

MINUTES
BOARD OF THE DEPARTMENT OF NATURAL RESOURCES
Rembert C. Dennis Building, Room 335
Columbia, South Carolina
Friday, August 15, 1997
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, August 15, 1997, in Room 335 of the Rembert C. Dennis Building, in Columbia, South Carolina. Notice of the date, time and place of the meeting was posted and mailed to the news media. Dr. George Graham presided at the meeting. Board Members present were Tommy Miller, Marion Burnside, Campbell Coxe, Mary Pope Waring and Ted Oxner. Mr. Edward C. (Corky) Lee was out of state and unable to attend. Dr. Paul A. Sandifer and staff members of the Department of Natural Resources were present at the meeting as were various guests.

I. Call to Order

Chairman Graham called the meeting to order at 10:00 A.M. and welcomed everyone to the meeting.

II. Meditation

Dr. Graham called for a moment of silent meditation asking those present to remember Bennett Brown, a member of the Governor's Cup Billfish Series Board of Directors, who had passed away, and to also remember Calvin Dawson, former member of the Wildlife and Marine Resources Commission, who had passed away.

III. Approval of Minutes from Last Meeting

The Board adopted a motion to approve the minutes of the July 18, 1997, Board meeting as submitted.

IV. Presentations/Commendations

A. Mr. Mike Loftis, President of the South Carolina Wildlife Law Enforcement Officers Association, presented the Department a large marble plaque honoring officers killed in the line of duty. Chairman Graham and Dr. Sandifer accepted the plaque on behalf of the Department and Board. The plaque will be displayed appropriately.

V. Constituency Comments

A. Chairman Graham called on Mr. Al Bullington, President of the SC Waterfowl Association. Mr. Bullington gave the Board a briefing on the SC Waterfowl Association, their programs and mission.

B. Chairman Graham then recognized Mr. Jim Hills, representative of the Five Rivers Coalition. Mr. Hills stated that, 14 years ago hunters in Georgetown and upper Charleston County agreed to go along with regulations that would close waterfowl hunting at noon each day and prohibit waterfowl hunting on Sunday. He stated that the hunters now believe that these regulations have not had the desired beneficial effect on waterfowl hunting, had several negative impacts on the sport,

and requested that the Board rescind these special regulations for the upcoming waterfowl season.

VI. Items for Board Action

- A. FY 1998-99 Budget Proposal - Dr. Sandifer reported that the Board had heard the budget proposal at a previous meeting. He then reported in detail on the \$485,000 item for continued facility maintenance. He stated that facilities across the state are aging, and this would be a continuing budget item to be used for priority maintenance on those facilities. He stated that this would be managed by the Director on an annual basis, based on priority needs. He then gave a detailed report of the priority needs that would be dealt with in the 1998-99 budget cycle. After a brief discussion, Mr. Miller moved that the DNR Board approve the Director's recommendations (attached) with regard to the budget request for FY 1998-99, for forwarding to the Governor's office. Mr. Coxe seconded the motion and the motion passed unanimously.

Chairman Graham thanked Dr. Sandifer and stated that the Board was investigating ways to be more efficient with the use of our state appropriated funds and was interested in finding ways to streamline the Department's operations. He stated that this was evidenced in the recent move to consolidate two divisions and one section into one division and that these efforts will continue.

- B. Proposed Waterfowl Season for 1997-98 - Dr. Graham called on Brock Conrad. Mr. Conrad introduced Tommy Strange, who showed a video from the US Fish and Wildlife Service on the status of waterfowl in Canada and the United States. He then reviewed waterfowl and waterfowl hunting statistical data for the Atlantic flyway and the State of South Carolina. He discussed the season options that were mailed to the Board and stated that the staff recommendations, in order, were options 1, 2 and 3, with special restrictions to remain the same as last year. Chairman Graham then asked for any discussion from the Board. Mr. Coxe made a motion that DNR Board approve a split 50-day duck season with the recommended 6-bird limit with the season opening on Saturday, November 15, and running through Saturday, November 29, with the second season starting on Wednesday, December 17, and continuing to January 20, leaving all hunting hours as they are and all special restrictions in place for the 1997-98 waterfowl season. The motion would further include staff recommendations on dates, bag limits, times; and restrictions on mergansers, sea ducks, coots, Canada geese, and that we also accept the January 24 special youth waterfowl day as suggested by staff with the recommended restrictions. Mrs. Waring seconded the motion. Chairman Graham asked if there was discussion of the motion or questions.

