

MINUTES
BOARD OF THE DEPARTMENT OF NATURAL RESOURCES

Rembert C. Dennis Building, Room 335

Columbia, South Carolina

Wednesday, August 27, 1997

3:00 p.m.

The special meeting of the Board of the South Carolina Department of Natural Resources was held at 3:00 P.M. on Wednesday, August 27, 1997, in Room 335 of the Rembert C. Dennis Building, in Columbia, South Carolina. Notice of the date, time and place of the meeting was posted and mailed to the news media. Dr. George Graham presided at the meeting. Board Members that were present included Tommy Miller, Marion Burnside, Campbell Coxe, Mary Pope Waring, Ted Oxner and Edward C. (Corky) Lee. Dr. Paul A. Sandifer and staff members of the Department of Natural Resources were present at the meeting as were various guests.

I. Call to Order

Chairman Graham called the meeting to order at 3:00 P.M. and welcomed everyone to the meeting. Chairman Graham commented that this special meeting had been called to reconsider the action taken on August 15, 1997 concerning the 1997-98 waterfowl season.

II. Meditation

Dr. Graham called for a moment of silent meditation in memory of Mrs. Florence Oxner, mother of Ted Oxner who died earlier this week.

III. Approval of Minutes from Last Meeting

Mr. Coxe made a motion to request section five of the minutes be read aloud. Mrs. Waring seconded the motion and the motion carried unanimously. Mr. Chamblee read the portion requested. Mr. Coxe moved that the Board adopt a motion to approve the minutes of the August 14, 1997, Board meeting as mailed. Mrs. Waring seconded the motion and the motion carried unanimously.

IV. Constituency Comments

A. David Wielicki - SC Waterfowl Association

Chairman Graham called on David Wielicki for his comments. Mr. Wielicki presented information from the SC Waterfowl Association. In Mr. Wielicki's remarks he stated that he is an avid waterfowler and the Executive Director of the SC Waterfowl Association. He has been asked by the SCWA Board of Directors to present their position on the proposed DNR option for the 1997-98 waterfowl season. These options were faxed to their executive committee on August 12, by DNR staff member, John Frampton. On behalf of SCWA and its 5,000 members he thanked the DNR Board for allowing them to come back and present their position. Based on the options they received, the SCWA Board of Directors propose the following: *"We recommend approval of the option three, including 60 days that include a November 14-29 first season and a December 8-January 20 second season along with the January 24 Youth Waterfowl Day, which we felt was an excellent addition to the season last year. This season framework would provide opportunity for up-state duck hunters to harvest local wood ducks, it would provide*

opportunity for public and private duck hunters to hunt ducks when local and migratory ducks are most numerous in South Carolina. The daily bag limits that were proposed in the options we received were acceptable to the SCWA Board of Directors. Although they were a little more restrictive than the federal guidelines, we felt that they were a good conservative bag limit. In regard to special restrictions, SCWA supports the preference one. We were given two preferences regarding regulations; we support preference one regulations that are similar to last year's. To maintain regulations consistent with last year's we recommend that shooting hours in the upper Santee Swamp, west of I-95, during the November 14-29 first season be extended to all day hunting instead of half day hunting, this would be in keeping with a similar system last year when the first season in that area was open to all day hunting. In addition, the SCWA Board of Directors would like to see a series of fall public educational meetings to be held across the State of South Carolina. The purpose of these meetings is to educate the public about the documented biological and sociological impact of half day and no Sunday hunting in certain parts of South Carolina. The SCWA Board of Directors also supports a survey of the entire duck hunting public, the purpose of this survey being to determine public support for all day hunting or special restrictions such as half day or no Sunday hunting. The questions in this survey should be developed with input from all waterfowl conservation interest groups and examined by an independent survey expert. In regard to preference two, which talked about the three o'clock closure statewide, the SCWA Board of Directors are opposed to any expansion of afternoon or Sunday hunting closure for the following reasons: 1) SCWA biological staff and board members believe there is no biological reason for Sunday closure or restriction of shooting hours beyond the allowed federal guidelines of one-half hour before sunrise to legal sunset; 2) these afternoon restrictions of no Sunday hunting limit hunter opportunity especially for the sons, daughters, nephews and nieces that will be tomorrow's duck hunters; afternoon closure deprives our youth of any opportunity to hunt with family and friends or by themselves in the afternoon after school or on weekends; 3) many duck hunters live in areas such as the up-state that experience night time freeze up and it is quite often that it takes until one or two o'clock before mother nature melts the ice which in turn triggers the ducks to start flying, hunters will not be able to hunt at those time of day with afternoon closure; 4) many duck hunters have stopped hunting ducks a long time ago in the morning because of trouble distinguishing drakes from hens at first light, particularly on cloudy days; afternoon hunting avoids that problem; 5) it has been suggested that afternoon closure statewide would eliminate roost shooting of wood ducks and illegal late shooting. The SCWA, with our wood duck program, is very concerned about wood ducks and we put a lot of effort and energy into wood duck production. What we would propose is that the Board of Directors of the DNR support a law, making it an 18 point violation for anyone found guilty of shooting ducks more than 10 minutes after legal shooting time. We also support an 18 point violation for anyone found guilty of shooting more than one duck or goose over the limit. The bottom line is that we can protect duck population without limiting hunting opportunities for honest, law abiding duck hunters. Finally, afternoon closures will



