

MINUTES

SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES COMMISSION MEETING

Dutch Plaza, Columbia, S. C.
September 19, 1980

The regular monthly meeting of the South Carolina Wildlife and Marine Resources Commission was held at the Dutch Plaza Office, Columbia, S. C., at 10:00 a. m., September 19, 1980 with Chairman Edens 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 Edens, Compton, Dawson, Stubbs, Harrelson and Bennett. Directors and staff members present included Dr. Timmerman, Larry Cartee, John Davis, Benny Reeves, Phillip Jones, Billy DuRant, Jeff Fuller, Bob Campbell, Eddie McGee, Dr. Joseph, Tom Kohlsaas, Jim Mills, Pat Ryan, Mac Flood, David Cupka, Brock Conrad, and Dan Dobbins. Guests at the meeting included Laniel Chapman of the Study Committee on Program Funding, Ken Kinard of the House Agriculture and Natural Resources Committee, Pat Robertson of the "Columbia Record", Ben Gregg of the Governor's Office, Bob Fortson of Conway, Dr. Jackie Jacobs of the S. C. Wildlife Federation, and Ben Campbell from Senator Waddell's Office.

Prior to the beginning of the meeting, the film "Ethics Afield" was shown by Billy DuRant.

CALL TO ORDER

Chairman Edens called the meeting to order at 10:15 a. m.

Chairman Edens noted that the S. C. Wildlife Federation is taking on a major project with the Operation Respect Program that is being planned. Mr. Bob Fortson of Conway is Project Chairman and has a few comments regarding this program. Mr. Fortson noted that a memorandum has been sent to the Commission regarding the Hunter Ethics Conference which will be held December 5-7 at the Sheraton Hotel in Myrtle Beach. Mr. Fortson stated that the Conference will look at real problems and input is needed from people dedicated to wildlife and those on the other side of the issues. Mr. Fortson asked the Commission's help to identify sources of funds that could be used to offset the costs of the Conference and for the Commissioners to extend invitations to friends that have expertise in the area of wildlife. The Commissioners were requested to furnish names of people that may participate and the Wildlife Federation will follow up on this. Mr. Fortson went over the program synopsis and agenda for the Conference. Chairman Edens asked the Wildlife Federation to keep the staff and Commission informed of what's going on regarding this Conference.



ITEM I. READING OF THE MINUTES

Commissioner Compton moved to dispense with the reading of the Minutes of the August 26, 1980 meeting and approve them as submitted. Commissioner Stubbs seconded the motion. Commissioner Harrelson noted that he was misquoted in the paper recently relative to discussion at the last meeting. Commissioner Harrelson said that he did not say at that meeting that he resented Judge Eltzroth's letter, but he said that he resented being called because of calls that had been made by staff to certain people. Commissioner Harrelson requested that these comments be recorded in the Minutes. Following other discussion, the Commission adopted the motion to approve the Minutes.

Chairman Edens noted that actions have been taken by the Commission since the last meeting and need to be confirmed at this time. At the last Commission meeting, waterfowl regulations were adopted. Chairman Edens noted that he wrote each Commissioner on August 29 and every Commissioner was talked to on the telephone. At this time, the Commission agreed to rescind the 3:00 p.m. closing on duck hunting for Georgetown County and the Commission agreed to maintain the closed season on black and mottled ducks in Georgetown, Colleton, and Charleston Counties. There is a closed season statewide on mottled duck which was adopted by the Commission. With reference to steel shot, at that time the Commission did not have an option on steel shot as it was a federal regulation duly published in the Federal Register, therefore, any action taken by the Commission at that meeting was unnecessary and the Commission rescinds the action taken on steel shot and leave it as a federal requirement in Georgetown, Charleston, Colleton and Beaufort Counties. Chairman Edens noted that there was unanimous agreement to take these actions and this is before the Commission to approve in public session. Commissioner Compton moved for the Commission to adopt the actions as discussed by Chairman Edens. Commissioner Dawson seconded the motion and it was approved by the Commission.

Chairman Edens noted that Dr. Joseph has sent out a letter regarding the issuance of an experimental permit for use of a purse seine to fish for mullet under certain conditions and specifications under a contract drawn with an individual. It was noted that this would provide data for use by the Marine Center in developing proposed legislation on the purse seine. The Commission was contacted regarding this matter and there were seven affirmative votes to issue this experimental permit. Dr. Joseph provided a copy of the experimental permit which was issued (attached to original Commission Minutes). The Commission adopted a motion to ratify this action which was taken.