Vice Chairman Miller stated that in the past, he, like his colleagues, had taken a conservative approach whenever offered liberal limits and he applauds the Board members that are concerned about a liberal season. He stated, however, that he felt the best tool for reducing pressure on the resource was an established daily closure. He stated that he was not interested in an early afternoon closure, as

some people had been led to believe, but looking for an evening closure that would occur at a certain time of day to limit pressure on roost shooting. He stated that he felt that reducing the number of days might not have the conservation effect that was hoped. He felt that the 60-day season would not be detrimental to the resource and that he would like to see more days in December.

Then ensued a lengthy discussion on this matter, during which there was discussion of a possible 55-day compromise with the extra five days being added on to the beginning of the December season, and there was discussion of proposing that the General Assembly change the points assigned to the violation of shooting waterfowl on the roost to an 18 point violation. Chairman Graham stated that there was a motion, with a second on the floor, and unless he heard a proposal to amend that motion, he would have to call the question on the motion that was before the Board.

Tommy Miller stated that he would like to propose an amendment that would be a 54-day season with the second season beginning on December 13, rather than the December 17. The Chairman asked if there was a second to the amendment and there was none. Chairman Graham stated that the amendment died for lack of a second, and called for further discussion or amendments, there being none, he asked that all in favor of the motion signify by raising their hand. The motion passed by vote of 3-2. Mrs. Waring and Messrs. Coxe and Oxner voted aye. Messrs. Miller and Burnside voted no. As a point of clarification, Dr. Sandifer stated that it appeared to be the consensus of the Board to seek General Assembly approval of an amendment that would make a roost shooting an 18-point violation, pointing out that this would have to be made a part of the Board's legislative proposal in order to be placed before the General Assembly next year for consideration. He also stated that he understood that the Board would like a survey of hunter attitudes and interests, regarding waterfowl seasons, shooting hours and Sunday hunting.

- C. Proposed SC State Duck Stamp Budget 1997-98 - Dr. Graham indicated that this had been mailed to the Board before the meeting and asked if there were any discussion. Mr. Burnside made a motion that the 1997-98 Duck Stamp budget as proposed by staff be approved. Mrs. Waring seconded the motion and the motion carried unanimously. Copy attached to original minutes.

- D. Proposed Antlerless Deer Tag Budget 1997-98 - Dr. Graham called on Brock Conrad, who reported on the antlerless deer tag program statewide and the antlerless deer tag budget for 1997-98. He stated that Charles Ruth was available to respond to questions. Dr. Graham asked about the item concerning land acquisition. Mr. Conrad answered that there were several parcels of land under consideration, but no specific parcel has been isolated. He stated that they would move that into the contingency part of the budget until such time as a specific parcel was identified that they could bring before the Board for consideration. John Frampton said this action would not lock the Board into anything at this time, but

would isolate those funds for land acquisition purposes. He stated that this would preclude the Department having to go through substantial procedures to get those funds put into the budget authorization at a future time and it would save time and paperwork. Chairman Graham stated his concerns were satisfied based on these answers.

Charles Ruth distributed a document to the Board itemizing a revision to the Piedmont Deer Tag budget, item 6, on the handout. He stated that the deer project as well as the division, was interested in purchasing scanning equipment that could be installed in the Columbia office to allow rapid processing of the forms and documents necessary to administer this program. He stated that this would be a savings in staff time and cost to the project. After brief discussion, Mr. Burnside made the motion that the staff recommendations, as amended, be approved by the Board. Mr. Miller seconded the motion and the motion carried unanimously.

