

Law Enforcement and Criminal Justice Subcommittee Meeting

Monday, October 9, 2017

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AGENDA

**South Carolina
House of Representatives**



Legislative Oversight Committee

LAW ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE

Chairman Edward R. Tallon Sr.

The Honorable Katherine E. (Katie) Arrington

The Honorable William M. (Bill) Hixon

The Honorable J. Todd Rutherford

Monday, October 9, 2017

10:45am

217 Ft. Johnson Road, Charleston, SC

Marine Resources Research Institute (MRRI) Auditorium

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

AMENDED AGENDA

- I. Approval of Meeting Minutes**
- II. Discussion of the study of the Department of Natural Resources**
- III. Adjournment**

MEETING MINUTES

Chairman Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. "Katie" Arrington
Gary E. Clary
MaryGail K. Douglas
Phyllis J. Henderson
Joseph H. Jefferson Jr.
Mandy Powers Norrell
J. Todd Rutherford
Tommy M. Stringer
Bill Taylor*



*William K. (Bill) Bowers
Neal Collins
Raye Felder
William M. "Bill" Hixon
Robert L. Ridgeway III
James E. Smith Jr.
Edward R. Tallon Sr.
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South Carolina House of Representatives

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Fiscal/Research Analyst*

Law Enforcement and Criminal Justice Subcommittee

Wednesday, October 4, 2017

10:00 am

Blatt Room 108

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, 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

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Chairman Edward R. Tallon, Sr. , on Wednesday, October 4, 2017, in Room 108 of the Blatt Building. The following members of the Subcommittee were present for either all or a portion of the meeting: Chairman Tallon, Representative Katherine E. Arrington, and Representative William M. Hixon.

Minutes

- I. 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. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Arrington makes a motion to approve the meeting minutes from the prior Subcommittee meetings.

Representative Arrington's motion to approve the minutes from the June 26, 2017 meeting and September 25, 2017 meeting:	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

Discussion of the Department of Natural Resources

- I. Chairman Tallon explains the purpose of the meeting today is to allow an opportunity for questions about the information the agency provided during the last meeting and receive the following information from the agency:
 - a. Details about the agency's Office of Media and Outreach;
 - b. Details about the agency's Office of Support Services;
 - c. Details about the agency's Office of Environmental Programs/Boating Access and Engineering Section;
 - d. Overview of different revenue sources and carryforward; and
 - e. Agency recommendations relating to the agency as a whole.
- II. Chairman Tallon swears in Mr. Norman F. Pulliam, Vice Chairman of the agency's board. He also reminds those who were sworn in during prior meetings that they remain under oath anytime they are with the Subcommittee or Committee.
- III. Subcommittee members ask questions about the topics listed below which were presented during the Subcommittee's previous meeting. Various agency personnel provide responses to the questions.
 - a. Audits and how the audit manager fits within the agency's organizational structure;

- b. Employees eligible for, and enrolled in, the Police Officer's Retirement System;
- c. Agency's board, including term limits, training, and evaluation;
- d. Director's experience;
- e. Whether agency has fully recovered, in terms of the number of employees and budget, since the cuts in 2008 from the financial crisis;
- f. Turnover;
- g. Exit Interviews;
- h. Hiring practices and processes;
- i. Salaries; bonuses; career paths; and pay plans;
- j. Promotion practices and processes, including management training for those promoted; and
- k. Employee morale/satisfaction.

IV. Chairman Tallon recesses the meeting for lunch.

V. Chairman Tallon reconvenes the meeting.

VI. Captain Robert McCullough, Deputy Director of the agency's Office of Media and Outreach (OMO) provides information on the following topics related to OMO:

- a. Organization of the division;
- b. Products and services;
- c. Portions of the agency's strategic plan related to the division;
- d. Strategic resource allocation; and
- e. Performance measures.

Subcommittee members ask questions which Captain McCullough and other agency representatives answer.

VII. Ms. Carole Collins, Deputy Director for Office of Support Services (OSS); Mr. Scott Speares, Assistant Deputy Director for OSS; and Mr. Mark Litz, Information Technology Director, provide information on the following topics related to OSS:

- a. Organization of the division;
- b. Products and services;
- c. Portions of the agency's strategic plan related to the division;
- d. Strategic resource allocation;
- e. Performance measures; and
- f. Agency recommendations related to the division.

Subcommittee members ask questions which Ms. Collins, Mr. Speares, Mr. Litz, and other agency representatives answer.

- VIII. Chairman Tallon states, due to it quickly approaching the end of the day, the Subcommittee is going to hold off on receiving information about the agency's Office of Environmental Programs/Boating Access and Engineering Section. He further states the Subcommittee will receive information about that agency section at a future meeting.
- IX. Ms. Shannon Bobertz, Chief Counsel for DNR, presents the agency's recommendations for law changes. Subcommittee members ask questions which Ms. Bobertz answers.
- X. Rep. Hixon makes a motion during the meeting which is listed below.

Rep. Hixon's motion that the Subcommittee Study include a recommendation that the SC House Tax Policy Review Committee review the taxation of boats to determine if, for uniformity and efficiency, boat taxes should follow the individual like taxes on automobiles.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Rutherford			Not Present
Rep. Tallon	✓		

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

STUDY TIMELINE

Study Update - Department of Natural Resources

- March 11, 2015 - Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.
- January 8, 2016 - Agency submits its **Annual Restructuring Report**, which is available online.
- September 2016 - Agency submits its 2015-16 Accountability Report/2017 Annual **Restructuring Report**.
- May 10, 2017 - **Full committee votes to make the agency the next agency for the Law Enforcement and Criminal Justice Subcommittee to study.** Video of the meeting is available online.
- May 19, 2017 - Agency receives notice that it has been selected for study.
- June 27 - July 28, 2017 - Committee solicits input from the public about the agency in the form of an **online public survey**. The results of the public survey are available online.
- August 30, 2017 - Agency submits its **Program Evaluation Report**, which is available online.
- September 25, 2017 - Subcommittee meets with agency (**Meeting #1**) to discuss the agency's history; legal directives; mission and vision; general information about employees; and agency organization.
- October 4, 2017 - Subcommittee meets with agency (**Meeting #2**) to discuss the agency's Office of Media and Outreach; Office of Support Services; and recommendations relating to the agency as a whole.
- October 9, 2017 - (TODAY) Subcommittee meets with agency (**Meeting #3**) to discuss the agency's Marine Resource Division and tour the agency's Marine Resource Divisions office in Fort Johnson, Charleston.
- Ongoing - Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website (www.scstatehouse.gov)

MARINE RESOURCES DIVISION

Overview

Marine Resources Division (MRD) is one of the agency's organizational units. This unit works to sustain the State's living marine resources for the cultural, recreational, commercial and economic benefit of the state's citizens and visitors. Table 1 provides additional information about the unit.

Table 1. DNR Organizational Unit: Marine Resources Division.

<u>Details:</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>
What is the turnover rate?	7.05%	10.28%	9.03%
Is employee satisfaction evaluated?	No	No	No
Is anonymous employee feedback allowed?	No	No	No
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	Yes	Yes	Yes
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	All	All	All

Organizational Chart - MRD

Figure 1 includes the portion of the agency's organizational chart, current as of August 9, 2017, that applies to the Marine Resources Division.

