

MINUTES
BOARD OF THE DEPARTMENT OF NATURAL RESOURCES
Rembert C. Dennis Building, Room 335
Columbia, South Carolina
Friday, July 18, 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, July 18, 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 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 10:00 A.M. and welcomed everyone to the meeting.

II. Meditation

The Board held a moment of silent meditation.

III. Approval of Minutes from Last Meeting

Board adopted a motion to approve the minutes of the June 20, 1997, Board meeting as submitted.

IV. Presentations/Commendations

A. Introductions - Dr. Sandifer recognized Cary Chamblee, Associate Director, now serving in his role as Executive Secretary to the Board, and Sandy Rucker who will be assisting the Board by taking and transcribing minutes, and assisting in developing Board agendas, etc.

B. Meritorious Service Award - Dr. Sandifer, on behalf of the Board, presented the Department's Meritorious Service Award to the Aquatic Investigations Team for their involvement in the search for a Cessna aircraft which crashed during a search and rescue mission in Georgetown County.

C. Meritorious Service Award - Dr. Sandifer also presented the Department's Meritorious Service Award to Major Alvin Taylor for his efforts throughout this search. Major Taylor also had the difficult job of informing the family of finding the wreckage and showing them the evidence and bringing closure to this unfortunate episode.

V. Constituency Comments

A. Gene Johnston - Chairman Graham called on Gene Johnston. Mr. Johnston thanked the Board members for listening to their side of the deer fencing issue for approximately six months and thanked them for their forbearance.

B. Phillip Lowe - Chairman Graham called on Phillip Lowe who showed several slides to the Board. Mr. Lowe stated that his primary interest is in trying to improve the antler

characteristics and size of the herd that resides on his land. Mr. Lowe provided information concerning restocking, age, nutrition and genetics. Mr. Lowe stated that much of what the Board has been told by staff has been incorrect. Mr. Lowe stated that he would like for DNR to allow farmers to raise, breed and import whitetail deer in enclosures.

- C. Moffatt Burris - Chairman Graham called on Moffatt Burris who addressed the Board. Mr. Burris' comments alluded to his observations of hunting inside high fence enclosures.

He commented that he knew the Board would be voting on this issue today and he felt each member already knew how they would be voting. His question now is where do we go from here? Mr. Burris explained that they know what the Advisory Committee's position is on deer enclosures. According to Mr. Burris, high fence landowners can live with the proposed DNR position that they do not approve of high fencing; they can live with the position that the DNR does not condone hunting inside the high fence enclosures; but they cannot live with a position that advocates new legislation to make hunting inside high fence enclosures illegal. It is legal now and it should continue to be.

He reiterated his previous recommendation of working together to develop guidelines or regulations that address high fences and deer importation.

- D. Bob Bailey - Chairman Graham called on Bob Bailey, representing the Sportsmen's Coalition. Mr. Bailey expressed his appreciation to be allowed to attend this meeting and address the Board.

Mr. Bailey stated that deer are a public resource, this resource doesn't belong to a fence owner, it doesn't belong to anyone in particular, it belongs to everyone. On behalf of the sportsmen of South Carolina and the SC Sportsmen Coalition, Mr. Bailey voiced strong opposition to high fences for deer. He feels that by fencing this resource these land owners have taken possession of deer out of season.

Mr. Bailey then outlined his position that: whitetail and other wildlife have been kept in possession, out of season, without permit. This involves a taking, trapping and possession. Mr. Bailey made reference to Sec. 50-11-410 of the SC Code of Laws.

Mr. Bailey pledged to the Board the support and weight of the Sportsmen's Coalition network across the state, to collectively rid the state of the problem and return to the sportsmen that which has been taken.

The South Carolina Sportsmen's Coalition, Quality Deer Management Association, the South Carolina Wildlife Federation and every organization they represent stands ready to assist DNR to protect our hunting heritage. Mr. Bailey would like to see two things from the Board today: 1) a policy that condemns shooting deer within an enclosure, condemns importing deer from outside the state, and condemns the importation of semen or ova; 2) he wants a commitment to enforce the existing laws in South Carolina.

- E. Chairman Graham recognized Mr. Donnell Jennings, Research Analyst with the Senate Finance Committee. Chairman Graham then asked others if they would like to introduce themselves and welcomed them as guests.

