

MINUTES OF MEETING OF WILDLIFE RESOURCES COMMISSION IN COLUMBIA JANUARY 9, 1964

Present were Commissioners Johnson, Cox, Cantey, Hopkins and Tison, Directors Webb and Lunz, Pat Ryan, Jeff Fuller, Frank Nelson, Tommy Welch, John Quillen, Allison Fickling and Ed Latimer. Also present were Attorneys Calhoun Thomas, Brantley Harvey, Jr., and Henry Gaud, and Roscoe Mitchell and Gilbert Maggioni, all these appearing in connection with a disputed oyster lease.

A few minor matters were disposed of pending arrival of all interested persons in the oyster case--Roscoe W. Mitchell, petitioner, vs. Blue Channel Corporation, Chatham Oyster Company and Ocean, Lake and River Fish Company, protestants.

The appointment of H. O. Morris as a Clarendon warden to succeed Doyle Hill, resigned, was approved subject to the approval of Commissioner Heyward.

Mr. Webb presented a letter from Rep. Joseph H. Earle, Jr., of Greenville, who represents the Cleveland estate, original owners of the land on which the closed Cleveland fish hatchery was established. The land is no longer being used as a hatchery and under a reverter clause the land would be returned to the Cleveland estate. Mr. Earle asked a quit claim deed to the property.

Mr. Cox said that in his opinion all that was necessary was to notify Mr. Earle of the reverter clause but to also inform him that if he wanted a quit claim deed he could get one, Mr. Johnson being authorized to execute one.

At this point persons interested in the oyster matter came in and the hearing got under way.

Mr. Johnson said that the hearing was the first of its type to be held by the Commission and that he understood Mr. Harvey was requesting the hearing on the record taken before Mr. Cox in regard to a legal question.

Mr. Cox stated that he would take no part in the hearing, was making no suggestions and would withdraw from the hearing.

Mr. Thomas stated that he would like certain letters to be made part of the hearing and that he took the position that the Commission had set up a procedure to be followed, which had been followed up to the present time. He asked that he



reserve all rights and objections to the hearing on grounds which will be inserted in the record. He stated that he was representing the Blue Channel Corporation.

Mr. Harvey and Mr. Thomas then presented their arguments. Mr. Gaud, attorney for the Commission, then outlined his position. Mr. Maggioni, attorney-in-fact, said that he had nothing to add to his brief that had been filed.

A motion of Mr. Tison was adopted authorizing Mr. Cox to approve for the Commission the payment of whatever fees might arise.

The Commission then went into executive session.

Mr. Johnson said he would prepare a report as to what conclusions the Commission has reached.

The Commission then adjourned for lunch.

At the afternoon session Mr. Webb presented the names of some regular and some non-pay wardens for reappointment and these were approved, provided no objection is received from the Commissioners not present.

Mr. Fuller presented a proposal received for a Southeastern division fish disease and parasite study similar to the one carried on with game. He said the State's share would be \$6,480 a year and recommended that the State not go into it, saying that if a problem arose the Department could hire persons to make a study. On motion of Mr. Cox, his recommendation was adopted.

Mr. Webb then brought up a federal appraisal report on a tract of 1,262 acres adjoining Bear Island. The land is owned by F. E. Baldwin, Sr. Frank Baldwin has a similar tract of land that may be purchased.

Mr. Tison inquired about duck foods and whether they were plentiful on the tract. Mr. Webb said there were some but about two years would be needed to fully develop the area into attractive feeding ground for waterfowl.

Mr. Johnson said that \$600,000 had been spent on duck lands and their development with no end in sight. He also said that the most that could be served were the 10,000 or so persons who had bought duck stamps while around 170,000 persons had



bought hunting licenses. He said the expenditures were far out of line in regard to ducks and that the same amount of money spent on upland game would have given a better return at lower cost.

He then inquired about an area near the Samworth tract where the Department was unable to secure title to part of the land secured from Dargan.

He said that the Department's duck lands in that area were furnishing hunting only for local residents and asked what provisions were made for up-state hunters coming down.

Mr. Nelson said they could be given maps of the area.

Mr. Webb said it was up to the Commission whether or not to buy more duck lands but said it would be much more economical and feasible to buy lands adjoining existing projects than to purchase new areas.

Mr. Webb also stated that the Department was considering an up-state area, mainly in Union county, for upland game. Costs of the land in the area being considered run from \$65 to \$95 an acre.

The Commission decided to defer action on acquiring more land until it was known how much would be expended on Bear Island and Dirleton, and Mr. Cox moved that Mr. Webb's report be received as information.

