harrelson stated that the discussions in executive session should not be in the Minutes so the Commissioners could speak freely. Chairman Edens stated that we would want to record the actions taken in executive session. Chairman Edens stated that he felt it was important to get the law before the Commission regarding executive sessions and that he hoped, as a Commission member, that executive sessions could be held very sparingly. Larry Cartee informed the Commission that the item of the "call for executive session" on the agenda is part of the agenda format in the Commission By-Laws and if this is to be deleted from the agenda, the By-Laws should be amended accordingly. Commissioner Boykin moved that the "call for executive session" agenda item in the Commission By-Laws be deleted. Commissioner Dawson seconded the motion and it was approved by the Commission. Chairman Edens noted that we should strike this item in the By-Laws before any more are distributed.

B. Presentation on Hunter Ethics: Dr. Timmerman noted that there is a lot of interest in the southeast on hunter ethics as it relates to fighting the anti-hunting movement. A meeting was held in Virginia to discuss the broad spectrum of this matter which Vernon Bevill attended on behalf of the Department. Vernon Bevill distributed a copy of his report on the meeting to the Commission. Mr. Bevill noted that the conference was entitled, "Operation Respect", and focused on the slob hunter and the attitudes of non-hunters. Mr. Bevill made an in-depth presentation of the program at the meeting. A summary of the meeting revealed that we need to look at our own information and education programs so as to define non-hunter attitudes and look at combatting the slob hunter and anti-hunting attitudes. Dr. Timmerman noted that we need to work toward having the hunter police himself. Dr. Timmerman stated that we should have a Department effort to sponsor a similar program in South Carolina in conjunction with various groups the Department works with in the state. Chairman Edens noted that he and Dr. Timmerman had discussed the possibility of the Department taking the lead in seeking cooperation of other law enforcement agencies to combat the litter part of this problem. In addition, a companion problem involving vandalism of signs needs to be addressed. Chairman Edens stated that we may initiate a meeting with other law enforcement agencies to discuss these matters and that the Department should take a lead role on this. Commissioner Harrelson noted that the public often looks at law enforcement officers as an adversary rather than a friend.



The Conservation Officer should be a conservation officer first and a policeman next. Dr. Timmerman stated that he would like to see the Commission and each Division make 1980 a year to concentrate in these areas that have been discussed. Chairman Edens stated that maybe next year we could sponsor, or co-sponsor, a symposium on ethics, anti-litter, etc., with groups such as the Wildlife Federation, Ducks Unlimited and others. Dr. Timmerman noted that we would develop such a program for the Commission's review and comments at the December meeting. Commissioner Pendarvis noted that the authority for DWCOs to enforce litter laws is in the proposed legislation, but the litter violations are not in the points system bill. Chairman Edens suggested that the points system law be amended to include litter violations.

C. Division Reports:

1. Information and Public Affairs: Sonny Baines noted that they are trying to come up with a coordinated effort to pursue the hunter ethics, anti-litter, concepts that have been discussed using the available tools in the agency. A report will be given to the Advisory Board on this matter in November. Various films and TV spots will be sent out shortly regarding the matters that have been discussed. Audio visual educational programs and the magazine will be used to combat the anti-hunting movement. Johnny Evans reported that forty-four radio spots have been produced that will be played by 120 stations across the state. These spots are by Coaches Jim Carlen, Danny Ford, Dick Sheridan, and Art Baker. Samples of these spots were played for the Commission. Dr. Timmerman noted that we will continue to concentrate our efforts in this area in 1980.

2. Administrative Services: Benny Reeves presented the charts that will be used for the budget presentation and went over these charts for the Commission. Mr. Reeves noted that the Budget and Control Board had approved release of the bonding authorization for the Mariculture Center yesterday. The Board was informed that we will need operating funds for this Center after it is constructed. Mr. Reeves informed the Commission that the budget hearing will be at 4:15 p. m., in Room 521 of the Blatt Building. Commissioner Harrelson asked if it would be feasible to have a reduced fee for persons under age 18, if we were to receive some type of license fee increase. Dr. Timmerman noted that we can look at this and get some data together to see what the impact on revenue may be.

