



South Carolina
House of Representatives
Legislative Oversight Committee

**ECONOMIC DEVELOPMENT, TRANSPORTATION,
AND NATURAL RESOURCES SUBCOMMITTEE**

Chairman Travis A. Moore

The Honorable Gary S. Brewer, Jr.
The Honorable William M. "Bill" Hixon
The Honorable Russell L. Ott
The Honorable Marvin R. Pendarvis

**AMENDED
AGENDA**

Thursday, February 29, 2024
Immediately Upon Adjournment of the House
Room 403 - Blatt Building

- I. Approval of minutes
- II. Discussion of the study of the South Carolina Forestry Commission
- III. Adjournment

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.



South Carolina House of Representatives Legislative Oversight Committee

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MEETING MINUTES

Thursday, February 15, 2024
Upon Adjournment of the House
Blatt Room 521

Archived Video Available

- Pursuant to House Legislative Oversight Committee Rule 6.7, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly’s website (<http://www.scstatehouse.gov>) and clicking on Committee Postings and Reports, then under House Standing Committees click on Legislative Oversight. Then, click on Video Archives for a listing of archived videos for the Committee.

Attendance

- The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Chair Travis A. Moore on Thursday, February 15, 2024, in Room 521 of the Blatt Building. All subcommittee members (Chair Moore; Representative Gary S. Brewer, Jr.; Representative William M. Hixon; Representative Russell L. Ott; Representative Marvin R. Pendarvis) were present for all or a portion of the meeting.

Minutes

- House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings.

Approval of Minutes

Approval of Minutes

- I. Representative Brewer makes a motion to approve the meeting minutes from the February 1, 2024 meeting. A roll call vote is held and the motion passes.

Rep. Brewer's motion to approve meeting minutes.	Yea	Nay	Not Voting
Rep. Brewer	✓		
Rep. Hixon	✓		
Rep. Pendarvis			✓
Rep. Ott			✓
Rep. Moore	✓		

Discussion of the South Carolina Forestry Commission

- II. Prior to beginning his testimony, Chair Moore reminds the Forestry Commission's Deputy State Forester, Tom Patton, that he was sworn in at the Thursday, February 1, 2024 meeting, and that he remains under oath. Chair Moore asks if there are any additional agency representatives who may address the subcommittee today or at future meetings that have not been placed under oath. David Jones, General Counsel, Russell Hubright, Forest Management Chief, and James Douglas, State Lands Coordinator, were sworn in.
- III. State Forester Phillips then begins his presentation to the subcommittee and discusses the following topics:
1. Forestry's goals; and
 2. The establishment, composition, duties and statutory powers of the Commission;

Throughout the presentation, members ask Deputy State Forester Patton questions and Deputy State Forester Patton responds.

Adjournment

- I. There being no further business, the meeting is adjourned.

FORESTRY COMMISSION OVERVIEW

Agency Mission

“

Protect, promote, and enhance South Carolina’s forests for the benefit of all.

”

History and Resources

History

1927: SC Forestry Commission established by General Assembly
1933: SCFC given authority over state parks with the power to control, supervise, maintain and improve all state parks
1945: Forest Fire Protection Act enacted, directing that all forest fire protection work shall be under the direction and supervision of the State Commission of Forestry
1967: State parks transferred to the newly created Department of Parks, Recreation and Tourism (SC 51-1-10)
2009: General Assembly passes SC Right to Practice Forestry Act (SC 48-23-205)
2012: General Assembly passes Act 271 -Firefighter Protection Bill
2020: General Assembly passes Act 168, the SC Firefighter Cancer Benefit Plan
2023: General Assembly passes Act 218, the Law Enforcement Betterment Bill

Divisions

- Forestry
 - Protection Section
 - Management Section
- Resource Development
- Communications & Public Information
- Administration
- Human Resources
- Information Technology

Employees



376.8
authorized FTEs

Funding



\$49.1 million
Total Funding

Successes and Challenges

Identified by the agency

Successes

- The agency has hybrid work schedules and other incentives for staff to promote staff retention.
- The agency performs our work with a statewide higher education perspective.
- Experienced workforce
- Employee engagement is high
- Strong relationship with partners
- High levels of customer satisfaction across a wide array of agency services
- Network of experienced foresters

Challenges

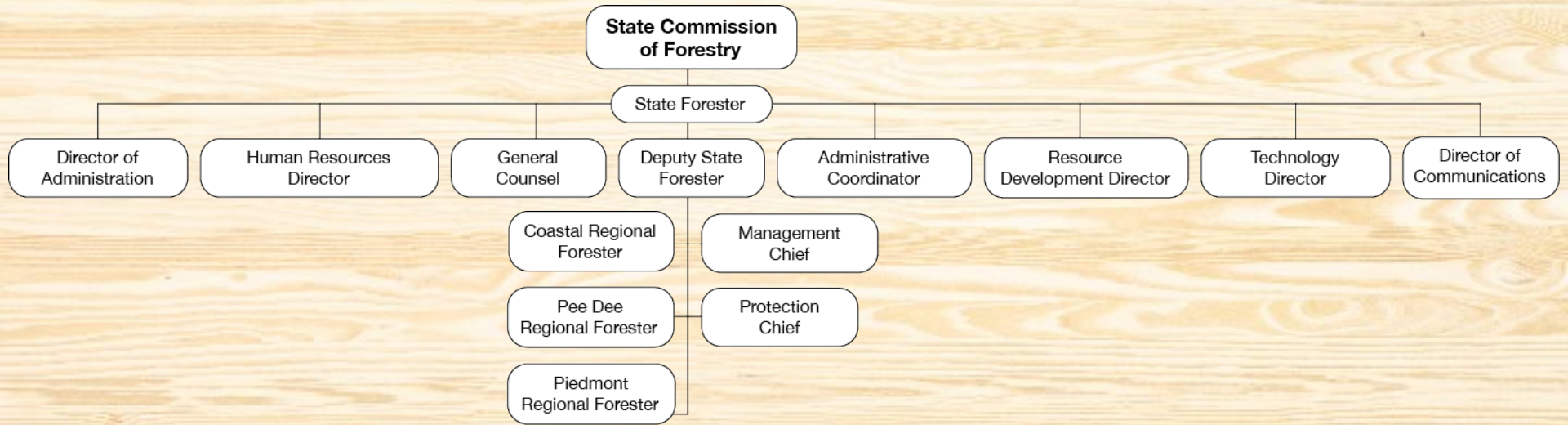
- Agency has difficulty recruiting employees in several job categories due to non-competitive wage.
- Limited opportunities to engage in new projects/partnerships due to vacancies and difficulty recruiting.
- Lack of capacity to perform services due to high employee turnover and/or vacancies in key program areas.
- Management restrictions due to endangered species, recreational users or deed restrictions limit revenue potential.
- Reduced firefighting capacity has lessened the agency's ability to protect homes, firefighters, and the forest resource. Increased costs for equipment, fuel, supplies and maintenance has strained the agency's operating funds.

