

MINUTES

SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES COMMISSION MEETING

Dutch Plaza, Columbia, S. C.
September 21, 1979

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 21, 1979, 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, Boykin, Pendarvis, Stubbs, Shuler, Harrelson, Dawson and Bennett. Directors and staff members present included Dr. Timmerman, Benny Reeves, Brock Conrad, Linda Campbell, Marianne Sligh, Linda Amick, Jim Mills, Tommy Edwards, Ed Joseph, Joe Logan, Prescott Baines, Terry Hughey, Jeff Fuller, Pat Ryan and Bill Chastain. Guests at the meeting included Pat Robertson of "The Columbia Record", Ben Gregg of the Governor's Office, Dr. Jackie Jacobs of the S. C. Wildlife Federation and Mrs. Ed Bennett.

CALL TO ORDER

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

YCC SLIDE PROGRAM

Dr. Timmerman noted that this slide program was developed for the parents and shown at the end of the YCC camp this summer. Dennis Gunter presented the slide program to the Commission. Chairman Edens commended the staff for their efforts in this program.

ITEM I. READING OF THE MINUTES

Commissioner Pendarvis moved to dispense with the reading of the Minutes of the August 24, 1979 meeting and approve them as submitted. Commissioner Boykin seconded the motion. Dr. Timmerman noted that when the license plates were discussed at the last meeting, Chairman Edens had indicated that he did not advocate having Chairman, or the number one, on his license plate. The motion to approve the Minutes as submitted was approved by the Commission.

ITEM II. COMMENTS

Dr. Timmerman noted that new stationery has been ordered. This was placed on bid and will be sent in about four (4) weeks. Dr. Timmerman stated that it has been suggested that the Commissioners' names be placed on the left-hand side of the page to allow more room for typing. Dr. Timmerman asked the Commission if there were any objections to this. There were no objections and Dr. Timmerman noted that this would be done. Dr. Timmerman noted that a 3%, 3.5%, 4%



allocation for merit raises had been recommended by the Commission at the last meeting. This was presented to the State Personnel Division by Senator Dennis, but the Budget and Control Board had only approved a 3%, 3%, 4% allocation; thus, we had to take that option. This has been implemented in the Department.

Dr. Timmerman noted that the legal staff has met with Colonial Pipeline Company and DHEC regarding the fish kill on the Enoree River. The Company agreed to a settlement of \$18,044 with the Department. This fund will be paid to DHEC as part of a total settlement and they will forward this amount to us at a later date. Dr. Timmerman stated that these funds will be used to restock fish from hatchery operations. Commissioner Boykin asked if we raise catfish. Joe Logan noted that catfish will be stocked in this area next month. We do not raise catfish in our hatcheries, but have a cooperative agreement where they are obtained from the federal hatchery.

Dr. Timmerman noted that he and Commissioner Pendarvis attended the International Association meeting in West Yellowstone, Montana. Dr. Timmerman stated that the International Association and the American Fisheries Society will meet in South Carolina in 1982 at Hilton Head. Dr. Timmerman noted that he was elected Chairman of the Executive Committee for the International Association of Fish and Wildlife Agencies.

Dr. Timmerman noted that at the last Commission meeting, there was some discussion on minority employment. Dr. Timmerman asked Linda Campbell to discuss our status of hiring minorities. Ms. Campbell noted we have an agreement with EEOC to meet certain goals for black employment by 1981, or make a good faith effort in hiring. Ms. Campbell discussed the eight (8) categories of employment giving percentage of blacks employed and our goals in each category. Ms. Campbell stated that we are having a problem in the professional category due to unavailability of qualified black applicants and that we are currently below our goal for Conservation Officers. Ms. Campbell informed the Commission that we have had some assistance from legislators in recruiting black applicants. In addition, Ms. Campbell noted that Dr. Timmerman has been working closely with the Division Directors on minority employment and monitors progress on a routine basis. Ms. Campbell noted that we advertise with seventeen agencies and institutions to secure recruits for vacancies in the Department. Commissioner Bennett asked if standards are lowered to meet these goals. Dr. Timmerman stated that the standards are not being lowered and will not be unless we receive



some order that we have to do so. Chairman Edens noted that we are making an all-out effort to recruit minority applicants who do meet the employment standards of the Department.