3. Wildlife and Freshwater Fisheries: There was nothing to add to the written report.



4. Law Enforcement and Boating: There was nothing to add to the written report.

5. Marine Resources: There was nothing to add to the written report.

D. Advisory Board Reports:

1. Wildlife and Freshwater Fisheries: Commissioner Pendarvis stated that the Board wants to take the deer seasons out of the legislation and leave it at the discretion of the Department. Dan Dobbins noted that we could be given legislative authority to set the seasons, but we would have to follow the rule and regulations process of the Administrative Procedures Act. Brock Conrad informed the Commission that we now have the authority to set the deer seasons in Game Zones 1, 2, and 4. Chairman Edens noted that he feels this needs more discussion and he asked the Board to take this up at their next meeting to see if they can come up with a more concrete proposal.

Commissioner Pendarvis stated that the Board requested the staff contact the Department of Parks, Recreation and Tourism regarding hunting in mountain property that has been acquired. Dr. Timmerman noted that he has a meeting scheduled with the PRT staff to discuss this matter.

Commissioner Pendarvis noted that the Board requested that we get in touch with personnel at Clemson University about an education program for farmers to leave crops on the field instead of turning them under at the end of the year so as to benefit wildlife.

Commissioner Pendarvis reported that Joe Logan addressed the Board on the aquatic weed problem in the state where the Department would be a leading agency to secure funds for control of problem aquatic weeds. Chairman Edens noted that Joe Logan is doing an inventory to identify the problem and prepare a proposal for funds for Fiscal Year 1981-82.

Commissioner Pendarvis noted that the next Board meeting will be on December 11th at Bear Island. The Commissioners were invited to attend this meeting.

2. Law Enforcement and Boating: Chairman Edens noted that this Board did not meet this month.

3. Marine Resources: Commissioner Dawson noted that the Board would meet next month.



4. Heritage Trust: Dr. Timmerman stated that there was no report and he informed the Commission that some property in the mountain area is being appraised and a report will be given at the next meeting.

E. Salary Review Committee: Dr. Timmerman stated that this report is on his desk for signatures and will be passed on to Chairman Edens.

F. Appointments: Dr. Timmerman distributed a copy of the recommendations for appointments and re-appointments of Deputy Wildlife Conservation Officers and Conservation Officers (copy attached to original Commission Minutes). In addition to the appointments and re-appointments of DWCOs on the list, Dr. Timmerman recommended the new DWCO appointment of Mr. Fred Powell from Pawleys Island. The Commission adopted a motion to approve the DWCO appointments and re-appointments as recommended. Dr. Timmerman went over the recommended re-appointments of Conservation Officers and he recommended the appointment of Jerry Feagin of Georgetown County and Christinia Louise Huffstetler Frye of Cherokee County as Conservation Officers. In regard to Ms. Frye, Dr. Timmerman noted that another individual had been recommended for this position, but he did not pass the background investigation. SLED has verified the background investigation on this individual. Ms. Frye was the next applicant recommended; she meets all the requirements and is recommended for appointment. Chairman Edens noted that the merit selection system is working very well and he asked that the Commission continue to support this system. Following other discussion, the Commission adopted a motion to approve all re-appointments as recommended and the new appointments of Jerry Feagin and Christinia Louise Huffstetler Frye as Conservation Officers.

G. Other Remarks: There were no additional remarks from the Commission.

H. Time and Place of Next Meeting: Commissioner Dawson suggested that a meeting be held sometime this winter at the Yawkey Center when the ducks are down. Following other discussion, the Commission adopted a motion to meet at the Yawkey Center on November 16, 1979. Chairman Edens asked Dr. Timmerman to make arrangements for this meeting. Dr. Timmerman noted that it may be appropriate to invite Senator Waddell to meet with them and Chairman Edens asked Dr. Timmerman to invite him.

ITEM V. ADJOURN

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