HOUSE LEGISLATIVE OVERSIGHT COMMITTEE PRESENTATION



South Carolina
Forestry Commission

ORGANIZATION



LEADERSHIP



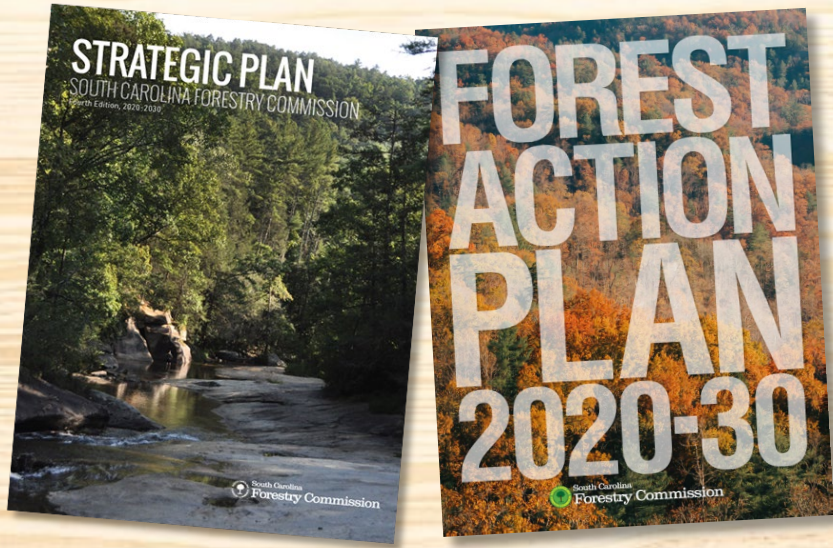
Agency goals

- To accomplish its mission the Commission has five primary strategic goals, which are identified in its Accountability Report. These goals are aligned with its Mission, Strategic Plan, Forest Action Plan and statutory requirements.
 - Enhance Public Benefits from Trees and Forests
 - Protect Forest from Harm
 - Conserve Working Forests
 - Raise Awareness about Our Forests, and
 - Strengthen the Commission for the Future
- For each goal, the agency has identified strategies, actions and performance measures to ensure their accomplishments, which are reported the Commissioners three times during the year.

LEADERSHIP



Charting our path forward



In 2020 SCFC simultaneously revised its Strategic Plan and Forest Action Plan

- Updated with input from diverse group of stakeholders and partners
- Both are truly integrated, aligning our actions toward our agency's vision of "Healthy Forests, Resilient Communities and Impeccable Service"

LEADERSHIP



State Commission of Forestry, establishment

- Pursuant to S.C. Code Ann. 48-23-10 & 20, the State Commission of Forestry is composed of nine members who are appointed for staggered six-year terms; can serve multiple terms.
- All members must reside in South Carolina and be appointed by the Governor.
 - “The members of the commission shall be selected and appointed with reference to their knowledge of and interest in the forests of the State and the products derived there from...”
 - “In making his appointments, the Governor shall make all reasonable effort to provide representation from every geographical section of the State and a reasonable balance between the interests of corporations and individuals.”

LEADERSHIP



State Commission of Forestry, composition

- The members of the board shall be appointed as follows:
 - two must be practical lumbermen;
 - one must be a farmer who is a landowner;
 - three must be selected and appointed from the public at large;
 - Two must be appointed by the governor from the public at large upon the advice and consent of the SC Senate; and
 - One must shall be the President of Clemson University (or designee) and is the only permanent member.

LEADERSHIP



State Commission of Forestry, procedures

Chair: Pursuant to S.C. Code Ann. 48-23-30, the members of the Commission shall from their number select a chairman whose duty shall be as follows:

- to call the Commission together as often as the public interests and need demand. 5 meetings are regularly scheduled each year (January, April, June, August, November);
- The place of the meeting shall be designated by the chairman, who shall likewise designate a place for the headquarters of the State Forester.”

LEADERSHIP



State Commission of Forestry

Position	Position Title	Current Members	Appointed By	Appointed Date	Expiration Date
At Large, Public	Member -Chairman	McPhail, Walter A. Jr.	Governor Nikki R. Haley	7/1/2014	6/30/2026
At Large, Public	Member	Sandt, Joshua L. Jr.	Governor Henry McMaster	7/25/2018	6/30/2024
At Large, Public	Member	Carlisle, Holly P	Governor Henry McMaster	4/20/2023	6/30/2028
At Large, Public-confirmed by Senate	Member	Morrison, Harry S. III	Governor Marshall C. Sanford, Jr.	4/1/2004	6/30/2022
At Large, Public-confirmed by Senate	Member	McFadden, Amy L.	Governor Henry McMaster	4/10/2019	6/30/2024
Landowner Farmer	Member	Rhodes, William McLeod	Governor Henry McMaster	7/25/2018	6/30/2024
Practical Lumberman	Member	Segars, Charles A. Jr.	Governor Henry McMaster	7/20/2021	6/30/2027
Practical Lumberman	Member	Neville, Jesse C.	Governor Nikki R. Haley	3/5/2015	6/30/2026
President of Clemson University	Ex Officio Member				