Dr. Timmerman introduced Ben Gregg, Dr. Jackie Jacobs, Mrs. Ed Bennett, and Pat Robertson as guests at the meeting.

ITEM III. OLD BUSINESS

A. YCC Slide Program: This presentation was made earlier in the meeting.

B. Petition on Dog Hunts in the Hellhole Hunt Unit: Chairman Edens noted that at the last meeting, the Commission had approved a motion to allow dog hunting in the Hellhole Hunt Unit. After the meeting, Mr. Tom Boseman contacted Chairman Edens and informed him that he had a petition with over 300 signatures from people in the area opposed to dog hunting. Mr. Boseman and others met with Senator Dennis to discuss this matter. As a result, Senator Dennis called Chairman Edens and asked that the Commission withdraw his request and reverse the action at the last meeting to allow dog hunting in the Hellhole Hunt Unit. Commissioner Boykin moved that the Commission reverse and rescind the action at the last meeting to allow dog hunting in the Hellhole Hunt Unit. Commissioner Pendarvis seconded the motion and it was adopted by the Commission.

Dr. Timmerman noted that residents in the area annexed into Lancaster County from Kershaw County were concerned about the Department opening up this area to dog hunting. In December, 1978, we were presented a petition with 210 or so names on it opposing dog hunting. It has been learned that most of the people in the area that signed the petition own one or two acres of land and do not want dog hunting. In the area that is on lease, there are very few people that live in this area. We have looked at the legal aspects of this matter and we have no legal basis for allowing dog hunting in the annexed area this year. This matter is being presented to the Commission for their advice. Dr. Timmerman noted that Representative Mangum knew that this matter would be presented to the Commission and that the people in the area that have leased land have spent \$5,000 or so getting ready for dog hunting. Commissioner Harrelson discussed various aspects of annexation and noted that if there is some legal question on this matter, it probably should not be done. Dr. Timmerman noted that the emergency regulations provision under the Administrative Procedures Act would probably not apply to this matter. Chairman Edens asked if Representative Mangum sees the problem. Tommy Edwards stated that this matter has been discussed with him and he asked the Commission to help if they can. Mr. Edwards noted that we agreed to assist him in developing legislation regarding this matter next year. Commissioner Harrelson suggested we do what the people want in



this area without having any damage to the ecological integrity and game management welfare of the area. Chairman Edens noted that the Commission is being asked to accept the responsibility of something that rests with the Legislature. Following other discussion, Commissioner Dawson moved that the Commission go back to the original line and not allow dog hunting in the area this year and to cooperate with the legislative delegation in developing a legislative remedy for next year. Commissioner Shuler seconded the motion and it was adopted by the Commission. Chairman Edens noted, in reference to last month's meeting, that since this cannot legally be done, the Commission cannot endorse the allowance of dog hunting in the area.

C. Advisory Board Appointments: Chairman Edens noted that there are two appointments on each Advisory Board each year, one by the Commission and one by the Governor. Chairman Edens asked Commissioner Shuler if he had a recommendation for the Law Enforcement and Boating Advisory Board appointment. Commissioner Shuler stated that he did not have a recommendation, but would comment at the next meeting. Commissioner Pendarvis noted that he did not have any recommendation for the Wildlife and Freshwater Fisheries Advisory Board appointment since he is new as Chairman of this Board. Chairman Edens noted that Frank Lesesne is a very active, dedicated member and recommended that he be re-appointed to a new term. Commissioner Dawson stated that he would make a recommendation for the Marine Resources Advisory Board appointment at the next meeting. Commissioner Dawson noted that the Marine Resources Advisory Board has a vacancy for the past year which is appointed by the Governor. Dr. Timmerman noted that he has corresponded with Ben Gregg on this matter. Mr. Gregg noted that this is being worked on in the Governor's Office. Following other discussion, the Commission approved the re-appointment of Frank Lesesne to the Wildlife and Freshwater Fisheries Advisory Board. Chairman Edens stated that the remaining appointments will be on the agenda for the next meeting. Chairman Edens noted that it has been a practice to send a letter to the Governor making recommendations for the Governor's appointments. Ben Gregg stated that these appointments are being updated and that he would be glad to pass on the Commission's recommendations to the Governor. Chairman Edens asked each Advisory Board Chairman to correspond within the next three weeks with Ben Gregg concerning their recommendations on the Governor's appointments to the Advisory Boards.