VI. Items for Board Action

- A. Amendments to Shrimp Virus Protocol - Chairman Graham called on John Miglarese to brief the Board on the proposed amendment to the Shrimp Virus Protocol. Mr. Miglarese informed the Board that this is a minor technical change to the protocol that they approved in April. The proposal had been provided to the Board members in writing prior to the meeting, and a copy of this information is appended here. Mr. Miller made a motion that the Board adopt the amendment. Mrs. Waring seconded and the motion passed unanimously.
- B. Santee Coastal Reserve Management Plan - Chairman Graham informed the Board that he felt that no action should be taken at this time since the plan has not been presented to the Finance Committee and it does involve issues related to the budget. The Finance Committee will meet the first week in August and will consider the staff's financial recommendations at that time.
- C. Greenville Law Enforcement Office - Lt. Col. Alvin Wright recommended that the Board name the Greenville Law Enforcement Office in honor of the late Robert M. Gifford, recognizing his 38 years of service to the Agency. Mr. Miller made a motion that the Board name the Greenville Law Enforcement Office the R. M. Gifford DNR Law Enforcement Center. Mr. Burnside seconded and the motion passed unanimously.
- D. Proposed Deer Depredation - Mr. Jeff Price informed the Board that the Law Enforcement Advisory and Wildlife and Freshwater Fisheries Advisory Committees met together and worked on this proposal. Mr. Price explained that there are real and perceived problems within the existing Deer Depredation Program. Mr. Price requested that the Board endorse the concept to do a two year study in cooperation with Clemson University. The project will collect biological information and the human dimension and will compare the results of this study with the existing program, that will remain in place, while the study is being performed. This study will involve the farming community, Farm Bureau, Law Enforcement, biological staff, legal, sportsmen's groups and individuals. Mr. Burnside made a motion that the Board endorse the proposed study of the deer depredation program. Mr. Coxe seconded and the motion passed unanimously.
- E. Deer Enclosures, Importation of Deer and Deer Farming - Mr. Charles Ruth presented a draft position statement prepared by staff. At the joint committee meeting of the Law Enforcement Committee and the Wildlife and Freshwater Fisheries Committee a statement was proposed but no action was taken on the statement. Staff recommended that the position statement be adopted (proposal by staff attached to original minutes). Mr. Miller made a motion that the Board accept this position and it be adopted as official Board policy. Mr. Coxe seconded and the motion passed unanimously.

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- G. Proposed Policy Revisions - Ms. Jean Cowell presented three DNR policy revisions, these are policies 700.06, 701.03 and 704.02. The revisions are necessary to insure compliance with state regulation (policy and summary of revisions attached to original minutes). Mr. Burnside made a motion that the Board accept the revisions. Mr. Lee seconded and the motion passed unanimously.

VII. Advisory Committee Reports

- A. Wildlife and Freshwater Fisheries - Chairman Graham called on Campbell Coxe for the Wildlife and Freshwater Fisheries Advisory Committee report. Mr. Coxe briefed the Board on one other item from the Wildlife and Freshwater Fisheries Advisory Committee. The Advisory Committee received recommendations from the Five Rivers Coalition and the Waterfowl Association concerning waterfowl hunting seasons in the coastal areas. This will be placed on the next Committee agenda and will be brought before the Board at a later date.
- B. Natural Resources Enforcement - Chairman Graham called on Mr. Tom Miller for the Natural Resources Enforcement Advisory Committee report. Mr. Miller stated that the Committee had received a presentation from staff on Land Watch, the property rights initiative. This is a joint effort of CEC, Law Enforcement and Wildlife and Freshwater Fisheries Division to get the public to recognize ethical hunting and more importantly to recognize unethical hunting, specifically as it relates to trespass issues. Mr. Miller stated that this synopsis may be completed and ready for presentation at the next Board meeting.

Col. Huguley stated that this synopsis is ready but due to the length of the agenda they felt it necessary to wait until the next meeting.

- C. Marine Resources - Chairman Graham called on Mrs. Mary Pope M. H. Waring for the Marine Resources Advisory Committee report. Mrs. Waring informed the Board that the Advisory Committee took action on two items. The first action was to re-endorse amendments to Chapter 5. Mrs. Waring has appointed a subcommittee of the Marine Advisory Committee to address shrimp virus issues. The purpose of the subcommittee is to provide a continuing public forum on the impacts and issues associated with the importation of non-indigenous marine organisms infected with potentially harmful viral infections and to provide a public forum for the development of a shrimp importation regulatory process.

Mrs. Waring has called a special meeting of the Marine Advisory Committee for October. This meeting will continue the public education process on the evaluation of the effects of long-line fishing off the state's coast.

