



**Scenic River Conservation Program
Survey Report
For the South Carolina
Department of Natural Resources
January 2005**

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I. The Problem:

The South Carolina Department of Natural Resources (Attachment I-Information about the agency) and its leadership (Attachment II-2005 Leadership) are guided by a mission statement and list of strategic goals (Attachment III). Goal numbers one, three, four, six, and seven deal with the protection of natural resources and their habitats such as the rivers of South Carolina, while goal numbers five and nine maintain an agency culture that continuously seeks to improve operations and effectiveness in a professional manner for its employees and customers.

The DNR also completes an annual accountability report, which is patterned after the Malcolm Baldrige accountability model. The Department of Natural Resources Annual Report¹ states that a key measure of effectiveness for the river conservation program is the level of public participation involved in the various projects. Another measure refers to the completion of management plans and/or the completion of a recommendation within those plans.²

During 2004, the DNR initiated a regional service concept in order to maintain its natural resource protection legislative mandate with fewer employees. The River Conservation Program (Attachment IV) currently has four employees with management responsibilities for their assigned scenic rivers as well as statewide responsibilities for river conservation. They also perform other duties for the agency and division. The DNR River Conservation Program staff recognized they have a lack of structure, procedures and criteria by which they can evaluate and demonstrate (measure) the effectiveness of their program.

¹ South Carolina Department of Natural Resources Annual Accountability Report, Fiscal Year 2002-2003, section 1, p.7.

² Ibid

Because of the limited staffing, the River Conservation Program is compelled to research and explore opportunities in which to improve and implement its goals while working efficiently and effectively with the advisory councils and other partners to conserve riverine habitats. The purpose of this research project is to develop and conduct a satisfaction survey of the scenic river advisory councils, analyze the survey data, identify strengths and weaknesses, and develop new ideas or procedures that could be implemented and measured by the River Conservation Program. Methods, findings and recommendations are presented in this report.

II. Data Collection:

The Chief of the Habitat Protection Section of the Land, Water, and Conservation Division asked the river conservation staff (Attachment IV) to conduct a survey of the advisory councils in order to gain ideas and to provide information concerning the perceived effectiveness of the program.

Step one: The South Carolina Scenic Rivers Act.

The South Carolina Scenic Rivers Act Title 49, Chapter 29 (Attachment V) states that a scenic river advisory council is a committee composed six to ten voting members who represent landowners and community groups with an interest in the river. By law, the majority of voting members must be river-bordering landowners. Also by law, a department (SCDNR) staff member must chair the advisory council. The scenic river advisory councils are our partners in river management as provided by the Scenic Rivers Act. Our collective purpose is to

protect and conserve rivers, thus the advisory councils determine the overall direction of activity for a scenic river project. Decisions and courses of action are usually based on consensus. There are currently eight designated scenic rivers in South Carolina.

Step Two: Conduct a brainstorming session with the staff of the Scenic Rivers Program.

The scenic rivers program staff met on August 27, 2004, to discuss the current River Conservation Program. Four questions were asked and responses recorded (Attachment VI). Staff realized that they were not recording the accomplishments of their work or the work of the advisory councils to the extent needed for agency accountability (Malcolm Baldrige) report, thus this report will recommend ideas for obtaining better information and statistics. Also at this meeting, a draft survey instrument for the scenic river advisory councils was developed.

Step three: Conduct a survey of the eight Scenic River Advisory Councils for information concerning the program.

Using survey reference materials, staff refined the draft questions for the survey instrument. It was decided that the Middle Saluda Scenic River should not be included in the survey because it is solely managed by South Carolina Department of Parks, Recreation and Tourism. The Habitat Protection Chief (Barry Beasley) and the CPM Project Manager (Hardy Merritt) further refined those questions. The questions were given to the web-based company *Survey Monkey.com* (Attachment VII), which conducted the survey at no cost to the agency.

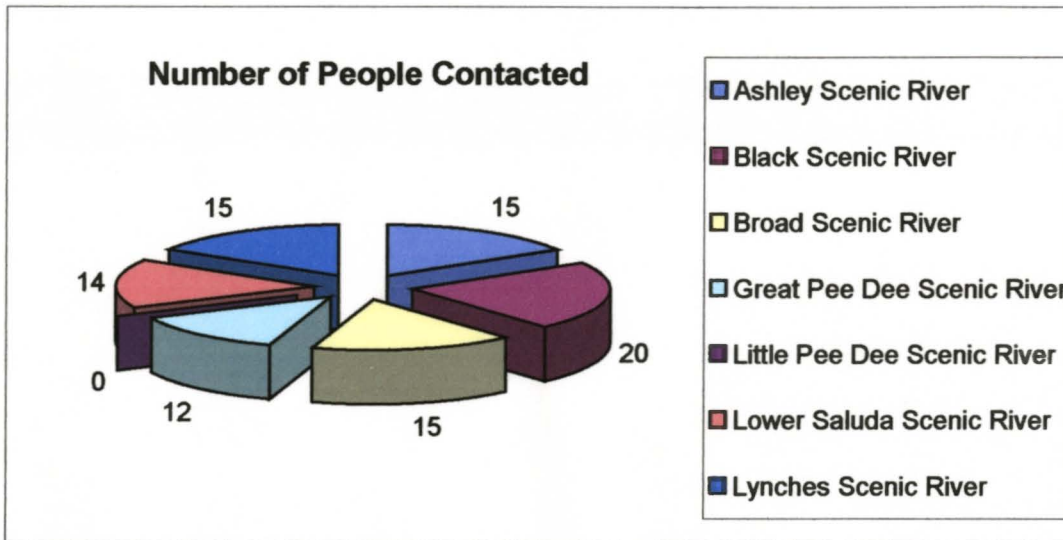
Each advisory council chairperson (who is a DNR program staff member) conducted the initial communication with his/her respective advisory council about the survey during November council meetings and via e-mail. The Lynches Scenic River Advisory Council did not receive advance notification about the survey because at that time they did not have an assigned DNR staff person. On December 1, 2004, staff sent the survey cover letter (Attachment VIII) via e-mail and ground mail to 91 people involved with active scenic river advisory councils across South Carolina. The Little Pee Dee Scenic River currently does not have an active advisory council, thus is not represented in the survey. Recipients of the survey had 17 days in which to respond to this survey on line or by mail. The survey closed at 5 PM on December 17, 2004. In January 2005, staff combined the mail-in survey data with the web-based data for the total findings (Attachment IX).