D. Centralization of Fish Basket Tags: Benny Reeves noted that he had sent information to the Commission on the proposed centralization of fish basket tags. Mr. Reeves noted that every lake in the state has a limit on tags for baskets



through rule and regulation and some control over this is needed. This matter has been discussed with Jeff Fuller and Pat Ryan and there are no major objections. With this procedure, tags would be available in the Columbia Office, by mail, and they would be sold near the lakes at certain times of the year. Chairman Edens noted that this matter should be publicized so that people know about the new procedure. Commissioner Boykin moved that the Commission adopt the fish basket tag recommendation as presented. Commissioner Dawson seconded the motion and it was approved by the Commission. Chairman Edens noted that this new system should be made as convenient to people as possible.

E. Savannah River Plant Hunts: Jeff Fuller noted that information on this was sent out to the Commission. Mr. Fuller noted that DOE has requested that the Department manage these hunts at the Savannah River Plant. If we do not assume this role, they will continue the hunts or have someone else to control them. Mr. Fuller noted that there is potential for improving hunting at the Savannah River Plant with other types of hunting for the public. Mr. Fuller stated that his recommendation is based upon these points: (1) All expenses incurred by the Department will be reimbursed by the Department of Energy (DOE). Funds would be made available prior to expenditure of funds; (2) Sufficient time would be available to the Department for hiring personnel, purchasing equipment, etc., prior to the first hunting season; (3) All employees hired would sign a waiver that their employment would be subject to the availability of funds for the project; (4) The Director of Administrative Division will work with the staff in preparing a proposal; (5) The Assistant Attorney General will work closely with the staff in preparing a proposal; (6) A mutually agreed upon termination clause will be part of the proposal; and (7) A fee of 35% above total cost would be charged for assuming this responsibility and this fund would be used for land acquisition each year, or carry it over each year if legislation for such can be approved. Mr. Fuller asked the Commission to authorize the staff to go ahead and negotiate this matter and develop a proposal for the Commission's consideration. Commissioner Stubbs asked if the people hired would only work on that area. Mr. Fuller stated that these people would be hired on a year-round basis and used on other types of game management work on the property and possibly outside the area. Chairman Edens noted that we will subject ourselves to a lot of detail such as audits, legal matters, etc. Instead of getting bogged down with detail, Chairman Edens suggested that the property be managed in the same manner as with the other game management lands. Chairman Edens stated that we should get as much freedom as possible in managing the hunts on this property. Commissioner Dawson noted that this is a good opportunity and should be looked into. Commissioner Pendarvis noted that he was in favor of the concept, but that he was not in favor of having this excess money tied down to land purchases. This



fund should be put in the Wildlife and Freshwater Fisheries budget to do what we want. Mr. Reeves noted that this fee above the cost of operating will have to be handled in the legislative process so we could retain the funds and we will have to see if the state will let us allow a fixed rate over and beyond what we use as indirect cost. These conditions and approval from DOE will have to be worked out. Chairman Edens noted that what is being asked is for the Commission to approve the staff pursuing a potential agreement with DOE and bringing it back to the Commission for concurrence. Following other discussion, Commissioner Stubbs moved that the staff explore the possibility of an agreement and bring back any proposed agreement to the Commission for approval. Commissioner Boykin seconded the motion and it was adopted by the Commission.

