

MINUTES

SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES COMMISSION MEETING

Room 335, Rembert C. Dennis Building
Columbia, S. C.
June 2, 1987
11:00 A. M.

The regular monthly meeting of the South Carolina Wildlife and Marine Resources Commission was held at 11:00 A.M., June 2, 1987, in Room 335 of the Rembert C. Dennis Building, Columbia, S. C., with Chairman Webster presiding. Notice of the date, time and place of the meeting was mailed to the state's media. Commissioners present included Commissioners Webster, Owen, Quackenbush, Stokes and Bennett. Directors and staff present included Dr. Timmerman, Larry Cartee, Dan Dobbins and various other staff and guests.

CALL TO ORDER

Chairman Webster called the meeting to order at 11:00 A.M. and welcomed all guests to the meeting.

ITEM I - READING OF THE MINUTES

The Commission adopted a motion to dispense with the reading of the minutes of the May 15, 1987 Commission Meeting and approve them as submitted.

ITEM II - COMMENTS

Dr. Timmerman noted that the Commission's action to recently change the Three-Mile line for shrimping enforcement was approved by the Commission, but such was not done in a professional manner in the Department and Dr. Timmerman noted that as Executive Director, he will accept full responsibility for this matter. Dr. Timmerman noted that we did not follow the Freedom of Information Act when polling the Commission on this matter and failed to post a 24-hour notice that the Commission would be polled on the issue of changing the Three-Mile line for shrimping enforcement. Dr. Timmerman noted that upon legal advice, he issued a news release (copy attached to original Commission Minutes) noting that enforcement of the original line prior to the polling would be in effect. Dr. Timmerman noted that we have learned from this experience and that he plans to have a Staff Meeting next week to establish procedure to handle such matters in the future. Dr. Timmerman further noted that he would like to recommend to the Commission that we seek legislation to establish the NOAA Three-Mile line in statute and also seek legislation that when state waters close, federal waters will close also.

Dr. Timmerman noted that a fish kill occurred last week in York County and this will be reported on later in the meeting.

Dr. Timmerman noted that the staff has been closely reviewing the proposed Ridgeway Mining Company permits and have some serious concerns to present to the Commission later concerning this matter.



Dr. Timmerman noted that he will ask Benny Reeves to go over the budget in our five-year plan for seeking bond approval.

Dr. Timmerman noted that he will ask Ed Duncan to comment on the proposal to revise the Dewees Island agreement later in the meeting.

Dr. Timmerman noted that he had talked with Commissioner Harrelson last night and he gave a good report. He noted that Commissioner Harrelson would like to invite the Commission to meet in August at Edisto Island.

ITEM III - NEW BUSINESS

A. Discussion - Three-Mile Territorial Enforcement Limit for Shrimping: Dan Dobbins presented an in-depth discussion on actions leading up to polling the Commission concerning change of the Three-Mile line for shrimping enforcement from the NOAA line back to the old enforcement line. Mr. Dobbins noted that the responsibility for this action lies with himself and he apologized to the Commission for any problems associated with this matter. Mr. Dobbins noted that Dr. Timmerman's action concerning the Department's violation of the Freedom of Information Act had been presented to the public and that we need to seek legislation concerning establishing this Three-Mile line into statutory form as Dr. Timmerman had recommended. Following discussion, the Commission adopted a motion for the Department to seek legislation to establish the Three-Mile NOAA line into statutory form. Dr. Timmerman further recommended that we seek legislation on the shrimp management plan that when state waters close, federal waters will also close. Paul Sandifer noted that this is in the process of being adopted now by the Fisheries Management Council and Dr. Timmerman recommended that we go along with whatever recommendation is adopted by this Council. Following discussion, the Commission agreed that the staff should develop a proposal concerning this matter and present such to the Advisory Boards and Commission at a later date for consideration.

B. Discussion - Freedom of Information Act: Buford Mabry distributed a Summary of Highlights of FOI changes to the Commission (copy attached to original Commission Minutes). Mr. Mabry discussed the major changes in the Freedom of Information Act and went over these with the Commission. Dr. Timmerman noted that he will ask an attorney to sit in on all Commission Meetings in the future and advise the Commission of any problems associated with their actions as it relates to the new Freedom of Information Act.