ITEM II. COMMENTS

Dr. Timmerman informed the Commission that we received our budget allocation from the State Budget and Control Board. We did not receive any inflationary increases and our personal services budget must be reduced by \$420,000 by July 1, 1981. Dr. Timmerman distributed a memorandum to the Commission (copy attached to original Commission Minutes) outlining the steps to be taken in order to reach this reduction. These steps included a freeze on hiring and reclassifications, and all promotions must be approved by the Executive Director. Dr. Timmerman noted that we can make up \$160,000 of this \$420,000 reduction with existing vacancies which leaves about \$260,000 to absorb between now and July 1, 1981. Dr. Timmerman stated that we need a total of 33-35 vacancies to reach this total reduction. This will involve a decrease in positions in each area as follows: Administrative Services - 6; IPA - 3; Wildlife and Freshwater Fisheries - 5; Marine Resources - 9; and Law Enforcement - 12. Chairman Edens asked if this freeze applied to revenue positions. Dr. Timmerman stated that it applies to everything. Dr. Timmerman noted that a memo will be sent to all employees explaining this problem and stressing productivity of each employee.

Dr. Timmerman distributed a copy of the Affirmative Action Plan (copy attached to original Commission Minutes) for Law Enforcement to the Commission which shows what we are doing to recruit minorities. This also includes our minority recruiting plan. Chairman Edens noted that this matter has been given a thorough review and there is no lack of communicating our vacancies to the people of the state.

Dr. Timmerman noted that he has met with the Governor's staff regarding the proposed Executive Order on the Aquatic Plant Management Council. Our recommended changes in the draft Executive Order have been made as requested.

Dr. Timmerman informed the Commission that the staff is working with other state and federal agencies on the Russell Dam Mitigation Report.

Dr. Timmerman advised the Commission that the staff has met with the attorney on the Lake Thicketty Creek project and this case is being worked on by the Assistant Attorney General.

Chairman Edens introduced all guests at the meeting.

ITEM III. INTRODUCTION OF CONSERVATION OFFICER OF THE YEAR

Pat Ryan introduced Conservation Officer Eddie McGee who was selected as Conservation Officer of the Year. Mr. Ryan noted that Officer McGee has been very productive and done an outstanding job on undercover work with regard to illegal trapping



of furbearing species. Chairman Edens presented Officer McGee with the Conservation Officer of the Year Award and a letter regarding this from the Safari Club International. Officer McGee expressed his thanks for the Award and presented his remarks on this to the Commission.

ITEM IV. NEW BUSINESS

A. Advisory Board Appointments: Chairman Edens noted that he had written the Commission regarding these appointments and the responses of several people will be relayed to the Commissioners. Chairman Edens stated that Commissioner Shuler could not attend the Commission Meeting, but he recommended that Arthur Williams be re-appointed to a 4-year term on the Law Enforcement and Boating Advisory Board and in reference to the new appointment to a 3-year term under the revised Executive Order, Commissioner Shuler did not have a recommendation. Commissioner Compton, however, has recommended that W. D. Morris of Columbia be appointed by the Commission to this vacancy. On the Wildlife and Freshwater Fisheries Advisory Board, it is recommended that Frank Ford be re-appointed to a 4-year term and Commissioner Owen has recommended that Jim Roberts of Anderson be appointed to the new 3-year term by the Commission. On the Marine Resources Advisory Board, it is recommended that Walt Zachowski be re-appointed to a 4-year term by the Commission. There is a new 3-year appointment to the Marine Advisory Board and Senator Waddell has been contacted regarding this appointment and it is recommended that H. H. Von Harten of Beaufort be appointed. In addition, Ben Hardesty resigned from the Marine Advisory Board and it is recommended that Dr. Donald J. Millus of Conway be appointed to fill the unexpired term of Mr. Hardesty. Chairman Edens noted that the Governor's Office is working on the Governor's appointments to these Boards. Commissioner Harrelson moved for the Commission to approve all the appointments to the Advisory Boards as recommended by Chairman Edens. Commissioner Compton seconded the motion and it was adopted by the Commission. Chairman Edens asked Dr. Timmerman to notify these individuals regarding their appointment.

