

**MINUTES**  
**BOARD OF THE DEPARTMENT OF NATURAL RESOURCES**  
**Rembert C. Dennis Building, Room 335**  
**Columbia, South Carolina**  
**Friday, November 21, 1997**  
**10:00 a.m.**

The regular meeting of the Board of the South Carolina Department of Natural Resources was held at 10:00 a.m. on Friday, November 21, 1997, at the Rembert C. Dennis Building, Room 335, 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, Ted Oxner, Mary Pope Waring. 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 10:00 a.m. and welcomed everyone to the meeting.

II. Meditation

Chairman Graham called on Eric Skidmore, DNR Law Enforcement Chaplain, to offer thanks.

III. Approval of Minutes from Last Meeting

Chairman Graham asked if there were any corrections or additions to the minutes of the October 17, 1997 meeting. Mr. Oxner requested that the following amendment, under Items for Board Action, be made to the minutes.

A. Santee Coastal Reserve Management Plan

*Chairman Graham called on Derrell Shipes who presented the concepts for the Santee Coastal Reserve Management Plan. Dr. Sandifer commented that the final draft management plan has been sent to various conservation groups and representatives of non-consumptive users for review and input. Some positive responses have already been received from these groups, and additional input is anticipated. Dr. Sandifer stated that unless there was objection from members of the Board, this plan will be used as guidance for staff to move forward in preparing for August 1999 when the Collins Creek Gun Club's lease and license expire. ~~The plan was accepted as staff guidance without objection.~~ The plan was accepted as information for staff guidance without objection. Dr. Sandifer noted that additional information will be provided to the Board as it becomes available.*

IV. Items for Board Action

A. Proposed Farmland Preservation Legislation

Freddy Vang explained the concept of the proposed Farmland Preservation



Legislation and introduced several guests who have an interest in the creation of this legislation. Legislation must be adopted and matching funds identified for South Carolina to be eligible for federal funds to purchase development rights (in the form of conservation easements). The purchase of development rights through agricultural conservation easements pays farmers to relinquish their development rights on specific tracts of land. If this concept is approved, legislation will be drafted and submitted for Board approval. Mr. Coxe made a motion to direct the Land, Water and Conservation Division, in conjunction with SC Department of Agriculture and others to draft consensus legislation to protect prime and important agricultural farm land. Mrs. Waring seconded the motion and the motion carried unanimously.

B. Proposed Conservation Cost Share Program

Freddy Vang explained the concept of the proposed Conservation Cost Share Program. This program allows the leverage of federal funds for soil and water and other conservation programs on private land. The Land, Water and Conservation Division is requesting approval to explore, with the various parties, mechanisms to create a cost share program similar to what is used in other states. The type of program proposed is one that is administered by the DNR, using the expertise of the state's 46 Soil and Water Conservation Districts. The conservation districts will work with agricultural landowners/users and others to: identify the BMP's best suited for a particular operation; develop and approve individual conservation plans; design BMP's and help ensure their longevity; acquire preliminary approval of a cost share contracts; and provide free technical assistance to landowners/users in conjunction with the services of USDA-Natural Resources Conservation Service. The DNR will provide administrative and technical assistance to the conservation districts. The Land, Water and Conservation Division will give final approval to cost share contracts and process requests for payments to qualified individuals participating in the cost share program. Mr. Coxe made a motion to direct the Land, Water and Conservation Division to explore funding options with the General Assembly for the Cost Share Program. Mrs. Waring seconded the motion and the motion carried unanimously.

C. Law Enforcement Division Policies

Col. Huguley reviewed the two proposed policies (301.01 Use of Force and 302.01 Vehicular Pursuit). These two policies address subjects which are most critical. Col. Huguley thanked Jean Cowell and Buford Mabry for their input on these policies. Col. Huguley then reviewed the most recent changes made to Policy 302.01 (Vehicular Pursuit) since the Board received the proposed policies for review. Policy 302.01 (Vehicular Pursuit) has been reviewed by the legal staff at the Department of Public Safety, as required by law, and they have notified DNR in writing that it meets their requirement. Col. Huguley reviewed the most recent changes made to Policy 301.01 (Use of Force) since the Board received the proposed policies for review. Col. Huguley asked Mr. Mabry to expound further on the latest revision to Policy 301.01. Mr. Oxner questioned the use of the word "determines" in relation to Initiation of Pursuit in Policy 302.01 (Vehicular Pursuit)



and suggested using "determines in his/her judgement". Mr. Miller made a motion to accept the proposed revision of Policy 301.01 (Use of Force) including the amendment proposed by Mr. Oxner and Policy 302.01 (Vehicular Pursuit). Mr. Burnside seconded the motion and the motion carried unanimously.