eliminate the tradition of all day duck hunting that has existed across North American since before regulated duck seasons began. On behalf of SCWA's 5,061 members, we ask the DNR Board to consider these recommendations and we thank you for your time on this issue and our organization will respect your decision."

Chairman Graham stated that he understood that Bob Bailey, of the Sportsmen's Coalition, and Ned Joye, of Ducks Unlimited, also have comments but they want to defer their comments until later in the meeting.

V. Items for Board Action

A. 1997-98 Waterfowl Season

Mr. Oxner made a motion to amend the previously set 1997-98 waterfowl season to include the following change. The first season will be from November 22 - November 29 and the second season from December 10 - January 20, a total of 50 days. Mrs. Waring seconded the motion. Chairman Graham asked if there was any discussion on the motion on the floor. Mrs. Waring stated that there have been a significant number of telephone calls received that had no problem with the number of days but had a problem how the days were spread. Mrs. Waring reiterated that in setting the waterfowl season in the earlier meeting they had followed some of the advisory committee recommendations that were read from the minutes and those people were dissatisfied that the two weeks in November would not allow them sufficient opportunity when the majority of the ducks are in South Carolina, therefore, moving these 7 days from November to December would allow for a 10 day rest. Mrs. Waring stated that she had some questions about rest. Mrs. Waring also said that when the Board had made this vote earlier, it was made based on the premise of conservation and the premise that a number of days, which in the first vote was 17 days and in this proposed motion would be 10, would allow a sufficient amount of time for rest and non disturbance of waterfowl so there would be a true second season. Also, in keeping with the 50 days, there would be consistency. If they propose that waterfowl have a long time to rest, then we shouldn't increase the number of days. That would be a contradiction. Mrs. Waring asked Mr. Frampton and Mr. Strange their opinion on what they considered the minimal number of days rest between seasons? Mr. Frampton stated that it is a hard question to answer. If looking for some benefit that could be evaluated, he felt it would have to be an 8-10 day period. Mr. Strange stated that he felt a minimum of 8 days and as much as 12 days. Mrs. Waring then asked Mr. Strange if he agreed that fewer days and less pressure on the ducks is advantageous over decreasing the bag limit, biologically? Mr. Strange stated that the season length is what has the greatest impact. When you are at a low bag limit the bag limit makes more difference. When you get at a liberal bag limit it makes less difference than the season length. Mrs. Waring asked Mr. Strange if he agreed that there has been a fairly rapid increase in the number of days allowed by the US Fish and Wildlife Service in the last 3 years. Mr. Strange said that it went from 30, sometime in the 90's, to 40, to 50 and then to 60. Mrs. Waring ended with stating that she firmly believes that they need to be conservative in approaching the protection of our waterfowl resource and we all want opportunity,



but if we were to keep 50 days and move the days from November to December, it would still be 50 days of opportunity and the average duck hunter in South Carolina hunts 10 days.

Mr. Miller called for the question. Chairman Graham stated that the question has been called and asked for a second to the call for the question. Mr. Lee seconded. Chairman Graham asked those in favor to say aye. Motion carried.

