

MINUTES

SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES COMMISSION MEETING

Eutaw Springs, S. C.
June 22, 1979

The regular monthly meeting of the South Carolina Wildlife and Marine Resources Commission was held at Eutaw Springs at 10:00 a. m. , June 22, 1979, with Chairman Trask 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 Trask, Boykin, Edens, Stubbs, Dawson, Shuler, Dennis, and newly-appointed Commissioner Butch Pendarvis. Directors and staff members present included Dr. Timmerman, Larry Cartee, Dan Dobbins, Ed Joseph, Jeff Fuller, Brock Conrad, Jones Buchanan, Sonny Baines, Ned Pendarvis, Mac Flood, Benny Reeves, Dave Baumann, Bill Mahan, Pat Ryan, Bill Chastain, Pete Laurie, John Culler and Tom Kohlsaat. Guests at the meeting included Roy Eppes of Williamsburg County, Coy Johnston of the Wildlife and Freshwater Fisheries Advisory Board, former Commissioner Bob Rhame and Pat Robertson of "The Columbia Record".

CALL TO ORDER

Chairman Trask called the meeting to order at 10:00 a. m.

ITEM I. READING OF THE MINUTES

Commissioner Edens moved to dispense with the reading of Minutes of the May 18, 1979 meeting and approve them as submitted. Commissioner Stubbs seconded the motion and it was approved by the Commission.

ITEM II. COMMENTS

Chairman Trask informed the Commission that Jones Buchanan had resigned from the Commission and introduced Mr. Butch Pendarvis who has been appointed to fill the unexpired term. Dr. Timmerman noted that the staff has met with Commissioner Pendarvis and that he will be in Columbia next week to meet with the various Division Directors. Chairman Trask expressed the Commission's appreciation to Jones Buchanan for his service on the Commission and presented him a plaque regarding such. Mr. Buchanan expressed his appreciation for the plaque and the opportunity to work with the Commission and staff.

Dr. Timmerman introduced and welcomed all guests at the meeting, noting that Coy Johnston will become regional director of Ducks Unlimited on August 1, 1979.

Appearance of Mr. Roy Eppes - Williamsburg County: Chairman Trask introduced Mr. Roy Eppes of Williamsburg County who had asked to make an appearance before the Commission. Mr. Eppes stated that he came to discuss the

problem of crop destruction by deer on his farm in Williamsburg County. Mr. Eppes noted that this problem started prior to 1962, but did not get real destructive until 1962. Different methods of deer control were discussed which have been used over the years with very limited success. On the administration of the old law, a Conservation Officer had to be present to harvest deer that were destroying crops. Sometimes it would take one to four hours for an officer to get to an area where deer were destroying crops. The depredation permits were generally issued for specific fields and should be issued for a contiguous farm area, or at least a large enough part of a farm where it would be an advantage. Mr. Eppes noted that he has suffered from crop damage for seventeen years and the situation is getting worse. Certain portions of the farm are no longer eligible for crop insurance due to damage by deer. On May 11, 1977, Mr. Eppes, three farmers, Senator McGill and Representative Gordon met with the Department's staff in Columbia and asked for relief. Some questions asked were never answered and some were. The law requires conservation officers to be present for harvest as supervision is required. A definition of supervision was asked for and three (3) months elapsed, at which time it was referred to the Attorney General's Office. On August 10, 1977, Mr. Eppes stated that he was receiving a great deal of damage from deer and he was told that he could not get a permit as the two people in the state were not available to sign the permit and the biologists were not available to examine the fields. Mr. Eppes stated that he went to the fields to shoot to scare the deer and was arrested for night hunting. The Judge dismissed the case. On August 11, 1977, Mr. Morris and Mr. Easler came to look at two hundred acres of crop destruction. Mr. Morris stated that the crop destruction did not warrant further investigation of the remaining six hundred acres of Mr. Eppes property. Mr. Easler, the disinterested party, stated that he felt there was enough damage in this case to warrant shooting the deer. Mr. Eppes noted that the question the Commission should consider is to come up with a rule, or policy, to let a farmer know how much crop damage he has to suffer to be issued a permit. At the present time, it is arbitrary. At the referenced meeting with the staff in Columbia, it was felt that a dollar value could be used, but the staff did not feel that such could be done. On May 8, 1978, Mr. Eppes stated that he wrote and asked about how much damage a farmer would have to sustain. The response to this letter indicated that a dollar figure could not be used as it may discriminate against a small farmer. Mr. Eppes noted that he would like to see the Commission come up with a reasonable figure by which everyone could abide. Mr. Eppes noted that the new deer depredation law has some improvements, but it is still bogged down with bureaucratic regulations. The Department has a two week lag time after receiving an application to issue a "shoot-to-kill" permit and in

