

MINUTES

S. C. WILDLIFE & MARINE RESOURCES COMMISSION MEETING

Fort Johnson

August 26, 1977

The regular monthly meeting of the S. C. Wildlife and Marine Resources Commission was held at Fort Johnson at 10:00 a.m. on August 26, 1977, with Vice-Chairman Lumpkin presiding. Other Commissioners present included: Trask, Shuler, Edens, Buchanan, Boykin, and Dennis. Senator James M. Waddell was also present at the meeting. Directors and staff members present included: Dr. Timmerman, Dr. Joseph, Jeff Fuller, Pat Ryan, Benny Reeves, Dr. Beam, Larry Cartee, Tommy Strange, Pete Laurie, T. C. Welch, Charlie Bearden, Mike McKenzie, David Cupka, Dr. Burrell, Dr. Sandifer, Ben Gregg, Gene Smoak, Terry Hughey, Ned Pendarvis, Fred Ramage, and others. Frank Caggiano of the House Agriculture and Natural Resources Committee and Mike Copeland of the Senate Fish, Game and Forestry Committee were also present.

CALL TO ORDER

Vice-Chairman Lumpkin called the meeting to order and asked Dr. Timmerman to introduce guests at the meeting. Dr. Timmerman introduced Coy Johnston, Frank Ford and Buddy Kronsberg of the Wildlife and Freshwater Fisheries Advisory Board, Stan Hurteau of Ducks Unlimited, Jack Bowles of the S. C. Wildlife Federation, Gardner Miller of The Charleston News & Courier, and Pat Robertson of the Columbia Record.

ITEM I. READING OF LAST MEETING MINUTES: Commissioner Edens moved to dispense with the reading of the Minutes of the regular meeting and the Executive Session of July 15, 1977, and approve as submitted. Commissioner Boykin seconded the motion and such was approved by the Commission.

ITEM II. COMMENTS: Dr. Timmerman informed the Commission that Mr. Jerry Taylor has been hired for the Assistant Attorney General's position and should begin work around the first part of September.

Dr. Timmerman noted that the Legislative Liaison position is now vacant with Bill Cotty going into private law practice. Due to the importance of this job, someone is needed to represent the interests of the Department and the Commission. Dr. Timmerman, however, stated that he did not feel the position necessarily required an attorney and, as such, asked for the Commission's comments on this matter. Commissioner Edens stated that he did not feel an attorney was needed for the job.



He stated that other strict qualifications should enable the Department to attain a good individual for the job. Commissioner Edens noted that with an Assistant Attorney General now, Dr. Timmerman has the flexibility to get someone to do the job. Commissioner Trask agreed with this statement. Senator Waddell noted that he also agreed and that someone was needed to develop a rapport and work closely with the General Assembly. Vice-Chairman Lumpkin noted that there seemed to be a concensus of opinion to go ahead and establish the position. Dr. Timmerman stated that guidelines for the job will be developed and mailed out to the Commission.

Dr. Timmerman noted that at the last meeting, a problem existed concerning a conservation officer appointment in Kershaw County. Commissioner Boykin stated that Senator Holland had objected to the appointment since he did not have any advance information on the appointment, but this has been resolved and Senator Holland has withdrawn his objection. Dr. Timmerman stated that all information on new appointments will be kept in-house until the Commission has acted on such and informed the respective legislators.

Dr. Timmerman stated that four (4) new conservation officers will be hired in District #9 to aid in coastal zone management activities. Funds for the jobs will be transferred from the Office of Coastal Zone Planning to the Department to hire the individuals to assist in law enforcement work in District #9 and to help carry out the enforcement responsibilities for the coastal zone legislation. The affected counties have been notified and applicants will be tested in September with recommendations coming to the Commission at the October meeting.