- E. Naming Proposed "Land and Water Conservation Division" - Chairman Graham called on Mr. Vang. Mr. Vang reported that the proposed new name was a consensus developed at the recent retreat held to consider the scope of the new division and its activities. This meeting was attended by the Land and Water Advisory Committees and the SC Association of Conservation Districts leadership. After a brief discussion Mr. Miller made the motion that the name change be adopted. Mr. Coxe seconded the motion and the motion carried unanimously. This proposed Division name will be included in the Department's draft legislation to authorize consolidation of the Water, Land and Geological Survey divisions.

- F. Legislative Proposal - Chairman Graham called on Michael Thompson, who stated that a draft of the legislative proposal had been mailed to the Board previously for their consideration. He stated that since that draft, the Law Enforcement Division had proposed three new items and the Water Resources Division had proposed one additional new item; these had been mailed to the Board as well. He then stated that an issue concerning the Mountain Ridge Protection Act had been brought to our attention and called on Hank Stallworth for an explanation. Hank reviewed the history of the act and discussed the meeting held with PRT staff and DNR staff this week. He stated that it was an unanimous opinion of staff of both agencies that DNR should have the chief responsibility for administering this act.

Chairman Graham stated that, in summary, what was before the Board at this time was the original draft proposal mailed out earlier by Mr. Thompson, the three new items from Law Enforcement and the one new item from Water Resources, that had been mailed to the Board previously, and the Mountain Ridge Protection Act amendment and the amendment to increase roost shooting of waterfowl to an 18-point violation. Chairman Graham stated that the legislative proposal was a dynamic process and that additional legislative needs would come up from time to time. He stated that the Marine Division is still processing a large amendment to revise Chapter 5, and there may be other legislative initiatives that may be

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necessary. After a brief discussion, Mr. Burnside made a motion that the Board approve these legislative proposals to be sent to the General Assembly for consideration. Mrs. Waring seconded the motion and the motion carried unanimously.

- G. Jocassee Gorges Endowment Fund - Chairman Graham called on Tom Miller and Ted Oxner to discuss this matter. Mr. Miller stated that he would like to ask that this matter be held in abeyance and asked that John Frampton brief the Board on some recent activity affecting this issue. Mr. Frampton then discussed briefly the counter offer from Crescent Land and Timber, stated that conditions offered by Duke were not acceptable to our conservation partner. Mr. Frampton stated that the Department and its conservation partners had made a counter offer back to Duke on July 25 that they believed was more than fair and the Department, along with our conservation partners, were very disappointed that Duke did not accept this offer. He stated that our conservation partners had informed us that if Duke did not accept this offer by 4:00 PM on August 15, they would no longer be a participant. He reported further that at 5:15 PM on August 14, Duke communicated to us another counter offer that, unfortunately, was also unacceptable to the DNR and our conservation partner. In essence, Duke rejected DNR's offer and as of 4:00 PM today we no longer have an offer on the table. John submitted to the Board for its consideration a draft letter that he proposed be faxed immediately to the Crescent Division of Duke Power and then read the draft letter for the record. (Letter attached to original minutes)

Mr. Miller stated that he had reviewed this letter and believed that it was an appropriate response to send to Duke, that this was a severely disappointing situation, but he felt this letter was appropriate at this time. Mr. Miller made a motion that the Board forward the letter to Duke. Mrs. Waring seconded the motion and the motion carried unanimously.

Chairman Graham stated that some donations had been collected and they were presently being held in the Harry Hampton Wildlife Fund. He asked what should be the disposition of these funds. Mr. Conrad stated that they had intended to write everyone who had made donations and inform them of the status of the negotiations and tell them that if we are not able to reach an agreement with Duke and purchase the property, we will return all the funds. In the meantime, the funds will be held by the Hampton Fund.