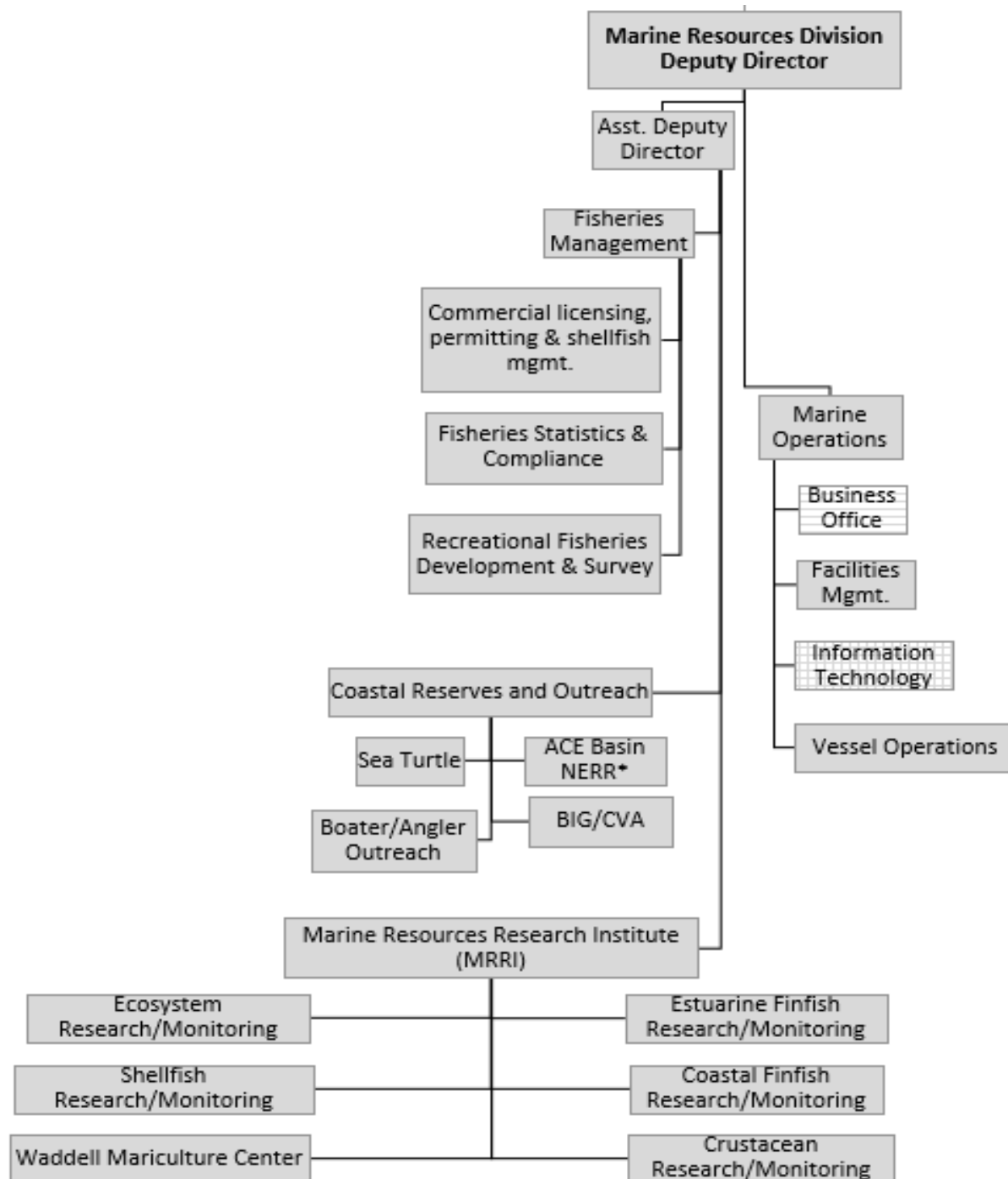


Figure 1. Agency organizational chart - Marine Resources Division portion, provided by the agency, current as of August 9, 2017.

Products, Services, and Customers

MRD's purpose is to sustain the state's living marine resources for the cultural, recreational, commercial and economic benefit of the state's citizens and visitors.¹

In the Program Evaluation Report, the Committee asks an agency **to provide a list of its deliverables** (i.e., products and services) as well as additional information related to laws, customers, costs, and potential negatives impacts. This information is provided on the next pages.

Table 2 includes an overview of the deliverables provided by MRD, Table 3, and Figure 2 include additional information about each.

Table 2. List of Marine Resource Divisions' deliverables.

Item #	Deliverable	Does law require, allow, or not address it?	Customers			Costs	
			Does agency know the annual number of potential customers?	Does agency know the annual number of customers served?	Does the agency evaluate customer satisfaction?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
16 ¹	Conduct research, surveys, and other investigations to manage fish and marine resources; to provide for protection of the salt waters and the marine habitat upon which these resources are dependent; and to provide for the development of saltwater fisheries and mariculture. The department shall collect and analyze data pertinent to protection, propagation, promotion, and management of marine resources	Require	No	No	No	No	No
17	Regulates marine species	Require	No	No	Yes	No	No
18	Issues saltwater commercial licenses and permits related to harvest of marine species.	Require	Yes	No	No	Yes	Yes

¹ Item numbers are the ones utilized in agency's program evaluation report.

Table 3. Additional details about each of the Marine Resource Division's deliverables.

<u>Deliverable #16²</u>	Conduct research, surveys, and other investigations to manage fish and marine resources; to provide for protection of the salt waters and the marine habitat upon which these resources are dependent; and to provide for the development of saltwater fisheries and mariculture. The department shall collect and analyze data pertinent to protection, propagation, promotion, and management of marine resources
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Product/Service Component: No additional components

Does law require, allow, or not address it? Require

Applicable law: S.C. Code Ann. 50-5-20; and 50-5-380; 16 USCS 5104

Greatest potential harm to the public if deliverable is not provided: Fishery stocks are overfished and collapse - resulting in loss of employment and a source of local seafood products; negatively impacts the quality of life and threatens tourism; General Assembly does not have data to make fishery law modifications.

Other state agencies whose mission the deliverable may fit within: Universities

1-3 recommendations to the General Assembly, other than \$, for how the General Assembly can help avoid the greatest potential harm

1. Provide measures that would allow acquisition of land contiguous to saltmarshes to allow marsh migration in the case of sea level rise.
2. Restrict the use of native oyster shell to anything but building oyster reefs.
3. Take actions to maintain stable and adequate water flows into coastal estuaries to sustain marine nursery habitats.

Does agency know the annual number of potential customers?	Does agency know the annual number of customers served?	Does the agency evaluate customer satisfaction?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
No	No	No	No	No

² Item numbers are the ones utilized in agency's program evaluation report.

Deliverable #17³ Regulates marine species

Product/Service Component: No additional components

Does law require, allow, or not address it? Require

Applicable law: S.C. Code Ann. 50-5-30; 50-5-32 through 50-5-45; 50-5-85; 50-5-510; 50-5-515; 50-5-550; 50-5-740; 50-5-985; 50-5-995; 50-5-1020; 50-5-1100; 50-5-1310; 50-5-1915

Greatest potential harm to the public if deliverable is not provided: Fishery stocks collapse resulting in loss of jobs and source of local seafood, state found out-of-compliance with mandates of regional fishery management plans.

Other state agencies whose mission the deliverable may fit within: None

1-3 recommendations to the General Assembly, other than \$, for how the General Assembly can help avoid the greatest potential harm

1. Provide DNR with authority to modify management measures size bag and size limits and equipment.
2. Give DNR authority to cap participation in commercial fisheries.

Does agency know the annual number of potential customers?	Does agency know the annual number of customers served?	Does the agency evaluate customer satisfaction?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
No	No	Yes	No	No

³ Item numbers are the ones utilized in agency's program evaluation report.

Deliverable #18⁴	Issues saltwater commercial licenses and permits related to harvest of marine species.
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Product/Service Component: No additional components

Does law require, allow, or not address it? Require

Applicable law: S.C. Code Ann. 50-5-25; 50-5-320; 50-5-340; 50-5-505; 50-5-735; 50-5-755 through 50-5-770; 50-5-900; 50-5-905; 50-5-915; 50-5-930; 50-5-935 through 945; 50-5-965; 50-5-995; 50-5-997; 50-5-1005; 50-5-1010; 50-5-1300 through 1330; 50-5-1500; 50-5-1555; 50-5-2100 through 2305; 50-5-2725; Reg. 123-153; 50-5-300; 50-5-310; 50-5-325; 50-5-335; 50-5-355; 50-5-360

Greatest potential harm to the public if deliverable is not provided: Fishery harvest cannot be controlled resulting in overfishing and stock collapse; loss of revenue; and nonresidents have open access to harvest SC seafood.

Other state agencies whose mission the deliverable may fit within: None

1-3 recommendations to the General Assembly, other than \$, for how the General Assembly can help avoid the greatest potential harm

1. Give DNR authority to cap participation in commercial fisheries.

Does agency know the annual number of potential customers?	Does agency know the annual number of customers served?	Does the agency evaluate customer satisfaction?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
Yes	No	No	Yes	Yes

⁴ Item numbers are the ones utilized in agency's program evaluation report.



South Carolina Department of Natural Resources Marine Resources Division FY 2017

Purpose: To sustain the state's living marine resources for the cultural, recreational, commercial and economic benefit of the state's citizens and visitors.

- SCDNR issued 230,497 recreational saltwater licenses plus >200,000 active gratis/senior lifetime licenses.
- Commercial fishermen took 29,255 trips worth \$25.5 million.
- Licensed fishing piers hosted 214,600 anglers.
- Area of ocean bottom managed totaled 869 sq. miles, while estuarine bottom managed totaled 344 sq. miles.
- Staff interviewed 4,896 saltwater anglers for the marine recreational information program.
- Staff issued 1,511 commercial saltwater permits.
- Eleven artificial reef sites grew through the addition of 95,000 cubic feet of habitat, bringing the total to 40 sq. miles of reef sites.
- Staff managed 153,098 acres of public shellfish harvesting grounds.
- Partners and staff recaptured and recycled more than 29,000 bushels (~750 tons) of oyster shell.
- Staff planted 23,526 bushels of oyster shell to rebuild reefs.
- Staff spent 281 days at sea aboard large research vessels.
- Staff published more than 100 technical reports and 25 research papers.
- More than 568 tagged fish and sea turtles of 26 species were detected by SCDNR acoustic receivers.
- Inshore biologists conducted 945 trammel net sets, 301 electrofish sets, 82 trawls, and 286 longline sets, tagged 3,854 fish and processed 10,962 fish in the laboratory.
- Geneticists processed 8,163 tissue samples from 13 species.
- Offshore biologists deployed 1,930 trawls, chevron traps and longlines between NC and FL and caught 944,320 fish, crustaceans, sea turtles, squid and jellyfish from more than 300 species.
- More than 1,300 volunteers gave 16,000 hours and drove 91,000 miles in support of SCDNR's sea turtle program.
- Recreational anglers tagged and released 5,491 saltwater gamefish and reported the recovery of 860 tagged fish.
- Stocked 2,042,690 marine gamefish in coastal waters.



Figure 2. Additional information about Marine Resources Division's deliverables.