LEADERSHIP



State Forester – Appointment, qualifications and duties

- The Commission shall appoint and employ a State Forester, who shall be a technically trained forester with at least two years' experience in technical, practical and administrative work (SC 48-23-50)
- Performs all such duties as shall be directed by the Commission and shall be charged with the direction of all matters relative to forestry as authorized by the legislation establishing the agency's purview (SC 48-23-60→90)
- Serves as secretary to the commission and shall be custodian of the books, records and papers of the Commission which he shall keep at the headquarters designated by the Commission (SC 48-23-60)

LEADERSHIP



General powers of commission

Pursuant to S.C. Code Ann. 48-23-80:

- SCFC may acquire, own, sell, lease, exchange, transfer, rent, pledge and mortgage real and personal property
- SCFC may cooperate with other state and federal government entities in all matters pertaining to reforestation and providing employment for the benefit of the public
- SCFC vested with any and all powers deemed necessary to:
 - accomplish duties prescribed in its enabling legislation in SC code
 - conform to any act of Congress or rule(s)/regulation(s) of federal agencies

LEADERSHIP



General powers of commission

Pursuant to S.C. Code Ann. 48-23-85:
Power of commission to negotiate
agreements with Federal Agencies for
certain services on Federal lands.

- SCFC may negotiate agreements for providing fire detection, pre-suppression, and suppression



LEADERSHIP



General duties of commission

- Pursuant to S.C. Code Ann. 48-23-90:
- Provide an annual report to the General Assembly on forest condition
- Prevent, control and extinguish fires
- Enforce forest laws
- Advice and assist private forestland owners
- Promote public appreciation by the public of the advantages of forestry and the value of forests
- Cooperate with the federal government in the distribution of funds allotted to the state for forestry purposes

LEADERSHIP



State Forester, statutory duties and powers

- Responsible for addressing forest disasters (SC 48-23-86):
 - Determine extent of damage by conducting ground and aerial surveys
 - Declare a forest disaster (if necessary)
 - Direct SCFC resources to assist citizens and local governments on public and private land where life or health is in danger
 - Direct SCFC personnel to assist other state agencies and utilities clear transportation routes and power/communication lines
 - Develop a Forest Disaster Plan to:
 - provide for systematic salvage and utilization of all forest products damaged
 - coordinate conservation of damaged forest resources
 - protect the environment and reestablish forests on damaged areas

LEADERSHIP



State Forester, statutory duties and powers

- Execution of deeds, mortgages, or contracts (SC 48-23-170)
 - Whenever it shall become necessary to execute deeds, mortgages or contracts to carry out any of the provisions of this chapter the Commission may, by resolution duly adopted, delegate the execution and delivery of any such documents to the chairman of the Commission and the State Forester. Such instruments shall be executed in the name of the State Commission of Forestry, shall be signed by the chairman and by the State Forester and, in case of deeds or mortgages, shall be witnessed and probated as required by law. Such instruments, when so authorized by resolution of the Commission, executed as above set out and delivered, shall be in all respects the acts of the State Commission of Forestry and shall be binding upon it as fully as if executed by the members of the Commission themselves.

LEADERSHIP



State Forester, statutory duties and powers

- Forestry services to landowners; fees; disposition; forestry services to local governments and state agencies; reimbursement (SC 48-23-295)
 - (B) When the State Forester considers it in the public interest ... services may be provided without charge to encourage the use of approved scientific forestry practices on private or other forestlands within the State or for the purposes of providing practical demonstrations of the practices.
 - (C) The administration of this section pertaining to revenue generated by forestry services and forest tree seed is under the State Forester.

LEADERSHIP



State Forester, statutory duties and powers

- Takes, by way of designee, notifications for fires started in any woodlands, brushlands, grasslands, ditch banks, or hedgerows or in any debris, leaves or other flammable material adjacent thereto (SC 48-35-10)
- May ban all outdoor/open burning in specific counties or statewide, regardless of whether a permit or notification is required, including campfires, bonfires and other fires for recreational purposes (48-35-50)
 - State Forester's Burn Ban does not apply to fires used for non-recreational purposes such as those for human warmth or the preparation of food for immediate consumption
 - ❖ Governor's Burn Ban is less restrictive than a State Forester's Burn Ban because it does not apply to fires for agriculture purposes

LEADERSHIP



State Forester, statutory duties and powers

- Upon the governor's execution of the Southeastern Interstate Forest Fire Protection Compact, the State Forester shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control (SC 48-37-20, Article III)
- As compact administrator he shall be an ex officio member of the Southeastern Interstate Forest Fire Protection Compact advisory committee, and chairman ex officio of the South Carolina members of such advisory committee (SC 48-37-40)

LEADERSHIP



State Forester, statutory duties and powers

- The State Forester ... may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the compact administrators or of the advisory committee (SC 48-37-40)
- State Forester ... is granted ... all the powers provided for in the compact and all the powers necessary or incidental to the carrying out of such compact in every particular (SC 48-37-50)

LEADERSHIP



State Forester, general duties

- Provides leadership and management to ensure the agency's mission and strategic goals are put into action.
- Develops strategic objectives in consultation with commissioners, executive staff and other critical area program managers, further refining them as action items.
- Identifies agency customers through strategies developed to move the agency forward toward mission accomplishment.