III. Data Analysis:

Survey Findings:

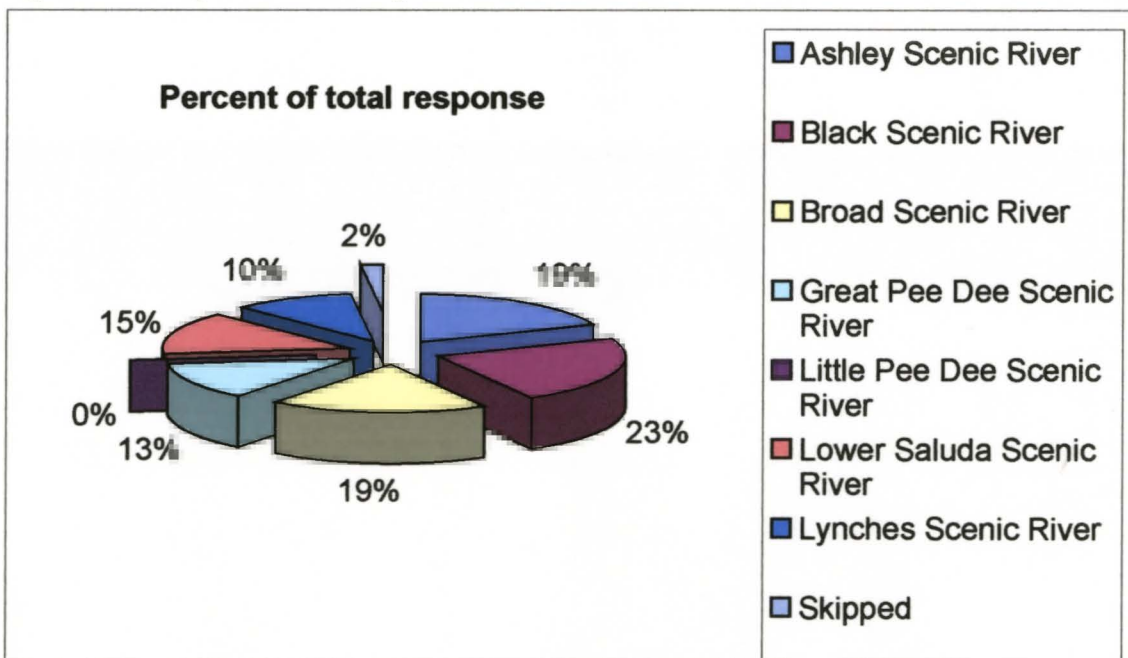
South Carolina has eight designated scenic rivers and of those eight six have active advisory councils. The survey was sent to both voting and ex officio members of the six active advisory councils (Figure 1).

Figure 1: Number of People Contacted



The first two questions answered the demographic question: *Who are the respondents?* The survey asked respondents to identify which river they served so that staff could gauge if the answers to the rest of the survey reflected the thoughts of the entire scenic river community or mainly those of one river. Respondents were asked the number of years they have served on their respective advisory council. Of the 48 responses the percentage of respondents were fairly evenly spread across the program (Figure 2).

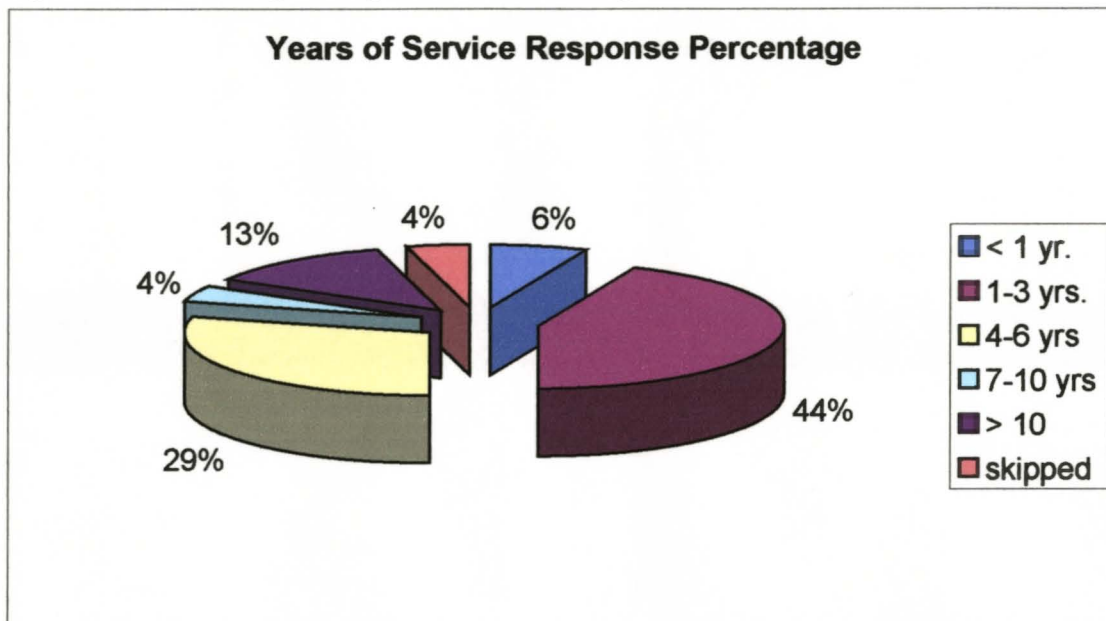
Figure 2: Response Total by Scenic River