Revenue Sources

In the Program Evaluation Report, the Committee asks the agency to provide information about its revenue sources.

This division generates revenue through the following sources²:

- Center for Coastal Environmental Health and Biomolecular Research (CCEHBR) Building Rent
- Research contracts
- Vessel and Motor Pool accts
- Saltwater Pier Tax
- Fishing License plate
- Heritage Trust Fund-Document Stamp
- Saltwater Recreational Fishing Licenses
- 3 Year Saltwater Fishing Licenses
- Commercial Saltwater licenses
- Culture & Mariculture Permit Fees
- Morgan Island Rent
- Indirect Cost Recovery

Based on information in the Program Evaluation Report, total revenue generated by the division in fiscal year 2015-16 was \$6,683,348 and in 2016-17, it was \$6,941,345. Table 3.1 includes the revenue generated by source during FY 2015-16 and 2016-17. Table 3.2 includes agency revenue sources utilized by MRD during FY 2016-17 and 2017-18.

Table 3.1 Revenue generated by MRD during FY 2015-16 and 2016-17.³

Revenue Source	Recurring or one-time?	State, Federal, or Other?	Does revenue remain with the agency or go to General Fund?	Total revenue generated in 2015-16	Total revenue estimated to generate in 2016-17
CCEHBR Bldg Rent, Research contracts, Vessel and Motor Pool accts, Saltwater Pier Tax, Fishing License plate	Recurring	Other	Agency	\$2,278,425	\$2,398,672
Heritage Trust Fund-Document Stamp	Recurring	Other	Agency	\$0	\$160,000
Saltwater Recreational Fishing Licenses	Recurring	Other	Agency	\$2,164,874	\$2,342,523
3 Year Saltwater Fishing Licenses	Recurring	Other	Agency	\$196,027	\$177,603
Commercial Saltwater licenses; Culture & Mariculture Permit Fees	Recurring	Other	Agency	\$341,017	\$346,113
Morgan Island Rent	Recurring	Other	Agency	\$1,285,261	\$1,079,897
Indirect Cost Recovery	Recurring	Other	Agency	\$417,744	\$436,537
			TOTAL	\$6,683,348	\$6,941,345

Table 3.2. Agency revenue sources utilized by MRD during FY 2016-17 and 2017-18.

Revenue Sources utilized	Recurring or one-time?	State, Federal, or Other?	Organizational Unit	Spent to Achieve Agency's Comprehensive Strategic Plan in 2016-17	Budgeted to spend to Achieve Agency's Comprehensive Strategic Plan in 2017-18
General Fund	Recurring	State	Agency	\$2,302,416	\$2,202,650
Federal Awards	Recurring	Federal	Agency	\$7,971,431	\$8,878,804
Federal Awards, construction/land acquisition	One-Time	Federal	Agency	\$168,361	\$0
Non-recurring General Funds designated for Capital Projects	One-time	Other	Agency	\$682,158	\$1,400,000
Agency Funds	One-Time	Other	Agency	\$471	\$0
Cash Transfer	Recurring	Other	LE	\$0	\$40,000
Boat Titling & Registration Fees	Recurring	Other	OSS	\$42	\$0
Cash Transfer	Recurring	Other	OSS	\$21,178	\$0
CCEHBR Bldg Rent, Research contracts, Vessel and Motor Pool accts, Saltwater Pier Tax, Fishing License plate	Recurring	Other	MRD	\$2,504,177	\$2,074,980
Heritage Trust Fund-Document Stamp	Recurring	Other	MRD	\$79,703	\$83,791
Saltwater Recreational Fishing Licenses	Recurring	Other	MRD	\$2,486,992	\$2,595,500
Commercial Saltwater licenses; Culture & Mariculture Permit Fees	Recurring	Other	MRD	\$422,603	\$888,250
Morgan Island Rent	Recurring	Other	MRD	\$ 1,311,176	\$1,239,868
Indirect Cost Recovery	Recurring	Other	MRD	\$514,724	\$523,278
Tax Check Off; License Plate	Recurring	Other	WFF	\$95,835	\$45,000
3 Year Saltwater Fishing Licenses	Recurring	Other	MRD	\$0	\$0
	<u>2016-17 Totals</u> (Percent of Total)		<u>2017-18 Totals</u> (Percent of Total)		
Recurring General Fund	\$2,302,416 (12.40%)		\$2,202,650 (11.03%)		
Recurring Federal	\$7,971,431 (42.95%)		\$8,878,804 (44.46%)		
One-Time Federal	\$168,361 (0.91%)		\$0 (0.00%)		
Recurring Other	\$7,436,430 (40.06%)		\$7,490,667 (37.51%)		
One-Time Other	\$682,629 (3.68%)		\$1,400,000 (7.01%)		
GRAND TOTAL	\$18,561,267		\$19,972,121		

Note: This division did not spend any funds not toward the agency's comprehensive strategic plan.

Strategic Resource Allocation and Performance

In the Program Evaluation Report, the **Committee asks an agency how it allocates its human and financial resources to accomplish its goals** (i.e., broad expression of a long-term priority) **and objectives** (i.e., specific, measurable and achievable description of an effort the agency is implementing to achieve a goal) in the agency's strategic plan.⁴ The Committee also asks the agency to list any funds the agency spent or transferred not toward the agency's comprehensive strategic plan.

Funds Spent/Transferred not toward the agency's comprehensive strategic plan

In regards to revenue sources associated with the Marine Resources division, the agency did not list any funds being spent or transferred not directly toward the agency's strategic plan for fiscal year 2016-17.⁵ The agency also did not estimate any funds being spent or transferred not directly toward the agency's strategic plan in fiscal year 2017-18.⁶

Funds Spent toward the agency's comprehensive strategic plan

Tables 4.1 through 8.1 include an overview of the portion of the agency's strategic plan applicable to MRD and resources allocated to its goals and objectives.⁷ This information is grouped by strategy. After each strategy, in Tables 4.2 through 8.2, is information about the performance measures associated with that strategy. Figure 3 includes additional information about MRD's employees and financial expenses.

Table 4.1 Strategic plan applicable to the Marine Resources Division: Strategy 3.1: Conduct research on and monitor Marine Species - strategies, objectives, and resource (human and financial) allocations.

GOAL 3 To sustain the State's living marine resources for the cultural, recreational, commercial and economic benefit of the state's citizens and visitors.

Associated Organization Unit: Marine Resources
Responsible Employee(s): Dr. Mike Denson is responsible for Objectives 3.1.1 and 3.1.4 (responsible for more than three years)
Dr. Denson and Mr. Phil Maier are responsible for Objective 3.1.2 (both responsible for more than three years)
Mr. Mel Bell is responsible for Objective 3.1.3 (responsible for more than three years)
Employee have input in budget? Yes, Dr. Denson, Mr. Bell, and Mr. Phil Maier have input into the budget for their respective objectives.

Strategy 3.1 - Conduct research on and monitor Marine Species.	2016-17		2017-18	
	FTE equivalents utilized	Total spent ⁸	FTE equivalents utilized	Total budgeted ⁹
<ul style="list-style-type: none"> ○ Objective 3.1.1 - Determine the biology, ecological relationships, threats and critical needs of living marine resources of SC. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Federal and state government; higher education institutes; non-profit entities; and private individuals ○ Objective 3.1.2 - Monitor population status and trends of living marine resources. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Federal and state government; and private individuals ○ Objective 3.1.3 - Examine the social and economic importance of marine resources to SC. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Private business ○ Objective 3.1.4 - Quantify and monitor marine habitats and water quality. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Federal and state government; and private individuals 	8.55 FTE 17.70 TG	\$2,529,547 (3.08%)	8.55 FTE 17.70 TG	\$2,726,795 (3.32%)
	13.00 FTE 18.70 TG	\$3,243,976 (3.95%)	13.00 FTE 18.70 TG	\$3,500,257 (4.26%)
	0.60 FTE	\$74,850 (0.09%)	0.60 FTE	77,033\$ (0.09%)
	2.30 FTE 4.90 TG	\$1,031,307 (1.25%)	2.30 FTE 4.90 TG	\$1,54,133 (1.28%)

Table 4.2. Performance measures associated with Strategy 3.1: Conduct research on and monitor Marine Species.