LEADERSHIP



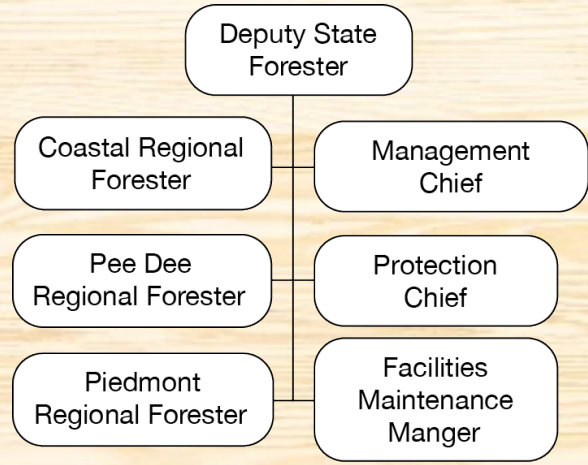
State Forester, general duties

- Evaluates the agency's workforce responsibilities and staffing levels to ensure proper alignment of resources to carry out the agency's mission.
- Ensure the agency's work process is effective, and workforce properly informed and trained to accomplish the agency's mission, vision and goals.
- Manages the budget and determines priorities for expenditure of funds to achieve short – and long-term goals.

LEADERSHIP



Organizational chart, Forestry Division



LEADERSHIP



Deputy State Forester Charges

- Responsible for management of SCFC Forestry Division, which is responsible for wildfire response and forest management operations and programs. This involves approximately 88% of agency's workforce consisting of 333 FTEs and temporary employees.
 1. Regional Operations – 3 Regional Foresters (232 employees)
 2. Forest Management Section – Section Chief (44 employees)
 3. Forest Protection Section – Section Chief (55 employees)
 4. Facilities Management Department - Manager (2 employees)

FOREST MANAGEMENT



SC forestland characteristics

- 87% of the 12.8 million acres of forestland in SC is privately owned
 - 60% of privately owned forests are family-owned
- 84,000+ forest landowners own 10 acres or more; the average family forest is 97 acres
- Public agencies manage 13% of SC forestland; forest industry owns 330,000 acres
- Before 2010, forestland acreage had been relatively stable, but increased development since then has been negatively impacting scope

FOREST MANAGEMENT



Charges

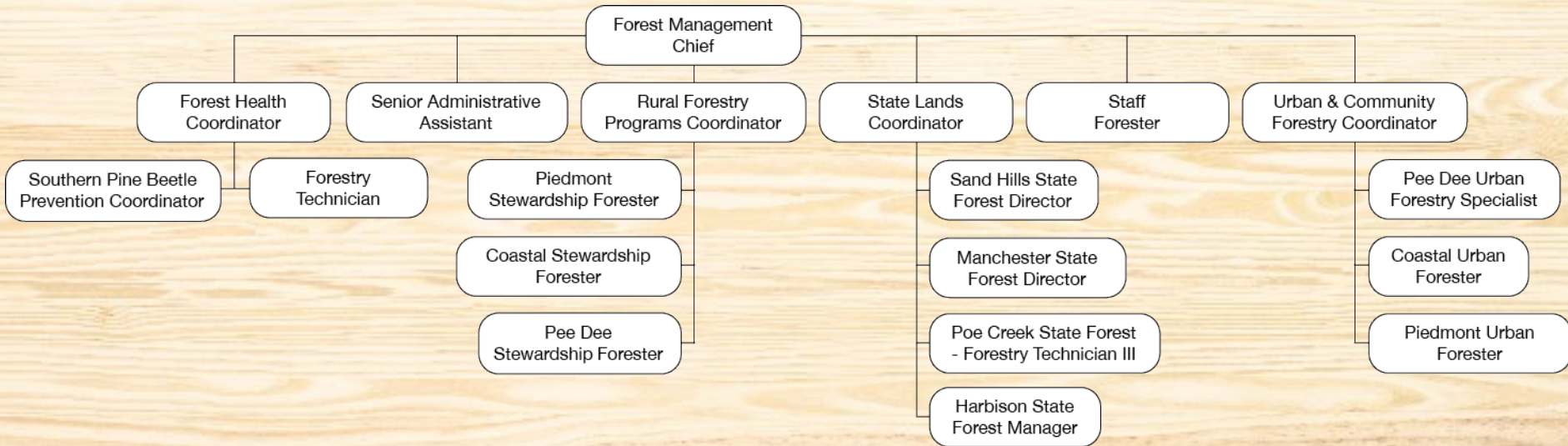
1. Provide forest management assistance to private landowners
2. Administer the Forest Stewardship Program
3. Administer cost-share programs
4. Provide forestry services and equipment rental
5. Monitor and address forest health issues
6. Provide urban and community forestry assistance
7. Manage state forests and other SCFC landholdings
8. Provide forestry expertise to other agencies



FOREST MANAGEMENT



Organizational Chart



FOREST MANAGEMENT



Links to SCFC Strategic Plan

Goal 1 – Enhance Public Benefits from Trees and Forests

Strategy 3 – Engage communities to grow and sustain healthy trees and forests.

Goal 2 – Protect Forests from Harm

Strategy 4 – Deliver programs and services to prevent and reduce damage from insects, diseases, invasive species and other threats to our forests.

FOREST MANAGEMENT



Links to SCFC Strategic Plan

Goal 3 – Conserve Working Forests

Strategy 1 – Support landowners with programs and services that promote active forest management and help them meet their goals.

Strategy 2 – Promote and increase the responsible use of prescribed fire.

Strategy 3 – Demonstrate practices for the active, sustainable, multiple-use management of state forests and engage other public landowners to do the same.

Strategy 4 – Actively seek opportunities to acquire land to grow the state forest system.