In addition, Dr. Timmerman noted that the Commission has discussed assisting in the implementation of the coastal zone legislation and agreed that the Department would cooperate in various areas. As such, a memorandum of agreement concerning this matter has been developed for consideration by the Commission. Dr. Timmerman stated that he was in agreement with the proposal. Senator Waddell distributed the memo of agreement to the Commission noting that they are attempting to work closely with other agencies so as to avoid the development of another complete agency. Senator Waddell noted that the agreement can be terminated by either party by mutual agreement when there are no longer programs of mutual concern to both agencies. Following some discussion, Commissioner Trask moved that the Commission approve the agreement in principle and allow the Commission time to study such. Commissioner Boykin seconded the motion and such was approved by the Commission. (Copy of agreement attached to original Minutes.)

Dr. Timmerman informed the Commission of upcoming meetings and invited them to attend such. These included the following: 1) International Association of Fish and Wildlife Agencies in Vancouver - September 10 - 13; 2) Plantation managers meeting



at Okatee - September 28; 3) National Association of State Boating Law Administrators which the Department will host in Charleston - October 4 - 6; 4) South-eastern Association of Game and Fish Commissioners in San Antonio - October 9 - 12; and 5) National Nature Conservancy meeting in Charleston - October 20 - 22. Commissioner Dennis requested that the next Commission meeting be held on September 23rd, rather than September 16th. The Commission agreed to meet on September 23rd.

ITEM III. OLD BUSINESS

A. Briefing on Program and Activities of the Division of Marine Resources:

Dr. Joseph presented an in-depth presentation of the programs and activities of the Marine Resources Center. Dr. Joseph noted that these remarks had been prepared for the Senate Fish, Game and Forestry Committee and sent to all the members. Dr. Joseph stated that the program at the Marine Center is broader than just commercial fisheries activities. The program is a broad based fisheries management and research program. Dr. Joseph presented activities and problems associated with the management and research on shrimp, blue crabs, oysters, clams, offshore live bottom fishery, recreational fishing, etc. Dr. Joseph noted that the Marine Center serves a large constituency consisting of commercial fishermen, recreational fishermen, state and federal agencies, coastal zone management and corporate interests. Dr. Joseph stated that the Office of Conservation and Management and the Marine Resources Research Institute have a great deal of interaction in their work. Dr. Joseph distributed a statement of activities and contracts of the Marine Center program. As of April 12, 1977, the contracts in force were about \$1.3 million.

Commissioner Trask asked about the Division's success with aquaculture. Dr. Joseph stated that there is some potential for prawn as a cottage activity in the lower portion of the state. The impacts of the prawn will be better understood through an economic analysis being conducted by Dr. Ken Roberts. A large-scale corporate development with prawn in the state is unlikely due to the length of the growing season. Dr. Joseph noted that personnel from the National Marine Fisheries Service's Seafood Technology Laboratory are interested in some evaluation of the prawn in their activities.

Commissioner Boykin asked if any projections had been made on the near future of the white shrimp fishery that was affected this year by the extremely cold winter. Dr. Joseph noted that there are two previous years on record where the impact on white shrimp was seriously affected. In both cases, the following year was average for harvest. As such, there is no reason to expect the same conditions next year, assuming we have a normal winter.



Commissioner Dennis asked if the Marine Center is conducting any research on noxious aquatic weed growth. Dr. Joseph stated that this problem was primarily being addressed by Mr. Fuller, but the Marine Center has expressed interest in working with them on this matter.

B. Doe Quota Program: Commissioner Edens noted that at the request of Chairman Hudson, he would like for the Commission to reconsider the acreage requirement on the doe quota program approved by the Commission. In the ten counties having either-sex seasons, there must be 2,500 contiguous acres in order for a landowner to attain additional doe quotas. In the remaining thirty-six counties, there is no minimum acreage requirement. As such, Commissioner Edens requested that the Commission reconsider the 2,500 acre requirement in the ten affected counties. Dr. Timmerman stated that it was his understanding that the Commission had been polled regarding this matter and such was to be eliminated. Commissioner Edens noted that a majority of the Commission had been polled, but such should be included in the record. In this regard, Commissioner Edens moved to eliminate the 2,500 acre requirement in all counties as a prerequisite to consideration for doe quotas and base each request on its own merit. Commissioner Trask seconded the motion and such was approved by the Commission.