Performance Measure	Type of Measure	2013-14	2014-15	2015-16	2016-17	2017-18
<p>Increase loggerhead sea turtle nesting by requiring and enforcing Turtle Excluder Devices (TED) on commercial fishing vessels, protecting turtle nests during breeding season from predators and humans, collecting and analyzing data on nests to determine viability and causes of fatality, with the goal of eventually delisting the species from the endangered species list</p> <p><u>Assoc. Objective:</u> 3.1.2 <u>Required by:</u> Federal government <u>Best in the Country:</u> SCDNR <u>Additional Notes:</u> The recovery plan for the loggerhead sea turtle specifies a recovered population as that indicated by approximately 30,000 nests annually. It is estimated, based on habitat, SC's portion would be 9,200 nests, so that is our target. It is important to note that nesting numbers have been known to fluctuate as adult female turtles nest once every three years.</p>	Outcome	<p><u>Target:</u> Increased turtle nests <u>Actual:</u> 5,193</p>	<p><u>Target:</u> Increased turtle nests <u>Actual:</u> 2,086</p>	<p><u>Target:</u> Increased turtle nests <u>Actual:</u> 5,104</p>	<p><u>Target:</u> Increased turtle nests <u>Actual:</u> 6,444 nests</p>	<p><u>Target:</u> Increase turtle nests</p>
<p>Number of research grants awarded to Marine Division</p> <p><u>Assoc. Objective:</u> 3.1.1; 3.1.4 <u>Required by</u>¹⁰: Agency selected <u>Best in the Country:</u> There are only a couple of other states with a state laboratory comparable to SC. In many aspects (genetics, stock assessment, fish aging, fish culture, etc.) our lab is superior to others. Florida Fish & Wildlife Research Institute/Florida Fish & Wildlife Conservation Commission is probably the most appropriate analog to our research lab. <u>Additional Notes:</u> 60 grants annually support the existing staff such that personnel are fully subscribed.</p>	Output	<p><u>Target:</u> DNE <u>Actual:</u> DNE</p>	<p><u>Target:</u> 60 research grants awarded to Marine Division <u>Actual:</u> 50 research grants awarded to Marine Division</p>	<p><u>Target:</u> 60 research grants awarded to Marine Division <u>Actual:</u> 58 research grants awarded to Marine Division</p>	<p><u>Target:</u> 60 research grants awarded to Marine Division <u>Actual:</u> 61 research grants awarded to Marine Division</p>	<p><u>Target:</u> 60 research grants awarded to Marine Division</p>
<p>Number of man days sampling marine fauna</p> <p><u>Assoc. Objective:</u> 3.1.1; 3.1.2; 3.1.4 <u>Required by:</u> Agency selected <u>Best in the Country:</u> The SCDNR lab exceeds all other southeastern states in the amount of effort devoted to monitoring key species (red drum, sea trout, shrimp, blue crab, etc.)</p>	Output	<p><u>Target:</u> DNE <u>Actual:</u> 3,477 man days</p>	<p><u>Target:</u> 3,900 man days <u>Actual:</u> 3,910 man days</p>	<p><u>Target:</u> 3,900 man days <u>Actual:</u> 4,020 man days</p>	<p><u>Target:</u> 3,900 man days <u>Actual:</u> 4,411 man days</p>	<p><u>Target:</u> 3,900 man days</p>

<u>Performance Measure</u>	<u>Type of Measure</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
Number of social and economic surveys related to marine resources <u>Assoc. Objective:</u> 3.1.3 <u>Required by:</u> Agency selected <u>Best in the Country:</u> No data exists on surveys conducted by other states, but we believe SC probably exceeds other states in surveying its customers because our substantial outreach program is larger than that of other states.	Output	<u>Target:</u> DNE <u>Actual:</u> DNE	<u>Target:</u> DNE <u>Actual:</u> DNE	<u>Target:</u> 3 social and economic surveys <u>Actual:</u> 4 social and economic surveys	<u>Target:</u> 3 social and economic surveys <u>Actual:</u> 5 social and economic surveys	<u>Target:</u> 3 social and economic surveys
Number of samples for South Carolina Estuarine and Coastal Assessment Programs (SCECAP) <u>Assoc. Objective:</u> 3.1.1 <u>Required by:</u> Yes, the success of sample collection and processing is reported to NOAA <u>Best in the Country:</u> We are not aware of any other states that conduct a comprehensive ecological assessment program like that done in SC.	Output	<u>Target:</u> DNE <u>Actual:</u> 299 samples	<u>Target:</u> 270 samples <u>Actual:</u> 299 samples	<u>Target:</u> 270 samples <u>Actual:</u> 300 samples	<u>Target:</u> 270 samples <u>Actual:</u> 270 samples	<u>Target:</u> 270 samples

Table Note: For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 5.1 Strategic plan applicable to the Marine Resources Division: Strategy 3.2: Manage the Harvest of Marine Resources - strategies, objectives, and resource (human and financial) allocations.

GOAL 3	To sustain the State's living marine resources for the cultural, recreational, commercial and economic benefit of the state's citizens and visitors.
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Associated Organization Unit: Marine Resources

Responsible Employee(s): Mr. Mel Bell is responsible for Objectives 3.2.1 and 3.2.2 (responsible for more than three years)
Mr. Robert Boyles is responsible for Objective 3.2.3 (responsible for more than three years)

Employee have input in budget? Yes, Mr. Bell and Mr. Boyles have input into the budget for their respective objectives.

Strategy 3.2 - Manage the Harvest of Marine Resources.	2016-17		2017-18	
	FTE equivalents utilized	Total spent ¹¹	FTE equivalents utilized	Total budgeted ¹²
<ul style="list-style-type: none"> ○ Objective 3.2.1 - Open and close fishing seasons, as specified by code and provide commercial licenses and permits as required. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Federal and state government; and private individuals ○ Objective 3.2.2 - Determine fishery harvest totals, harvest rates, and fishing effort. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Federal and state government; and private individuals ○ Objective 3.2.3 - Work collaboratively with the regional Fishery Mgt. Councils and Atl. States Mar. Fish. Commission to manage migratory marine species. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Federal and state government; and private individuals 	6.25 FTE	\$516,139 (0.63%)	6.25 FTE	\$748,958 (0.91%)
	9.15 FTE	\$1,202,604 (1.46%)	9.15 FTE	\$1,245,423 (1.51%)
	8.00 TG		8.00 TG	
	3.10 FTE	\$520,510 (0.63%)	3.10 FTE	\$553,817 (0.67%)
	1.00 TG		1.00 TG	

Table 5.2. Performance measures associated with Strategy 3.2: Manage the Harvest of Marine Resources.

Performance Measure	Type of Measure	2013-14	2014-15	2015-16	2016-17	2017-18
Percentage of Marine Fisheries Harvest Reports Processed within 90 days of end of Month <u>Assoc. Objective:</u> 3.2.2 <u>Required by:</u> Federal government <u>Best in the Country:</u> Our rank is equal to the best in the country.	Efficiency	<u>Target:</u> 100% <u>Actual:</u> 100%	<u>Target:</u> 100% <u>Actual:</u> 100%	<u>Target:</u> 100% <u>Actual:</u> 100%	<u>Target:</u> 100% <u>Actual:</u> 100%	<u>Target:</u> 100%
Percentage of 15 required Atl. States Mar. Fish. Comm. Species Reports submitted on time <u>Assoc. Objective:</u> 3.2.3 <u>Required by:</u> Federal government <u>Best in the Country:</u> Our rank is equal to the best on the Atlantic coast and we think the quality of our reports exceeds other states.	Efficiency	<u>Target:</u> 100% <u>Actual:</u> 100%	<u>Target:</u> 100% <u>Actual:</u> 100%	<u>Target:</u> 100% <u>Actual:</u> 100%	<u>Target:</u> 100% <u>Actual:</u> 100%	<u>Target:</u> 100%
Number of man days sampling marine fauna <u>Assoc. Objective:</u> 3.2.1 <u>Required by:</u> Agency selected <u>Best in the Country:</u> The SCDNR lab exceeds all other southeastern states in the amount of effort devoted to monitoring key species (red drum, sea trout, shrimp, blue crab, etc.)	Output	<u>Target:</u> DNE <u>Actual:</u> 3,477 man days	<u>Target:</u> 3,900 man days <u>Actual:</u> 3,910 man days	<u>Target:</u> 3,900 man days <u>Actual:</u> 4,020 man days	<u>Target:</u> 3,900 man days <u>Actual:</u> 4,411 man days	<u>Target:</u> 3,900 man days
Number of commercial marine permits issued <u>Assoc. Objective:</u> 3.2.1 <u>Required by:</u> Agency selected <u>Best in the Country:</u> Permit numbers are reflective of the size of a state's coastal zone, and the diversity of species it manages. Given SC has a relatively long coastline, and a relatively high diversity of species, we think SC has more than the average number of permits. <u>Additional Notes:</u> Permits not controlled by the agency, but based on the number requested.	Activity Measure	<u>Target:</u> DNE <u>Actual:</u> commercial permits issued	<u>Target:</u> DNE <u>Actual:</u> 1,812 commercial permits issued	<u>Target:</u> 1500 commercial permits issued <u>Actual:</u> 1626 commercial permits issued	<u>Target:</u> 1,500 commercial permits issued <u>Actual:</u> 1,511 commercial permits issued	<u>Target:</u> 1,500 commercial permits issued

Table Note: For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 6.1 Strategic plan applicable to the Marine Resources Division: Strategy 3.3: Enhance Marine Fisheries Stocks - strategies, objectives, and resource (human and financial) allocations.

GOAL 3	To sustain the State's living marine resources for the cultural, recreational, commercial and economic benefit of the state's citizens and visitors.
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Associated Organization Unit: Marine Resources

Responsible Employee(s): Dr. Mike Denson is responsible for Objective 3.3.1 (responsible for more than three years)
Mr. Mel Bell is responsible for Objectives 3.3.2 and 3.3.3 (responsible for more than three years)

Employee have input in budget? Yes, Dr. Denson and Mr. Bell have input into the budget for their respective objectives.