that time period, the field can be gone. Mr. Eppes stated that to be required to sustain excessive damage before something can be done is probably illegal under the 5th and 14th Amendments. For the Department to require sustaining excessive damage of crops in the field constitutes illegal condemnation without just compensation. In addition, there are no provisions for administrative appeal procedures under the law. There should be a road for appeal or for a disinterested party to look at crop damage besides a man whose business it is to raise deer. Mr. Eppes stated that on the permit he now has, Department personnel have traveled over four hundred miles for the permit. Mr. Eppes noted that Representative Gordon introduced a bill which was equitable in which the courts would issue a court order for a man to protect his property. In the 1978 crop year, 63.2 hours were logged on a plane to spray for control of deer. Mr. Eppes noted that on the doe quota permits he was initially given ten permits and later given twenty. When asked how many were given in the county, Mr. Eppes was told that he could not have that information. This was secured based on the Freedom of Information Act. One organization next door to Mr. Eppes was given fifty permits and when asked why they got fifty and he got twenty, it was revealed that they got more because of browse conditions. Mr. Eppes noted that the browse conditions on his farm were the same and there is no justification for that argument. Mr. Eppes stated that the cost of \$35 to receive the information under the Freedom of Information Act is too high and probably not reasonable. Mr. Eppes noted that he would like to see the "shoot-to-kill" permits handled the same as the doe quota program. Mr. Eppes stated that the legislature passed a good law, but it has become totally bogged down with administrative procedures and is not very good. It is impossible to comply with from an economic situation. Mr. Eppes noted that conservation officers do not want to have to be on twenty-four hour call for a farmer to shoot a deer. Mr. Eppes stated that he wants a fair chance to make a profit, but it has gotten to the point, under existing regulations, that we have nothing. The law says that you can be denied on the spot and orally. As such, it should be approved on the spot and orally. Mr. Eppes noted that the conservation officers in Williamsburg County are good and dedicated and could handle this situation, as the biologists are arbitrary. Mr. Eppes stated he would like to see the administrative procedures with an appeal process and that the issuance of doe quotas more equitably considered. R. M. and W. K. Carpenter are neighbors who want to have deer and defend their rights to have deer just the same as Mr. Eppes stated that he was defending his right to have soybeans in his field. Mr. Eppes noted that the law is no longer operable and that he does not want to go through the court to resolve this matter, but will do so if needed. Mr. Eppes stated that he wants to know what constitutes "damage" which needs to be defined. Mr. Eppes noted that the law enforcement officers do a good job and could have more input in the system. Mr. Eppes stated that he has

not been convicted of a game violation, but that he will not have his crops destroyed anymore. Mr. Eppes stated that he has tried five or six times to get on the agenda and that he appreciated Chairman Trask allowing him the opportunity to appear before the Commission. Chairman Trask asked Mr. Eppes to write a letter to Dr. Timmerman summing up his recommendations and that the Commission will consider how he can be given some relief.

Dr. Timmerman noted that Fred Zeigler had left the Attorney General's position to go into private practice. Mr. Tommy Edwards has been hired for this position and will begin work on July 27, 1979. Mr. Zeigler will remain on retainer for a while with the Department.