ITEM IV. NEW BUSINESS

A. Donation for Wild Turkey Restoration: Vice-Chairman Lumpkin introduced Tom Rodgers, President of the National Wild Turkey Federation, to make this presentation. Mr. Rodgers presented a check for \$1,500 from the Austin, Nichols and Company for a single wild turkey restoration effort in the state. Vice-Chairman Lumpkin accepted the donation on behalf of the Commission and expressed his appreciation for such.

B. Proposed FY 78-79 Budget: Benny Reeves noted that the Commission Finance Committee met on August 25 and discussed the proposed FY 78-79 budget. Commissioner Buchanan stated that the public sector is facing some serious financial problems. As such, it may be necessary to cut back in certain areas. This will require that a close look be taken on where priorities will be placed in the Department. Commissioner Buchanan expressed his appreciation to Senators Waddell and Dennis for their assistance with financial matters for the Department.

Mr. Reeves noted that the Department had been allocated level funding for FY 78-79 by the State Auditor's Office. As such, the Department's budget was prepared by staff and presented to the Commission Finance Committee. This budget proposal was approved by the Committee and presented to the Commission for their consideration.

Dr. Timmerman noted that the revenue picture has been stable, but costs of operating have increased over the past few years. As such, there are less funds each



year for operating expenses in the Department. This is going to require some decision-making on possible license fee increases, freeze on positions, and the like. Dr. Timmerman stated that every efficiency move possible will be taken in the Department to save funds. Dr. Timmerman noted that Pat Ryan had appointed a committee to review all purchases and maintenance costs in his Division so as to see where funds can be saved. In addition, Dr. Timmerman noted that state funds will be sought to help support the magazine. If this is not forthcoming, advertising or some other source of revenue may be approached to support the magazine.

Commissioner Dennis stated that even though the budget situation in the state is improving, it is a matter of priorities as to how the additional state revenues will be allocated. He noted this is not intended for the Department to be adversely affected in this regard.

Mr. Reeves stated that the Commission would be informed of the date and time for the budget hearing before the Budget and Control Board. Commissioner Buchanan moved that the Commission adopt the FY 78-79 budget as proposed by the staff and recommended by the Commission Finance Committee. Commissioner Boykin seconded the motion and such was approved by the Commission.

C. Proposed Dedication Agreement for Capers Island and Cook's Mountain: Dr. Beam noted that the dedication agreement for Capers Island is being drafted and will be available for the Commission's consideration at the next meeting. In addition, Dr. Beam stated that the Cook's Mountain registration had been mailed to the Commission for their consideration. The Heritage Trust Advisory Board has reviewed this registration agreement and recommends such to the Commission. Commissioner Trask moved that the Commission approve the registration agreement as presented. Commissioner Boykin seconded the motion and such was approved by the Commission. (Copy of registration agreement attached to original Minutes.)

D. Proposed 77-78 Waterfowl Regulations: Jeff Fuller distributed a copy of proposed regulations for waterfowl to the Commission for their consideration (copy attached). Pursuant to various motions by Commissioners, the Commission approved the proposed seasons, shooting hours, daily bag limit, and possession limit for ducks, bonus blue wing teal, bonus scaup, mergansers, sea ducks, coots, Canada geese, and snow geese as submitted by Mr. Fuller. In addition, Commissioner Buchanan moved to close the season on mottled duck in the state so as to protect this bird which is being established in South Carolina. Commissioner Trask seconded the motion and such was approved by the Commission. The Commission also approved a motion to close the goose season in McCormick County so as to aid in the establishment of a resident population.

The Commission discussed the question regarding enforcement of individuals that harvest a mottled duck since they closely resemble the black duck. Coy Johnston



recommended that the Department publicize the closing of the season for mottled ducks and appeal to the people to exercise caution in the harvest of black ducks. The Commission discussed this matter in-depth and Commissioner Dennis moved that enforcement regarding this matter be left to Dr. Timmerman and the Division of Law Enforcement at their discretion. Commissioner Boykin seconded the motion and such was approved by the Commission.

The Commission also discussed the idea of closing the shooting hours for ducks at 3:00 p. m. Mr. Fuller noted that he did not have a recommendation regarding this matter, but felt the Commission should address such. Following other discussion, Commissioner Trask moved that the shooting hours remain as last year, rather than a 3:00 p. m. closing. Commissioner Dennis seconded the motion and such was approved by the Commission.

