

## MINUTES

### SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES COMMISSION MEETING

Columbia, S. C.  
August 21, 1981

The regular monthly meeting of the South Carolina Wildlife and Marine Resources Commission meeting was held in the Dennis Building, Columbia, S. C., at 1:30 p.m. on August 21, 1981 with Chairman Edens presiding. Notice of the date, time and place of the meeting was mailed to the state's media. Commissioners present at the meeting included Commissioners Edens, Compton, Harrelson, Owen, Dawson, Stubbs and Altman. Directors and staff members present included Dr. Timmerman, Larry Cartee, Benny Reeves, Ed Joseph, Sonny Baines, Pat Ryan, Jeff Fuller, Dan Dobbins and various other staff. Guests at the meeting included Pat Robertson of "The Columbia Record", Betty Spence of the South Carolina Wildlife Federation, Sam Crouch of the Law Enforcement and Boating Advisory Board, Charles M. Fuss and Suzanne Montero of the National Marine Fisheries Service, Dr. Robert Stephenson of the Heritage Trust Advisory Board, Coy Johnston and Marvin Davant of South Carolina Ducks Unlimited, Ray Smith of Ridgeland, Frank Huguenin of Greenville, and Trey Boone, John Mahond, John Dotterer, Bill Towles, Ray Marr and Yancey McLeod of Columbia.

#### CALL TO ORDER

Chairman Edens called the meeting to order at 1:30 p.m. and introduced and welcomed all guests at the meeting.

#### ITEM I. READING OF THE MINUTES

Commissioner Compton noted that he was not in attendance at the July 17, 1981 meeting. Larry Cartee noted that the date for presentation of an alligator management plan on page 6 of the July 17, 1981 Commission Minutes should read July 1, 1982, rather than July 1, 1981. Commissioner Stubbs moved to dispense with the reading of the minutes of the July 17, 1981 Commission Meeting and approve them as submitted with these amendments so stated. Commissioner Dawson seconded the motion and it was adopted by the Commission.

#### ITEM II. COMMENTS (For Information)

Dr. Timmerman advised the Commission that a radio has been installed with the Colleton County Sheriff as requested by Commissioner Harrelson.

Dr. Timmerman noted that an estimate of \$275,000 to fix the Lake Oak Grove Dam has been received and sent to the U. S. Fish and Wildlife Service for review. Their comments have been sent to the Land Resources Commission and we will be in a better position to report on this project at the September Commission meeting.

Dr. Timmerman informed the Commission that notes are kept on each monthly staff meeting and he asked the Commission if they would like to receive these for information. These are not intended to be exact, but provide guidance on items which need follow through work. Chairman Edens asked Dr. Timmerman to mail these notes to the Commission for information each month.

Dr. Timmerman reported that guidelines on travel, dues, office management, publications and vehicle abuse had been mailed out to the Commission. Commission action is needed on the vehicle abuse policy as the Commission had adopted a policy on this September 21, 1973. This new policy would require a partial payment to the Department when an accident occurs when the employee is at fault. Dr. Timmerman asked the Commission to approve this policy in principle with specific guidelines to be developed and brought back to the Commission for approval. Commissioner Stubbs moved for the Commission to adopt Dr. Timmerman's recommendation. Commissioner Dawson seconded the motion and it was adopted by the Commission. (Copy of adopted policy attached to original Commission Minutes.) Dr. Timmerman noted that the guidelines on travel, dues, office management and special publications were sent to the Commission for information. Chairman Edens stated that the Commission can make any recommendations or comments on these guidelines by the next Commission meeting at which time they will be implemented.

Dr. Timmerman noted that the Southeastern meeting will be held in Tulsa, Oklahoma, on October 21st and we have a group rate for this trip. If any Commissioner would like to attend this meeting, Dr. Timmerman asked them to advise Larry Cartee by September 1, 1981.

Dr. Timmerman noted that Commissioner Harrelson had asked about shad laws at the last meeting and Tommy Edwards had sent him a letter on this matter. Commissioner Harrelson stated that he wanted clarification on whether or not the manual is to be followed regarding shad laws in making cases. Bill Chastain stated that the Officer in question was not using the law manual and a certain case should not have been made. Dr. Timmerman asked Bill Chastain and the staff to get with Commissioner Harrelson on this matter to make sure all Officers are following the same procedure. Chairman Edens asked the staff to follow through on this and if this is not fully clarified to bring it back to the Commission's attention.

Dr. Timmerman advised the Commission that a random survey will be done this year on dove hunters to secure data on all-day hunting, one-half day hunting, bag limits, etc., to use in securing changes on such.