D. Proposed Management Plan for Shealy's Pond Heritage Preserve

Mr. Stowe reviewed the management plan for the Shealy's Pond Heritage Preserve that was mailed in the Board Members' packets (copy is attached to the original minutes). Mr. Lee made a motion that the Board approve the Shealy's Pond Heritage Preserve Management Plan as presented. Mr. Coxe seconded the motion and the motion carried unanimously.

E. Proposed Expansion of Turkey Hunting in the Pee Dee

Dave Baumann reviewed the information that was mailed in the Board Members' packets (copy is attached to the original minutes). Mr. Baumann stated that this addition, if approved, will completely open all counties in the State for hunting of wild turkey with the exception of the Savannah River Plant site and recently restocked restoration sites. The areas proposed are Florence, Marlboro, Dillon and Horry Counties. The season will be April 1 through May 1 with a bag limit of two gobblers per day and two per season. Mr. Coxe made a motion that the Board accept staff's recommendations to open the last remaining areas in South Carolina for spring turkey season. Mr. Burnside seconded the motion and the motion carried unanimously.

Mr. Baumann also distributed, as information, copies of the 1997 Summer Turkey Survey Results.

F. Proposed Regulation on Non-Indigenous Shrimp Permit Conditions

John Miglarese asked Jim Quinn to address the Board on the regulatory process for this item. Mr. Quinn informed the Board that the statute provides that the presiding official give a report. Mr. Quinn said that the statute does not state that the Board has to approve the report, but as a precautionary measure he feels the Board should take action. Chairman Graham gave a report on the public hearing on Non-Indigenous Shrimp Permit conditions. Mr. Coxe made a motion that the Board approve the presiding officers report as written. Mrs. Waring seconded the motion and the motion carried unanimously. (Report attached to original minutes).

G. Amendments to Chapter 5

John Miglarese informed the Board that the last document they received is the final staff version of the Chapter 5 rewrite. Mrs. Waring briefed the Board on the steps taken to accomplish the rewrite of Chapter 5. Mrs. Waring made a motion that the Board endorse the Chapter 5 rewrite. Mr. Miller seconded the motion and the motion carried unanimously.

V. Advisory Committee Reports



A. Law Enforcement

Mr. Miller reported that the Law Enforcement Advisory Committee met on October 29 at the Donnelly WMA. During this meeting they discussed the fallow deer issue and the negative press Law Enforcement has received as a result. The Advisory Committee asked for a subcommittee to be formed to work on accentuating the positive aspects of Law Enforcement. Mr. Miller stated that Lt. Wright presented a critique on the saturation patrols at Francis Marion which included duck patrol and canine program expansion. Maj. Taylor's report included the largest increase in boat registration in history. He also reported on the number of boating accidents and fatalities. During a general discussion it was noted that some officers have concerns about checking dove fields prior to a shoot. The Committee has some problem with staff checking dove fields under the new conditions and this will be placed on their agenda for the next meeting.

B. Marine Recreational Fisheries

John Miglarese reported that the Marine Recreational Fisheries Advisory Committee met November 5. The outcome of this meeting was that there will be a called meeting to begin deliberations and discussion of the expansion of the Saltwater Stamp.

C. Marine

Mrs. Waring reported that the Marine Advisory Committee met on November 14. The MAC re-endorsed the Chapter 5 rewrite. John Miglarese reported on the outbreak of shrimp virus disease at Edisto Seafarms. A longlining fishery evaluation meeting has been set for Thursday, December 4, at the Marine Resources Auditorium. A member of the National Marine Fisheries Service staff will be speaking at this meeting so a report of collective efforts in other organizations can be made. Mrs. Waring also reported that the MAC re-endorsed the draft regulation concerning the importation and possession of non-indigenous shrimp.

