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November 13, 2017

Via Hand Delivery

Director Alvin A. Taylor
South Carolina Department of Natural Resources
Post Office Box 167
Columbia, South Carolina 29201-3117

RE: Follow-up from Subcommittee's November 6, 2017 meeting with the agency

Dear Director Taylor:

The Law Enforcement and Criminal Justice Subcommittee appreciates the agency's partnership in the oversight process. As follow up from the meeting on November 6, 2017, the Subcommittee seeks additional information from the agency. Please provide this information by Wednesday, November 22, 2017.

Office of Environmental Programs

Deliverables

1. In regards to Deliverable Item #24, perform environmental review and assist with mitigation for loss of natural resources, please state the number of regulatory agencies served each of the last three fiscal years.
2. Please provide a list of example activities for which permit applications are reviewed (e.g., mines, residential/commercial development, beach renourishment).

Federal Energy Regulation Commission (FERC)

3. Please explain the difference in a FERC lake and an Army Corps of Engineers lake, including any differences in which entities are responsible for which activities.
4. Does the agency website have a resource members of the public can utilize to determine, for a particular body of water, the entity that owns it and the entity responsible for management of it, similar to the Department of Transportation's Street Finder (i.e., <http://www.scdot.org/getting/streetFinder.aspx>)

Law Enforcement Division

Employees

1. On average, of the individuals the agency sends to the Criminal Justice Academy for basic training, what percentage graduate on their first try?
2. Please provide the following information for each law enforcement officer rank:
 - a. Number of individuals currently employed; and
 - b. Average number of years with DNR.
3. Please provide the number of game wardens that have voluntarily separated since January 2017.
4. Does the division utilize a personnel allocation model to determine the number of officers needed in each region?
 - a. If so, does the agency currently have the number of officers needed in each region?
 - b. If not, how many additional officers are needed in each region?
5. Does each law enforcement region have activity or other monthly goals? If so, are they the same for each region and what are they?
6. What information is tracked in an officer's activity book?
7. How much did it cost to plan, implement, and maintain the division's career path?

Equipment

8. Is there certain equipment every new officer at the agency requires?
 - a. Does the agency have a replacement plan for this type of equipment?
 - b. Does the agency have dedicated line items in the budget to cover the costs of this equipment?
9. During the public input meeting, it was mentioned the State Law Enforcement Division (SLED) and Department of Natural Resources (DNR) share communications equipment. Please explain what is shared, what prompted the idea of entering an arrangement to do this, and how the arrangement works? Also, has there been consideration of setting up a similar arrangement with the Department of Public Safety?

Boater Education

10. In the Program Evaluation Report, the agency states the General Assembly can help avoid boating accidents and deaths by requiring in law the successful completion of a boating safety class as a prerequisite to operating a motorized vessel or device in SC waters. What is currently required to operate a motorized vessel or device in SC waters?
11. In conducting investigations of boating accidents and fatalities, what are some of the most common causes the agency has found?
12. Has the agency previously requested enactment of a law that requires the successful completion of a boating safety class as a prerequisite to operating a motorized vessel or device in SC waters? If so, what were the concerns expressed, if any?
13. Which other states, if any, require the successful completion of a boating safety class, or some type of license, as a prerequisite to operating a motorized vessel or device in state waters? Is the agency aware of any data on how these requirements have impacted the number of boating accidents or fatalities?

Deliverables

14. Please provide case law which addresses the “open fields doctrine” and what is required for a DNR officer to enter private property.
15. Are there any investigative reports the agency prepares which are available for purchase by private companies? If so, please provide the following
 - a. Amount DNR charges a private entity for each type of report; and
 - b. Cost to DNR to create each type of report.
16. Are DNR personnel, including, but not limited to officers and biologists, ever called to testify as a witness in civil litigation?
 - a. If so, are there statutes which discuss the rates the personnel may charge or is that handled through DNR’s regulations?

Performance

17. For each of the agency performance measures listed below, which are associated with Strategy 2.2 or Objective 2.3.1, please provide other potential target values that may be more easily measured and/or more directly align with the actual results currently measured by the agency.

Strategy 2.2

- a. Document natural resource, boating, and criminal violations;
- b. Maintain leadership role in search and rescue missions, and disaster response; and
- c. Continue internal efforts and partnerships with federal, state, and local partners conducting missions related to Homeland Security.

Objective 2.3.1

- d. Enforce inland fish and game laws in all 46 counties within SC; and
- e. Saltwater recreational and commercial fishing enforcement of over 3,000 miles of coastal waters to prevent illegal harvest of marine species.

Finances

18. Agency Objective 2.3.1 relates to enforcement of the state's hunting, fishing, and boating laws. Since the agency spends over 20% of its budget to accomplish this objective, please explain some of the major related costs, other than personnel.
19. The agency budgeted approximately \$1.2 million more to Objective 2.3.1 this year than it did last year, with fewer personnel. What has necessitated the increased spending?
20. What percentage of the fines and fees from DNR issued citations go back to DNR?
21. How much has DNR collected from citations during each of the last three fiscal years?
22. Currently approximately 43% of the agency's entire budget comes from federal grants. With that background, please answer the questions below.
 - a. What is the agency's plan to continue its programs if there is a new round of tax cuts by the federal government during which these grants are cut?
 - b. Are there critical need programs the agency currently has which are funded by federal grants?

Emergencies/Natural Disasters

23. Please provide a list of the general type of services the agency has provided during state emergencies that occurred in the last three years?
24. Agency Objective 2.2.2 relates to the agency responding during statewide disasters. Please provide examples of rescues which require the National Guard because the agency is unable to perform the rescue due to lack of necessary equipment or specific training for personnel?
 - a. If the agency had this type of equipment, would the equipment generally be useful during statewide emergencies, or would it make the agency more effective or efficient in providing its other deliverables?

Internal Affairs

25. What is the internal affairs/investigation policy?
26. When is a matter referred to SLED as opposed to being investigated in-house?

Agency Recommendations from Program Evaluation Report

27. In regards to the agency's law recommendation #39, which addresses S.C. Code Ann. 50-3-350, would the agency oppose amending the statute to require the agency to promulgate regulations describing the official badge to make it easier now, and in the future, for the agency to update the description of the official badge?
28. In regards to the agency's law recommendations #46, 47, and 49, which relate to sending information return receipt requested, how much has the agency spent in the last three fiscal years sending information return receipt requested?

29. In regards to the agency's law recommendation #84, which relates to Regulations 123-2 through 123-9, the agency states the regulations are no longer needed because they are already codified. Please provide the statute numbers in which these regulations are codified.
30. In regards to the agency's internal change recommendation #19, does the agency have a timeline for researching the information the agency believes is necessary and making a decision on implementation of electronic records management system, E-Citation system, and mobile data information systems for patrol officers?
31. When does the agency anticipate it will be 100% on the E-Citation system?

In responding to these questions, please remember the Committee's expectations which are provided in the Committee's Standard Practice 9.

The Subcommittee looks forward to working collaboratively with the agency during the oversight process. Thank you and your team for your service to the citizens of South Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward R. Tallon Sr.", with a stylized flourish at the end.

Edward R. Tallon Sr.
Subcommittee Chair

cc: The Honorable Wm. Weston J. Newton
The Honorable Katherine E. "Katie" Arrington
The Honorable William M. "Bill" Hixon
The Honorable J. Todd Rutherford