B. Proposed Registration Agreements: Tom Kohlsaas noted that four (4) proposed registration agreements as recommended by the Heritage Trust Advisory Board were mailed to the Commission for consideration and approval (copy attached to original Commission Minutes). One agreement is for the bunched arrowhead plant on a site in Greenville County and three agreements involve an active bald eagle territory in Colleton. Mr. Kohlsaas stated that all four agreements are recommended by the Advisory Board and that each has been signed by the landowners. Commissioner Stubbs moved for the Commission to adopt the registration agreements as recommended. Commissioner Dawson seconded the motion and it was adopted by the Commission.



In addition, Mr. Kohlsaas reported that a memo and a proposed Cooperative Management Agreement with the Department of Parks, Recreation and Tourism was mailed to the Commission (copy attached to original Commission Minutes). Mr. Kohlsaas noted that we are negotiating with PRT on this joint management agreement. PRT wants to develop state park facilities on part of the land and other parts of the property will be used for game management area property. Mr. Kohlsaas stated that it is requested that the Commission approve the negotiations in principle and for the staff to continue negotiations on various points and report back to the Commission at the October meeting. Following discussions by the Commission, Commissioner Dawson moved for the staff to continue negotiations with PRT on the use of this property. Commissioner Stubbs seconded the motion and it was adopted by the Commission. Dr. Timmerman informed the Commission that Secretary of Interior, Cecil Andrus, will be at Ceasar's Head on October 8th at 10:00 a. m. for a dedication ceremony relative to discretionary funds that have been approved to purchase land for the Mountain Bridge Project. Dr. Timmerman stated that the Governor's Office will be sending out a letter to the Commission on this ceremony. Dr. Jackie Jacobs noted that part of the land to be acquired under the Mountain Bridge Project is in the mitigation report for the Russell Dam Project and she urged that this property not be included with the mitigation proposal to be worked out of the Corps of Engineers.

C. Division Reports:

1. Administrative Services: There was nothing further to report.

2. Wildlife and Freshwater Fisheries: Jeff Fuller informed the Commission that the Federal Aid Coordinators meeting will be held at the Marine Center on October 8 - 10 and the Commissioners were invited to attend. In regard to the use of steel shot, Chairman Edens noted that a mailgram from the Department of Interior was mailed out to the Commission whereby they are anticipating a proviso in the federal budget giving the states the option to request steel shot enforcement. Chairman Edens noted that if we elect to follow the federal regulations promulgated through the Federal Register, steel shot would be required in the designated zone in all gauges. The best information available at this time is that steel shot will be available for 10, 12, and 20-gauge 3-inch magnum only. Chairman Edens stated that it appears the federal budget won't be approved until after the general election, thus, this anticipated proviso won't be operative until after the budget is passed. The Commission is being requested to tell the Department of Interior what we would like to do in anticipation of the referenced proviso being in the federal budget. It was noted that the Commission could approve a modified version or compromise



regarding the enforcement of steel shot, but until the federal budget passes with the proviso, we do not have an option. Following considerable discussion of this issue by the Commission, Commissioner Harrelson moved, subject to the referenced proviso being in the budget bill, that the Commission request the enforcement of steel shot regulations in 1980-81 in Georgetown, Charleston, Colleton and Beaufort Counties for 10-gauge, 12-gauge and 20-gauge 3-inch magnum guns and in all other gauges and chambered guns in which steel shot is not manufactured, it will be legal to shoot lead. Commissioner Compton seconded the motion and it was adopted by the Commission.

3. Law Enforcement and Boating: Pat Ryan noted that the Commission had requested that the staff develop a policy regarding applicants for Conservation Officer positions which have game and/or fish violations. Mr. Ryan recommended that the Commission adopt the same policy for Conservation Officer applicants that has been adopted for DWCO applicants (copy attached to original Commission Minutes). A copy of this was passed out to the Commission. This recommended policy states that "no new applicant may be recommended for appointment as a Conservation Officer if he has been convicted within three years prior to consideration of (1) a violation of State or Federal game and fish laws, or (2) a felony offense, or (3) any other serious criminal offense such as Driving Under the Influence (minor traffic violations with fines not in excess of \$100 and no imprisonment are not deemed serious)." Commissioner Stubbs moved for the Commission to adopt this policy. Commissioner Compton seconded the motion and it was adopted by the Commission.