Dr. Timmerman informed the Commission that the Senate Transportation Committee had passed a bill to place the South Island Ferry in ownership of the county to charge tolls and fees. This bill was recalled and we spoke on this bill. We have met with Paul Cobb and talked about several alternatives. At the turn of the century, the Intercoastal Waterway was built by the federal government and they constructed several bridges. The Attorney General's Office is checking on this matter and it looks as though the federal government has some responsibility for access to South Island.

Dr. Timmerman noted that a resolution is being considered to postpone implementation of motor vehicle regulations for one year. There are several areas which need to be defined. Full-time law enforcement personnel are exempt, but we do not know what that means and it is left up to the Executive Director. Dr. Timmerman stated that there are some problems and we will work to resolve these problems. Dr. Timmerman noted there is some question of whether or not biologists in the field will be required to pay the commuter charge from home to his office. Commissioner Dennis noted that the Budget and Control Board and the General Assembly are aware of deficiencies and problems with the motor vehicle regulations. He noted that there is no quick solution to the first set of regulations and that the Governor recommended a trial period of one year for the regulations. Commissioner Dennis recommended to the Commission that any problems in the Department with the regulations be appealed under the appeal procedure such as the question of who is included as law enforcement personnel under the exemptions in the regulations. Commissioner Dennis noted that the Department will have to live with the regulations for a year and make appeals to get them cleared up over this time period. Dr. Timmerman stated that he plans to meet with Bill Putnam in order to get some of our questions answered and if they cannot be, then we will come before the Budget and Control Board.

Dr. Timmerman noted that the Governor and his staff are interested in developing guidelines on the use of state-owned airplanes. The Department has a good system and the staff has looked at refinements. Dr. Timmerman stated that one of his concerns was that the Aeronautics Commission has an appropriation for travel and other than the Commission and employees of the Department, those outside the Department should apply to the Aeronautics Commission for travel and if they do not have a plane available, we could provide travel and bill the Aeronautics Commission for the cost. Dr. Timmerman distributed some rough guidelines to the Commission and noted that the Chairman may want to appoint a sub-committee to advise staff on this matter. Chairman Trask asked about the status of the helicopter. Dr. Timmerman stated that it will be bought on installment from the sinking fund for two years at a low interest rate.

Dr. Timmerman noted that we have had some problems recently with DWCOs. It is the intent of the Commission that DWCOs be involved only in game and fish law violations, but the law does not differentiate such. The Highway Department has been complaining about DWCOs stopping traffic with blue lights and chasing vehicles. Dr. Timmerman stated that he felt it would be advisable to seek legislation next year to clarify this and give the Commission the power to set rules and regulations. A draft legislative proposal was distributed to the Commission for their information. Chairman Trask asked Commissioner Shuler to take this matter up at the next meeting of the Law Enforcement and Boating Advisory Board with a report back to the Commission.

Dr. Timmerman distributed to the Commission, some information he had received from the S. C. Sea Grant Consortium concerning an upcoming meeting on July 3, 1979. Dr. Timmerman noted that the Sea Grant Act, creating the Sea Grant Consortium, was adopted by the General Assembly which the Department supported and is a member of the Board of Directors of the Sea Grant Consortium. Dr. Timmerman noted that Dr. Joseph had served as Director of the Sea Grant Program. With the passage of the Sea Grant Act, a Board of Directors for the Consortium was created and they have hired a new director at a salary of \$46,000. Dr. Timmerman noted that at the meeting of the Board of Directors on July 3, a resolution has been proposed to create the S. C. Ocean and Coastal Resources Center to manage the Sea Grant Program and the Consortium created by the Act. Dr. Timmerman stated that the Department supported the Sea Grant Act and the Consortium that was created. He noted that about ten (10) years ago, the Marine Resources Center (under the Department) was created by the state for marine research and to work with the colleges and universities. However, Dr. Timmerman stated that he did not think it was the Commission's, or legislative, intent for the Sea Grant Program to take