FOREST MANAGEMENT



Program Funding – 5-year averages

Forest Stewardship Program \$340,000

State funds – 83%



Forest Renewal Program \$1,000,000

Other funds – 80%



State Forests \$2,900,000

Other funds – 99%



Forest Health Program \$640,000

Federal funds – 100%



Urban Forestry Program \$440,000

Federal funds – 50%



FOREST MANAGEMENT



Charge 1: Provide forest management assistance to landowners



Section 48-23-295 Forestry services to landowners

- Scientific, technical, practical

FOREST MANAGEMENT



Charge 1: Provide forest management assistance to landowners

SCFC foresters:

- assess the condition of a landowner's forested areas
- determine the landowner's objectives
- develop a forest management plan
- help landowners implement the plan



FOREST MANAGEMENT



Charge 1: Provide forest management assistance to landowners

Refer to other professionals

- Consulting foresters
- Wildlife biologists
- Soil scientists



FOREST MANAGEMENT



Charge 1: Provide forest management assistance to landowners

Section 48-23-86 – duties with respect to forest disasters

- SCFC foresters assist with storm recovery
 - Damage assessment
 - Timber salvage
 - Recovery assistance



FOREST MANAGEMENT



Charge 2: Administer the Forest Stewardship Program

Section 48-23-90 General duties of the Commission

- Cooperate with federal government



FOREST MANAGEMENT



Charge 2: Administer the Forest Stewardship Program

- Partnership - US Forest Service, SCFC, other organizations, forest industry and private forestry consultants
- Develop comprehensive forest management plans
- Incentives for consulting foresters to write plans in high-priority areas



FOREST MANAGEMENT



Charge 3: Administer cost-share programs

- Cost-share programs help defray cost of forestry practices
- Incentivize landowners to actively manage their lands, which results in:
 - economic and environmental productivity
 - continued, enhanced ecosystem services
 - sustained production of forest products
 - less conversion to other purposes, particularly development

FOREST MANAGEMENT



Charge 3: Administer cost-share programs

Forest Renewal Program (FRP)

**Title 48 Environmental
Protection and Conservation**

**Chapter 28 Forest Renewal
Practices**

**Chapter 30 Primary Forest
Product Assessment**



FOREST MANAGEMENT



Charge 3: Administer cost-share programs

Forest Renewal Program (FRP)

- State program – 40% of cost
- 4:1 match from forest industry
- 1-year backlog
- Over 9,400 applicants
- Nearly 400,000 acres



FOREST MANAGEMENT



Charge 3: Administer cost-share programs

Southern Pine Beetle Prevention Program (SPB)

- Federal program – 50% of cost
- USFS funding
- 1-year backlog
- Over 1,400 applicants
- Nearly 60,000 acres



FOREST MANAGEMENT



Charge 3: Administer cost-share programs



Environmental Quality Incentives Program (EQIP)

- Federal program – NRCS – 75-90%
- SCFC writes plans
- Many practices

FOREST MANAGEMENT



Charge 3: Administer cost-share programs



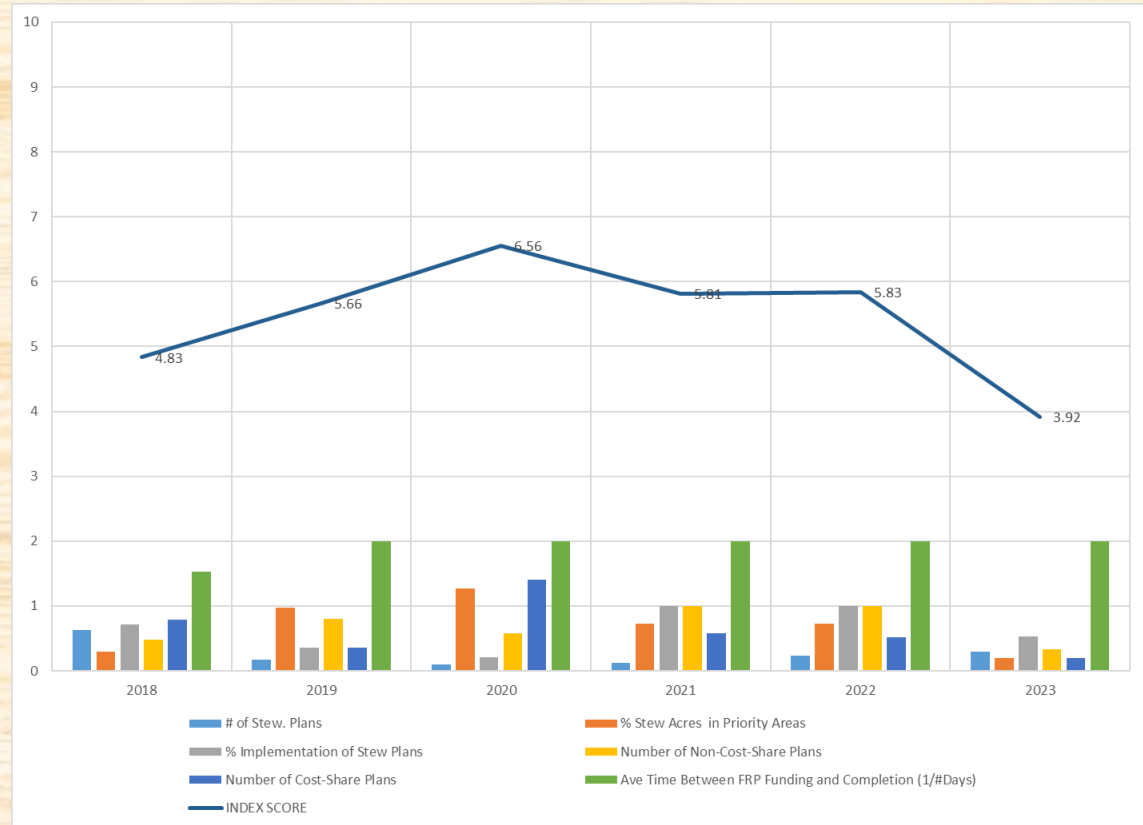
Conservation Reserve Program (CRP)

- Federal program – FSA – 50-90%
- Rental payments
- SCFC writes plans
- Limited enrollment