Dr. Timmerman noted that last year, the Commission had approved the use of the Santee Reserve boat ramp and asked us to build a ramp in the area. A project was developed but the Highway Department would not approve the site for development due to safety reasons. Thus, we will have to look for another site to develop a ramp project. Dr. Timmerman asked for the Commission's guidance on the use of the Santee Reserve ramp for this year. Following discussion by the Commission, Commissioner Harrelson moved to inform the appropriate people that in view of the fact that we have been unable to fulfill what we had thought we could do that we would extend the privilege of using the Santee Reserve ramp for one more duck season, and we would continue our efforts to find and construct a ramp on a suitable site, but if we do not find another site it would be up to them to make their own arrangements after the end of the upcoming duck season. Commissioner Compton seconded the motion and it was adopted by the Commission.

Dr. Timmerman passed out a listing of houses owned by the Department where the Department pays for utilities at these houses. This is for information and he noted the Commission may want to look at this at a later time.

Commissioner Dawson distributed to the Commission, for information, a report developed by Graham Reeves on impoundments. Chairman Edens stated that this report would be accepted as information.

ITEM III. LEGISLATIVE UPDATE

Dan Dobbins went over the status of various bills noting that a final legislative report will be available later. Mr. Dobbins also passed out a schedule of hearings on a bill (H.2722) to restructure the oyster lease system.

ITEM IV. OLD BUSINESS

A. Clarification of Shad Laws: This item was covered earlier in the meeting in Dr. Timmerman's comments.

B. Proposed 1981-82 Waterfowl Regulations and Seasons (Including Steel Shot): Brock Conrad distributed a copy of the proposed regulations and seasons for waterfowl (copy attached to original Commission Minutes). The recommended dates for the duck season were October 8 - 10, November 26 - 28, and December 8 - January 20. It was recommended that an additional day be added at the Thanksgiving season to allow for an extra day of hunting and to change the last season to December 9 - January 20. Thus, upon a motion approved by the Commission, the duck seasons were approved as follows: October 8 - 10, November 25 - 28, and December 9 - January 20, and the shooting hours, daily bag limit, and possession limit were approved as recommended. The Commission also approved all other seasons, shooting hours, daily bag limits, possession limits, and season closures in certain areas and on certain species as recommended, with the exception of bonus scaup. On the bonus scaup, Commissioner Harrelson moved for the Commission to approve a 10-day extended scaup season if this is approved by the U. S. Fish and Wildlife Service in time to be published in the regulations, and if this proposed 10-day extended scaup season is not approved, then the Commission would approve the 2-bonus scaup as recommended by staff. This motion was seconded and adopted by the Commission.

Brock Conrad went over the steel shot proposal noting that steel shot is recommended in all 10-gauge, 12-gauge and 3" magnum 20-gauge guns in Georgetown, Charleston, Colleton and Beaufort Counties. Following discussion by the Commission, Commissioner Harrelson moved for approval of steel shot in these counties in 10-gauge and 12-gauge guns this year. Commissioner Compton seconded the motion. Commissioner Dawson moved to amend the motion to also make steel shot mandatory in 3" magnum 20-gauge guns, along with 10 and 12-gauge guns for next year's regulations. This amendment to the motion was approved by the Commission with Commissioners Dawson, Stubbs, Owen and Compton voting for the amendment, Commissioner Edens voting against the amendment and Commissioner Harrelson abstaining. The Commission then voted on the original motion, as amended, and it was approved. The steel shot regulation as approved for this year is as follows: "Non-Toxic Shot Zones: Georgetown, Charleston, Colleton and Beaufort Counties (steel shot is required in all 10-gauge guns and all 12-gauge

guns. In these areas designated above, no person shall take waterfowl while possessing 10-gauge shells or 12-gauge shells loaded with any shot other than steel shot. Shells loaded with toxic shot such as lead can be in possession of hunters and used in taking waterfowl in these areas provided these shells are gauges other than all 10 and 12-gauge." Next year, this same regulation will apply to include 3-inch magnum 20-gauge guns as approved by the Commission.

Coy Johnston expressed appreciation for and advised the Commission that Dr. Timmerman is doing a good job representing the state's waterfowl hunters on the Atlantic Flyway Council.

ITEM V. NEW BUSINESS

A. Presentation - Seafood Marketing: Paul Van Steenbergern and Donna Florio presented an overview of the seafood marketing program to the Commission noting that efforts have been concentrated in market development and product promotion. Efforts in this program have been concentrated with fishermen, industry people, brokers, etc., to make businesses more profitable and extend economic benefits to the state. Dr. Joseph noted that the reaction of the industry to the marketing program has been the most productive we have ever had on any activity. Dr. Timmerman stated that he had spent a few days in the Beaufort area and the shrimpers stressed the marketing program. This program has been funded by the Coastal Plains Regional Commission and we hope to find funding to replace these funds which will expire in the near future.