F. Status Report on Berry's Mill Property Transfer: Joe Logan noted that this hatchery is being used now for public fishing. A request has been made to purchase about 2-1/2 acres of the hatchery property. The staff feels the property is surplus and recommends that it be sold under state guidelines. Dr. Timmerman noted that we will have a title search, survey and appraisal of the property. This matter will be brought back to the Commission at a later date for action. Chairman Edens noted that this was accepted as information.

G. Proposed Guidelines on Utilization of Aircraft: Bill Chastain noted that this matter has been discussed over the past few months and some draft guidelines have been developed. The Commission appointed a committee to consider these guidelines (copy attached to original Commission Minutes). Mr. Chastain noted that #1 on the guidelines is currently being done. The biggest changes are in #2 and #3. Mr. Chastain stated that we have been unjustly criticized by the media on the use of aircraft. Less than 14% of flight hours are done for things other than law enforcement work. In the guidelines, it is recommended that we get out of transporting individuals altogether. The Aeronautics Commission has funds for transporting individuals in the state. Our planes were purchased for law enforcement and related activities. What is recommended in #2 is that all personnel flights be handled by the Aeronautics Commission. If they did not have a plane available to make a flight, they could call us and if we did not have a law enforcement patrol scheduled, we could make the flight for them and bill the Aeronautics Commission for the cost. Mr. Chastain noted that any Department personnel or Commission members that use the aircraft, the Law Enforcement Office will have on file a letter of justification on why the



aircraft was used as opposed to other modes of transportation. This represents the basic components in the guidelines. Mr. Chastain stated that we need to make our own recommendations as the stage may be set for some change on state aircraft. Commissioner Bennett noted that a bill has been prefiled with twenty-five (25) or so sponsors to place control of all aircraft under the Aeronautics Commission. Dr. Timmerman noted we feel strongly that aircraft should be under our control for law enforcement and related activities, and those sponsoring this legislation are mostly concerned about transportation of individuals. Mr. Chastain noted that if we are to be criticized for transporting individuals, we should let the Aeronautics Commission handle this. Chairman Edens noted that he was in agreement with these guidelines. He noted that there are occasions such as recently when a Department employee, such as Dr. Timmerman, may need to use the plane for Department business purposes to meet certain appointments that are some distance apart and asked how this should be handled. Mr. Chastain stated that this was discussed in the committee and decided not to change the guidelines, as they currently require that a Commissioner or employee justify the use of the aircraft. Chairman Edens noted that it is his understanding the planes are available to Commissioners and Department personnel on the basis of justification and going through the procedure to fill out the forms and to have such approved and these planes are not available to those outside the Department. Commissioner Shuler noted that the Aeronautics Commission may not have a plane for a flight and call us to use one of ours, but they will be charged for the flight. Dr. Timmerman asked if the Coastal Council would come under the guidelines for the staff and Commission since we are under contract with them. Mr. Chastain noted that this is up to the Commission as there are eighteen or more members. It would probably be best if everyone except staff and Commissioners went through the Aeronautics Commission. Commissioner Shuler noted that there are two (2) main points concerning these guidelines. First, we feel there is no way that law enforcement can perform the job they need to if the planes are under the Aeronautics Commission and these guidelines are an attempt to keep the aircraft under our control. Second, we want to get away from the transportation of people. As such, Commissioner Shuler moved that the Commission adopt the guidelines as presented by Mr. Chastain. Commissioner Boykin seconded the motion. Chairman Edens noted that Dr. Timmerman mentioned the connection between our Department and the S. C. Coastal Council with them paying for the helicopter and all. Chairman Edens asked if these guidelines presented any problem in regard to our work and association with them. Following other discussion, Commissioner Shuler agreed to amend his motion to insert the S. C. Coastal Council personnel after Department personnel in the first sentence of #2 on the guidelines. The motion, as amended, was seconded and adopted by the Commission. Mr. Chastain noted that the guidelines do not affect the functional use, work, surveys, etc., by the Coastal Council personnel, but only the transport of individuals