E. Update on Trapping Law: Jeff Fuller noted that proposed rules and regulations to implement the newly passed trapping law had been mailed to the Commission for their consideration. Mr. Fuller stated that he had met with the Attorney General's Office and they advised that the Department must follow the State Registry process in implementing this Act. They suggested that the Department's new attorney should handle this matter when he starts to work. In essence, upon Commission approval of the rules and regulations, the majority of the legislative delegation in each Game Zone must approve the regulations. At that time, the regulations must follow the State Registry process and attain approval from the General Assembly when they return to session in 1978. Mr. Fuller noted that the law requires trappers and coon hunters to purchase a \$100 license this year. Senator Waddell noted that the trapping law has some problem areas and will probably require some changes in the 1978 session. As such, Senator Waddell stated that it would be helpful if the Department would present its recommended changes to the Senate Fish, Game and Forestry Committee before the session convenes in January.

Dr. Timmerman noted that we will have to get the Department's new attorney on this matter and follow the procedure as developed by the legislature. Commissioner Dennis suggested that the Commission appeal to the legislative delegations to withhold approval of the rules and regulations under the new trapping law until conflicts can be resolved in the next session and operate under the previous trapping law. This suggestion was placed in the form of a motion and adopted by the Commission. The Commission requested that the staff send a letter to all legislators regarding this matter noting that proposals for clarifying the law will be presented in the next session.

F. Dedication Agreement and Easement for the Yawkey Property: Dr. Timmerman stated that the trustees of the Yawkey Foundation desired to dedicate the Yawkey Property under the auspices of the Heritage Trust Act. The dedication agreement does not change any of the provisions of the will or any previous commitments by the Commission. Dr. Timmerman noted that the Heritage Trust Advisory Board



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has approved this dedication agreement and recommends such to the Commission. Since we have not received the signed copy of the agreement from the Trustees, Dr. Timmerman recommended that the Commission approve the agreement in principle and it can be signed by the Commission at the next meeting. Commissioner Dennis moved for the Commission to approve the dedication agreement. Commissioner Boykin seconded the motion and such was approved by the Commission. Dr. Timmerman noted that when this is signed by the Commission, the deeds to the property can be transferred to the Department.

Commissioner Buchanan recommended that if the Commission accepted such property in the future, it should be closely looked at so as to ensure that adequate funds are available for management for this type property. Dr. Timmerman stated that he shared in this view, but the Yawkey property has funds from the trust which was established for the management of the property. Commissioner Edens stated that the Yawkey property is a unique situation and we should be grateful for the donation to the Department. Commissioner Edens noted, however, that before we accept any future property with restrictions, the Commission should take a long hard look at such before the property is accepted.

G. Proposed Uniforms for Division of Wildlife and Freshwater Fisheries: Jeff Fuller stated that the Commission had approved, in February 1975, a dress code for new uniforms in the Division of Wildlife and Freshwater Fisheries. In this regard, Mr. Fuller presented the Commission with a proposed new uniform for personnel in the Division of Wildlife and Freshwater Fisheries to meet the needs of the Division. Mr. Fuller presented proposed winter and summer uniforms including pants, shirts, shoes, coats, and the like. Mr. Fuller noted that the cost for the uniform is comparable to the cost of the present uniform. In addition, the change to the new uniform will be gradual and take about a year or so to implement. Dr. Timmerman stated that there may be a slight variation in particular items when such is placed on bids. In addition, Dr. Timmerman noted we would develop a list of employees whereby this uniform is essential for the performance of their job functions. Commissioner Boykin moved that the Commission approve the use of the uniform as presented by Mr. Fuller. Commissioner Trask seconded the motion and such was approved by the Commission.

H. Division Reports: There were no additions by the Division Directors to the Division reports that were submitted to the Commission by mail.

I. Advisory Board Reports:

1. Heritage Trust: Dr. Beam stated that all the items of the Heritage Trust Advisory Board had been presented to the Commission.