The scenic river advisory council guidelines state that advisory council members serve for three-year terms; however, they can serve as many terms as they like.

The responses to the second question revealed that most advisory council members have served between one and six years (Figure 3).

Figure 3: Percentage Response Concerning Years of Service



The next three questions dealt with the current status of the river conservation program by asking *how well are we doing?* Forty-six percent of the advisory council members think the DNR staff members are doing a good job in addressing river conservation on their river while twenty-nine percent think that the DNR staff is only doing a fair job (Figure 4). The advisory council members are split as to whether they think they are doing a good or fair job of conserving their rivers (Figure 5). In discussions by the advisory councils, the respondents all agree that their views or those of the organization they represent are considered (Figure 6).

Figure 4: Job Performance Response Percentage for DNR Staff

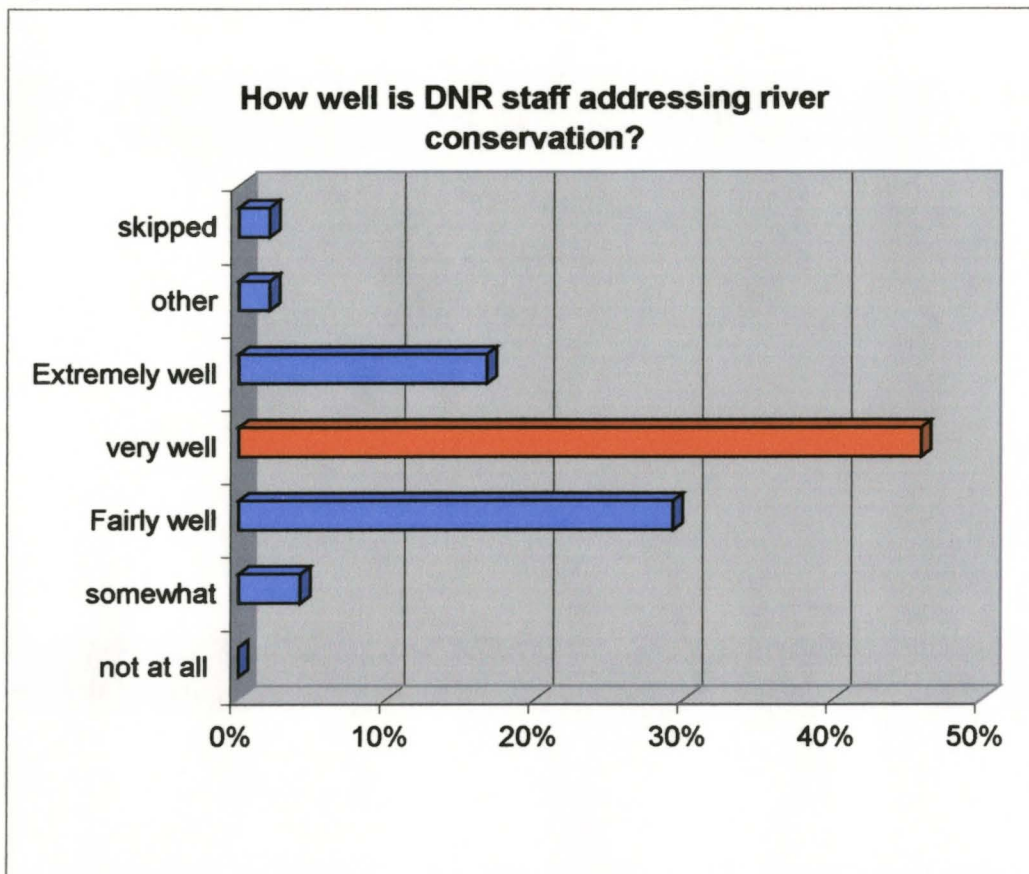


Figure 5: Job Performance Response Percentage for Advisory Councils

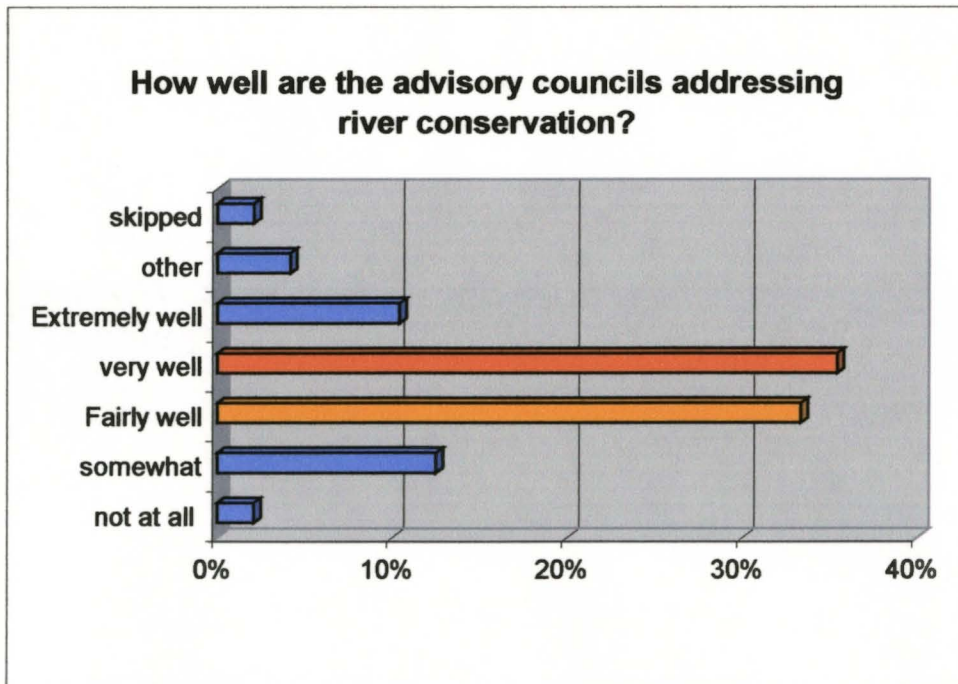
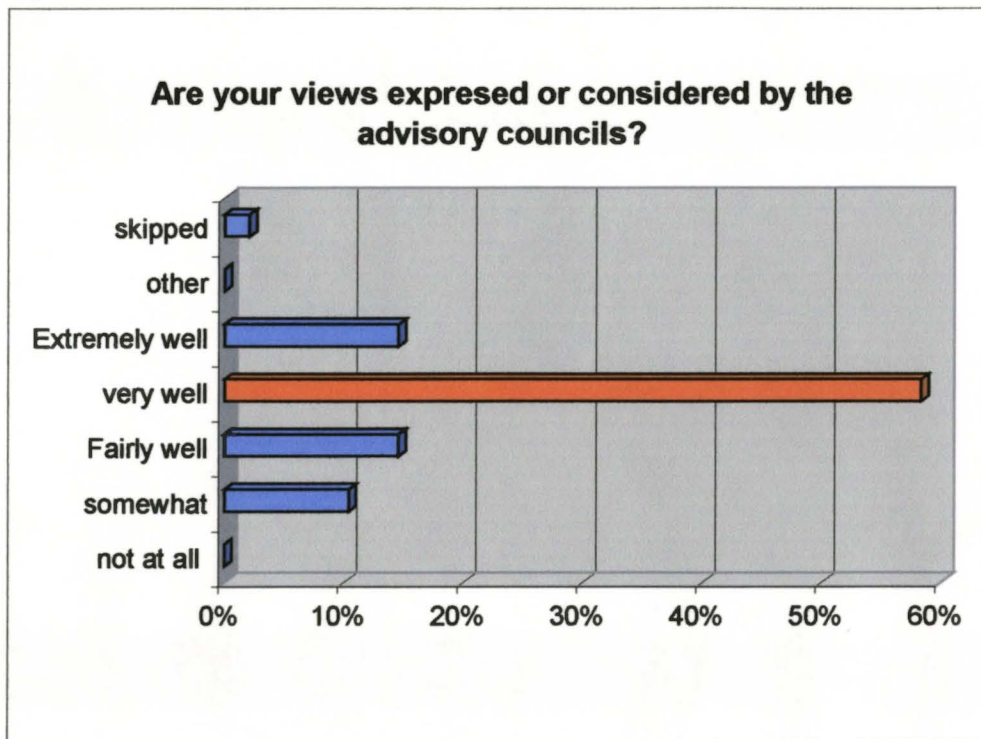


Figure 6: Meeting Conversation Satisfaction Percentage



The next five open-ended questions identified both strengths and opportunities for future improvement of the River Conservation Program. Overall the respondents believe that the advisory councils are effective in achieving river conservation, with most stating the advisory council is a voice for the river and a forum for education and communication. The respondents listed quite a few limitations, such as a lack of involvement or participation by many of the riparian landowners, and the lack of time available from the volunteer-based advisory councils and lack of funding to support advisory council actions (Attachment X).