over all marine resources matters in the state. The Consortium was created for the purpose of the S. C. Sea Grant Program only, rather than broader interests. Dr. Timmerman stated that he had sent a letter to Jack Bevan, Chairman of the Board of Directors, expressing his concern on this proposed resolution. Dr. Joseph noted that the proposed resolution has not been discussed, but only received in the mail. It has implications which may cause problems. Dr. Joseph stated that the proposed resolution, in effect, would involve the Consortium creating a second group which would be responsible for running the Sea Grant Program and other appropriate activities which are not addressed. The resolution says that Consortium, under the power granted to it, creates the S. C. University and College Ocean and Coastal Resources Center. Dr. Joseph noted that studying the Act does not reveal any such power granted to the Consortium. In addition, Dr. Joseph stated that we have a Marine Resources Center and this resolution proposes an Ocean and Coastal Resources Center. This seems to mean the same and we do not need two centers. Dr. Joseph noted that the name of University and College Ocean and Coastal Resources Center appears to mean the Department would not be a part of this entity. Dr. Joseph noted that this matter bears watching very closely and if it means what it appears to mean, the Department will oppose it vigorously. Dr. Timmerman stated that we may be over-concerned on this matter, but that he wanted to get the re-endorsement of the Commission to continue the interest of the Marine Center operations for the state and to work with the colleges and universities as a part of the Sea Grant Consortium and not have the Consortium reorganize and encircle us. Chairman Trask and the Commissioners agreed with Dr. Timmerman on this point. Dr. Timmerman noted that he had talked with the Attorney General's Office and they have indicated verbally that the Board of Directors does not have the power, under the Act to change its name. Commissioner Dennis stated that he interpreted this as an effort to take over and that the Commission should express its opinion on such. Commissioner Dennis noted that it was not the intent of the legislature for the Consortium to take over the marine resources program in South Carolina. Senator Waddell stated to the legislature when the Sea Grant Act was introduced that the Consortium was established solely to handle the Sea Grant Program. Commissioner Dennis noted that we should let the Consortium know this was the legislative intent and if it takes further legislative action to emphasize this intent, the Commission should let the legislature know that. Commissioner Dennis suggested that Dr. Timmerman and Dr. Joseph meet with Senator Waddell, Representative Bennett and himself, at the earliest possible time to discuss this to see if legislation is needed. Commissioner Dennis moved that the Commission go on record in opposition to the merger of the new Consortium with the old