The final action of the Advisory Committee was the endorsement of Marine Resources

Division establishment of a regulatory process for the importation of non-indigenous species into South Carolina. Mr. John Miglarese also spoke on the formation of the subcommittee. The subcommittee has the responsibility to deal with the public regarding the regulatory process. Mr. Jim Quinn explained that the law requires, for promulgation and regulations, that public hearings be held. The DNR Board could assign the task of conducting those hearings to the Marine Advisory Committee. This would allow them to receive comments from the public, as well as streamline the process. The Board would ask them to hold the public hearing after the notice of drafting has been filed and to report their recommendations and findings based on the public hearings to the Board.

Mr. Lee made a motion that the Board delegate the public hearings on this issue to the Marine Advisory Committee and report back to the Board. Mrs. Waring seconded and the motion carried.

VIII. Director's Briefings

A. Executive Office - Chairman Graham welcomed and called on Dr. Sandifer for the Director's Briefings.

1. Director - Dr. Sandifer informed the Board that for the next two weeks he will be at the Criminal Justice Academy for DLEO training. He will be in touch daily and is available by mobile phone and beeper. Mr. Chamblee will be in the office in his absence.

A. Budget - Dr. Sandifer called on Benny Reeves, who briefed the Board on the preparation process for the budget request. Mr. Reeves stated that the Finance Committee will meet on August 5, to review the 1998-99 budget request. The staff recommendation is complete; it has been reviewed by Dr. Sandifer and the Deputy Directors. The request will be presented to the Board at its August meeting.

B. Dr. Sandifer brought the Board up-to-date on the internal reorganization. Mr. Freddy Vang is working toward a combination of the Water Resources Division, Land Resources and Conservation Districts Division and Geology Section. In addition to earlier contacts with the Governor's Office, legislative leadership, conservation district leadership and the advisory councils, Dr. Sandifer has recently reported on this restructuring at the Governor's sub-cabinet meeting and made sure that the other agencies in that group were aware of the changes. Draft legislation is being formulated to be sent to the Governor's Office and the General Assembly to be included in the Appropriations Bill.

C. Dr. Sandifer requested that he be allowed to spend up to \$6,000 to furnish his office (memo attached to original minutes). Mr. Miller made a motion that the Board approve this request. Mrs. Waring seconded and the motion carried.

- D. Dr. Sandifer asked the Board to explore alternative meeting locations. It was the consensus of the Board to meet outside Columbia on a quarterly basis.

2. Legal - Buford Mabry stated he had nothing for action at this time, but there were legal matters which he requested the Board to consider in Executive Session.
3. Legislative - Mr. Michael Thompson distributed a summary of bills currently under consideration or passed by the General Assembly. Mr. Thompson also informed the Board that he is working on the proposed legislative package for 1998.
4. Human Resources - Ms. Jean Cowell stated that approximately 60 applicants have completed the agility testing for the Law Enforcement selection process. The make-up date will be August 14 with panel interviews being conducted the last week of August and the first week of September.

B. Deputy Directors

1. Conservation Education and Communications - Mr. Sonny Baines reported that Camp Wildwood has just concluded. Mr. Steve Bates gave an overview of the education programs for the year. Approximately 1,300 teachers have been trained in Project WILD, over 300 teachers were trained in the SCMAPS program since January, and over 37,000 students attended the animal programs in the schools. Mr. Bates reported that there were over 120 campers at Camp Wildwood. Mr. Bates thanked individuals from the Garden Clubs, SC Wildlife Federation, Law Enforcement, Wildlife and Freshwater Fisheries and Marine Divisions for their assistance with Camp Wildwood. A promotional video was developed this year and 90 copies were sold to campers.

Mrs. Waring asked Mr. Baines about the status of funding for the magazine. Mr. Baines stated that a business plan is being drafted and will be submitted to Dr. Sandifer for his comments. The Advisory Committee will be meeting in September; it is hopeful that they will review this plan at that time.

2. Marine Resources - Mr. John Miglarese reported that they have a legal issue for discussion in executive session. Mr. Miglarese reported that the City of Charleston has not made a decision on the issue of renting dock space for long-line fishing vessels at the Charleston Maritime Center. Mr. Miglarese also noted that the Red Drum Stock Enhancement Project has been recognized as the American Fisheries Society National Sports Fish Restoration Research Project of the year from the many fish restoration research projects conducted across the nation.
3. Water Resources and Land Resources and Conservation Districts - Mr. Freddy Vang reported that the Water Resources, Land Resources and Conservation Districts Advisory Committees and the SC Association of Conservation Districts Executive Committee will be meeting on August 1-2 at the Sandhills Experiment Station. Mr. Vang also distributed a summary evaluation sheet of

the Partnership for Land Protection Conference.