The advisory council members believe they can best assist the DNR in river conservation efforts by monitoring the river, attending meetings, and sharing ideas and information with their local officials, neighbors, and the community while being good natural resource stewards on their own lands. Other themes

emerged from these questions: the DNR staff role should be as a leader, facilitator, coordinator, and educator. Approximately 12 percent also believe the DNR staff person or chairperson should be a more local person (Attachment X - question # 8). Seventy-six percent of the respondents think it would be beneficial for a portion of each advisory council to meet annually to exchange ideas and discuss statewide river-related issues.

The final question solicited suggestions and ideas to improve conservation efforts along a scenic river. Responses varied from specific actions to more general ideas such as education. They suggested increasing participation in the advisory councils and including land trust and chamber of commerce groups in the meetings. Recreational access and water quality improvements were also a common theme.

IV. Recommendations:

Recommendations for the DNR Staff:

- Standardize the monthly report to describe and quantify the accomplishments during a month by project (Attachment XI-Draft Monthly Report Form). The program manager should be able to take each staff person's report and combine the information to produce monthly and yearly summaries and quantitative information, which can then be used for the agency accountability report and tracked through time. This could be developed into an electronic spreadsheet (Attachment XII-Draft Spreadsheet Data Form) that will aid in recording and tracking program information.