FOREST MANAGEMENT



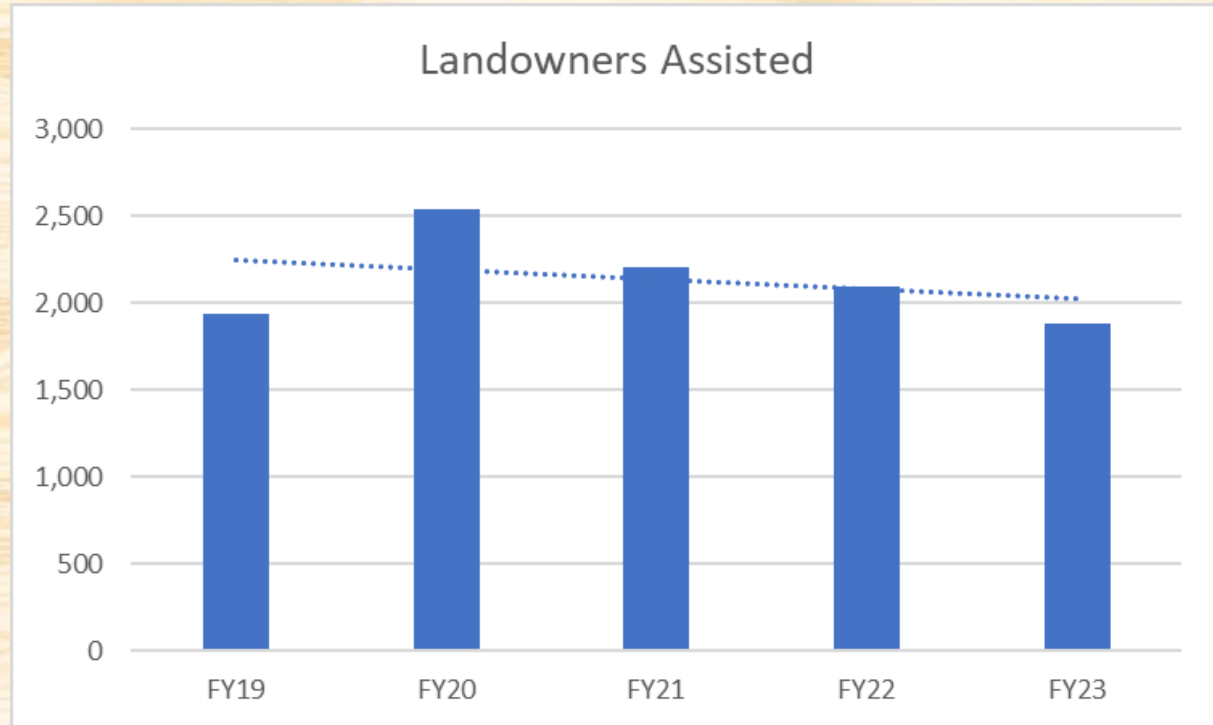
Program Metrics – Landowner Assistance Index



FOREST MANAGEMENT



Program Metrics – Landowners Assisted



FOREST MANAGEMENT



Program Metrics – Landowner Satisfaction



FOREST MANAGEMENT



Challenges

Landowner Assistance

- Meeting forest management plan goals
 - Forester recruitment and retention - FY24 funding improved compensation, but still have vacancies
 - Working with partners on outreach