Consortium and that they remain distinct and separate. Commissioner Boykin seconded the motion and it was unanimously approved by the Commission. Commissioner Shuler asked where the funds are coming from to pay the new director and how he was appointed. Dr. Timmerman noted that the funds are in the budget bill in the contributions section in the amount of \$126,000. Dr. Armstrong will be the director and he is very capable. Dr. Timmerman noted that he does not want him to come in thinking that he will encircle everyone and it should be straight that he was hired to head up the Sea Grant Consortium and the Marine Resources Center will work with him every way possible to make the Sea Grant Program a very successful one. Commissioner Shuler asked if this was state money that was appropriated and Dr. Timmerman noted that it was. Dr. Timmerman noted that we have no objection to being a member of the Consortium and the Sea Grant Act that passed the General Assembly, but our concern is for the new director to come in and think, from the Board of Directors, that he will encircle us. Commissioner Edens asked who set the salary for Dr. Armstrong. Dr. Timmerman stated that the salary was set at the level of a dean at the university by the Board of Directors of the Consortium. Dr. Joseph noted that the Board of Directors recruited and selected a director in a typical process. When Dr. Armstrong was selected, it was left to Dr. Jack Bevan, Chairman of the Board, to negotiate the salary for the Board. Dr. Joseph also noted that he was offered the salary of \$46,000, two days consulting rights per month, a month's vacation per year, and tenure of full professorship at the University of South Carolina. Dr. Joseph stated that he did not want anything he was saying to be taken "personal" as Dr. Armstrong is an outstanding man. Commissioner Edens noted that it looks like we are getting someone to do a part of what Dr. Joseph has been doing and it seems unfair and demoralizing. Commissioner Dennis directed attention to Section 2 of the Act where it refers to ocean and coastal resources and noted that coastal resources should not be in there. Dr. Joseph stated that this language is in the Act to make it consistent with the federal legislation. Commissioner Edens noted that the Consortium was created by the legislature and it was their responsibility to be sure it is equitable. Commissioner Dennis stated that he agreed and the Act needs to be refined to show the limitations of the Sea Grant Program as related to our existing marine resources program that has been in place about ten (10) years. Commissioner Dennis asked when Dr. Armstrong starts to work. Dr. Timmerman noted that funds for the position are in the budget starting July 1 and that it was his understanding that he will come aboard full-time toward the end of the calendar year. Commissioner Dennis stated the funds for his salary are in the Appropriations Bill and his salary has not been approved by the Budget and Control Board nor the legislature. Commissioner Dennis noted that the state has a big problem with salaries and positions have gotten out of hand and has not been monitored very closely. Commissioner Dennis noted that he was not suggesting that this salary is not justified, but that it is out of balance with salaries of proven state employees that do the same kind of work. Commissioner Edens noted

that there may be duplication of effort by the Consortium with work at the Marine Resources Center and that efforts should be made to not undermine our good program at the Marine Resources Center. Dr. Timmerman noted that we have no objections to the Sea Grant Act and Consortium and the main issue is not salary, but the main point is that the Act was created for the Sea Grant Program only and not to encircle our Marine Resources Center. Dr. Joseph stated that the Sea Grant Act has some minor flaws, but it is basically a good law so long as people do not distort its purpose. The proposed resolution appears to be a distortion of the purpose of this bill.

Dr. Timmerman noted that we have had some problems with radio communications with the shellfish section in DHEC. Pat Ryan noted that eight (8) to ten (10) DHEC personnel have used the Department's radio frequency and have begun imposing upon the system. Too much traffic on the frequency has resulted and they have set up a base station on Sullivan's Island without a license or permission. Mr. Ryan stated that about ten (10) years ago, Mr. Webb gave DHEC permission to use five (5) units for a year with the understanding that they create their own system. It has been ten (10) years and they have increased their usage and number. Now we are bigger than ten (10) years ago and we do not have the capability to accommodate these people. DHEC now has a system of their own. Mr. Ryan stated that they should use their system for their primary needs and allow them to use one (1) of our frequencies for extreme emergency situations. Mr. Ryan noted that we should maintain quality communications for the Department and allow them the use of one (1) frequency for emergencies on a trial basis only without committing ourselves. Chairman Trask noted that he had talked to the Chairman of DHEC and he objected to them being cut off on a certain date without them having time to make other arrangements. Chairman Trask suggested they be given thirty (30) days notice and do what we want to do with it. Dr. Timmerman noted that he has talked with John Jenkins about duplication of effort and suggested that we meet with them to discuss this and the radio situation at that time so this matter could be held in abeyance. Chairman Trask and the Commission agreed to this action. Dr. Timmerman informed the Commission that Commissioner Pendarvis and the law enforcement staff are looking at our communications system as it relates to communicating with other law enforcement agencies in the state.

Dr. Timmerman informed the Commission that a copy of the floor plans for the Dennis Building are on the wall for their information. Additional storage space is needed and a shed will be constructed at Styx by General Services, if bonding funds are left over from the building renovation. This facility should be completed in November or December, 1980. Dr. Timmerman noted that we have an understanding about having parking for motor

pool vehicles and spaces for employees to rent.