D. Heritage Trust

Mr. Lee reported that the Heritage Trust Advisory Committee met November 20. The Jocassee Gorges project was discussed, the issue being whether it would or it would not fall under the Heritage Trust Program. Terry Ferguson and Tom Kohlsaat attended a meeting called by Representative Inglis, in Greenville, concerning the newly proposed Clean Air Act. Johnny Stowe distributed FY 1996-97 Heritage Preserve Management Reports. Ken Prosser distributed a list of all Heritage Trust Land Acquisitions. The Committee reviewed and passed the Shealy's Pond Heritage Trust Management Plan and additionally a conservation easement on Bird Mountain.

Dr. Graham asked questions about amendments to the Clean Air Act. Tom Kohlsaat briefed the Board on this subject. The EPA has issued a new standard for ozone and particulates. There is a two year time frame to allow state's to be compliant with these new standards. These standards are meant to be nationwide.





Dr. Sandifer asked staff to research and draft a position statement to present to the Board in January.

VI. Director's Briefings

A. Executive Office

1. Director

Dr. Sandifer reported that the budget request has been presented to the Governor's Office.

Dr. Sandifer discussed with Will McCain, from the Governor's Office, and Chairman Henry Brown the potential for the Marine Division to have commercial license fees returned to that Division for its operation. Both seem to be supportive.

Dr. Sandifer updated the Board on the Federal budget. The Senate and House have passed a Commerce, State, and Justice Appropriations Act that has been sent to the President for signature. That bill will provide \$2 million in new funding related to research and education facilities at the ACE Basin National Estuarine Research Reserve. It also includes transferring the Charleston Laboratory of the National Marine Fisheries Service to the National Ocean Service, which is another US Department of Commerce, NOAA, agency.

Dr. Sandifer commented on the positive media coverage concerning the Congaree Creek Heritage Preserve purchase.

Dr. Sandifer expressed his appreciation to the Board Members for attending the announcement regarding Jocassee Gorges. Dr. Sandifer informed the Board that we are proceeding with the management plan for Jocassee, an FOI request has already been received for the plan. Brock Conrad will be leading an internal planning team including representation from the Forestry Commission, PRT, Duke and Crescent. Dr. Sandifer read the letter of congratulations from Governor Beasley and thanked John Frampton, Tommy Miller, Tom Kohlsaas, Dr. Timmerman and Paul League for their efforts.

Dr. Sandifer distributed copies of an article concerning urban deer. This article quoted Charles Ruth and was positive media coverage.

Dr. Sandifer recognized David Cupka for receiving the David H. Hart award from the Atlantic States Marine Fisheries Commission. This is the highest award given by that organization, it is in recognition of lifetime contributions to fisheries management.

Dr. Sandifer then stated that he had items for Executive Session.

Cary Chamblee reviewed the results of the South Carolina State Survey



conducted recently by the Institute of Public Affairs at the University of South Carolina. Mr. Chamblee stated that the Department submitted 3 questions to be included along with numerous other questions from other state agencies. The poll was conducted by telephone to 800 respondents chosen randomly from the general population of South Carolina.

2. Legal  
Dr. Sandifer stated that there were matters for Executive Session.
3. Legislative  
No report at this time.
4. Human Resources  
Jean Cowell updated the Board on the selection process for law enforcement officers.

Ms. Cowell informed the Board that they will be interviewing individuals for the Internal Audit Manager position on Monday, November 24.

The Employee Assistance Manual will be complete on January 15.

Ms. Cowell advised the Board that Human Resources is working with CEC to update the orientation video and have also made plans to expand the orientation program for new employees.

5. Environmental  
No report at this time.

B. Deputy Directors

1. Administration - No report at this time.
2. Wildlife and Freshwater Fisheries - Brock Conrad reported that the Wildlife Management staff have started a new waterfowl survey. This survey will be completed weekly for the months of November and December.
3. Natural Resource Enforcement - Col. Huguley reported on three subjects, as a follow-up on action taken earlier today.

The development of approximately 30 Directives for Law Enforcement operations have been concluded.

Col. Huguley informed the Board that the Law Enforcement Officer hiring cycle is coming to a close. Offers have been made for 12 vacancies.

Col. Huguley reported that there appears to be an increase in hunting



accidents this year. Col. Huguley reported that a good job is being done on the investigation of these accidents.

4. Conservation Education and Communications - Cindy Woods reported that the agency has adopted 8 families for the Families Helping Families Program. The boxes will be delivered to the Fairground on December 9.