Strategy 3.3 - Enhance Marine Fisheries Stocks.	2016-17		2017-18	
	FTE equivalents utilized	Total spent ¹³	FTE equivalents utilized	Total budgeted ¹⁴
<ul style="list-style-type: none"> ○ Objective 3.3.1 - Stock Resource as needed to replenish resources. <ul style="list-style-type: none"> ▪ Partner(s), by segment: State government; private individuals; and non-profit entities ○ Objective 3.3.2 - Work to ensure artificial reefs continue to sustain marine species and fishing success. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Federal and local government; private individuals; and non-profit entities ○ Objective 3.3.3 - Ensure the commercial and recreational oyster beds are replenished with shell substrate. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Non-profit entities; private business; and private individuals 	4.40 FTE 8.15 TG	\$2,123,996 (2.58%)	4.40 FTE 8.15 TG	\$1,409,372 (1.71%)
	1.20 FTE 2.45 TG	\$474,700 (0.58%)	1.20 FTE 2.45 TG	\$505,283 (0.61%)
	1.65 FTE 4.25 TG	\$466,374 (0.57%)	1.65 FTE 4.25 TG	\$518,608 (0.63%)

Table 6.2. Performance measures associated with Strategy 3.3: Enhance Marine Fisheries Stocks.

Performance Measure	Type of Measure	2013-14	2014-15	2015-16	2016-17	2017-18
Number of Marine Game Fish stocked in coastal waters <u>Assoc. Objective:</u> 3.3.1 <u>Required by:</u> Agency selected <u>Best in the Country:</u> Only three other state resource agencies stock marine fish (Mississippi, Texas and California). Mississippi's program is small, releasing only one species. TX and CA have relatively large stocking programs. Given SC's size relative to TX and CA, SC stocks proportionally more fish than all other states and we believe our methods are superior.	Output	<u>Target:</u> DNE <u>Actual:</u> 1,595,570 fish stocked	<u>Target:</u> 1,200,000 fish stocked <u>Actual:</u> 954,577 fish stocked	<u>Target:</u> 1,200,000 fish stocked <u>Actual:</u> 1,370,169 fish stocked	<u>Target:</u> 1,200,000 fish stocked <u>Actual:</u> 2,042,690 fish stocked	<u>Target:</u> 1,500,000 fish stocked
Cubic feet of Marine habitat created annually on Marine artificial reefs <u>Assoc. Objective:</u> 3.3.2 <u>Required by:</u> Agency Selected, but federal permits are required for deployment areas <u>Best in the Country:</u> SC began the country's artificial reef building. SC remains a leader in the field with respect to new techniques and materials. Florida has much more coastline and more reefs, but SC probably is superior to all other states.	Output	<u>Target:</u> <u>Actual:</u> 812,000 cubic feet	<u>Target:</u> 100,000 cubic feet <u>Actual:</u> 85,000 cubic feet	<u>Target:</u> 100,000 cubic feet <u>Actual:</u> 110,000 cubic feet	<u>Target:</u> 100,000 cubic feet <u>Actual:</u> 95,000 cubic feet	<u>Target:</u> 100,000 cubic feet
Number of bushels of oyster shucked shell collected <u>Assoc. Objective:</u> 3.3.3 <u>Required by:</u> Agency selected <u>Best in the Country:</u> We are aware of only two other shell recycling programs - Chesapeake Bay and Louisiana. We are about equal with these two states in bushels recycled but because we spend much less on our program, our efficiency is much greater.	Output	<u>Target:</u> DNE <u>Actual:</u> 24,552 bushels collected	<u>Target:</u> 30,000 bushels collected (BC) <u>Actual:</u> 28,547 BC	<u>Target:</u> 30,000 BC <u>Actual:</u> 27,434 BC	<u>Target:</u> 30,000 BC <u>Actual:</u> 29,008 BC	<u>Target:</u> 30,000 BC

Table Note: For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 7.1 Strategic plan applicable to the Marine Resources Division: Strategy 3.4: Engage the general public in protecting and sustaining marine resources through knowledge and personal actions - strategies, objectives, and resource (human and financial) allocations.

GOAL 3	To sustain the State's living marine resources for the cultural, recreational, commercial and economic benefit of the state's citizens and visitors.
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Associated Organization Unit: Marine Resources
Responsible Employee(s): Mr. Phil Maier (responsible for more than three years)
Employee have input in budget? Yes, Mr. Maier has input into the budget for Objectives 3.4.1 through 3.4.4

Strategy 3.4 - Engage the general public in protecting and sustaining marine resources through knowledge and personal actions.	2016-17		2017-18	
	FTE equivalents utilized	Total spent ¹⁵	FTE equivalents utilized	Total budgeted ¹⁶
<ul style="list-style-type: none"> ○ Objective 3.4.1 - Work to ensure school children and teachers are informed about the marine environment. <ul style="list-style-type: none"> ▪ Partner(s), by segment: K-12 and higher education institutes; and state government 	1.40 FTE 0.63 TG	\$217,421 (0.26%)	1.40 FTE 0.63 TG	\$220,183 (0.27%)
<ul style="list-style-type: none"> ○ Objective 3.4.2 - Teach adults and community leaders about cooperative research, sustainable harvesting practices, habitat protection, and understanding marine management. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Private individuals 	5.20 FTE 1.95 TG	\$1,611,834 (1.96%)	5.20 FTE 1.95 TG	\$1,720,459 (2.09%)
<ul style="list-style-type: none"> ○ Objective 3.4.3 - Provide paper and electronic information and literature on marine resources to the public. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Non-profit entities; and private businesses 	5.00 FTE 0.13 TG	\$275,687 (0.34%)	5.00 FTE 0.13 TG	\$282,760 (0.34%)
<ul style="list-style-type: none"> ○ Objective 3.4.4 - Provide the general public with access to high quality recreational opportunities related to marine/coastal natural resources. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Non-profit entities, and private businesses 	2.20 FTE 2.13 TG	\$368,822 (0.45%)	2.20 FTE 2.13 TG	\$401,106 (0.49%)

Table 7.2. Performance measures associated with Strategy 3.4: Engage the general public in protecting and sustaining marine resources through knowledge and personal actions.

Performance Measure	Type of Measure	2013-14	2014-15	2015-16	2016-17	2017-18
Number of school children and teachers informed about the marine environment <u>Assoc. Objective:</u> 3.4.1 <u>Required by:</u> Agency selected <u>Best in the Country:</u> DNR educational efforts are designed in response to needs assessments that we conduct with school teachers in SC. These teachers have consistently told us their needs to provide hand-on field experiences and applications in the use of data in a real-world setting. Our programs provide that, and we believe that we are best-equipped to meet these needs.	Output	<u>Target:</u> DNE <u>Actual:</u> DNE	<u>Target:</u> DNE <u>Actual:</u> DNE	<u>Target:</u> 4,500 school children and teachers informed (SCTI) <u>Actual:</u> 5,469 SCTI	<u>Target:</u> 4,500 SCTI <u>Actual:</u> 5,337 SCTI	<u>Target:</u> 4,500 SCTI
Number of Anglers in public marine fish tagging program <u>Assoc. Objective:</u> 3.4.2 <u>Required by:</u> Agency selected <u>Best in the Country:</u> This volunteer program was the first state-sponsored public tagging program in the country, and is currently the largest of its kind in terms of participation.	Output	<u>Target:</u> DNE <u>Actual:</u> 442 anglers in program	<u>Target:</u> 400 anglers in program <u>Actual:</u> 506 anglers in program	<u>Target:</u> 475 anglers in program <u>Actual:</u> 568 anglers in program	<u>Target:</u> 475 anglers in program <u>Actual:</u> 687 anglers in program	<u>Target:</u> 500 anglers in program
Number of coastal vendors who receive MRD resource related literature <u>Assoc. Objective:</u> 3.4.3 <u>Required by:</u> Agency selected <u>Best in the Country:</u> We are unaware of any comparable program that any other state has related to creation and distribution of marine resources related literature.	Output	<u>Target:</u> DNE <u>Actual:</u> 116 coastal vendors receive MRD literature (CVRML)	<u>Target:</u> 110 CVRML <u>Actual:</u> 119 CVRML	<u>Target:</u> 110 CVRML <u>Actual:</u> 114 CVRML	<u>Target:</u> 110 CVRML <u>Actual:</u> 113 CVRML	<u>Target:</u> 110 CVRML
Number of print, digital, and broadcast media stories that reference Marine Division programs <u>Assoc. Objective:</u> 3.4.3 <u>Required by:</u> Agency selected <u>Best in the Country:</u> There is no source of information on output of media stories by marine resource agencies in other states. However, we believe the quality and quantity of our informational stories are equal to or superior to those of other states.	Output	<u>Target:</u> DNE <u>Actual:</u> DNE	<u>Target:</u> DNE <u>Actual:</u> DNE	<u>Target:</u> 180 media stories reference division programs. (MSRFDP) <u>Actual:</u> 240 MSRFDP.	<u>Target:</u> 180 MSRFDP <u>Actual:</u> 304 MSRFDP	<u>Target:</u> 220 MSRFDP

<u>Performance Measure</u>	<u>Type of Measure</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
Number of individuals permitted for primitive camping on Capers Island <u>Assoc. Objective:</u> 3.4.4 <u>Required by:</u> Agency selected <u>Best in the Country:</u> Access to free camping on isolated, undeveloped coastal barrier islands is rare on the Atlantic and Gulf coasts. We believe SC is unique in this regard.	Output	<u>Target:</u> 3,500 <u>Actual:</u> 3,807	<u>Target:</u> 3,500 <u>Actual:</u> 3,809	<u>Target:</u> 3,500 <u>Actual:</u> 3,857	<u>Target:</u> 3,500 <u>Actual:</u> 3,514	<u>Target:</u> 3,500

Table Note: For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 8.1 Strategic plan applicable to the Marine Resources Division: Strategy 3.5: Provide operational support for MRD research, monitoring, stewardship, and outreach efforts - strategies, objectives, and resource (human and financial) allocations.