- Consider having a more local DNR employee become the chair of an advisory council. The local DNR staff will come from a pool of DNR employees already located at the regional hubs. As the statewide river conservation staff employee becomes more of a technical assistant to the advisory council, this will allow staff to work on other projects.
- The River Conservation staff should host the officers of each advisory council to a summit meeting and river float annually to discuss riverine and administrative issues.
- Encourage and promote the work of advisory councils.

Recommendations for the Advisory Councils:

- The first task of any advisory council is to create and publish a community-based management plan for the river.
- Each fiscal year, the advisory council should elect officers such as vice chair, secretary, and two delegates to the annual river summit (the two delegates can be the vice chair and the secretary).
- Each fiscal year, the council should develop and adopt key goals with measurable success factors and completion strategies that are tied to a certain recommendation within the management plan for that river.
- Council members should continue to communicate their love and devotion for their rivers by writing newspaper articles and participating in the meetings and work of advisory councils.

- Network and partner with businesses and other community groups.

V.

Implementation and Evaluation:

Action Steps needed to put this into effect:

1. Approval of the recommendations listed above by the River Conservation staff and the advisory councils by the end of fiscal year 2004-2005.
2. Standardize the monthly staff report (Attachment XI-Draft Monthly Report Form) to better describe and quantify the actions and accomplishments of each project and develop an electronic spreadsheet to record the data (Attachment XII-Draft Spreadsheet Data Form) before the start of the new fiscal year (July 1, 2005).
3. Negotiate for a regional DNR employee to be the advisory council chairperson by September 1, 2005 (in order to tie in with the universal employee EPMS review date).
4. River Conservation staff should plan and execute an annual summit meeting and river float for the officers of each advisory council.
5. Each advisory council should elect a local vice chairperson, a secretary, and two delegates to the annual statewide summit. The two delegates can be the vice chairperson and the secretary or two different voting advisory council members.
6. Each advisory council should adopt a set of annual goals with measurable success factors, which tie into the management plan recommendations, and begin by September 1, 2005.

7. Encourage partnering and networking between state and local government entities, communities, and neighbors to promote river conservation.
8. Find ways to promote and encourage participation in advisory council meetings by having meetings at a local eating establishment or some other means.

Evaluation of this program will provide a more accurate representation of river conservation work documented in the agency's accountability report as submitted to the South Carolina Budget and Control Board. Corrections or additions to this program will be added or deleted and approved on a yearly basis.

VI.

References:

SCDNR Staff 2004. Personal and email conversations with staff concerning personnel and policy issues.

SCDNR Internet Site 2004. <http://water.dnr.state.sc.us/etc/aboutdnr.html> Department of Natural Resources agency information. Columbia, SC.

South Carolina Water Resources Commission.³ South Carolina Scenic Rivers Program Administrative Handbook, Report Number 172, 1991.

Fink, Arlene, How to Ask Survey Questions, 2nd edition, Sage Publications, Inc, Thousand Oaks, California. 2003.

South Carolina Budget and Control Board, Hardy Merritt Ph. D., General Service Program Manager, 2004, Personal and e-mail conversations concerning the survey questions.

³ On July 1, 1994, the South Carolina Water Resource Commission, the Land Resources Conservation Commission, the South Carolina Geological Survey and the South Carolina Wildlife and Marine Resources Department combined to form the South Carolina Department of Natural Resources.

Attachments

Attachment I - The Agency

The South Carolina Department of Natural Resources (DNR) was organized on July 1, 1994, under the South Carolina Restructuring Act. It is composed of the former Wildlife and Marine Resources Department, Water Resources Commission (non-regulatory programs), Land Resources Conservation Commission (non-regulatory programs), State Geological Survey (State Geologist), and S.C. Migratory Waterfowl Committee. A seven-member board governs this agency, with one member representing each of the state's six Congressional Districts and one member at large. The board meets monthly, while the various citizen advisory committees meet periodically.

Attachment II - The 2005 Leadership of DNR

John E. Frampton, Director, South Carolina Department of Natural Resources

Cary D. Chamblee, Associate Director, SC Department of Natural Resources

Carole Collins, Deputy Director for Outreach and Support Services Division

Alfred H. Vang, Deputy Director for Land, Water and Conservation Division

Col. Alvin Taylor, Deputy Director for Law Enforcement Division

Robert Boyles, Deputy Director for Marine Resources Division

Breck Carmichael, Deputy Director for Wildlife and Freshwater Fisheries Division

Attachment III -The Mission and Strategic Management Agendas

Mission:

South Carolina Department of Natural Resources is to be the advocate for and steward of the state's natural resources. And the agency's pledge is to listen to the public's concerns and balance their needs with those of the state's natural resources, for which we are accountable.

Strategic Agendas:

1. Places the resource first through the permanent protection and management of habitat and cultural (archaeological) resources of special significance.
2. Protects human life, property, natural resources and the safety of the persons using those resources.
3. Manages natural resources under its jurisdiction sustainably and as a system insuring their long-term integrity and diversity.
4. Uses the best available sound scientific and technical information in making natural resources decisions.
5. Conducts applied research to improve the base of scientific knowledge upon which natural resource management decisions are based.
6. Protects, manages and enhances the current and future public's use and enjoyment of South Carolina's fish, wildlife, aquatic, soil, water, geological and cultural resources.
7. Educates and effectively communicates with the public about South Carolina's natural resources and environment, and provides accountability by routinely involving the public in the department's decision-making processes.

8. Speaks for the state's natural resources in commenting on proposed alterations to the environment.

9. Maintains an agency culture that continuously seeks to improve operations and effectiveness in a professional manner for its employees and customers.