Chairman Graham stated that Heritage Trust had some proposed acquisitions that would need to be taken up in Executive Session.

Dr. Sandifer stated that he must again bring to the attention of the Board not only the extraordinary work done by Jim Timmerman over a long period of time on the Jocassee Gorges project, but the outstanding and continuing effort that John Frampton has put into this project. He asked that the record show the effort made by this agency, led by Jim Timmerman and staffed in an outstanding way by John

Frampton. He stated that the Department and every citizen of the state should be proud of them. Mr. Miller stated that the Memorandum of Understanding gives us two more years to work on this project and that we might be back to square one right now, but we will continue to work toward a solution.

Chairman Graham stated that Dr. Timmerman had pledged that we would own this property by 2001 and that he continued to have faith in Dr. Timmerman. He stated that the Governor was clearly behind us and that he believed that with the combination of Jim Timmerman and Governor Beasley, we would be able to successfully seek other donors and other conservation partners to assist the state in this effort.

VII. Advisory Committee Reports

- A. Land and Water Conservation Division - Mr. Vang reported that the two advisory committees had met jointly at a retreat for two days, and went through a very deliberative process to craft plans that would affect the restructuring of the division and how that would fit into the Strategic Plan that the Board has adopted. He noted that there was a great deal of deliberative work on how the marriage of the divisions and units into one would come about and how the agency could derive the best benefit from this restructuring.
- B. Wildlife and Freshwater Fisheries - Nothing further to report.
- C. Law Enforcement - Mr. Miller reported on several items discussed, primarily on the presentations by the Marine Division, the Legal Section and Law Enforcement on the rewrite of Chapters 5, 7, 17 and 20 and reported that his advisory committee had passed a motion to, "approve in concept" that rewrite. He said they also discussed the Officer of the Year banquet that will be held following the September Board meeting and asked all the Board to attend. He also stated that he and Board Member Waring had been discussing the last study that had been done on the assignment of law enforcement manpower, and stated that Col. Huguley and his staff are beginning to revisit that issue. He also stated that he had an appointment matter for the advisory board to be discussed in Executive Session.

Chairman Graham then stated that a group of 13 constituents have signed a petition about the vote on the waterfowl season and would like to address the Board. They felt the advisory committee recommendations were presented to the Board in an incorrect manner and are requesting an opportunity to discuss this matter further. Dr. Graham stated that he had consulted with legal counsel and he ruled that this would not be reconsidered today unless one of the members that voted on the prevailing side wished to offer a motion to reconsider, and if not, he would rule it inadmissible today. He then stated that, if any of those concerned would like to make a statement or appear on constituent considerations at the next Board meeting, they would be welcomed. He then asked if any of the three prevailing members would like to reconsider. No motion to reconsider was offered.

He then called on Maj. Van McCarty who gave the Board a detailed briefing on the process the division is going through to develop a body of written directives to guide all aspects of the Law Enforcement Division's operations.

Col. Huguley stated that he had the opportunity to see similar efforts in other organizations, and thought that this one was going extremely well and thanked staff for an outstanding job.

Dr. Sandifer commended Col. Huguley and all staff who were involved in this project and complimented them in particular for including all levels of officers in the exercise, especially the field officers who are often the ones that have the most public exposure. At this time, Chairman Graham called on the Law Enforcement staff to provide the Board with a detailed briefing of the Law Enforcement Division, its scope and mission, pointing out that CEC would be providing a briefing in September, followed by Wildlife and Freshwater Fisheries in October. Col. Huguley presented an excellent and comprehensive report on the Division of Natural Resources Law Enforcement.

2. Conservation Education and Communications - No report.

3. Marine Resources - John Miglarese reported that he was completely overwhelmed with the presentations by the Marine Division's minority interns this year; they were outstanding and he would like to schedule one to be presented to the Board at a future date. He stated that the program is funded by the National Science Foundation and uses national recruitment, that they had students from a range of colleges and universities, including Grambling, Winthrop, SC State, Southern University and Newberry and that it is working extremely well.