GOAL 3	To sustain the State's living marine resources for the cultural, recreational, commercial and economic benefit of the state's citizens and visitors.
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Associated Organization Unit: Marine Resources
Responsible Employee(s): Ms. Chantal Rice (responsible for more than three years)
Employee have input in budget? Yes, Ms. Rice has input into the budget for Objectives 3.5.1

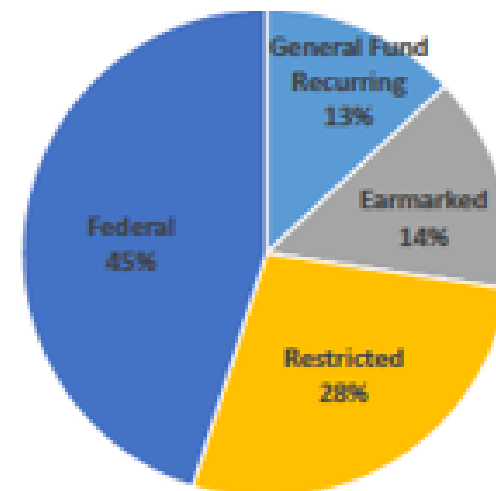
Strategy 3.5 - Provide operational support for MRD research, monitoring, stewardship, and outreach efforts.	<u>2016-17</u>		<u>2017-18</u>	
	FTE equivalents utilized	Total spent ¹⁷	FTE equivalents utilized	Total budgeted ¹⁸
<ul style="list-style-type: none"> o Objective 3.5.1 - Ensure the MRD programs safely and effectively carry out their mission. <ul style="list-style-type: none"> ▪ Partner(s), by segment: Federal, state, and local government; higher education institute; and private business 	34.00 FTE	\$3,903,501 (4.75%)	34.00 FTE	\$5,007,934 (6.09%)

Table 8.2. Performance measures associated with Strategy 3.5: Provide operational support for MRD research, monitoring, stewardship, and outreach efforts.

<u>Performance Measure</u>	<u>Type of Measure</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
Percentage of scheduled vessel days that are accomplished by the Marine Division <u>Required by:</u> Agency selected <u>Best in the Country:</u> SC Department of Natural Resources <u>Additional Notes:</u> Vessel days are dependent on weather.	Output	<u>Target:</u> DNE <u>Actual:</u> DNE	<u>Target:</u> DNE <u>Actual:</u> DNE	<u>Target:</u> 80% <u>Actual:</u> 71.1%	<u>Target:</u> 80% <u>Actual:</u> 75.1%	<u>Target:</u> 80%

Table Note: For each measure, the agency identified which "type of measure" it considered the performance measure.

Expenses		Amount
General Fund Recurring		\$2,302,416
Earmarked		\$2,525,355
Restricted		\$4,863,117
Federal		\$7,971,431
Total Expenses		\$17,662,319



Employees		
FTEs		98
Temporary Grant/Time Limited		70
Hourly		57
Total		225

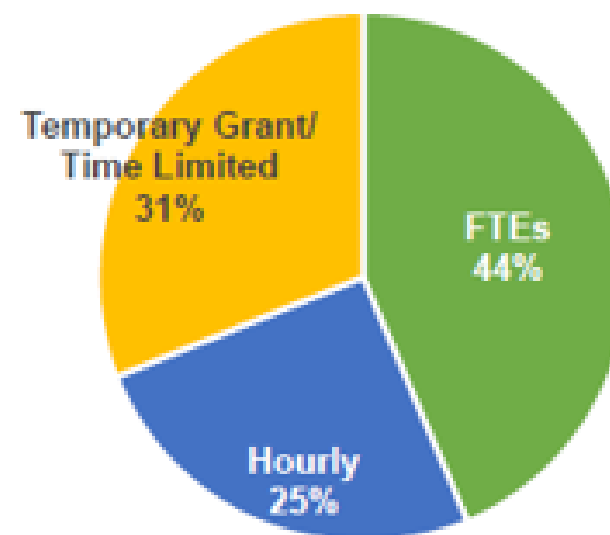


Figure 3. Marine Resources Division employees and expenses.

Agency Recommendations related to MRD

In the Program Evaluation Report, the Committee asks the agency to provide a list of recommendations related to internal changes and changes in laws, which may improve the agency's efficiency and effectiveness, or update antiquated laws. Below are the agency recommendations applicable to its Office of Support Services.

- Internal Agency Recommendation
 - #4: Facilitate electronic reporting for required marine harvest reports
 - #5: Broaden the scope and scale of programs at the Waddell Mariculture Center
- Law Recommendations
 - #2: S.C. Code Ann. 3-5-100 and 3-5-170.
 - #33: S.C. Code Ann. 50-3-110
 - #43: S.C. Code Ann. 50-5-17
 - #44: S.C. Code Ann. 50-5-25 and 50-9-960
 - #45: S.C. Code Ann. 50-5-1950
 - #85: Regulations 123-20 through 123-34 and 123-35

Internal Change #4: Facilitate electronic reporting for required marine harvest reports

To facilitate electronic reporting for required marine harvest reports.

- a. Stage of analysis: Partially implemented, harvest reports may be submitted electronically or in hard-copy form.
- b. Presented and Approved by Board/Commission: No.
- c. Performance measures impacted and predicted impact: Timeliness and accuracy of reports.
- d. Costs of the Objective(s) that will be impacted and the anticipated impact: Unknown, but expected to reduce cost of compliance.
- e. Anticipated implementation date: Required for-hire reports may be submitted electronically now, option for traditional paper reports remains available for customers who so choose.

Internal Change #5: Broaden the scope and scale of programs at the Waddell Mariculture Center

Broaden the scope and scale of programs at the Waddell Mariculture Center in Bluffton to support local stewardship efforts.

- a. Stage of analysis: Under development.
- b. Presented/approved by Board/Commission: No.
- c. Performance measures impacted and predicted impact: None.
- d. Cost of the Objective(s) that will be impacted and the anticipated impact: Minimal.
- e. Anticipated implementation date: 2018.

Law Recommendation # 2: S.C. Code Ann. 3-5-100 and 3-5-170.

Recommendation and rationale for recommendation: Repeal. The department no longer offers “leases” for oyster beds, but does this by permit.

~~SECTION 3-5-100. Areas leased for cultivation and gathering of oysters; rights of lessees. If any of the lands or property, the use of which is acquired for the rights of way and spoil disposal areas has been leased by the South Carolina Department of Natural Resources to any person for the cultivation and gathering of oysters, the Department of Natural Resources shall substitute for the leased areas lying within the rights of way and spoil disposal areas other equal areas lying without the rights of way and spoil disposal areas that also are suitable for the cultivation and gathering of oysters. The Department of Health and Environmental Control may reimburse the person for any direct actual losses resulting from the transfer of leased oyster beds. If for any reason the Department of Natural Resources is unable to reach an agreement with the owner of the leased oyster beds, the Department of Health and Environmental Control, acting for the State, may condemn the rights and property of the lessees in the leased areas.~~

~~SECTION 3-5-170. Removal of cultivated oysters which might be damaged to different leased area.~~

~~Should any person cultivating oysters upon an area leased from the State outside of the limits to be acquired for said waterway project from Winyah Bay to the state boundary line in the Savannah River elect, in lieu of claiming damages which might be done to such oysters by dredging operations, to transfer such cultivated oysters to a different leased area and the person whose dredging operations in the construction of said intracoastal waterway either shall have damaged or might damage such oysters agrees to pay the expenses of such removal, the South Carolina Department of Natural Resources may substitute for such leased areas other equal areas suitable for the cultivation and gathering of oysters in a location not subject to damage by dredging operation.~~

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: SCDHEC

Law Recommendation # 33: S.C. Code Ann. 50-3-110

Recommendation and rationale for recommendation: Amend. Renames the Law Enforcement Division, and there are no longer oyster “leases.” We regulate these under permits.

SECTION 50-3-110. Supervision of enforcement officers; enforcement of laws. The department shall have charge of the enforcement officers of the Natural Resources Law Enforcement Division of the department and exercise supervision over the enforcement of the laws of the State, regulatory, tax, license or otherwise, in reference to birds, non-migratory fish, game fish, shellfish, shrimp, oysters, ~~oyster permits~~ leases, and fisheries.

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: None

Law Recommendation # 43: S.C. Code Ann. 50-5-17

Recommendation and rationale for recommendation: Repeal. The Study ended in 2014 per the statute.