FOREST MANAGEMENT



Charge 4: Provide forestry services and equipment rental



Section 48-23-295 Forestry services to landowners

- Firebreak plowing

FOREST MANAGEMENT



Charge 4: Provide forestry services and equipment rental



- Water bar construction

FOREST MANAGEMENT



Charge 4: Provide forestry services and equipment rental



- Equipment extraction

FOREST MANAGEMENT



Charge 4: Provide forestry services and equipment rental



- Prescribed burning

FOREST MANAGEMENT



Charge 4: Provide forestry services and equipment rental



- Standby for prescribed burning

FOREST MANAGEMENT



Charge 4: Provide forestry services and equipment rental

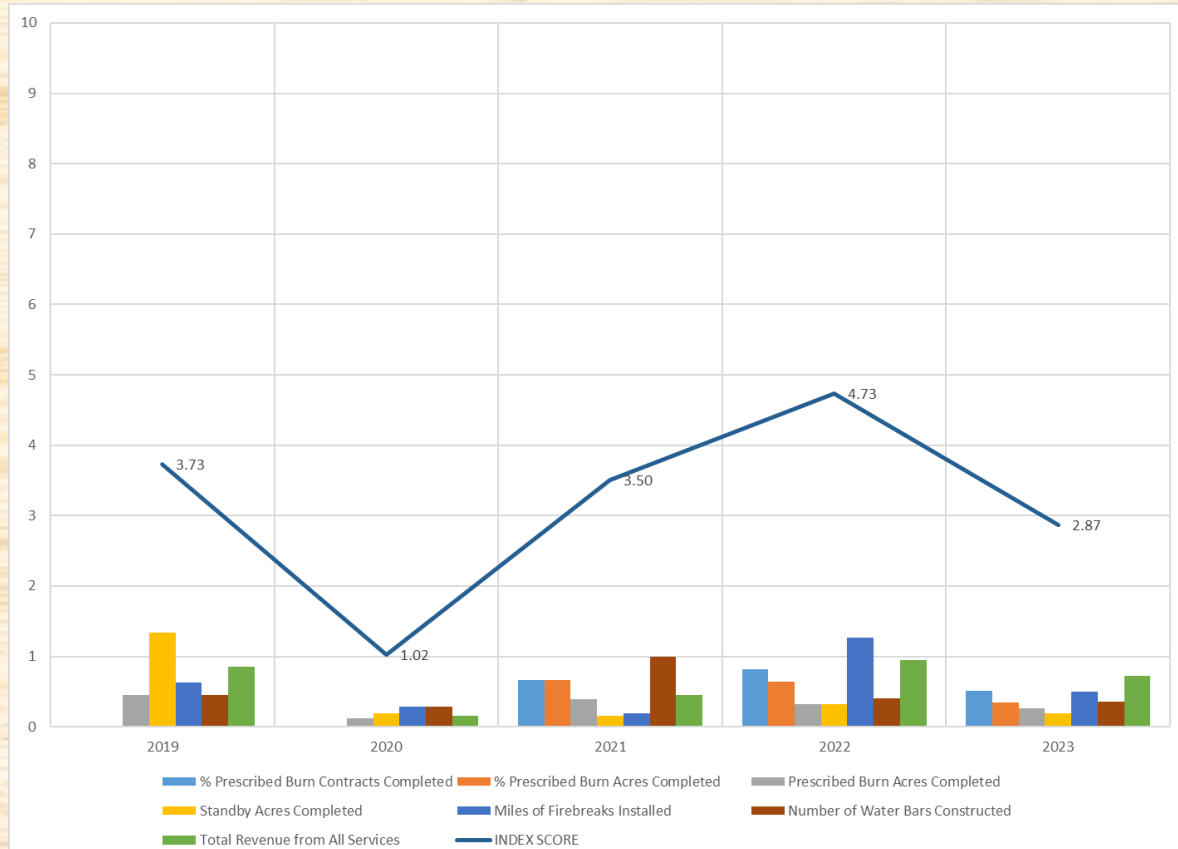
- Equipment Rental
- Timber Marking



FOREST MANAGEMENT



Program Metrics – Landowner Services Index



FOREST MANAGEMENT



Challenges

Forestry Services

Meeting targets for prescribed burning

- FMO and forester vacancies – FY24 funding improved compensation, but still have vacancies
- Providing prescribed burning training for private landowners – CPFM, Learn to Burn, PBAs
- Hiring Prescribed Fire Coordinator



FOREST MANAGEMENT



Charge 5: Monitor and address forest health issues

Section 48-23-295

Forestry services to landowners

- Scientific, technical, practical



FOREST MANAGEMENT



Charge 5: Monitor and address forest health issues

- Insect & Disease staff handle a variety of issues.
 - SCFC foresters and landowners report forest pests
 - I&D personnel examine tissue samples
 - Staff carry out aerial surveys



FOREST MANAGEMENT



Charge 5: Monitor and address forest health issues

Southern Pine Beetle (SPB) – SC’s most destructive insect pest - last outbreak (1999-2003) - over \$300 million loss of pine timber

SCFC’s strategies:

- Monitor SPB population through pheromone trapping.
- Outreach/training for landowners and foresters
- SPB cost-share program



FOREST MANAGEMENT



Charge 5: Monitor and address forest health issues

Forest Health staff help control invasive species

Cogongrass



FOREST MANAGEMENT



Charge 5: Monitor and address forest health issues

Forest Health staff help control invasive species



Emerald Ash Borer



FOREST MANAGEMENT



Charge 5: Monitor and address forest health issues

Forest Health staff help control invasive species



Asian longhorned beetle



FOREST MANAGEMENT



Charge 5: Monitor and address forest health issues

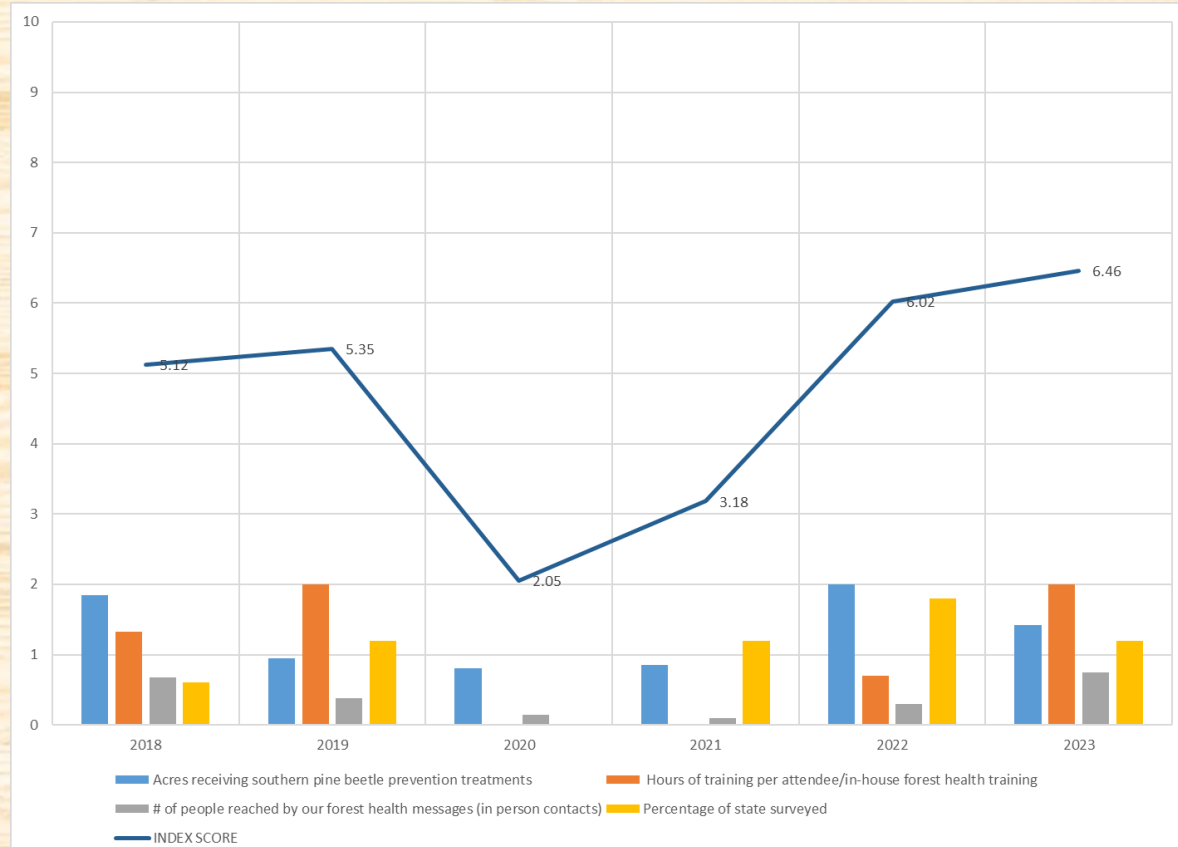


- Forest health staff also assist:
 - Christmas tree growers
 - forest tree seedling nurseries
 - seed orchards
 - municipalities

FOREST MANAGEMENT



Program Metrics – Forest Health Index



FOREST MANAGEMENT



Challenges

Forest Health

- Funds to increase surveillance for forest health concerns
 - Southern pine beetle
 - Invasive species



