

MINUTES

SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES COMMISSION MEETING

Room 335, Rembert C. Dennis Building
Columbia, South Carolina
June 15, 1990
10:00 A.M.

The regular monthly meeting of the South Carolina Wildlife and Marine Resources Commission was held at 10:00 a.m. on June 15, 1990, in Room 335 of the Rembert C. Dennis Building, Columbia, South Carolina. Notice of the date, time and place of the meeting was mailed to the state's media. Commissioners present included: Commissioners Burnside, Compton, Pendarvis, Stokes, Thomason, and Miller. Staff members present included: Dr. Timmerman, Dan Dobbins, Buford Mabry, Brock Conrad, Bill Chastain, Sonny Baines, Benny Reeves, John Miglarese and various other staff members and guests.

CALL TO ORDER

Chairman Burnside call the meeting to order at 10:00 a.m. and welcomed all guests to the meeting.

PRESENTATION TO THE HARRY HAMPTON WILDLIFE FUND

Chairman Burnside then recognized Mr. Cantey Heath for a presentation and asked Chuck Compton to join him. Mr. Heath stated that the purpose of the presentation was to honor Whit Boykin, a deceased member of the State Fair Board of Directors, by presenting to the Harry Hampton Wildlife Fund a check for \$10,000, to be used to support the Operation Game Thief Program of the Wildlife & Marine Resources Department, on behalf of the State Fair Board and the Boykin Family. Chuck Compton expressed the appreciation of the Harry Hampton Board and the Wildlife & Marine Resources Commission for the donation, stating that it was a particular honor coming from the State Fair Board.

ITEM I - READING OF THE MINUTES

Commissioner Stokes made a motion that the minutes of the last meeting be approved as mailed, Commissioner Pendarvis asked whether or not the Commission had taken action on the restructuring of the Fisheries Unit of the Wildlife & Freshwater Fisheries Division. Dr. Timmerman stated that his recollection was that they had been briefed on the intention of establishing a new Assistant Chief's position, and that the Commission had indicated that was the prerogative of the Executive Director and asked that he keep them informed. He stated he would review the minutes and if there was any difference from that recollection, he would so inform the Commission. Commissioner Miller seconded the motion and the Minutes of the May 18, 1990 Commission Meeting were approved as submitted.

ITEM II - COMMENTS

Dr. Timmerman commented briefly on the 1990-91 budget as approved by the General Assembly, passing out material indicating what had been appropriated to the Department. He stated he understood Chuck Compton would be chairing the Commission's 1991-92 Budget Committee, the other members of the Budget Committee being Commissioners Miller, Bennett and Drummond. He stated that the Committee would be meeting to review the staff recommendations for the 1991-92 budget.

Concerning the 1990-91 budget, Dr. Timmerman indicated that the Department had fared as well as anyone in the budget process, and better than most. He then discussed in detail the results of the budget deliberations, including the across-the-board cuts that were made that effected the Department. Dr. Timmerman stated that it was his opinion that the budget year next year would be much tougher than it was this year. He also pointed out that the revenue picture was not good, and that an analysis of our revenue information through the month of May indicated that, for the first time, we have seen a reduction in the overall revenue from hunting. He stated that he hoped that some of this decline was attributable to Hurricane Hugo, but that we would have to watch these trends very closely in the future. He stated that there was increase in the revenue from fishing licenses, but that our total revenue only increased some \$100,000.

Dr. Timmerman then pointed out that the Governor had appointed Dr. Howard H. Poston, Jr., from Kingstree to the Commission effective July 1, 1990.

He also pointed out that the General Assembly had passed legislation banning smoking in public places, pointing out that the Commission Room would be "off-limits" to smoking as August 1, 1990.

Dr. Timmerman then reviewed several items that was discussed at the recent Director's Staff Meeting, stating that if any required Commission action in the future, he would bring it before them.

Commissioner Compton asked Dr. Timmerman about recent attempt to divert Water Recreation Funds to other purposes. Dr. Timmerman stated that there was a provision in the budget that would allow for 25% of those to be spent for general recreation capital improvement. He stated, however, that the Governor's office had sent over a copy of his veto message and that he has vetoed that provision because he felt that it was a user tax that was being diverted to another purpose.

ITEM III - LEGISLATIVE REPORT

Dan Dobbins passed out to the Commission copies of an interim report indicated bills that had been ratified to date, stating that as soon as the General Assembly completed their work, he would provide the Commission with a year-end Legislative Report.