Dr. Timmerman noted that he has received a request from law enforcement and Mr. Danny Bell to establish emergency regulations in the waters near Bell's Marina to regulate boats and skiers. An accident occurred in the area last year and it represents a danger to life. Commissioner Shuler urged the Commission to approve the request as it represents a dangerous situation. Commissioner Shuler moved that the Department establish an emergency regulation for this area as requested by Dr. Timmerman. Commissioner Edens seconded the motion and it was approved by the Commission.

Dr. Timmerman stated that with the resignation of Jones Buchanan from the Commission, a Chairman of the Commission Finance Committee is needed to serve with Commissioners Stubbs and Edens. Chairman Trask appointed Commissioner Stubbs to serve as Chairman of this Committee and Commissioner Pendarvis as a member of this Committee. Dr. Timmerman also noted that Jones Buchanan was secretary of the Wildlife Education Training Fund and needs to be replaced. Chairman Trask appointed Commissioner Pendarvis as secretary of the Education Training Fund. Dr. Timmerman noted that approval was requested for the Commission, as Trustees of the Cantey Fund, to approve up to \$100 for a couple of plaques. Commissioner Dawson moved that such be approved. Commissioner Edens seconded the motion and it was approved by the Commission.

ITEM III. LEGISLATIVE UPDATE

Dan Dobbins distributed a copy of the legislative report to the Commission for their information. Mr. Dobbins noted that the bill regarding the fifty (50) basket limit on commercial fishermen has passed and been signed by the Governor. Dr. Timmerman stated that the Conservation Officers will be contacted to make sure they have information on this law.

ITEM IV. OLD BUSINESS

A. Follow-Up Report on Access to Game Management Area Property in Saluda County: Brock Conrad reported that he has contacted Mr. Miles about access and he has already leased his property and they are opposed to giving access for public hunting. Mr. Conrad noted that he contacted Mr. Henry Thayer, Jr., who did not have good access as his property is about two miles from the GMA property and he would not give access anyhow. Mr. Conrad suggested that the GMA property be taken off the game management map and that we continue to lease the property and trap turkeys from the property. Dr. Timmerman stated that what he is suggesting is a sanctuary.

Mr. Conrad noted that it could be made a sanctuary, but we would not need to since a hunter would have to trespass to get to the property to hunt. Dr. Timmerman suggested that the property should be turned back to the paper company. Commissioner Edens suggested that we keep the property, make it a sanctuary and use it for restocking. Bill Chastain stated that if a sanctuary is created, there will be a trespassing problem and suggested that the property be turned back. Commissioner Shuler noted that there may be a problem of adjacent landowners, or those with hunting rights, trespassing on the property. Mr. Conrad stated that the present lease expires in about three (3) years and if we turned the land back to the paper company, they can probably lease out at a dollar per acre which could give them some ideas about leasing some of their other land at a higher price. Commissioner Dennis noted that if a sanctuary is established, adjacent landowners can call the turkeys off the property when hunting. Dr. Timmerman stated that we have given the Commission the information they requested and we would follow through with their advice. Following some discussion, Commissioner Dennis moved that the Commission adopt Mr. Conrad's suggestion to take the property off the game management map and use it to trap turkeys for a period of one (1) year to see how it works. Commissioner Boykin seconded the motion and it was approved by the Commission.

ITEM V. NEW BUSINESS

A. Division Reports

1. Administrative Services: Benny Reeves distributed, to the Commission, a list of recovered boats, motors and trailers since February, totalling over \$100,000. Commissioner Edens noted on the budget status report as of May 31, 1979, an uncommitted balance of over two million dollars is shown and asked if it would be used the last month of the fiscal year. Mr. Reeves noted that most of this will be expended the last month, but it also includes the game and fish fund that will carryover which composes about \$700,000 of the two million dollars. Commissioner Boykin asked why there was a shortfall of federal funds in the amount of \$312,000. Mr. Reeves stated this was the result of projections made in programs where we did not get federal funds this year and does not affect overall operations of the budget. In regard to revenue, Dr. Timmerman noted that we were up some in our hunting and fishing license revenue. In the southeast, we are probably on a better sound fiscal basis than any game and fish agency in the region. Commissioner Dennis stated that we were the only agency to appear before the Budget and Control Board asking for less money than the previous fiscal year.