C. Division Reports:

1. Administrative Services: There was nothing further to report.
2. Wildlife & Freshwater Fisheries: There was nothing further to report.
3. Law Enforcement & Boating: There was nothing further to report.
4. Communications Education & Conservation: There was nothing further to report.



5. Marine Resources: Paul Sandifer reported that the shrimp season will open on June 4, 1987 and the Marine Advisory Board is scheduled to meet at the Waddell Mariculture Center on June 11, 1987.

D. Other Remarks: Dr. Timmerman asked Joe Logan to report on a recent fish kill in the Catawba River. Joe Logan reported that the City of Rock Hill recently pumped some solid material into the Catawba River and this spread over the next day, causing a fish kill for about a twenty-mile area. Mr. Logan noted that the staff is following in the American Fisheries Society guidelines to sample these fishes and a report will be developed for consideration by the Commission, as we have done in the past.

Dr. Timmerman asked Ed Duncan to discuss the proposed permits and concerns from our Department on the Ridgeway Mining Company matter. Mr. Duncan distributed a letter of concerns dated May 15, 1987, which was submitted by the Department concerning this matter. Mr. Duncan noted that many of the Department concerns have been incorporated into the permits to be issued. He noted that the loss of wildlife managed area lands and the problem of potential mortality of birds exposed to cyanide were other concerns for the Department. Mr. Duncan noted that the Mining Permit does not require input from the Department and there are no legal requirements to incorporate our Department's concerns into the Mining Permit. John Frampton discussed the potential concerns of the mortality of birds, waterfowl and other wildlife in relation to the concentrations of sodium cyanide in the tailings pond and noted that other states have shown high mortality in some cases. Mr. Frampton noted that it appears there may be high mortality of birds and terrestrial wildlife that come into contact with this pond.

Commissioner Stokes asked what our options were concerning these permits and if there were any legal recourse. Mr. Mabry noted that we could go on record to oppose the permits, we could follow the appeal procedure if the permits are issued, or we could consider legal options available to the Department. Following discussion, Commissioner Quackenbush moved for the Commission to hold an Executive Session to receive legal advice. Commissioner Stokes seconded the motion and it was adopted by the Commission. Chairman Webster announced that the Commission would hold an Executive Session following the regular meeting to receive legal advice.

Dr. Timmerman asked Benny Reeves to report on the status of the budget and our proposed bond bill plan. Mr. Reeves noted that the FY 87-88 budget is now in Conference Committee and near completion. Mr. Reeves noted the Department's proposed FY 88-89 budget proposal will be prepared by the staff and presented to the Commission for their consideration at the July Commission Meeting. Mr. Reeves noted that we have developed a Five-Year bond plan and a summary of the proposed bond bill priorities was distributed to the Commission for their information (copy attached to the original Commission Minutes).



Dr. Timmerman asked Ed Duncan to brief the Commission on proposed modification to the Dewees Island agreement. Mr. Duncan noted that we have a conservation easement on Dewees Island and that we are looking at modifications of the agreement and development plan. These modifications represent positive changes for the agreement and the associated protection of Capers Island. With the consensus and agreement of the Commission, Dr. Timmerman noted that the owner is receptive to these changes and when the agreement is completed, it will be sent to the Chairman for his concurrence and that we would work with him to execute the new agreement.

Chairman Webster announced that the Commission would now recess the regular meeting to hold an Executive Session previously approved during the meeting.

RETURN TO REGULAR SESSION

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

Commissioner Stokes moved for the Commission to go on record to oppose the permits for the Ridgeway Mining Company unless the Company and permitting agencies can adequately address and resolve the concerns of the Department to the Department's satisfaction. Commissioner Bennett seconded the motion and it was adopted by the Commission. Commissioner Quackenbush noted that he would like for the record to show that he abstained from voting on this motion with the reason that his law firm represents individuals connected with this project and that he does not want to have any potential conflict of interest.

Commissioner Stokes noted for the record, it should show that the Commission (in Executive Session) received legal advice on various options to the Commission as it relates to state law, permits and legal recourse for the permits associated with the Ridgeway Mining Company.

E. Time and Place of Next Meeting: The Commission agreed to hold its next meeting on July 17, 1987 in Columbia, S. C. In addition, the Commission agreed to meet on August 21, 1987 at Edisto Island.

ITEM IV - ADJOURN

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