~~SECTION 50-5-17. Flounder Population Study Program.~~

~~(A) There is established the Flounder Population Study Program to be administered by the Department of Natural Resources. The program shall study the effects of flounder catch limits and the prohibition of artificial illumination produced by motor fuel powered generators on flounder (*Paralichthys* species), located in the waters of Pawleys Inlet north to the northern terminus of Main Creek at Garden City Beach. For purposes of this resolution, "gigging" means using a prong, spear, or similar device, including a bow and arrow to spear a fish.~~

~~(B) During the term of the program in the area defined in subsection (A):~~

~~(1) the lawful flounder gigging and fishing catch limit is ten per day for any individual, not to exceed twenty flounder in any one day on any boat;~~

~~(2) it is unlawful to use any type of artificial illumination produced by motor fuel powered generators while gigging or fishing for flounder from a boat or while wading in the water.~~

~~(C) The program shall run for five years, beginning January 1, 2010, and ending June 30, 2014.~~

~~(D) For purposes of this section, "motor fuel" has the same meaning as defined in Section 12-28-110(39).~~

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: None

Law Recommendation # 44: S.C. Code Ann. 50-5-25 and 50-9-960

Recommendation and rationale for recommendation: Amend. The department would like to eliminate the Mariculture Resource and Development Fund and instead give authorization to deposit the funds in the Marine Resources Fund.

~~SECTION 50-5-25. Powers and duties; deposit of revenues.~~

~~(D) Proceeds from sales of experimental mariculture products produced by the department shall be deposited in the state general fund to the credit of the Mariculture Research and Development Fund of the department to further encourage and promote development of the mariculture industry of this State by supporting operational research and development projects of the division and transfer of information to the mariculture industry. Funds deposited in the Mariculture Research and Development Fund shall be carried forward annually and used for the same purpose.~~

~~SECTION 50-9-960. Marine Resources Fund.~~

(A) The Marine Resources Fund is created for the purpose of supporting the department and its effort to conserve marine fisheries, to further encourage and promote development of the mariculture industry of this State by supporting operational research and development projects of the division and transfer of information to the mariculture industry. The assets of the fund are derived from the following sources:

(8) revenue from sales of experimental mariculture products produced by the department.

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: None

Law Recommendation # 45: S.C. Code Ann. 50-5-1950

Recommendation and rationale for recommendation: Repeal. The Saltwater Recreational Fisheries Advisory Committee (SRFAC) was established in 1992 as an oversight mechanism to give recreational fishermen assurance that newly established license revenues would be used to effectively support programs, projects and activities that would benefit SC saltwater recreational fisheries. For more than 25 years the SCDNR has used all related funds exclusively to support and enhance saltwater recreational fisheries. Given this proven track record of success in meeting the intent of the law and proper usage of these revenues there is no longer the need for continuing this particular oversight mechanism. Close public scrutiny and expectations, as well as general oversight of activities through the Marine Advisory Committee are adequate.

~~SECTION 50-5-1950. Saltwater Recreational Fisheries Advisory Committee established; composition; compensation; term.~~

~~(A) A Saltwater Recreational Fisheries Advisory Committee is established to assist in prioritizing the expenditures of monies received in the special account. The committee is composed of:~~

~~(1) one member of the Board of the Department of Natural Resources to serve ex officio;~~

~~(2) two at large members appointed by the Governor; and~~

~~(3) one member from each of the following coastal counties appointed by a majority of the respective legislative delegations of Beaufort, Charleston, Colleton, Georgetown, Horry, Jasper, Dorchester, and Berkeley Counties.~~

~~(B) The members in subsection (A)(2) and (3) shall represent the saltwater recreational fishing community.~~

~~(C) Committee members shall be paid the usual mileage, subsistence, and per diem as prescribed by law for members of state boards, commissions, and committees to be paid from revenues from the sale of stamps, licenses, prints, and related articles.~~

~~(D) The terms of members in subsection (A)(2) and (3) are for four years and are limited to two consecutive terms. Vacancies shall be filled for the remainder of the unexpired term in the manner of original appointment.~~

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: Governor's Office.

Law Recommendation # 85: Regulations 123-20 through 123-34 and 123-35

Recommendation and rationale for recommendation: Repeal. Marine Regulations have been replaced by Code and are no longer valid. These Regulations refer to Chapter 17 which no longer exists in Title 50 SC Code of Laws.

123-20 Fishing With a Channel Net.

~~(Statutory Authority: 1976 Code Section Section 50-5-110, 50-17-1020, 50-17-1590)~~

~~The following requirements shall apply to all fixed or stationary nets having a mesh size of less than two and one-half inches stretch mesh used in coastal waters and shall include, but not be limited to, shrimp channel or set nets (defined as conical bag-shaped nets similar in design to a trawl net, which is attached to poles, stakes, buoys or other fixed objects and which is not pulled by a boat), butterfly nets, frame nets, bag nets, trawl nets and any other conical or bag-shaped nets which are attached to poles, stakes, buoys anchored vessels or other fixed objects; provided, however, that shrimp or crab drop nets, and elver fyke nets, shall not be subject to these regulations:~~

- ~~1. Any person using a channel net as defined by S. C. Wildlife and Marine Resources Department Regulation 123-20 or other fixed or stationary net described above in any of the saltwaters of this State shall first obtain and have in possession a valid permit issued by the Marine Resources Division;~~
- ~~2. Each net used under the provisions of this rule and regulation must have a valid license as required under Section 50-17-130;~~
- ~~3. The width and mesh size of any channel net or other stationary net included under this rule and regulation must conform to the provisions of this Section 50-17-420, S. C. Code of Laws;~~
- ~~4. No channel or set net may be operated from a shrimp trawler or any other boat under a duly issued channel net permit;~~
- ~~5. No channel net or other stationary net used under authority of this rule and regulation may be set within two hundred (200) feet of a net previously set as provided in Section 50-17-450, S. C. Code of Laws.~~
- ~~6. Any channel net or other stationary net included under this rule and regulation left unattended must be marked with a sign or buoy having the name, address and permit number of the owner thereon;~~
- ~~7. Any channel net set at night must be marked by a white light clearly visible from a distance of one quarter of a mile.~~
- ~~8. Any person who obtains a permit under the provisions of this rule and regulation is required to keep a daily catch record on forms prescribed and provided by the Division.~~
- ~~9. The issuance of channel net or other stationary net permits hereunder is subject to the regulations of the S. C. Department of Highways and Public Transportation, U. S. Coast Guard and U. S. Army Corps of Engineers.~~
- ~~10. Channel nets or other stationary nets may be used only in those areas and at those times prescribed by the Marine Resources Division and the operation of such nets in any area or at any time not so authorized is illegal.~~
- ~~11. The penalty for violation of the provisions of this rule and regulation or the statutes upon which it was promulgated shall be as prescribed in Section 50-17-450, S. C. Code of Laws as Amended, and in addition the permit issued said violation may be suspended or revoked by the Marine Resources Division.~~

~~12. Except as specifically modified or changed hereby, all prevailing laws, rules and regulations concerning fishing and boating in South Carolina shall remain in full force and effect.~~

~~123-21 Operation of Crab Pots.~~

- ~~1. Every crab pot, trap, float or buoy shall be marked with the license number issued by the Division.~~
- ~~2. No crab pot or trap shall be placed in any stream, creek or river within one hundred (100) yards of a public boat ramp or launching area.~~
- ~~3. No crab pot or trap shall be so set so as to be left dry at low water.~~
- ~~4. No glass bottles, jugs or metal cans shall be used as floats or buoys for crab traps or pots.~~
- ~~5. No crab pot or trap shall be abandoned, or left unattended, in coastal waters for more than five (5) days. The finding of any crab pot or trap with dead or decomposing crabs, or the finding of excessive marine growth on the trap, line or buoy shall be sufficient grounds for confiscation.~~
- ~~6. Any crab trap or pot found in violation of these regulations shall be confiscated.~~
- ~~7. The penalty for the violation of this Rule and Regulation shall be as prescribed by Section 50-17-130 of the 1976 Code.~~

~~123-23 Tags on Submerged Traps.~~

~~All submerged traps licensed under Section 50-17-360(3) shall have affixed to the trap a tag showing the number of the license issued for such trap. An untagged trap is subject to confiscation.~~

~~123-24 Master of a Vessel Licensed by the Division of Commercial Fisheries.~~

~~Section 50-17-410 of the 1976 Code provides that at the time of securing boat licenses the owner of the boat shall file with the Division of Marine Resources a sworn statement giving the name and address of the master or captain of the boat.~~

~~No person under the age of sixteen (16) years shall be named in such statement as the master or captain of the boat.~~

~~123-25 Numbering of All Vessels Used for Harvesting Shellfish Commercially in South Carolina.~~

- ~~1. "Vessel" shall mean every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.~~
- ~~2. Each vessel used to take shellfish for market shall display a number issued by the S.C. Wildlife and Marine Resources Department, Division of Marine Resources. The number shall be issued to all commercial operators holding shellfish leases or permits for harvesting shellfish in this State and the number shall be valid only for harvesting shellfish on the lease or area for which it is issued.~~
- ~~3. The penalty for violation of this Rule and Regulation shall be as prescribed by Section 50-17-100 of the 1976 Code.~~

~~123-26 Point of Juncture of Bull Creek and Waccamaw River Established.~~

~~The point of junction of Bull Creek and Waccamaw River is the 40-mile limit referred to in subsection (1) of Section 50-17-240, Code of Laws of South Carolina, 1976, relating to the open and closed seasons on shad.~~