Sonny Baines reported that the *South Carolina Wildlife Magazine* staff are in the process of developing a business plan and anticipates having a plan for Dr. Sandifer to review by the first of January.

Mr. Baines also informed the Board of the remodeling of the Wildlife Shop and encouraged the Board to visit the area.

5. Marine Resources - John Miglarese reported that Edisto Sea Farms permit for importation of non-native shrimp has been revoked.

Dr. Miglarese updated the Board on the longlining issue. He will advise the Board at a later date on the need to develop a position statement for the Board's approval.

Dr. Miglarese stated that the internal review of the whale stranding is complete. Dr. Miglarese understands that the National Marine Fisheries' investigation has a finding of no fault, but the report has not been received.

The Marine Center hosted the Charleston County Delegation. The delegation was informed about the Chapter 5 rewrite and also the capital improvements that are necessary at the Marine Center.

Dr. Miglarese reported that there have been two more whale strandings since the one in Myrtle Beach, both of these were handled successfully.

Dr. Miglarese announced that as a part of the Marine Center's 25<sup>th</sup> anniversary celebration, ETV did a live broadcast on Project Discovery from the research vessel Palmetto. This will be re-telecast December 17, at 1:00 p.m. This was broadcast to approximately 1,100 schools in South Carolina. ETV reported that the calls indicated that follow up for further information was about 2 times greater than for any other program that they have broadcast for Project Discovery.

5. Land, Water and Conservation - Freddy Vang announced that the SC Association of Conservation Districts will be having their annual conference January 15-17 at the Myrtle Beach Hilton.

Mr. Vang updated the Board on the Ashley River's designation as a scenic river. Mrs. Waring suggested that the Board adopt this in concept, since it



will be presented to the Legislature in January. Chairman Graham suggested that it be handled as an action item at the January meeting.

Mr. Vang informed the Board that the Land and Water Division offices in Greenville will be consolidated in December. In Columbia some staff from the Affinity Building are moving to the Devine Street Building and some staff from the Devine Street Building are moving to the Affinity Building.

Mr. Vang stated that the Climate Centers around the nation are now under the National Climate Data Center in Asheville, NC.

Mr. Vang introduced Chris LeMaster and asked him to review the Coastal Carolina Adventure Program. This program is an integrated education program of Marine Resources; CEC; Land, Water and Conservation; and Law Enforcement. Mr. LeMaster thanked Mr. Baines, Dr. Miglarese, Col. Huguley and Mr. Conrad for their assistance in this program. The participants in this program are the 30 individuals with the highest score from the Conservation Workshop for Youth. Mr. LeMaster then presented a slide presentation and explained the program.

**VII. Executive Session**

At this time, Mr. Miller made a motion that the Board adjourn to Executive Session to discuss legal, contractual and personnel matters.

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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. Miller made a motion that the Board accept the proposed conservation easement from Patriots Point. Mr. Lee seconded the motion. Mrs. Waring suggested the possibility of looking into the opportunity to have the easement run concurrently with the lease, which is a longer period. The motion carried unanimously with the understanding that staff would explore the possibility of having this condition added to the easement.

Mr. Miller made a motion that the Board approve staff suggestions for responses to LAC recommendations #37, #44, #47 and #54 as presented. Mr. Burnside seconded the motion and the motion carried unanimously.

Mr. Miller made a motion to use the following language, with regard to LAC recommendation #51, "the Board believes the current system is best and directs staff to develop appropriate language explaining the advantages to having DNR Board Members serve as members and chairs of





advisory committees". Mr. Burnside seconded the motion and the motion carried unanimously.

Mr. Miller made a motion to use the following language, with regard to LAC recommendation #52, "the DNR Board agrees with the concept of rotation as described by the LAC and notes that it is good to involve new members in its advisory committees. The Board will take the LAC's recommendations into consideration as appointments for which it is responsible become available". 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, January 16, at the Myrtle Beach Hilton, at 10:00 a.m.

The DNR Board meeting for February has been scheduled for Thursday, February 12, in Charleston, at 2:00 p.m.

The DNR Board meeting for March has been scheduled for Friday, March 27, in conjunction with the Palmetto Sportsmen's Classic in Columbia.

Dr. Sandifer mentioned to the Board that the Budget and Control Board has asked that a representative and a display from DNR be sent to Germany to promote South Carolina. The cost will be approximately \$3,000.

IX. **Adjournment**

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