Chairman Graham called for the vote on the motion by Mr. Oxner as seconded by Mrs. Waring to retain the 50 day season for 1997-98 and to amend it by moving 7 days from the first to the second season to make the dates November 22-29 and December 10-January 20 with no changes in the bag limit or special regulations or other parts of the waterfowl season that was set on August 15, which will remain in full force and effect. Chairman Graham asked for a show of hands on the motion. The vote was tied 3-3 with Chairman Graham voting against the motion. Motion failed.

Chairman Graham then opened the floor for discussion or any other motion.

Mr. Miller moved to amend the previously set 1997-98 waterfowl season to conform to the following change. There will be a total of fifty-five (55) days in the waterfowl season. The first season will commence on Wednesday, November 19, 1997, and run through Saturday, November 29, 1997.

The second season will commence on Monday, December 8, 1997, and run through Tuesday, January 20, 1998.

Special Conditions: Except on Sunday, January 11 and Sunday, January 18, there will be no Sunday hunting in Georgetown County or that portion of Charleston County from the Georgetown County line (South Santee River) to the Wando River (east of U. S. Highway 17).

Shooting Hours in Hampton, Colleton, Dorchester, Jasper, Georgetown, Beaufort, and Charleston Counties: The shooting hours in this area will be one-half hour before sunrise until 12:00 Noon daily, except on November 29 and January 20 when shooting hours will be one-half hour before sunrise until sunset.

Shooting Hours in the Upper Santee Swamp: During the periods November 19 to November 25 and December 8 to January 19, shooting hours are one-half hour before sunrise until 12:00 Noon daily, on all lands and waters of that portion of Lake Marion and the Santee Swamp west of the Interstate 95 bridge upstream to the confluence of the Wateree and Congaree Rivers. During the period November 26 through November 29 and on January 20, shooting hours in this area will be one-half hour before sunrise until sunset. These regulations apply to land owned by Santee-Cooper or the State of South Carolina, only.



Bag limit: The total bag limit will be five (5) ducks per day and ten (10) in possession.

All other parts of the waterfowl season as previously set will remain in full force and effect. Mr. Lee seconded the motion. Chairman Graham asked if there was any discussion on the proposed amendment that is on the floor. There being no questions or discussion, Chairman Graham called for the vote by a show of hands. The vote was 3-3, Chairman Graham voted in favor of the amendment and the motion carried.

Chairman Graham stated that everyone is not happy with this action, on either side, and he takes full responsibility for trying to work this out after the actions that have taken place since August 15. He also stated that he appreciates the involvement of some of his friends in the waterfowl community that have helped to bring this about. Chairman Graham also expressed appreciation for the Board Members efforts to do what they felt was best in this situation. Chairman Graham stated that they have ended up with a compromise that he feels is the best that could be done under the circumstances. He expressed appreciation for the effort that has gone into this and he feels that neither side lost but both sides won. He stated that the only way you can have true conservation in the long run and true access to the resource is to have all who care so deeply about waterfowl to be involved and working together to support the resource and the sport and hoped that we will all come back together and support this action this year and move forward. Chairman Graham also stated that two other actions have been proposed, which will occur later this year. One is that the staff has been asked to prepare an 18 point violation for shooting over the limit or for shooting ten minutes after legal shooting hours close. The second, is that a survey will be done following the 1997-98 duck season, to determine if duck hunters wish to make changes in waterfowl regulations.

Mr. Oxner stated he would like to ask staff biologists to communicate with the US Fish and Wildlife Service that based on the fact that we are at the southern end of the Atlantic flyway and our weather conditions are substantially different from most flyway states that we should explore the possibility of extending the January 20 waterfowl hunting deadline.