B. Discussion on Proposed NMFS/Coast Guard Agreement: Dr. Timmerman noted that a draft agreement between the Department and the National Marine Fisheries Service (NMFS) for enforcement of the Endangered Species Act and the Marine Mammal Protection Act was mailed out to the Commission as well as pros and cons of this proposal. In the proposal, efforts to develop items of mutual benefit to both agencies are being sought. Dr. Timmerman noted that we want to cooperate with the NMFS, but we do not want to dilute or take away from our law enforcement program. He stated there is some concern over enforcement in the extended jurisdiction and we may want to look at a letter of agreement rather than a formal agreement. Pat Ryan stated that he had met with Mr. Charlie Fuss of the NMFS and the intent of the NMFS is different than the proposed agreement. Mr. Ryan recommended that we look at proposed changes in the agreement to come under a memo of understanding to reflect what we are currently doing with no additional economic outlays. Mr. Charlie Fuss of the NMFS addressed the Commission on their enforcement activities and passed out a revised agreement for consideration (copy attached to original Commission Minutes). Mr. Fuss noted that the NMFS will install, at their expense, data processing hardware and software to handle reporting requirements. Mr. Fuss noted that they do not expect the state to work 200-miles off the coast and are not asking the agency to do any more than inshore duties. Following other discussion, Chairman Edens appointed Pat Ryan, Bill Chastain, Benny Reeves and Ed Joseph to review this proposal and make recommendations back to the Commission when ready.

C. Finance Committee Report (FY 82-83 Budget): Commissioner Stubbs distributed a copy of the Department's 5-Year Budget Plan to the Commission noting the Committee had met and approved the budget request recommendations submitted to the Budget and Control Board. Commissioner Stubbs moved for the Commission to adopt the agency's 5-Year Budget Plan and budget report to the Budget and Control Board. Commissioner Compton seconded the motion and it was adopted by the Commission.

D. Supervisory Level Law Enforcement Promotion Plan: Chairman Edens noted that he may have made a mistake at the last Commission meeting when he advised Dr. Timmerman to hold up on bringing up the Captain's promotion in District #4. Mr. Edens noted that there was some feeling that the item should have been brought to the Commission for discussion. Mr. Edens stated that he has read all laws, rules and by-laws which apply to the Commission and this promotion is not a Commission decision. Mr. Edens noted that a copy of the supervisory level law enforcement plan is before the Commission which has been in effect since 1977. This plan has been amended in one respect in that the review panel includes, both the Division Director and the Chief of Law Enforcement, rather than just one of these. Commissioner Harrelson stated that in Section 50-3-110 of the 1976 S. C. Code of Laws, as amended, it states that the Commission shall have charge of the warden force and exercise supervision. The Commission has a responsibility and should not be left out of such decisions. Following other discussion, Commissioner Harrelson moved for an Executive Session following the regular meeting to discuss personnel matters. Commissioner Compton seconded the motion and it was adopted by the Commission. Chairman Edens announced that an Executive Session would be held following the regular meeting to discuss personnel matters.

E. Origin of Proposals Presented to Commission: Chairman Edens noted that various items have come before the Commission that have originated with various individuals and he asked for a policy that when any recommendation comes before the Commission, it should be stated where a proposal originated. If it is a staff recommendation, then such would be identified in that manner. This policy would take pressure off the staff regarding endorsement of something they may not want to endorse. Commissioner Owen moved for the Commission to adopt, as a policy, that any recommendations made before the Commission include the person or persons which originated the proposal. Commissioner Dawson seconded the motion and it was adopted by the Commission.

F. Division Reports:

1. Administrative Services: Benny Reeves reported that the duck stamps are available for sale and the staff is recommending a proposed distribution policy on these stamps for collectors. There are 3,500 sheets available for sale and collectors are interested in entire sheets, block of four from the corners, and one numbered stamp. Mr. Reeves recommended that sheet #1 be purchased by the Hampton Foundation and donated to the Department; sheets #2 - 500 be reserved for collectors for sale only as full sheets; sheets #501-1000 be used to sell numbered blocks of four stamps; and single numbered stamps be sold from sheets numbered above 1000.

Collectors would also be permitted to purchase the same numbered sheet, block of 4 or numbered stamp from year to year. Requests for stamps from collectors are dated and will be disbursed on a first-come, first-served basis on the date the requests come in. The .50¢ agents fee collected by the Department will be used on promotions to sell the stamps. In addition, on a certain date, to be announced in the future, all surplus stamps will be destroyed. This will be advertised and orders will be taken for the stamps prior to the date they will be destroyed. Commissioner Harrelson moved for the Commission to adopt this distribution policy as recommended. Commissioner Compton seconded the motion and it was adopted by the Commission. Dr. Timmerman noted the stamp will be promoted through stamp magazines and brochures to be printed.