4. Information and Public Affairs: There was nothing further to report.

5. Marine Resources: Dr. Joseph reported the Marine Center is holding an open house October 5-6 in connection with the 10th Anniversary of NOAA. The federal lab will also be open during this time. Dr. Joseph invited the Commissioners to attend if they could. Dr. Timmerman informed the Commission that legal action has been brought against the Department in regard to the individual that desires to use the butterfly net. We have twenty (20) days to answer the summons and we will follow the legal procedure and keep the Commission informed. Chairman Edens noted that Mr. Chauvan met with him Wednesday to discuss the butterfly net. Chairman Edens stated that he told Mr. Chauvan that if he can convince the staff at the Marine Center that they can biologically recommend what is being requested, then we will take another look at the matter.



D. Advisory Board Reports:

1. Wildlife and Freshwater Fisheries: Dr. Timmerman reported that the Board had asked Coy Johnston to look at the Samworth GMA and make recommendations. A report from Mr. Johnston has been mailed out to the Commission. Dr. Timmerman noted that he has talked to Mr. Johnston about this report and he asks the Commission to accept the report as information and for the staff to work to improve management and enforcement at the area on a short-term basis administratively. In regard to the 3:00 p. m. closing and increasing the sanctuary around the area, this needs further study and hearings, thus, the Advisory Board should give this more study for long-range applications. Chairman Edens referred this report back to the Advisory Board for more study and to come back to the Commission with their recommendations.

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

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

4. Heritage Trust: There were no further reports from this Board.

E. Salary Review Committee: Dr. Timmerman stated that this report is in order and a copy has been sent to the Commission Chairman.

F. Appointments: Dr. Timmerman distributed a copy of the recommendations for appointments and re-appointments of Deputy Wildlife Conservation Officers and Conservation Officers (copy attached to original Commission Minutes). Pursuant to motions that were made, all appointments and re-appointments of Deputy Wildlife Conservation Officers and Conservation Officers were approved by the Commission.

G. Other Remarks: In regard to the hiring freeze that was discussed earlier in the meeting, Dr. Timmerman informed the Commission that positions which are vacant for nine (9) months are lost by the Department. Thus, we will not only be holding positions vacant, but they will be lost by the Department.

H. Time and Place of Next Meeting: Chairman Edens noted that the next Commission meeting will be held on October 17, 1980 at Table Rock State Park. The joint meeting with the PRT Commission will be held at 9:00 a. m. and each Commission will hold its separate business meeting at 10:30 a. m.



ITEM V. OLD BUSINESS

A. Report of the Study Committee on Program Funding: Chairman Edens noted Commissioner Owen could not attend the meeting, but had written a letter regarding the Draft Report of the Funding Committee. A copy of this letter was passed out to the Commissioners for their information. Chairman Edens turned this part of the meeting over to Laniel Chapman. Mr. Chapman noted that everyone who was asked to serve on the Study Committee on Program Funding has agreed to serve on the Committee. Mr. Chapman distributed a listing of recommended funding alternatives from the Study Committee to the Commissioners. These alternatives are only suggestions for the Commission to review and give guidance as the Study Committee will meet again in October in order to develop a final report. Mr. Chapman stated that these recommendations are for a five-year period for the Department's operations. Mr. Chapman noted that he had several recommendations to make relative to the stronger points of the alternatives which have been discussed. These included the following:

1. License fee increases and increase in license agents' fees to 50¢ as proposed in the Draft Report of the Study Committee on Program Funding -- Mr. Chapman noted that the last resident license fee increase was in 1969 and additional revenue is needed to meet revenue needs over the next five (5) years. Mr. Chapman stated that a 65% license fee increase is recommended as shown in Table #11 of the Draft Report of the Study Committee on Program Funding. This table does not include the 50¢ license agents' fee and the proposed license fee increase would put us in line with license fees in the other southeastern states. It was noted that the proposed license fee schedules include a \$5 resident big-game permit to hunt deer, bear, and turkey and it is recommended that the non-resident fishing license fee be increased to \$22. Mr. Chapman also recommended that license agents' fees be increased from 25¢ to 50¢. Following discussion by the Commission, Commissioner Compton moved for the Commission to adopt the recommendation as presented. Commissioner Dawson seconded the motion and it was approved by the Commission. Chairman Edens noted that this recommendation will be a Study Committee recommendation to the General Assembly which the Commission has endorsed. Chairman Edens also stated that approved increases in license revenue will be used, primarily, by Wildlife and Freshwater Fisheries and Law Enforcement.