The Natural Resources Agenda, listed above, is implemented with the development and execution of annual objectives developed by each of the divisions of the DNR. These objectives are developed prior to the beginning of the state fiscal year and are in effect from July 1 of a given year through June 30 of the following year. Reports on annual accomplishments are presented to the DNR Board at the end of each fiscal year to help ensure that consistent and measurable progress is made in each area. The South Carolina General Assembly, DNR Board, and DNR staff help establish annual priorities based on feedback the agency receives from its constituents, as well as issues and problems identified by DNR staff.

Attachment IV- Habitat Protection Section Staff

Barry Beasley Section Chief

Administrative Staff

Rita Pardue Kay Daniels

Heritage Trust Program Staff

Stuart Greeter Bert Pittman
Chris Judge Ann Darr
Brian Long Katherine Boyle
Julie Holling

Land Acquisition Program Staff

Emily Cope Ken Prosser

River Conservation Program Staff

Bill Marshall Mary Crockett
Rich Scharf Alison Krepp

Attachment V- Scenic Rivers Act

CHAPTER 29.

SOUTH CAROLINA SCENIC RIVERS ACT

SECTION 49-29-10. Short title.

This chapter may be cited as the "South Carolina Scenic Rivers Act of 1989".

SECTION 49-29-20. Definitions.

Except as otherwise required by the context:

- (1) "Department" means the Department of Natural Resources.
- (2) "Free flowing" means existing or flowing in natural condition without impoundment, (diversion) straightening, riprapping, or other modification of the waterway. The existence of low dams, diversion works, and other minor structures at the time a river is proposed for inclusion in the State Scenic Rivers Program does not automatically bar its consideration for inclusion, but this may not be construed to authorize, intend, or encourage future construction of those structures within components of the State Scenic Rivers Program.
- (3) "Management agency" means the Department of Natural Resources.
- (4) "Mean highwater line" means that line which intersects with the shore in tidal waters representing the average height of high waters over an eighteen and one-half year tidal cycle. Benchmarks purporting to have established mean high or low water values must be verified by the department as meeting state and national ocean survey standards.
- (5) "Ordinary highwater mark" means the natural or clear line impressed on the shore or bank in nontidal waters representing the ordinary height of water. It may be determined by bank shelving, changes in the character of the soil, destruction or absence of terrestrial vegetation, the presence of litter or debris, or a combination of the above or other appropriate criteria that consider the characteristics of the surrounding area. Ordinary highwater mark is not the line reached by floods, but it is the line to which ordinary high water usually reaches.
- (6) "Perpetual easement" means a perpetual right in land of less than fee simple which:
 - (a) obligates the grantor and his heirs and assigns to certain restrictions constituted to maintain the scenic qualities of those lands bordering the river as determined by the State under this chapter;
 - (b) is restricted to the area defined in the easement deed;
 - (c) grants a privilege to those charged with the administration or enforcement of the provisions of this chapter to go upon the land for the purpose of compliance inspection.
- (7) "River" means a flowing body of water or a section, portion, or tributary of it including rivers, streams, creeks, branches, or small natural lakes.
- (8) "Road" means a highway or any hard-surface road.

SECTION 49-29-30. Findings and policy.

The General Assembly finds that certain selected rivers and river segments of this State possess unique or outstanding scenic, recreational, geologic, botanical, fish, wildlife, historic, or cultural values. It is the policy of the General Assembly to provide for the protection of these selected diminishing values and to preserve the state's natural heritage for the benefit and enjoyment of present and future generations. The provisions of this chapter complement and are considered part of the State Water Resources Plan as formulated by the department.

SECTION 49-29-40. Types of rivers eligible for inclusion in scenic rivers program.

The following types of rivers are eligible for inclusion in the State Scenic Rivers Program:

Natural rivers: those free-flowing rivers or river segments generally inaccessible except by trail or river, with adjacent lands and shorelines essentially undeveloped and its waters essentially unpolluted.

Scenic rivers: those rivers or river segments which are essentially free flowing and possess shorelines largely undeveloped and with limited road access. Adjacent lands are partially or predominantly used for agriculture, silviculture, or other dispersed human activity which does not disturb substantially the natural character of the river corridor.

Recreational rivers: those rivers or river segments accessible by road and that possess development along shorelines and adjacent lands. Included are rivers with developed or partially developed shorelines and adjacent lands for residential, commercial, or industrial purposes, rivers with parallel roads or railroads, and rivers with some impoundments. These rivers or river segments provide outstanding river-related recreational opportunities.

SECTION 49-29-50. Inventory and study of rivers; designation of river as eligible state scenic river; proposals for inclusion of additional rivers.

(A) The department shall inventory and study all South Carolina rivers and identify the rivers or river segments which possess unique or outstanding scenic, recreational, geological, botanical, fish, wildlife, historic, or cultural values in accordance with Section 49-29-70.

(B) Rivers or river segments identified in the inventory as possessing unique or outstanding scenic, recreational, geologic, botanical, fish, wildlife, historic, or cultural values are eligible for the State Scenic Rivers Program and may be designated as an eligible state scenic river by the department. Rivers or river segments so designated are subject to the completion of a management plan and the acquisition of management rights on adjacent riparian lands.

(C) Proposals for including additional rivers or river segments may be made by state agencies, local governments, and other governmental or citizen's groups and submitted to the department for evaluation and study.

SECTION 49-29-60. Public meeting on proposed designation of river as scenic river.