At this point, Dr. Lunz asked what should be done with a check received from Mr. Mitchell and he was instructed to hold it in abeyance until the matter was settled by the courts.

The question of the out-size motor in Georgetown county then came. Mr. Johnson asked Mr. Ryan why wardens did not always come directly to him instead of going to the delegations. Mr. Ryan said that all wardens had been instructed in the matter.

After some discussion a motion of Mr. Cox was adopted that: "The motor be paid for out of funds of Georgetown county credited to the Department and the motor become the property of the Department; and since the motor had been purchased by the Georgetown delegation the \$50 minimum was not involved."



Mr. Johnson then inquired about the proposed legislative program and asked that copies of the proposed legislation be made available to all Commissioners.

At this point, Mr. Gaud returned to the meeting and was asked the legal question: "Where is the lease of the two oyster bottoms (Nos. 30 and 139)?" Mr. Gaud answered that in his opinion they were with the Atlantic Shellfish Company but that the company could do nothing with them except what the Commission should approve.

The authorization given Mr. Cox at the December meeting to hold hearings was extended to the future, until revoked, so that the authorization now reads:

"From time to time J. W. Cox has been authorized by the South Carolina Wildlife Resources Commission to hold hearings in connection with the business of the Division of Commercial Fisheries in connection with one or more of the laws passed by the General Assembly of South Carolina with directions to make returns to the South Carolina Wildlife Resources Commission reporting his findings of fact, conclusions of law and recommendations concerning the matter involved and since J. W. Cox was duly commissioned as a member of the Wildlife Resources Commission he has performed this service on many occasions prior to this 12th day of December, 1963, some of which hearings were held under a general authorization rather than as a special authorization;

NOW THEREFORE be it resolved that the South Carolina Wildlife Resources Commission at this regular meeting on December 12, 1963 approve and confirm the authorization for each and every hearing held by J. W. Cox for this Commission up to and including the hearing of October 22, 1963, and that J. W. Cox is hereby authorized to continue holding such hearings and reporting his findings of fact, conclusions of law and make his recommendations. That he be authorized to supervise the conduct of the Division, of Commercial Fisheries and report his actions at regular meetings of the Commission." This action taken January 9, 1964.



*See also 12/1/63 minutes*

Mr. Johnson said the minutes of the December meeting should be corrected on Page 3 to eliminate the inference that the fiscal officer mentioned in Paragraph One should confer with the Andersen officials. He said that Mr. Moore of the Andersen company had written him about this, saying that it might lead to the inference that the company was still conducting the study, which was not the case.

Mr. Ryan said that he was still working on a manual of procedure for wardens.

It was agreed to carry over the matter of assistants for supervisors.

Mr. Johnson read a letter from the Andersen company stating that they had incurred additional expenses, due to meeting requests for three deliveries of the report in person. Mr. Cantey moved and Mr. Cox seconded that the bill of the Andersen company be accepted and paid.

Mr. Johnson asked whether a special act would be needed to put the Administrative Division under the Division of Game and Mr. Webb said it would not.

Mr. Webb said that he had talked with a Ways and Means Committee member regarding an assistant director and had pointed out the need for one.

Mr. Johnson read a letter from Mr. Fuller to Rep. Harwell of Florence regarding a public lake wanted by the county. The letter dealt with how much money would be needed for weed control and suggested that Rep. Harwell present his ideas at a Commission meeting. Mr. Cox moved that the matter be received as information.

Mr. Johnson read a letter from Rep. Kearse of Allendale asking that the retirement of Warden Mims be postponed for the present. No action was taken on the matter.

Mr. Johnson cited some suggestions in the Fisheries Division report for stocking other species, particularly blue and flathead cats in Santee-Cooper, and also some forage fish. Mr. Cantey suggested that Mr. Fuller work up a project, estimate costs and make recommendations.

Mr. Johnson cited the minutes of the staff meeting December 23, where it was stated that Mr. Webb, Mr. Nelson, Mr. Fuller and Mr. Ryan were going before the Budget and Control Board in regard to some APW projects. He suggested that in the future



such projects be studied and approved by the Commission before being taken before the Budget and Control Board. He stated that he thought every suggested project should be passed on by the Commission and the Commission should know about them in advance. Mr. Webb stated that the Commission had approved all these in principle but not in detail.

Mr. Cantey suggested that work sheets should come before the Commission and Mr. Webb said in the future these would be provided.

*Eddie Finlay*