2. Wildlife and Freshwater Fisheries: Jeff Fuller reported that 102 mottled ducks had been picked up in Louisiana last week and this coming week, we hope to go back and get 100 more. Mr. Fuller noted that a fish kill occurred

about three weeks ago in Durbin Creek from an oil spill. A report on the kill was completed showing the number of fish, size, species and monetary value based on a 1970 report of the American Fisheries Society. Mr. Fuller stated that another spill occurred and is being evaluated. Upon completion, we will come back to the Commission with a complete report. Dr. Timmerman noted that the initial report was based on 1970 figures and the Consumer Price Index will be used to adjust such to current price levels. Dr. Timmerman stated the company may be willing to settle with the Department's estimate and he suggested that the Commission let the staff enter into mitigation with the company on this matter. Commissioner Pendarvis noted that he felt the company would be willing to work with us on this matter and restock the waters for the benefit of the public. This could be done to provide good publicity for the Department and the company. Commissioner Pendarvis moved for the Department to negotiate with the company to replenish the stream in its original condition. Commissioner Edens seconded the motion and it was approved by the Commission.

Dr. Timmerman noted that the Commission had approved registration of an angel oak tree under the Heritage Trust Act. The owner has not carried out his responsibilities and it will be recommended that the registration agreement be cancelled. In addition, the Governor is interested in the Mountain Bridge Project and it is recommended that the Watson Tract be appraised and seek opportunities to purchase at no cost to the state and at no management costs as it is already under the game management program. Tom Kohlsaas noted that the acquisition of this property is supported by the Greenville Delegation, the Governor, and the State Development Board. PRT has already acquired about 6,000 acres in the area for recreational purposes. The Watson property is valuable for three (3) reasons. First, it is the headquarters for two native streams. Second, it is leased for game management, turkey have been released in the area and it is a wilderness hunting area. Third, it has a small bog that is a unique natural area with several rare plants. The property will be purchased with Land and Water Conservation Funds allocated to the state. The owners are willing to sell the property which is about 1,600 acres for half of its appraised value. The donated value of the property is used to match the federal funds. Mr. Kohlsaas noted that the property is already managed and there would be little operating cost. Commissioner Stubbs stated that he was familiar with this property and that he hoped we could, also, secure the Moore property. Commissioner Stubbs moved that the staff get an appraisal and follow through on securing federal funds for the project. Commissioner Dawson seconded the motion and it was approved by the Commission.

Mr. Kohlsaas noted that an angel oak on Johns Island was approved by the Commission for a registration agreement under the Heritage Trust Act in order to protect the tree. The owner has developed the site and violated the terms of the registration agreement, as well as the county zoning ordinances. Mr. Kohlsaas stated that the Heritage Trust Advisory Board has recommended that the registration agreement be revoked. Commissioner Boykin moved that the registration agreement be revoked. Commissioner Dennis seconded the motion and it was approved by the Commission.

3. Law Enforcement and Boating: There was nothing to add to the written report.

4. Information and Public Affairs: There was nothing to add to the written report.

5. Marine Resources: There was nothing to add to the written report. Dr. Timmerman noted that the shrimp season was opened in conjunction with Georgia on the 19th of June and there are reports that an ample supply of shrimp has not been available for harvest. The Department had recommended that we not open until the 25th, but the legislature requested that we open on the 19th.

B. Advisory Board Reports

1. Wildlife and Freshwater Fisheries: Chairman Trask asked about the results of mottled ducks that were released at Bear Island. Commissioner Pendarvis stated that he had been told that three broods were seen recently. Jeff Fuller reported that we have had success with reproduction at Santee Delta. Mr. Fuller noted that between 200 and 250 geese from Pennsylvania will be here Monday.