FOREST MANAGEMENT



Charge 6: Provide urban & community forestry services



Section 48-23-90

General duties of the Commission

- Cooperate with federal government

FOREST MANAGEMENT



Charge 6: Provide urban & community forestry services

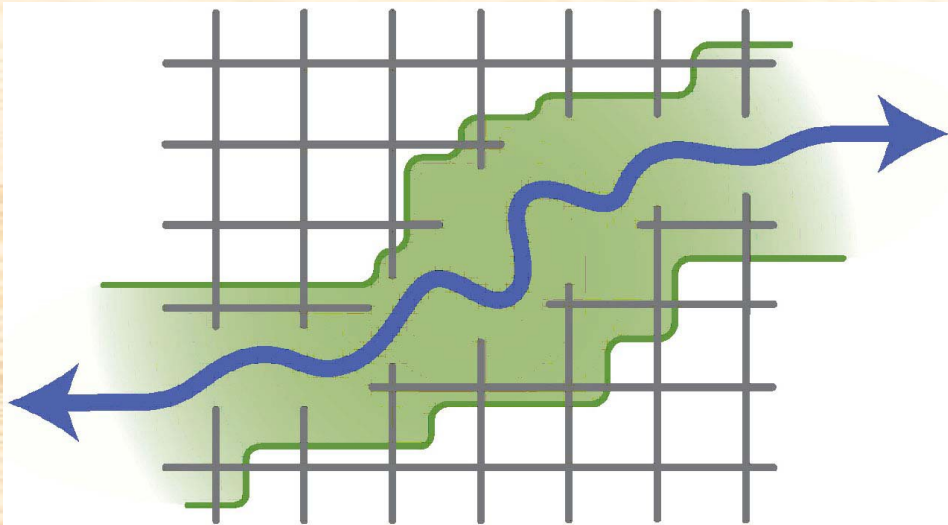


- SCFC urban foresters help with:
 - Urban forest inventories and management plans
 - Tree ordinances
 - Grant project implementation
 - Tree City USA program
 - Tree selection, installation and care

FOREST MANAGEMENT



Charge 6: Provide urban & community forestry services



Green Infrastructure Center

- SCFC partners with communities to incorporate “green infrastructure” in their planning for future growth
- Statewide Green Infrastructure Plan

FOREST MANAGEMENT



Charge 6: Provide urban & community forestry services

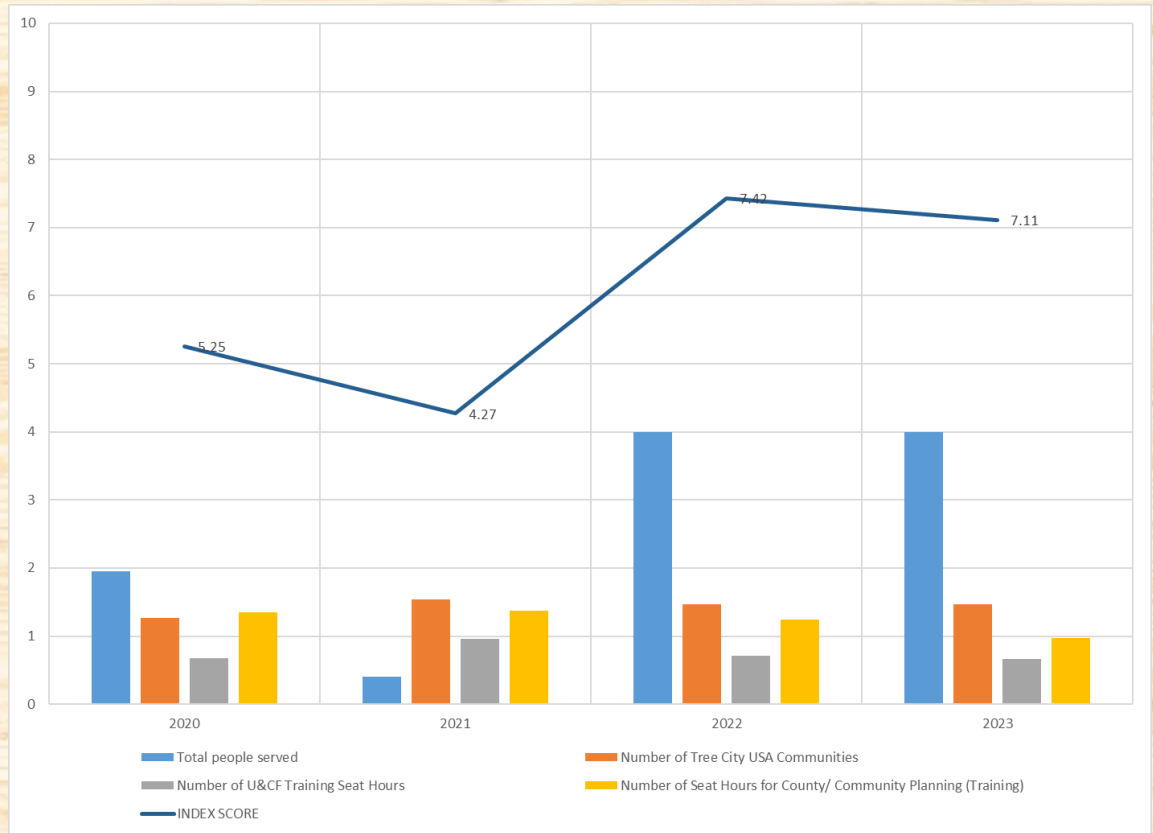
- Urban and forest management is critical for healthy and sustainable living
- Urban forests provide multiple benefits:
 - Carbon sequestration
 - Stormwater mitigation
 - Reduced cooling costs
 - Higher home values
 - Air and noise filtration



FOREST MANAGEMENT



Program Metrics – Community Forestry Index



FOREST MANAGEMENT



Challenges

Urban Forestry

- Unable to recruit a registered forester for Pee Dee Urban Forester, so removed this requirement. FY24 funding improved compensation, which should help with future recruitment as well as retention of current staff.