~~123-28 License for Selling Shad.~~

~~Section 50-17-390, Code of Laws of South Carolina, 1976, shall not apply to persons, firms, or corporations selling shad strictly at retail.~~

~~123-29 One-Quarter Mile Off-Shore Line.~~

~~If the place from which the one-quarter mile off-shore line is not designated by law it shall be measured from the mean low tide mark.~~

~~HISTORY: Amended by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993.~~

~~123-30 Penalties.~~

~~Where penalties are not provided under the Commercial Fisheries Laws, in the event of a violation, any provisions of such laws for punishment or penalty shall be as provided for in Section 50-17-130, Code of Laws of South Carolina, 1976.~~

~~123-31 Dumping of Trash Fish.~~

~~The dumping of trash fish or waste fisheries products from commercial trawlers within one-quarter mile of any South Carolina resort beach is prohibited.~~

~~123-32 Affixing Tax Tags to Shad.~~

~~All shad on which a tax is required by Section 50-17-310, Code of Laws of South Carolina, (1976), and offered for sale or shipped from any point within or without the State and all shad imported into the State shall have affixed thereto a Division of Marine Resources' tag evidencing the fact that the required tax has been paid.~~

~~123-33 Taking American Eels and Catfish in Certain Waters.~~

~~1. This rule and regulation regulates the taking of American eels (*anguilla rostrata*) in the following waters of this State: In the Cooper River and its tributaries from the Seaboard Coastline Railroad Bridge located three thousand three hundred (3,300') feet downstream from the lock and deck of the Jeffries Hydro Plant seaward to the point of the confluence of the Cooper River and the Wando River at a line running from the tip of Daniel Island westerly to the Old Coal Tipple Site.~~

~~2. There shall be no limit on the number of eels taken.~~

~~3. All persons actively engaged in the taking of eels in such waters shall be required to have a valid statewide fishing license as provided under Section 50-9-450 or 50-9-460. In addition all such persons shall be required to have a valid land and sell license as provided under Section 50-17-180, and any vessel used shall be required to be licensed under Section 50-17-210.~~

~~4. Eels may be taken legally from those waters subject to its rule and regulation only with the following equipment and gear:~~

~~a. Pots and baskets not to exceed two (2') feet in diameter and four (4') feet in length with bar mesh of not less than one-half (1/2") inch square and throat opening not to exceed two (2") inches in any direction. Each such pot or basket shall be tagged and marked in accordance with Section 50-5-110, Section 50-19-2910, and Section 50-19-2920, with the cost of each tag being one (\$1.00) dollar.~~

~~That records shall be maintained in accordance with the provisions of Section 50-5-80(3).~~

~~Provided, that pots and baskets may be set or used only from Stoney Landing seaward in the Cooper River and its tributaries; and that the use of any pot or basket at any time in the Cooper River from the Seaboard Coastline Railroad Bridge located three thousand three hundred (3,300') feet downstream from the lock and deck of the Jeffries Hydro Plant to~~

Stoney Landing shall be a violation of this Rule and Regulation. Pots and baskets shall be allowed to be set or used twenty four (24) hours a day and seven (7) days a week in all of the authorized areas of such use.

b. Fyke nets with wings not exceeding ten (10') feet in length and fourteen (14') feet in depth; with the distance from throat to cod end not to exceed twenty (20') feet. Maximum bar mesh for any portion of the nets shall not exceed one eighth (1/8 ") inch square; and all fyke nets must be set with the cod end upstream from the wings. Fyke nets shall be set only between sunset and sunrise, and all such nets shall be removed from such waters between sunrise and sunset. A license as required under the provisions of Section 50-17-360 shall be required for each fyke net used for the taking of eels from such waters.

c. Hand-operated dip nets not to exceed two (2') feet in diameter.

5. Those types of equipment and gear authorized for use in taking eels from such waters shall be used only where fishing is legal; and any eel basket or pot, fyke net or dip net which is used in any manner in violation of this rule and regulation and any device or equipment which is used in such waters for the taking of eels which is not authorized herein, shall be confiscated by the South Carolina Wildlife and Marine Resources Department; and the Department shall dispose of such equipment and any catch found therein in the manner it deems appropriate.

6. Any game fish taken by use of eel pots and baskets, fyke nets or dip nets in such waters shall be returned immediately to the waters from whence they came.

7. All of the provisions of this rule and regulation shall be applicable in full to the taking of catfish from such waters.

8. The penalty for the violation of this Rule and Regulation shall be that prescribed by Section 50-17-100 or Section 50-19-2960, whichever the Court shall deem most applicable to the offense involved.

HISTORY: Amended by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993.

123-35 Turtle Excluder Devices Required in Channel Nets:

A. The following regulations apply to fishing gears known as channel (set) nets as defined in Sections 50-17-130, 50-17-421, and 50-17-450, and regulation 123-20, SC Code of Laws:

(1) Functional "soft" or "hard" Turtle Excluder Devices (TEDs) must be correctly installed in all channel (set) nets used in the state waters of South Carolina, except in areas specifically exempted by these regulations:

(2) "Soft" TEDs must conform to the following specifications:

(a) Webbing must be polypropylene or polyethylene

(b) Stretched mesh size may not exceed 6 inches

(c) Horizontal, taut length of the panel may not exceed 120 inches (10 feet)

(d) Panel width at the leading edge may not exceed 229 inches (19 feet)

(e) The escape opening may not be less than 72 inches (6 feet)

(f) The TED panel must form a complete barrier inside the net forward of the codend

(g) The TED must slope upwards with the escape opening being on the top of the net just forward of the panel's attachment to the top of the net

(h) An optional, rectangular flap may be installed over the escape opening, provided it is attached only on its forward edge, does not extend more than 4 inches aft of the escape opening, is no wider than 36 inches (3 feet), and the mesh size is no larger than 2 inches stretch.

(3) "Hard" TEDs must conform to the following specifications:

~~(a) The TED must be a single, rigid, oval deflector grid which is made of steel rod or pipe not less than 1/3 inch diameter, aluminum rod or pipe not less than 1/2 inch diameter, or fiberglass rod of comparable strength~~

~~(b) The TED must be installed such that it is at a 30 degree to 45 degree angle from the horizontal when in use~~

~~(c) The minimum inside diameter may not be less than 30 inches~~

~~(d) The minimum (slit) escape opening is 35 inches~~

~~(e) The maximum spacing between the bars is 4 inches; there is no minimum spacing~~

~~(f) All "hard" TEDs must be top exiting only~~

~~(g) An optional, rectangular flap may be installed over the escape opening, provided it is attached only on its forward edge, does not extend more than 4 inches aft of the escape opening, is no wider than 36 inches (3 feet), and the mesh size is no larger than 2 inches stretch.~~

~~(4) Channel (set) nets will not require Turtle Excluder Devices if they are fished east of a line in Winyah Bay from the front range on Big Marsh Island, running southeast to Day Marker No. 18, thence running south southeast to red Nun Buoy No.16. All channel nets west of this line must use approved Turtle Excluder Devices. Channel nets in North Santee Bay will not be required to have Turtle Excluder Devices. However, the Department may require TEDs in additional or all open areas if a significant threat to sea turtles is determined.~~

~~(5) Any sea turtle accidentally taken must be immediately released unless it is apparent that resuscitation is required. If resuscitation is required, the fisherman must retain the turtle until such time that the turtle has sufficiently recovered and is capable of swimming. At that time, the turtle must be released.~~

~~HISTORY: Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997.~~

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: None

COMMITTEE CONTACT INFORMATION



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¹ DNR Marine Resource Division FY 2017 White Paper included in DNR's PER.

² Agency's PER, Comprehensive Strategic Finances Chart

³ Agency's PER, Comprehensive Strategic Finances Chart

⁴ Department of Administration, Executive Budget Office, "2016-17 Accountability Report Technical Assistance Guide," under Agency Accountability Reports <http://www.admin.sc.gov/files/FY%202016-17%20Accountability%20Report%20Technical%20Assistance.pdf> (accessed July 21, 2017). See also, Agency PER.

⁵ Program Evaluation Report, Comprehensive Strategic Finances Chart

⁶ Program Evaluation Report, Comprehensive Strategic Finances Chart

⁷ SC House of Representatives, House Legislative Oversight Committee, "Presentation by Election Commission (May 9, 2017 Subcommittee Meeting)," under "Mission, Goals & Strategic Plan," under "The State Election Commission," and under "House Legislative Oversight Committee," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Presentation%20by%20Election%20Commission%20\(May%209,%202017%20Subcommittee%20Meeting\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Presentation%20by%20Election%20Commission%20(May%209,%202017%20Subcommittee%20Meeting).pdf) (accessed August 24, 2017). The methodology the agency utilizes includes the agency assigning expenditures to objectives. The agency compares each employee's job duties to individual objectives based on percentage of time spent performing job duties related to the objective. All agency expenditures and cost of employee salaries/benefits are included in the amount assigned to each objective.

⁸ and Percentage of total amount appropriated and authorized to spend

⁹ and Percentage of total amount appropriated and authorized to spend

¹⁰ The agency was asked if tracking the measure was required by the federal government, state government, or selected by the agency.

¹¹ and Percentage of total amount appropriated and authorized to spend

¹² and Percentage of total amount appropriated and authorized to spend

¹³ and Percentage of total amount appropriated and authorized to spend

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