2. In conjunction with the license fee increase, Mr. Chapman recommended a \$5.50 trout permit and a \$5.50 state duck stamp (50¢ for the license agent from each). Mr. Chapman noted that funds from the trout permit would be used for the trout program to replenish streams and other needs. The duck stamp recommendation also includes the recommendation that the funds which are derived will be kept in the state for use on waterfowl habitat in order to benefit the duck hunter. Following discussion by the Commission, Commissioner Compton moved for the Commission to endorse the recommended \$5.50 state duck stamp with funds to be used in the state. Commissioner Dawson seconded the motion and it was adopted by the Commission. In regard to the proposed trout permit, Chairman Edens noted that this recommendation dies due to the lack of a motion.

3. Mr. Chapman recommended that efforts be undertaken to have the State General Fund to assume responsibility for paying for law enforcement positions now paid out of revenue. In other words, it is recommended that all law enforcement positions in the Department should be paid out of state funds. Chairman Edens noted that we could make a trade-off of revenue if this were done. Dr. Timmerman suggested that the Commission endorse this concept in principle without jeopardizing other recommendations in order to work toward this goal over a period of time. Following other discussion, Commissioner Harrelson moved for the Commission to endorse the recommendation. Commissioner Dawson seconded the motion and it was adopted by the Commission.

4. Increase boat registration fees from \$5 to \$10, increase transfer fees from \$2 to \$3, and consider establishing an additional boat registration office in Charleston and Greenville -- Mr. Chapman recommended the increase in boat registration and transfer fees. In addition, he stated that consideration should be given to open additional boat registration offices. Chairman Edens noted that the additional offices involves an administrative matter which can be looked into. Following other discussion, Commissioner Compton moved for the Commission to endorse the recommended increased boat registration and transfer fees. Commissioner Dawson seconded the motion and it was adopted by the Commission.



5. State income tax refund check-off for the non-game program -- Mr. Chapman stated that this has been done in other states and has been very successful. It would be on a voluntary basis and individuals could give \$1, \$5, \$10, or whatever amount they desire for use on the non-game program. Commissioner Harrelson moved for the Commission to endorse this recommendation. Commissioner Dawson seconded the motion and it was adopted by the Commission.
6. Increased state funding for the magazine -- Mr. Chapman noted that the magazine is a "state" magazine which supports tourism, development, etc., and it should receive additional funding to maintain the quality of this publication. Dr. Timmerman noted that the Commission, in approving our budget, has endorsed this concept. Commissioner Dawson moved that the Commission adopt this recommendation. Commissioner Stubbs seconded the motion and it was adopted by the Commission.

Mr. Chapman stated that these are only recommendations to the Commission as Chairman of the Study Committee. There are other recommendations which the Commission may want to consider at a later time. Dr. Timmerman noted that the Marine Study Committee has a Funding Sub-Committee and they may bring up ideas which will be brought to the Commission. In addition, we will be meeting with certain legislators for their advice and it may not be practical to seek everything that is being requested. Mr. Chapman stated that he has gone over important recommendations, but the Study Committee is asking the General Assembly to consider all recommendations that have been made. Chairman Edens suggested that proposed \$5 turkey and doe tag fee be stricken and it was the concensus of the Commission that this be deleted. Chairman Edens also noted that the Commission has given consideration to the priority items and the other recommendations from the Study Committee will be included for future consideration. Mr. Chapman noted that there are other recommendations which may be given priority by the Study Committee and this should be left open so the Study Committee can put the recommendations in a chronological order and present these back to the Commission. Chairman Edens stated that the Commission can consider additional recommendations for priority consideration from the Study Committee at the October Commission meeting and then publish a final report. Mr. Chapman noted that he will ask the Study Committee to adopt the most important items and put in priority order for final consideration by the Commission at the October meeting.



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ITEM VI. ADJOURN

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