Commissioner Edens stated that the Wildlife and Freshwater Fisheries Advisory Board is scheduled to meet on October 13, 1977.



J. Salary Review Committee: Dr. Timmerman reported that the Salary Review Committee had met and there was one "outstanding performance" to report to the Commission. This report was passed on to Vice-Chairman Lumpkin.

K. Appointments: Dr. Timmerman distributed a list of recommended appointments and re-appointments that were mailed to the Commission. (Copy attached to original Minutes.)

In regard to the DWCO re-appointments as presented, Dr. Timmerman noted that for Wilton H. Powell, he recommended jurisdiction at Hilton Head and adjacent counties including Jasper, Beaufort, Colleton and Hampton Counties. In this regard, Commissioner Boykin moved for the approval of this change in Mr. Powell's appointment and for the approval of the other re-appointments as presented to the Commission, subject to the approval of the resident Commissioner. Commissioner Buchanan seconded the motion and such was approved by the Commission.

Relative to new DWCO appointments as presented, Dr. Timmerman noted that Mr. Bessinger had requested a statewide commission instead of limited jurisdiction in Georgetown County. Commissioner Lumpkin stated that Mr. Bessinger works in several counties and assists conservation officers in their work. Dr. Timmerman stated that if the reasons for expanded jurisdiction can be justified, the commission could be changed for such. Commissioner Lumpkin stated that he would present a recommendation at the next meeting for the counties where he should have jurisdiction. As such, Commissioner Boykin moved for the Commission to approve all the new DWCO appointments as they were presented by Dr. Timmerman subject to the resident Commissioner's approval. The motion was seconded and adopted by the Commission. Commissioner Lumpkin will present recommendations at the next meeting to expand the authority of Mr. Bessinger's commission.

Dr. Timmerman went over the proposed re-appointment of conservation officers. Commissioner Buchanan moved for their approval, seconded by Commissioner Edens and the motion carried.

Dr. Timmerman recommended appointment of new conservation officers as follows: Robert Norris, Anderson; Larry Ross, Simpsonville; Pinckney Wagers, St. George; and Charles Morrow, Union. Commissioner Shuler moved for the approval of their appointment, seconded by Commissioner Boykin, and the motion was approved.

In regard to the re-appointments of other Department personnel, Commissioner Trask moved for their approval, seconded by Commissioner Edens and the motion was approved by the Commission.



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Dr. Timmerman distributed a list of DWCOs that have not attended the training program as required by the Commission. Commissioner Edens moved that the staff ascertain why the individuals in question did not attend the training session and if the non-attendance was justified, their commission would not be revoked, but if their reason is not justified, we follow the existing Commission approved procedure. Commission Boykin seconded the motion and such was approved by the Commission.

Following other discussion, Commissioner Dennis moved that the Executive Director, with the approval of the resident commissioner, be authorized to excuse DWCO from attendance at the training sessions. Commissioner Edens noted that where it is obvious that an individual had a justifiable reason for not attending the training session, Dr. Timmerman should have the authority to excuse the individual contingent upon the approval of the resident commissioner. However, revocation of a commission would have to be approved by the Commission. Commissioner Dennis amended his motion to the effect that Dr. Timmerman, with the approval of the resident commissioner, would have the discretion to excuse individuals from the training session when there are obvious reasons for such, but any proposed revocations must be brought before the Commission. Commissioner Edens seconded the motion and such was approved by the Commission.

L. Other Remarks: Vice-Chairman Lumpkin reported that the Commission should go by the Dirleton Plantation and see the renovation work that has been completed. Since this was the first property donated in the State for game management, Commissioner Lumpkin stated that some recognition should be given to Mr. Samworth for this donation. He requested that the Division of Information and Public Affairs develop some type of recognition for Mr. Samworth and present at the next Commission meeting. Commissioner Trask moved for approval of this recommendation, seconded by Commissioner Boykin and such was approved by the Commission.

Commissioner Edens moved that an Executive Session be held to discuss personnel matters. Commissioner Boykin seconded the motion and it was approved by the Commission.

ITEM V. ADJOURN

There being no further business, the Commission adjourned the regular meeting and went into Executive Session.



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