Mr. Miglarese further reported that the department had been served papers by Mr. David Cannon of Edisto Sea Farms seeking damages in relation to the Department's recent actions in relation to his permit to import and grow non-native shrimp.

Mr. Miglarese stated that he and staff have met with the director of the National Marine Fisheries Service and NOAA representatives, with Board Member Corky Lee in attendance, and that the meeting included discussions of federal fisheries enforcement and the condition of fisheries stocks in federal waters. He stated that many of the issues discussed were issues that had been brought up by the Board in the past and he felt we had gotten a beneficial hearing on these issues.

Mr. Miglarese then distributed draft regulations for permits for importation and possession of non-indigenous shrimp for aquacultural purposes, and a copy of a schedule detailing the regulatory process that these regulations must go through. He stated that there was no Board action necessary on the regulation itself, but he did ask the Board's concurrence for the division to file a notice of filing. There being no objection from the Board, Chairman

VIII. Director's Briefing

A. Executive Office

1. Director - Chairman Graham called on Dr. Sandifer who stated that the Board had received a notice of a meeting of the International Association of Fish and Wildlife Agencies to be held September 4-10, in Scottsdale, Arizona, and invited the Board members to attend. He stated that there would be a special session for commissioners and board members, and asked if any board member is interested to contact Rose Marie Scheibler for more details.

Dr. Sandifer called the Board's attention to the wall in the board room above Dr. James Webb's plaque pointing out that Dr. Timmerman's plaque had been hung there in a place of honor. He encouraged the Board members and guests to take an opportunity after the Board meeting, to read the things said on the plaque about Dr. Timmerman and his service to the state.

Dr. Sandifer then distributed for information a list prepared by Rose Marie Scheibler of advisory committee expiration dates. He pointed out that some terms have already expired, but members are serving until replaced.

2. Legal - Buford Mabry reported that the Governor of Georgia had sent a letter to the District Engineer in Atlanta asking the Corps of Engineers not to activate their pump storage facility at Lake Thurmond and stated that the case would probably be back in court in November. Chairman Graham stated that the Greenville News had a good article covering this matter.
3. Legislative - Nothing further to report.
4. Human Resources - Jean Cowell reported that the Department had submitted a request for proviso funding with the Quality Network Executive Committee to fund the Department's leadership development training program, and they would be voting on this today. She stated that this request was based on our leadership management plan and its implementation would depend on how much funding we received. She noted that, if funded, this plan will allow us to develop a management supervisory training program for all management staff and that this training would be linked to the Strategic Plan adopted by the Board last year.
5. Environmental - No report.

B. Deputy Directors

1. Natural Resources Enforcement - Col. Huguley reported that he and his staff are very interested in the possibility of a blue ribbon committee being formed to consider law enforcement manpower needs, but they would like additional time to prepare material for the Board to consider before moving ahead with this process.

consumptive community on that management plan before the Board considers it. Dr. Sandifer stated that we would work toward getting that sort of input, as well as information on the forestry management plan, and have this before the Board on their October agenda.

X. Executive Session

At this time, Mr. Miller made a motion that the Board go into Executive Session to discuss legal, contractual and personnel matters. Mrs. Waring seconded the motion and the motion carried unanimously.

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RETURN TO REGULAR SESSION

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

Chairman Graham called the meeting back to order.

Following Executive Session Mr. Miller made a motion that they accept the staff recommendation concerning the purchase of the Segars-McKinnon Heritage Preserve addition. Mr. Coxe seconded the motion and the motion carried unanimously.

Mr. Miller made a motion that they accept staff recommendations to purchase Peters Creek as proposed, with the contingency that certain legal questions posed by the Board be answered to the Board's satisfaction. Mr. Coxe seconded the motion and the motion carried unanimously.