associated with the Coastal Council such as the Council members. Mr. Chastain asked if we are going to put into effect these proposed guidelines. Commissioner Pendarvis noted that our first step was to develop some guidelines to send to the Governor for his approval. Following other discussion, Chairman Edens noted that this is adopted as the wishes of the Commission with instructions for the Department to consult with the Governor's Office and whomever else we need to consult with to establish legality and bring back a final report to the Commission. Dr. Timmerman noted that when this receives final approval, we will put out a pamphlet, or brochure, on the use and management of the aircraft. Mr. Reeves noted in reference to the Coastal Council buying the helicopter, the Department is providing them with about \$275,000 worth of administrative support. As such, we are earning what is being provided regarding this matter.

Chairman Edens noted that the S. C. Wildlife Federation had re-adopted a resolution in support of the Commission's action on adopting the enforcement of steel shot regulations in South Carolina. Chairman Edens asked Dr. Jacobs to extend the Commission's "thanks" to the Wildlife Federation for their support on this matter.

ITEM IV. NEW BUSINESS

A. Division Reports:

1. Administrative Services: There was nothing to add to the written report. A final copy of the FY 1980-81 budget was distributed to the Commission.
2. Wildlife and Freshwater Fisheries: There was nothing to add to the written report.
3. Law Enforcement and Boating: There was nothing to add to the written report.
4. Information and Public Affairs: Sonny Baines informed the Commission that they just finished mailing out 6,633 calendars. More were sold than we were prepared for and as a result, we had to turn people down. The Resource was very successful and 1,018 letters of response were received. The wood duck film has just been completed. Sonny Baines informed the Commission that they are low on calendars and if they need any to let him know.
5. Marine Resources: There was nothing to add to the written report.

B. Advisory Board Reports:

1. Wildlife and Freshwater Fisheries: Commissioner Pendarvis noted that the next meeting will be October 4 and 5 at Bonneau Ferry.
2. Law Enforcement and Boating: Commissioner Shuler stated that the Board had met and he did not have anything to add to the Minutes which were mailed out to the Commission.



3. Marine Resources: Commissioner Dawson stated that this Board did not meet.

4. Heritage Trust: Dr. Timmerman reported that the dedication of Stevens Creek was held with Commissioner Pendarvis representing the Commission. The local legislators also attended this dedication. Chairman Edens and Dr. Timmerman extended their appreciation to Commissioner Pendarvis for hosting the luncheon at this dedication.

C. Salary Review Committee: Dr. Timmerman stated this is in order and will be passed on to Chairman Edens when all signatures have been obtained on the report.

D. 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). Commissioner Harrelson noted that Department employees are being appointed as DWCOs and there is some question, as discussed at the last meeting, on the appointments of DWCOs. Commissioner Harrelson stated that employees should not be put on the spot under some questionable authority under which to act. Chairman Edens noted that the question on DWCO appointments is being worked on by the legal staff and proposed legislation will be developed. Dr. Timmerman noted that a DWCO appointment for Jones Buchanan was not recommended since he did not meet the criteria for appointment. Following other discussion, the Commission adopted a motion approving all DWCO appointments and re-appointments as recommended. The Commission also adopted a motion to approve all Conservation Officer appointments and re-appointments as recommended. In addition, the Commission approved the appointment of Stanley L. Smith in Greenwood County as a Conservation Officer. The Commission adopted a motion approving the re-appointments of other department personnel as recommended.

E. Other Remarks: There were no additional remarks from the Commission.

F. Time and Place of Next Meeting: Chairman Edens noted that the next meeting will be held on October 17, 1979 at 1:00 p. m. at the Bankers Trust Office. Following the meeting, the Commission will attend the budget hearing at 4:15 p. m.

G. Call for Executive Session: There was no request from the Commission for an Executive Session.

ITEM V. ADJOURN

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