Commissioner Miller asked about S.515, a bill that had had an amendment placed on it in the House that would allow private landowners and their immediate family to hunt antler deer on their own property at any time beginning October 1 in Game Zones 1, 2, and 4. Mr. Dobbins stated that provision had passed in the House as a floor amendment and the Senate had non-concurred in the amendment. He indicated that the Conference Committee had met once and that the Senate conferees were adamant in their opposition to that amendment, and the Conference Committee appeared to be deadlocked. He indicated that he had expressed strong opposition to that House provision and that in all probability that bill would be lost because of that amendment.

ITEM IV - OLD BUSINESS

Update on Rediversion Project: Chairman Burnside then introduced Doug Cooke who provided the Commission with a detailed presentation on the Santee Cooper Rediversion Project and the problems which have occurred because of the construction of that project.

Following the presentation, Dr. Timmerman stated that some recent developments through our Congressional Delegation appeared to be having an impact on the Corps of Engineers. He also said that Col. Scott, the new Colonel in the Charleston District, was an extremely reasonable individual and had proved to be very easy to work with. He asked Dan Dobbins to elaborate on more recent developments.

Dobbins reported that Dr. Timmerman and other members of the agency had begun an education and information effort based on the problems which have developed at the Santee Cooper Rediversion Project. Working with Larry Cartee, the Freshwater Fisheries staff had held an informational briefing for Congressional staffers and members of the State General Assembly to discuss the problems of that have been associated with the development, and that Dr. Timmerman had done a great deal of contact in Washington with the Congressional Delegation. Also Commissioner Bennett, as Chairman of the House Agriculture and Natural Resources Committee, Wildlife Sub-Committee Chairman Tom Rhoad, and Representative Ken Bailey from the Orangeburg area had held a public meeting in the Santee Cooper Lakes area where a great deal

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of concern was expressed over the problems with the blueback herring fishery caused by the Project. He reported that Senator Thurmond's office had taken a particularly strong position with the Corps on this matter that the Corps has agreed to begin looking for solutions to these problems. He stated that the Department is asking the Corps for assistance in three areas; the first would be continue to fund the operation of the fish lift and the monitoring and scientific study programs until such time as the design deficiencies in the dam and fish lift are corrected; the second was to do the initial studies necessary to determine what it would take to fix the fish lift so that it could operate at full capacity, and then to perform the necessary construction repairs to fix that facility; and, the third being to re-investigate the situation at the Pinopolis Dam to determine if a flow regime could be agreed upon that would provide for a better fisheries habitat in the Cooper River as well as provide sufficient attractive flow to attract blueback herring and stripers to the Pinopolis Dam during the spawning season. He stated that a recent contact with Col. Scott's office indicated that the Corps was willing to pursue these things and that they had already isolated money in their budget for 1990-91 to continue, at least partially, to operate the fish lift and fund the monitoring studies. They indicated that they would try to find other monies to bring the funding level up to the 1989-90 levels. He stated that Senator Thurmond had requested \$350,000 in the Corps 1990-91 budget to allow them to do the design specifications and engineering studies to determine what will be necessary to fix the fish lift so that it functions properly. He stated that once the solutions were determined, the Corps is committed to seek construction money in their 1991-92 budget to perform the necessary construction to affect that repair.

Concerning the flows at the Pinopolis Dam, he stated the Corps has expressed a willingness to discuss this matter, but indicated that it would be very difficult to work out.

Commissioner Compton questioned whether or not the Corps was simply engaging in another effort to study this matter to death as a means of avoiding facing up to the necessity of correcting the problem. He cautioned that we should get any commitment on part of the Corps in writing.

Commissioner Miller asked whether or not the Corps had agreed in their original Environmental Impact Statement that if we did not move sufficient fish through the fish lift, that they would increase the flows in the Cooper River. Doug Cooke stated that they did and he would provide the Commission copies if they so

desired. Dr. Timmerman stated that he thought the Commissioner's comments were very well taken, but he did believe that the Corps was showing a new willingness to work with the State on this project and we would proceed with cautious optimism.

V. NEW BUSINESS

A. Division Reports

1. Administrative: Benny Reeves reported that toward the end of the debate of the budget, he was repeatedly asked what the Commission's position was on the amendments on the Water Recreation Gas Tax Fund. He stated that the Governor had vetoed that provision, but this question would be asked again next Tuesday when the General Assembly comes back into session. Commissioner Compton stated that he felt the Commission's position should be the same as the Governor's as stated in the Governor's Veto Message to the General Assembly, and so moved; Commissioner Miller seconded the motion, and the motion passed.

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

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

4. Conservation, Education & Communication: There was nothing further to report from this Division.

5. Marine Resources: Chairman Burnside called on John Miglarese for the Division report. Mr. Miglarese stated that Dr. Sandifer sent his regards to the Commission and reported that he was at the World Mariculture Society Meeting in Nova Scotia representing the Department.