2. Wildlife & Freshwater Fisheries: There was nothing further to report.

3. Law Enforcement & Boating: There was nothing further to report.

4. Information & Public Affairs: Chairman Edens asked about the dates of the Department's news releases and their mailing date which precludes them from being in the weekend papers. Mike Creel noted that the Sunday articles are developed on Thursday and they would not get them soon enough even if they were mailed out prior to Monday. Sonny Baines gave each Commissioner a calendar and advised them that 6,000 of the 12,000 ordered have been sold.

Mr. Marvin Davant of the State Waterfowl Committee presented, at no cost to the Commission, the last packet of the 105,000 duck stamps which were ordered. These were presented to Chairman Edens and the Commission on behalf of the State Waterfowl Committee.

5. Marine Resources: Dr. Joseph advised the Commission that a mail-gram had been received from the Gulf and South Atlantic Fisheries Development Foundation denoting that Paul Van Steenberghe has been selected to receive the Foundation's Distinguished Service Award.

G. Advisory Board Reports:

1. Wildlife & Freshwater Fisheries: Commissioner Owen noted that the Board met last Thursday and discussed various items such as fluctuating water levels at Santee Cooper, turkey tags, use of duck stamp revenue and several other items which he went over for the Commission's information. Chairman Edens stated that the Board Minutes indicate that he was in favor of making the tag mandatory statewide and charging a \$1.00 fee. He noted this should be corrected in that a study should be made to see if the tags should be used statewide and a separate consideration would be a possible minimum charge for the tags. Chairman Edens advised the Commission that 7 of 9 members were in attendance at the last Board meeting and he suggested the Commission commend the Board members for their attendance and support. Commissioner Compton moved for the Commission to adopt this suggestion. Commissioner Dawson seconded the motion and it was approved by the Commission. Chairman Edens noted the

Board members will be notified of this action. Chairman Edens advised the Commission that he has asked Commissioner Owen to attend the upcoming meeting of the International Association of Fish and Wildlife Agencies to extend an invitation to meet in South Carolina next year as the official spokesman for the Commission.

2. Law Enforcement & Boating: There was no report from the Board this month.

3. Marine Resources: There was no report from the Board this month.

4. Heritage Trust: Dr. Robert Stephenson of the Board reported on behalf of the Board Chairman who could not attend. He stated the Board discussed the Mountain Bridge property and the recent public hearing held on this project. The Board also discussed the non-game tax checkoff. Dr. Stephenson invited the Commissioners to attend their next meeting at the Marine Center on October 29th which will include a trip to Capers Island. Dr. Stephenson expressed appreciation to the Commission for their invitation to the Commission meetings and the opportunity to report on the Board meetings. Dr. Timmerman noted that Commissioners Stubbs, Owen and Compton represented the Commission well at the recent Mountain Bridge public hearing.

H. Salary Review Committee: Dr. Timmerman stated that this report is in order and a copy has been sent to the Chairman.

I. Appointments: Dr. Timmerman distributed a copy of the recommendations for appointments and re-appointments of Conservation Officers and Deputy Wildlife Conservation Officers (copy attached to original Commission Minutes). All appointments, re-appointments and revocations were approved by the Commission as recommended.

J. Other Remarks: Commissioner Stubbs congratulated Dr. Timmerman and the staff on the recent letter sent regarding the Environmental Assessment for the Carolina Refinery permit.

K. Time and Place of Next Meeting: Chairman Edens announced that the next meeting will be held in Columbia on September 18, 1981, at 10:00 a.m.

ITEM VI. ADJOURN

There being no further business to come before the regular meeting, the Commission approved a motion to adjourn the regular meeting and go into Executive Session. Chairman Edens announced the Executive Session will be held to discuss personnel matters.

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RETURN TO REGULAR SESSION

Following the Executive Session, the Commission returned to regular session and invited participants into the meeting.

Chairman Edens announced that in Executive Session, the Commission approved a motion for the Commission to adopt the Supervisory Level Law Enforcement Promotion Policy with Item #6 added to read as follows: The Executive Director will report his determination to the Commission for information. (Copy of policy, as amended, attached to original Commission Minutes.) Commissioner Compton moved for the Commission to approve and ratify this action. Commissioner Owen seconded the motion and it was adopted by the Commission.

Dr. Timmerman reported to the Commission, for information, that John H. Clayton is being promoted to Captain in Law Enforcement District #4.

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