

**Land, Water & Conservation Division
Advisory Committee Minutes
Dennis Building, Room 335
Columbia, South Carolina
Thursday, October 18, 2007**

Present: Lynn Youmans, Jr. William S. Simpson, III
Marvin Davant Steve Kinard
Charles Broadwell Dr. Webb Smathers
Thomas Garrison, III Patricia C. Hartung

Guest: Mike Campbell, DNR Board

Staff: Steve de Kozlowski Hope Mizzell
Von Snelgrove Hank Stallworth
Ann Nolte Marc Cribb
Bud Badr Scott Harder
Barry Beasley Bill Marshall
Dorothy Phillips Lindsay Fairchilds

Call to Order/Welcome: The October 18, 2007, meeting was called to order by Chairman Lynn Youmans, Jr., at 10:15 a.m. In compliance with the provisions of Section 30-4-80(e) (Freedom of Information Act), notification of this meeting was given to all persons, organizations, local news media, and other news media that have requested such notification.

Mr. Youmans introduced Mr. Mike Campbell, SCDNR Board Vice Chairman and Law Enforcement Advisory Committee Chairman, who attended for Mr. Murray. Mr. Campbell thanked the committee for their work and said the SCDNR Board wishes to work with them. Mr. Youmans reported that Dr. Aziz, Mr. Murray, Mr. Moss, Mr. Nates, and Mr. McLeod were absent.

Mr. Youmans announced that Mr. Randy Snow resigned from the LWC Advisory Committee, and that the committee would send a thank you letter and certificate to Mr. Snow, thanking him for his service.

Approval of July 19, 2007, Minutes: Motion was made by Mr. Steve Kinard to approve the July 19, 2007, minutes and seconded by Dr. Webb Smathers. All were in favor.

Jasper County Natural Resources Conservation Plan: Ms. Lindsay Fairchilds, Program Coordinator with the Environmental Conservation Section, distributed copies of the Jasper County Natural Resources Conservation Plan, noting it was prepared over a period of two and half years. Jasper County touts itself as the gateway to the LowCountry and it

has a sprawl ratio of three to one – developed land to population growth. The county wants to encourage appropriate development and worked in partnership with the Jasper Soil and Water Conservation District to develop this plan. Plan development involved 200 stakeholders that included 20 public agencies, various NGOs, and private landowners. Ms. Fairchild reviewed the document's findings and recommendations.

Steve de Kozlowski said this plan is being used as a model by other counties and to coordinate planning efforts in the region. Mr. Steve Kinard commented that the requisite infrastructure must be in place prior to development. Mr. Simpson recognized Ms. Fairchild's work, noting she has taken a leading role in the Ashley Scenic River project. Mr. Von Snelgrove presented Ms. Fairchild with a DNR "Thanks!" card for her work with the National Association of State Conservation agencies conference held in September in Charleston and her work with the Carolina Coastal Adventure the previous weekend.

Drought Update/Tropical Season Update: Ms. Hope Mizzell, State Climatologist, reviewed the precipitation deficits around the state. At that time, Greenville and Columbia had received 60 percent of normal rainfall. July-September was the driest period in 90 years (except for Charleston and Beaufort counties). The drought did not begin in 2007; the state has received only two years of normal rainfall since 1998. On September 5, 2007, the State Drought Response Committee upgraded the drought status to Severe. Ms. Mizzell reviewed streamflow and lake level conditions around the state: almost all monitored streams were in the extreme drought category (two week average flows compared to monthly five percentile flows); the Savannah lakes were at Level 2, US Army Corps of Engineers is at Level 3. The Catawba-Wateree Basin is at Stage 3 of their FERC Low Inflow Protocol. This tool was not in place during the last drought (1998-2002). Lake Moultrie was the lowest it had ever been on daily values. Ms. Mizzell showed graphs of water levels in two wells (McCormick and Hampton counties) that were at their lowest level ever recorded.

At the time of the meeting, water restrictions were in place for 28 water systems (voluntary) and 22 water systems (mandatory). The state has 480 water systems total.

Committee members discussed means of obtaining additional water. In response to a question concerning the use of desalination plants, Mr. Kinard said the cost for water from such plants is about \$4.00/gallon.