The department shall hold a public meeting in the vicinity of the river or river segment proposed for addition to the State Scenic Rivers Program. This public meeting must be conducted before any action by the department to designate the river or river segment as an eligible state scenic river. The purpose of this meeting is to solicit comments from the public concerning the proposed designation of a river or river segment. Notice of this meeting must be published at least thirty days before the meeting in the State Register and in a newspaper having general circulation in each county containing or bordering the river or river segment under study and in a newspaper having general circulation in the State. Landowners along the proposed river or river segment also must be notified by letter.

SECTION 49-29-70. Minimum criteria for assessing river's eligibility for designation as scenic river.

The department shall establish and publish minimum criteria for assessing a river's eligibility and classification under the State Scenic Rivers Program. To qualify as eligible, the river or river segment must possess unique or outstanding scenic, recreational, geological, botanical, fish, wildlife, historic or cultural values. The level of pollution of a river's waters must be considered in determining eligibility for qualification as a scenic river. A river with relatively polluted waters may qualify as eligible as a scenic river if other values are considered outstanding. The river or river segment must be managed permanently for the preservation or enhancement of its values.

SECTION 49-29-80. Advisory council for designated scenic river.

After eligibility procedures for a river or river segment are completed by the department, and the General Assembly ratifies such designation, the department, through the executive director, shall establish an advisory council for that scenic river. The advisory council must be appointed as early as possible to assist the work of the department. Each advisory council must consist of not less than six nor more than ten members who must be selected from local government, riparian landowners, community interests, and the department, whose staff member must serve as chairman. The riparian landowners must constitute a majority of the membership on each council. The duties of the advisory councils are to assist and advise the department concerning protection and management of each scenic river.

SECTION 49-29-90. Formal action by department required for designation; notice of proposed designation; approval of designation by General Assembly.

No river or river segment may be eligible as a state scenic river and accorded the protection of this chapter, except upon formal action by the department. Following action by the department declaring a river or river segment eligible as a state scenic river, the department shall publish a notice of the eligibility in the State Register and provide written notice to the State Budget and Control Board, the Department of Revenue, and the affected units of local government. Notice of eligibility also must be published in a newspaper of general circulation in the State to apprise interested parties of the opportunities under Section 49-29-100. The notice must describe the boundaries of the river or river segment. Following notice of eligibility, the department shall submit the same to the General Assembly for review. No river or river segment may be designated a state scenic river until the General Assembly has duly enacted legislation ratifying such designation.

SECTION 49-29-100. Acquisition of lands adjacent to scenic rivers; donations; requirements; tax treatment of donations; reports; liability of title holders.

After ratification by the General Assembly of the designation of a river or river segment as a scenic river under the State Scenic Rivers Program, the State, through the Budget and Control Board, and with the consent of the legislative delegation for the county in which the land is located, may purchase with donated or appropriated funds, exchange lands for, or otherwise accept donations of certain lands adjacent to the eligible river or section of a river either in fee simple or perpetual easement from an owner. Unless unusual circumstances warrant, purchases of land adjacent to scenic and recreational rivers may not be less than one hundred feet in width from the ordinary high-water mark or mean high-water line of the river in normal conditions. Purchases of land for natural rivers may not be less than three hundred feet in width from the ordinary high-water mark or mean high-water line of the river.

For landowners donating perpetual easements to the State under the Scenic Rivers Program, a deduction from state income tax may be taken equal to the fair market value of the easement granted. The value of a perpetual easement is determined as the difference between the fair market value of the total property before the land is burdened with the easement and the fair market value of the property after the easement is granted. After the grant of a perpetual easement, land subject to a permanent easement is exempt from all property taxes. Donors of land in fee simple may elect to take a deduction from state income tax equal to the value of the fee donated. For both donations in fee simple or easement, the donor may elect to take the deduction during a five-year period following the donation. The total deduction may be taken during any one year of the five-year period or the deduction may be taken in proportionate amounts during the five-year period. The value of the fee or easement must be assessed at the time of the donation.

Land placed in the Scenic Rivers Program which is owned by the State may be restricted in conformance with this chapter by executed easement or deed restriction executed by the donating agency and approved by the Budget and Control Board.

The Budget and Control Board shall submit annually a report of the property included in the Scenic Rivers Program to the Department of Revenue and the auditor of each county in which the property is situated.

The limitations of the liability of titleholders, as provided under Section 29-3-50, apply to all land purchased or donated in easement under the Scenic Rivers Program.

SECTION 49-29-110. Scenic Rivers Trust Fund.

There is created the Scenic Rivers Trust Fund which must be kept separate from other funds of the State. The fund must be administered by the department for the purpose of acquiring fee simple or lesser interest in land adjacent to scenic rivers and river segments, legal fees, appraisals, surveys, or other costs involved in the acquisition of those interests. The fund also may be utilized for educational or planning projects associated with the administration and management of the State Scenic Rivers Program.

Unexpended balances, including interest derived from the fund, must be carried forward each year and used for the purposes provided in this chapter.

No fund money may be expended to acquire an interest in land by eminent domain nor may the funds be expended to acquire interest in land without a recommendation from the board and the approval of the Budget and Control Board.

The board shall report by letter to the presiding officers of the General Assembly and chairmen of the House and Senate Agriculture and Natural Resources Committees each year all funds expended pursuant to this chapter for the previous year, including the amount of funds expended and the uses to which the expenditures were applied.

The fund is eligible to receive appropriations of state general funds, federal funds, donations, gifts, bond issue receipts, securities, and other monetary instruments of value. A reimbursement for monies expended from this fund must be deposited in this fund. A fund received through sale, exchange, or otherwise of land acquired under this chapter accrues to the fund.