Commissioner Edens noted that the Board met on June 14th. The Commission had asked the Board to evaluate the opening and closing dates for turkey season. The Board concluded that the season be left the same as it is now. Commissioner Edens stated that Joe Logan reported on noxious aquatic weeds. The Board concluded that the noxious weed problem is becoming worse it is thought, but an inventory is not available. The Board recommended that the Commission authorize the Department to take a lead role in making an inventory of the aquatic weed problem in the state and once this is secured, bring it back to the Commission. After an inventory is completed, the Department should seek funding and be the lead agency in noxious aquatic weed control. The initial request, however, is for the Department to make an inventory of noxious aquatic weeds and report back to the Commission. Commissioner Boykin moved that the Commission adopt this recommendation. Commissioner Dawson seconded the motion and it was approved by the Commission.

Commissioner Edens stated that the Board felt the mottled duck project had gone beyond the point of being experimental. It is time that it be adopted as a regular program in the Department. In addition, it was noted that there is an identification problem with the mottled duck and the Board recommended that the rules be amended next year to allow the harvest of one (1) mottled or one (1) black duck. It was felt this action would be fair to the hunter since there is an identification problem. The Board also recommended that the mottled duck program be implemented in the plan developed by Tommy Strange within available limitations in fiscal year 1979-80 and that it be made a part of the Department's budget in fiscal year 1980-81. Coy Johnston noted that the public relations element in regard to the mottled duck has not reached the proportions it could in the state and he suggested that the mottled duck be publicized in the magazine and other means to get the information out to sportsmen. Following some discussion, Commissioner Shuler moved that the Commission adopt amending the rules to allow the harvest of one (1) mottled or one (1) black duck and that the mottled duck program be incorporated into the Department's budget as recommended by the Board. Commissioner Dawson seconded the motion and it was approved by the Commission.

2. Law Enforcement and Boating: There was no report from this Board.

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

4. Heritage Trust: There was no report from this Board.

C. Salary Review Committee: Dr. Timmerman stated that this is in order and he reported that the Department had stayed within the guidelines established for merit increases.

D. Appointments: Dr. Timmerman distributed the recommendations for appointments and re-appointments for Deputy Wildlife Conservation Officers and Conservation Officers. Dr. Timmerman recommended a change in the new DWCO appointments of Neale Bird, John Hensel, Duncan Newkirk and J. Heyward Robinson. These individuals are employees of the S. C. Coastal Council and Dr. Timmerman recommended that their authority be restricted to coastal counties as identified by the S. C. Coastal Zone Management Act rather than "statewide" authority. Upon several motions, the Commission approved all appointments and re-appointments with the previously mentioned change as recommended by Dr. Timmerman.

E. Other Remarks: Commissioner Pendarvis asked if vehicles confiscated by SLED could be used for undercover vehicles in order to avoid the purchase of new vehicles for this purpose. Dr. Timmerman stated that he would look into this matter and report back at the next Commission meeting.

Commissioner Shuler noted that he had received a letter about a license agent that was revoked to sell licenses and asked if he would be given an opportunity to appeal. Benny Reeves stated that he was going to turn him down for back dating a license and he will be informed that he can appeal before the Commission if he requests such.

F. Time and Place of Next Meeting: Dr. Timmerman noted that the Commission had agreed not to hold a regular meeting in July. The Commission agreed that their next regular meeting would be held on August 17, 1979, in Columbia. Dr. Timmerman suggested that the Commission invite the Budget and Control Board to meet at the Marine Center after the legislative session. The Commission agreed that an invitation should be extended to the Board to meet at the Marine Center.

G. Call for Executive Session: Commissioner Dawson called for an Executive Session to discuss a personnel matter. Commissioner Shuler seconded the motion and it was approved by the Commission. Chairman Trask announced that the purpose of the Executive Session was to discuss a personnel matter.

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.