He reported that the Division had opened the shrimping season on June 1, although their sampling indicated that there would be very little resource, if any, for the shrimp fleet to catch. He indicated that they were expecting 20,000 to 60,000 pounds of shrimp to be harvested in June, as compared to the 400,000 pounds that were harvested last year. He stated that he regretted to reported that their predictions appeared to be coming true and the average catch for the first week of the season was 58 pounds per boat, with some boats reporting daily catches of 60 to 70 shrimp per boat.

He stated on August 10, the Marine Advisory Board would take up a very controversial subject dealing with the by-catches of shrimp trawling, and invited the Commission to attend.

Commissioner James O. Thomason asked if there was any way we could accelerate the ban on the use of bang sticks on artificial reefs. There was a brief discussion of this, and Commissioner Pendarvis pointed out we could ban the landing of fish taken with bang sticks in South Carolina waters, but this would take an act of the General Assembly. He further stated that he thought the Fisheries Management Council would support the Commission's request to outlaw the use of these devices on our state reefs that were outside of state waters, and he thought the General Assembly would be amenable to any other provisions the Commission thought necessary.

B. Advisory Board Reports:

1. Wildlife & Freshwater Fisheries: Brock Conrad stated that the Wildlife & Freshwater Fisheries Board had met on June 14, but they had no items to bring to the Commission for consideration at this time.

2. Heritage Trust Advisory Board: Tom Kohlsaet reported that the Board had met in the ACE Basin area and had approved the Richardson Property in the ACE Basin for further investigation for acquisition, and he would report back to the Commission at a later time. He stated that the Board had approved an expenditure of funds for a natural area site in Aiken County that harbored several species of endangered plants. He also reported that they had closed the Snee Farms project, and that they had purchased Glassy Mountain in Pickens County, and an addition to Woods Bay State Park.

C. OTHER COMMENTS

Commissioner Compton stated that he had reviewed the material on the Senior Advisory Committee which had been sent to the Commission and made a motion that the Commission adopt this program as recommended, and that Bo Stokes be appointed as the Committee's first chairman. Commissioner Miller seconded the motion, and the motion passed. Commissioner Stokes pointed out that the original proposal provided that the Chairman of the Commission should make the appointment of the Chairman of the Advisory Board. Commissioner Compton proposed that the Commission's motion would serve as guidance to the Chairman in that regard, which was agreed upon by the Commission.

Commissioner Thomason stated that the CEC Advisory Board would meet on Friday, June 29, at Camp Wildwood and urged the Commission to join his Advisory Board at that meeting.

Commissioner Compton stated that since this was Commissioners Stokes and Thomason last Commission meeting, he would like the minutes to reflect, and an appropriate resolution be prepared, recognizing them for their six years of dedicated service to the Wildlife and Marine Resources Department and the conservation and protection of our state's natural resources. Commissioner Pendarvis seconded, and motion passed.

Dr. Timmerman stated that there were several members of the staff that were retiring at this time and urged the Commission and staff to attend those retirement functions if possible, stating that Captain Still's retirement party would be at Windsor Plantation on Saturday at 7:00 p.m., June 23, and Captain Cheatham's function would be held on Wednesday, June 20 at Rick's Bar-B-Que in Greenwood.

At this time, Commissioner Stokes moved that the Commission go into Executive Session to discuss personnel and legal matters, Commissioner Compton seconded the motion, and it was adopted by the Commission.

Chairman Burnside announced that at this time, the Commission would hold an Executive Session to discuss personnel and legal matters.

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RETURN TO REGULAR SESSION

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

Commissioner Compton moved that the Commission adopt the Conciliation Agreement as prepared by the S.C. Wildlife and Marine Resources Department and adopted by the State Human Affairs Commission. Commissioner Thomason seconded the motion, and it was adopted.

Commissioner Compton moved that the Commission adopt the DWCO appointments and reappointments as presented by the staff with changes as follows (copy attached to original Commission minutes).

Appointment of DWCO to G. B. Stokes for Statewide Authority.

Appointment of DWCO to James O. Thomason for Statewide Authority.

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Appointment of Sam Abercrombie for District I Authority.
Disapproval of appointment of DWCO to Joseph Witt.
Commissioner Miller seconded the motion and it was adopted.

D. Appointments:

This item was previously acted upon by the Commission.

E. Time and Place of Next Meeting:

Chairman Burnside announced that the next meeting would be held in Columbia on July 20, 1990 at 10:00 a.m. in Room 335 of the Rembert C. Dennis Building.

ITEM IV. ADJOURN

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