4. Administrative Services - Mr. Benny Reeves stated that he had nothing further to report.
5. Wildlife and Freshwater Fisheries - Mr. Brock Conrad reported that the Atlantic Waterfowl Council meeting will be held in Savannah, GA, on July 31 - August 1. Mr. Conrad and other staff will be attending this meeting. They will bring waterfowl recommendations to the Wildlife and Freshwater Fisheries Advisory Committee on August 14 and then to the Board on August 15.
6. Natural Resources Enforcement - Col. Mark Huguley stated that he had nothing further to report.

IX. Executive Session

Mr. Miller moved that the Board hold an Executive Session to discuss legal, contractual and personnel matters. Mr. Burnside seconded the motion and it was adopted by the Board. Chairman Graham noted that, at this time, the Board would hold an 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 stated that the items heard by the Board in Executive Session required no action.

XIII. Time and Location of Next Board Meeting

Chairman Graham stated that the Board would hold its next meeting on August 15, 1997.

XIV. Adjournment

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

AGENDA

SC DEPARTMENT OF NATURAL RESOURCES BOARD

Rembert C. Dennis Building, Room 335

Columbia, South Carolina

July 18, 1997

10:00 a.m

- I. Call to Order (Graham)
- II. Meditation
- III. Approval of Minutes from Last Meeting
- IV. Presentations/Commendations
 - A. Meritorious Service Awards (Sandifer, Graham)
- V. Constituency Comments
 - A. Gene Johnston
 - B. Moffatt Burris
- VI. Items for Board Action
 - A. Amendments to Shrimp Virus Protocol (Miglares)
 - B. Santee Coastal Reserve Management Plan (Shipes, Strange, Coxe)
 - C. Naming the Greenville Law Enforcement Office the Robert M. Gifford DNR Law Enforcement Center (Wright)
 - D. Proposed Deer Depredation Program (Miller, Coxe)
 - E. Deer Enclosures (Ruth, Coxe, Miller)
 - F. Importation of Deer (Ruth, Coxe, Miller)
 - G. Deer Farming (Ruth, Coxe, Miller)
 - H. Proposed Migratory Bird Seasons 1997-98 (Conrad)
 - I. Proposed Policy Revisions (Cowell)
 - 700.06 Solicitation Policy
 - 701.03 Standards of Disciplinary Action
 - 704.02 EEO Policy and Complaint Procedures For Employees with Disabilities
- VII. Advisory Committee Reports
 - A. Wildlife and Freshwater Fisheries (Coxe)
 - B. Natural Resources Enforcement (Miller)
 - C. Marine Resources (Waring)
- VIII. Director's Briefings
 - A. Executive Office
 - 1. Director (Sandifer)
 - 2. Legal (Mabry)
 - 3. Legislative (Thompson)
 - 4. Human Resources (Cowell)
 - 5. Environmental (Duncan)
 - B. Deputy Directors
 - 1. Conservation Education and Communications (Baines)
 - 2. Marine Resources (Miglares)
 - 3. Water Resources and Land Resources and Conservation Districts (Vang)
 - 4. Administrative Services (Reeves)
 - 5. Wildlife & Freshwater Fisheries (Conrad)
 - 6. Natural Resources Enforcement (Huguley)

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| IX. | Comments | (Board Members) |
| X. | Executive Session (If Necessary) | (Board Members) |
| XI. | Time and Location of Next Board Meeting | (Board Members) |
| XII. | Adjournment | |

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the Partnership for Land Protection Conference.

4. Administrative Services - Mr. Benny Reeves stated that he had nothing further to report.
5. Wildlife and Freshwater Fisheries - Mr. Brock Conrad reported that the Atlantic Waterfowl Council meeting will be held in Savannah, GA, on July 31 - August 1. Mr. Conrad and other staff will be attending this meeting. They will bring waterfowl recommendations to the Wildlife and Freshwater Fisheries Advisory Committee on August 14 and then to the Board on August 15.
6. Natural Resources Enforcement - Col. Mark Huguley stated that he had nothing further to report.

IX. Executive Session

Mr. Miller moved that the Board hold an Executive Session to discuss legal, contractual and personnel matters. Mr. Burnside seconded the motion and it was adopted by the Board. Chairman Graham noted that, at this time, the Board would hold an 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 stated that the items heard by the Board in Executive Session required no action.

XIII. Time and Location of Next Board Meeting

Chairman Graham stated that the Board would hold its next meeting on August 15, 1997.

XIV. Adjournment

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