Mr. Coxe asked to make a brief statement. *"I have been duck hunting since I was nine years old and have seen a steady decline of waterfowl numbers migrating to South Carolina in recent years. Despite the federal Fish and Wildlife Service's claims of record numbers of waterfowl nationally. I travel nationally and internationally to pursue duck hunting every year and I can attest to the fact that the numbers seem to be up on other flyways and possibly the northern states of our flyway. But to date, no one has been able to convince me that the numbers are up in South Carolina. The mid winter survey continues to go down. Some say that we should accept the federal recommendation of 6 birds and 60 days because what we do in South Carolina does not make much of a difference to migratory waterfowl"*



populations or we can't do much about the migratory patterns of recent years; I disagree. This reasoning reflects a defeatist attitude and one I will not accept. I think there is still hope for South Carolina's migratory duck populations and to increase the record levels but it will take creative management, trying some new things, changing the way we manage our resource, and perhaps seeking a change in the federal guidelines. It is generally accepted that there needs to be a meaningful rest period between the first and second season, the length and placement of that rest period seems to be where there is a difference of opinion. It would mean a rest period around the time of the full moon in December was one suggestion that made sense to me, the full moon of December 14 is a major time of migration for waterfowl not only to South Carolina but from South Carolina. It would be a good time to reduce gunning pressure, obviously a large percent of South Carolina sportsmen disagree, from what I have heard most of them want the hunting days in December. It is a good compromise to take the days off in the front of November and put it on the front of December, that still gives a 10 day resting period which most biologists seem to consider to be the minimal meaningful break. Under the present federal guidelines I cannot see how a 60 day and 6 bird season is beneficial to the sportsmen or the waterfowl resources of South Carolina. If the US Fish and Wildlife Service wants to give us an extra duck, that's fine, let's make it a wood duck. If the Service wants to give us 10 more days, that's great, let's put it on the end of the season, after January 20. The federal 60 day and 6 bird option placed within their framework is like giving me a snow mobile, it's a nice gift but I'd like to have something I can use in South Carolina. What's good for Massachusetts is not necessarily good for South Carolina and all South Carolinians need to remember this."

Chairman Graham thanked Mr. Coxe and others for the effort, sentiment and sincere thought that has gone into this issue.

Mrs. Waring stated she had a comment about procedure in the future. This year the flyway meeting was held on Saturday, the following Thursday the Advisory Committee met, and the next day, Friday, was the Board vote. She feels that it is only fair to the public and Board Members that next year, if possible, there be a longer time between the flyway meeting, the advisory committee and the vote, so that all options can be considered before proceeding. Second, she pointed to the comments from the constituency groups about the opportunity for youth. She feels it is very important to think about using the opportunity as the experience and not how many ducks in how many days, and that we focus on the experience when we pass this tradition on to our children.

VI. Constituency Comments

A. Bob Bailey - Sportsmen's Coalition



Mr. Bailey thanked Dr. Graham personally for his leadership and the cooperation of the SC Department of Natural Resources Board and staff.

B. Ned Joye - Ducks Unlimited

"Mr. Chairman and distinguished Members of the Board, I would like to thank the SC Department of Natural Resources Board for revisiting the migratory waterfowl season structure. I would like to personally thank Governor Beasley and his entire staff, DNR Board Chairman, Dr. George Graham, SC Sportsmen's Coalition Executive Director, Bob Bailey, SC Waterfowl Association Executive Director David Wielicki, and Danny Stone of the Five Rivers Coalition for their assistance in resolving this matter. I support the SC Department of Natural Resources Board and the entire staff of the DNR. The sportsmen and outdoor enthusiasts of South Carolina are fortunate to have such a concerned wildlife board and agency to protect their interests and the resources of our great state."

VII. Executive Session

At this time, Mr. Miller made a motion that the Board go into Executive Session to discuss legal, contractual and personnel matters. Mrs. Waring seconded the motion and the motion carried unanimously.

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RETURN TO REGULAR SESSION

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

Chairman Graham called the meeting back to order.

Following Executive Session Mr. Lee made a motion that they accept staff recommendations to purchase the Peters Creek property as proposed. Mr. Burnside seconded the motion and the motion carried unanimously.

VIII. Time and Location of the Next Meeting

Chairman Graham stated that the next meeting of the DNR Board will be held on Friday, September 19, in Columbia, at 10:00 a.m. He stated that the Law Enforcement Officer of the Year luncheon is scheduled for 1:00 pm, following the Board meeting. He stated that in the event the Board did not finish its business in time, it would break and go to that luncheon and come back and reconvene.

IX. Adjournment

There being no further business to be brought before the DNR Board at this time, the meeting was adjourned.