Ms. Mizzell reviewed potential amendments to the S.C. Drought Response Act, including the combination of water system representatives into one person for each Drought Management Area and the removal of the appeals process going before an administrative law judge. *Mr. Kinard made a motion to advise the DNR Board to approve these changes, with second by Mr. Marvin Davant. All were in favor.* Mr. Tom Garrison noted 2007 is the worst year he has ever experienced. The upstate is bringing in hay from Nebraska and Pennsylvania.

Little Pee Dee Scenic River Management Plan: Mr. Bill Marshall, with the River Conservation Program, reviewed this plan that was previously provided to the committee. The eligibility study was conducted in the Fall of 2004 and the Little Pee Dee River in Dillon County was designated a State Scenic River by the General Assembly in 2005. A ten-member advisory council, made up predominantly of river-bordering landowners, was established in 2006 to work with DNR to develop a management plan and promote BMPs on the river. Scenic river management plans are community-based and reflect community values.

The S.C. Scenic Rivers Act guides DNR staff in administering the program, which includes the designation of scenic rivers, establishing advisory councils, and creating and implementing management plans. The act also provides unique tax advantages (property taxes are eliminated) for landowners who participate in the program by providing conservation easements to the state. South Carolina has nine State Scenic Rivers; the Little Pee Dee segment is 48 miles long and lies entirely within Dillon County. John Alford, DNR-LWCD Region 2 Coordinator, serves as project manager for the Little Pee Dee and chairs the Little Pee Dee Advisory Council.

An initial step in developing the Little Pee Dee Scenic River Management Plan was to identify river issues of interest and concern to area citizens through a series of public-input meetings held over a three-day period in 2006. The issues of public interest and concern included land use and development, water quality and streamflow, fish and wildlife habitat, and recreation. These issues were considered and studied by staff and the advisory council to develop the findings, goals, and recommendations presented in the plan. Mr. Marshall reviewed the goals and recommendations that were produced for each of the issues. Features of the plan of particular importance to the local advisory council include creating a river/canoe trail to enhance public access, use, and awareness of the river, and promoting forestry BMPs to conserve forested buffers along the river. There is also interest in developing a boardwalk to the river at the I-95 Welcome Center.

The draft management plan was distributed for public review and comment and then finalized in early 2007. Currently, funds are being sought to publish the plan. Mr. Marshall closed by saying that community support will ultimately carry the program, with local citizens partnering with the DNR to implement the management plan and promote common goals for the river.

I-73 Mitigation for the Little Pee Dee Heritage Preserve: Dr. Barry Beasley, Section Chief for Habitat Protection, reviewed the mitigation package approved for the potential taking of land within the Little Pee Dee Heritage Preserve to build I-73. A portion of this proposed interstate (beginning in Michigan) will end in Myrtle Beach. A multi-jurisdictional committee, formed to develop a preferred route for this highway, recommended that it go through the Little Pee Dee Heritage Preserve. Routing the interstate through the Little Pee Dee Heritage Preserve would require the taking of 30 acres of property.

The Heritage Trust legislation states that Heritage Trust property may be taken for another “public use.” When an action such as this occurs, compensation must be made for the taking of the property. This issue became both controversial and political. The question ultimately was the adequate compensation for the 30-acre impact to the heritage preserve. In February 2006, the Heritage Trust Advisory Board (HTAB) began to address the issue, which it did very thoroughly, as it is a precedent-setting issue. A compensation proposal was received from the S.C. Department of Transportation (SCDOT) in September 2007. A replacement ratio of 10:1 was offered for the property with a per acre value of \$2,500. This resulted in an offer of \$750,000 by the SCDOT for the impacted property. The HTAB called a special meeting September 10 to discuss and ultimately approve the compensation package. The DNR Board also gave it their approval. Should the road be built and compensation paid, the agency will look for adequate replacement acreage in terms of bottomland habitat.

Mr. de Kozlowski commended Dr. Beasley for the aggressive leadership role he took in this process.

Update – Abandoned Agricultural Pesticides: Von Snelgrove, Section Chief for Land and Water Conservation, said a 12-member committee was formed to address this issue. Chaired by Larry Boylston, with the Department of Agriculture, members include the S.C. Agriculture and Fertilizer Chemical Association, greenhouse and nursery associations, Clemson University, and others. A two-year program with a budget of \$325,000 has been initiated. A voluntary and confidential survey, seeking information on these products, has been sent to farmers throughout the state.