Mr. Miller made a motion that the Board accept the conservation district commissioner appointments, to include reappointments of Tom Garrison III, Theron L. DeWitt, Jr., and C. B. Player, Jr., and the new appointments of Wheeler B. Williams, Peggy W. Williams, Lawrence David Dwyer and Dr. R. Lynn Harwell. Mr. Coxe seconded the motion and the motion carried unanimously.

Mr. Miller made a motion that the Board reappoint to the Law Enforcement Advisory Committee Mr. Knox L. Haynsworth. Mr. Burnside seconded the motion and the motion carried unanimously.

Mr. Coxe made a motion that the Board reappoint Mr. Obie Stokes to the Wildlife and Freshwater Fisheries Advisory Committee. Mr. Burnside seconded the motion and the motion carried unanimously.

XI. Time and Location of the Next Meeting

Chairman Graham stated that the next meeting of the DNR Board will be held on Friday, September 19, in Columbia, with CEC being the featured division. He stated that the Law Enforcement Officer of the Year luncheon will be scheduled at 1:00 pm, and that in the event the Board did not finish its business in time, it would break, go to that luncheon and reconvene afterward.

He stated that the October meeting will be held on Friday, October 17, at the Harbison State Forest at the SC Forestry Commission's new Environmental Education Center.

Graham instructed staff to proceed with the regulatory process.

4. Land and Water Conservation Division - Mr. Vang reported that his division will be assisting the General Assembly with the Southern Legislative Conference which will be held in Charleston in August 1998 and which may attract as many as 3,000 participants. He stated that they had asked the Department to do a program on the Edisto Basin project and how we were able to involve local governments in that project. Mr. Vang reported that his division had combined the GIS functions in terms of centralizing his staff and have developed one hardware platform so that everyone is speaking the same language with the same software. He stated that they were ensuring that this data is accessible to the entire Department and he thought this effort would be funded by either the National Academy of Science or by the Carnegie Mellon Foundation and should result in data from our database being accessible by anyone throughout the world.

He reported that the Greenville Land and Water Division's offices will be combined at the existing Land office at the county office building.

He also reported that there is now no question that we are in an El Nino event at present and indicated that there are several new avenues for research accompanying that event.

5. Administrative Services - No report.
6. Wildlife and Freshwater Fisheries - Brock Conrad then called on Tom Kohlsaat who briefed the Board on the status of the Red Cockaded Woodpecker Safe Harbor Program. Tom reported that we are moving ahead to apply to the US Fish and Wildlife Service for a Habitat Conservation Plan, which will allow the Department to enroll private owners into Safe Harbor Agreements. The program should be in place by the first of next year. He stated that we will also begin a regulatory process and we will establish regulation that will allow for incidental take for those enrolled in the program.

John Frampton then briefed the Board on the Harvest Information Program, which we will be required to implement next year. He stated that we plan to use a license type of permit that will be distributed at no cost, with several questions that have to be answered at the time the permit is written by the license vendor. He reported that we will be getting \$65,000 in year one from the US Fish and Wildlife Service under a Federal Aid Administrative Grant. He stated that we will put the permit procedures into place with existing regulations but we cannot mandate a penalty with the current regulation process, and to do such may require additional legislative action. He stated that they will begin a public information program next month.

IX. Comments from Board Members

Chairman Graham stated that he would like to see a management plan for the Santee Coastal Reserve brought before the Board as soon as possible for consideration. Mrs. Waring stated that she felt it would be advisable to get additional input from the non-

Mr. Coxe reminded the Board that the Governor's Cup Billfish Tournament Awards Ceremony will be held on the evening of August 27 at the Lace House, with the reception beginning at 5:30 pm.

Mr. Burnside stated that he was glad that we were going to be meeting at the Forestry Commission facility in October, and noted that that sort of facility would be ideal for the Department of Natural Resources. He suggested to the Chairman that, if an opportunity ever arose, DNR should try to establish ourselves in a building of our own with adequate parking and access for our constituents.

XII. Adjournment

There being no further business to be brought before the DNR Board at this time, the meeting was adjourned.