Mr. Snelgrove will provide the advisory committee with updates on this program.

Deputy Director’s Report: Interim Deputy Director Steve de Kozlowski informed the committee of the new hires and told them the Technology Development Section is moving to the OSS Division under Carole Collins.

The DNR’s budget request for 2008-2009 is \$14.7 million and the highest priority is \$3 million for recruitment and retention of agency staff. The third priority seeks \$3 million for conservation outreach and implementation (additional conservation district staff to implement DNR programs).

Mr. de Kozlowski distributed postcards for the “Taste of Archaeology” hosted by the Archeological Society of South Carolina on October 20, 2007, at Historic Brattonsville, McConnells, S.C.

The 2007 Weather Calendar won first place for the Association for Conservation Information award competition (Calendar Category). The Climate Office and S.C. *Wildlife* Magazine staff share the honors.

He reviewed the status of the Attorney General Office’s lawsuit filed in the U.S. Supreme Court opposing the North Carolina interbasin transfer permitting process as well as seeking apportionment of the Catawba River. This lawsuit was triggered by a permit for an interbasin transfer of water by the cities of Concord and Kannapolis from the Catawba River Basin to the Yadkin River Basin. Dr. Bud Badr is providing hydrologic assistance to the Attorney General’s Office.

The Savannah River Committee met October 12 in Clemson and received updates on saltwater intrusion and dissolved oxygen problems in Savannah Harbor. SCDHEC and Georgia DNR's EPD signed a MOA on saltwater intrusion. The Army Corps of Engineers provided an update on the Savannah basin's drought of record. Current releases from Lake Thurmond dam were 3,800 cubic feet per second; these may be reduced to 3,600 cfs to maintain storage in the reservoirs. Dean Moss proposed a subcommittee be formed to address water quantity issues; this will be determined at the Committee's next meeting.

Mr. de Kozlowski discussed Mr. John Frampton's letter to the Attorney General seeking an opinion on the constitutionality of a conservation district employee serving as a conservation district commissioner. The Attorney General responded that it has been referred to an assistant Attorney General.

Mr. de Kozlowski provided registration information for the annual State Conservation Conference to be held in Myrtle Beach, January 16–18, 2008.

Committee Member Comments: Mr. Simpson asked for comments from other committee members. Mr. Marvin Davant said that by the next week the Conservation Bank will have protected 130,000 acres in South Carolina. In the two years of its existence, the Conservation Bank has provided DNR with \$20 million. He noted that 8,780 acres of working farmlands are under conservation easements.

Mr. Youmans referenced H.R. 2421 that removes “navigable” from the Clean Water Act, broadening it to all waters of the United States. The Senate has a companion bill, the Clean Water Restoration Act, which also removes “navigable” from jurisdiction. Mr. de Kozlowski said he would provide information on this bill at the next meeting.

It was noted that Dr. John Mark Dean resigned shortly after the July meeting. He will also be recognized with a letter of thanks and certificate of recognition from the committee.

Executive Session: A motion to go into executive session for the purpose of discussing appointments and reappointments was made by Mr. Bill Simpson with second by Dr. Smathers. All were in favor. Mr. Simpson moved to come out of executive session, with second by Mr. Kinard. All were favor.

Commissioner Appointments: Mr. Garrison moved to accept the re-appointments with second by Mr. Kinard. All were in favor. They are as follows: Mr W. Benjamin Oswald, Allendale, and Mr. Larry Wyndham, Berkeley.

Mr. Garrison moved to accept the new appointments with second by Mr. Kinard. All were in favor. They are as follows: Mr. Sterling W. Sandler, Florence; Mr. Barry Shane Willoughby, Horry; Mr. Sam W. Cranston, Lancaster; Mr. Joe H. Ghent, Jr., Lancaster; Mr. Lee James Jones, Oconee; and Ms. Betty L. Hughes, Orangeburg.

Next Meeting Date: January 24, 2008, at 1:00 p.m.

Adjournment: The meeting adjourned at 1:45 p.m.

Dorothy Phillips
Recording Secretary