SECTION 49-29-120. Acquisition of land by eminent domain prohibited.

The lands to be placed in the Scenic Rivers Program may be obtained only from private or corporate owners voluntarily in the manner specified in Section 49-29-100. Neither the State nor an agency or department of it may obtain by eminent domain land for the Scenic Rivers Program either in fee simple or in perpetual easement.

SECTION 49-29-130. Title of donated land to revert back to donor.

Whenever land or a portion of it donated pursuant to this chapter ceases to be used for the purpose for which it was donated, the title to the land reverts to the donor.

SECTION 49-29-140. Applicable policies for managing scenic rivers.

Management of scenic river areas may differ in degree within a given class of rivers based on the special attributes of the river but must adhere to the following management policies:

(1) Natural rivers must be managed in a manner which:

(a) would best maintain and enhance those conditions which are attributed to wilderness type areas;

(b) would allow camping and river access only at designated public access areas; and

(c) would allow certain public uses only within prescribed public access areas.

(2) Scenic rivers must be managed in a manner which best maintains and enhances the scenic values of the river and the adjacent land while at the same time preserving the right of riparian landowners to use the river for customary agricultural, silvicultural, or other similar purposes.

(3) Recreational rivers must be managed in a manner which would best maintain and enhance the scenic values of the river while at the same time preserving the right of riparian landowners to use

the river for customary agricultural, silvicultural, residential, recreational, commercial, and industrial purposes.

To the extent practicable and consistent with the objectives of this chapter to preserve and maintain scenic rivers, public access and use must be open in all classes of scenic rivers. The level and nature of public use must not interfere with the rights retained by the titleholders or detract from the natural scenic qualities of the land, but the State may purchase lands or accept donations of easements, in accordance with Section 49-29-100, which restricts public access and use when necessary to implement this chapter.

SECTION 49-29-150. Application of provisions regarding restrictive use or zoning of lands.

The provisions of this chapter regarding restrictive use or zoning of lands apply only to those lands which have been accepted into the State Scenic Rivers Program by donation, perpetual easement, or purchase.

SECTION 49-29-160. Comprehensive water and related land use plans.

The department shall formulate comprehensive water and related land use plans for the three classes of scenic rivers. Each plan must address access of electricity, natural gas, and communication lines or other facilities for permitted uses for each class of river facilities. Each plan must also address criteria for permitting the crossing of each class of scenic river by sellers of electric energy, natural gas, or communication services. In developing these criteria, the department must consider the state of available technology, the economics of the various alternatives, and that electric, natural gas, and communication suppliers are required to deliver their services. The department must recognize that emergency situations will arise that require immediate action and must make provision in the management plan to allow this action.

In the comprehensive plan for the river classes, the following general land and water use practices are permitted or prohibited depending on the class:

- (1) In natural river areas, no new roads or buildings may be constructed and there may be no mining and no commercial timber harvesting.
- (2) In scenic and recreational river areas, the continuation of present agricultural practices such as grazing and the propagation of crops, including timber, is permitted. The construction of farm-use buildings is permitted if it is found to be compatible with the maintenance of scenic qualities of the stream and its banks. There may be no construction of roads paralleling the river within the limits of a scenic easement or public access area. The harvesting of timber is permitted provided the landowner follows the best management practices for forested wetlands as approved by the South Carolina Forestry Commission. Mining activities are permitted pursuant to a mining permit issued under the provisions of Chapter 19 of the 'South Carolina Mining Act'. Construction for public access related to recreational use of these scenic river areas is allowed in accordance with Section 49-29-140.

SECTION 49-29-170. Access on, over or under designated rivers by sellers of electric energy, natural gas, or communication services; certificate of consistency.

Sellers of electric energy, natural gas, or communication services may cross on, over, or under lands designated as part of the Scenic River System provided that the department certifies that such crossing is consistent with the management plan for those lands. A certificate of consistency shall be issued by the department upon a finding:

- (1) that the crossing is necessary to provide electric, natural gas, or communication service; and either
 - (a) that the crossing is consistent with the management plan; or
 - (b) that the extent of deviation from the management plan for the construction, operation, and maintenance of the facility across the scenic river is justified, considering the state of available technology and the nature and economics of the various alternatives, and that the entity responsible for the encroachment will make reasonable mitigation for the impacts caused by the

construction, operation, and maintenance of the facility. The department shall issue a certification of consistency or nonconsistency within thirty days from the receipt of an application. A time extension may be granted upon a mutual agreement of both parties. Certification does not preclude the necessity to obtain other required state and federal authorizations. All administrative proceedings are subject to Article I, Chapter 23 of Title 1 (the Administrative Procedures Act), as amended.

SECTION 49-29-180. Administration of chapter; regulations; restrictions on management of scenic rivers.

The department shall administer the provisions of this chapter. The department may promulgate regulations to carry out the provisions of this chapter. In addition to general regulations, the department may promulgate further regulations based on the individual attributes of each designated scenic river area if regulations do not defeat, conflict with, or minimize the provisions of the general regulations for each class of scenic river. No scenic river may be managed in a manner that would result in the river corridor falling into a less restrictive class. Nothing in this chapter or its implementation may restrict reasonable utilization of the rivers in the program for fishing from the banks of the rivers or river segments.

SECTION 49-29-190. Agreements for mutual management of scenic rivers; certain agencies to assist department

The department may enter into agreements with local, state, and federal agencies, and private landowners, for the mutual management of a scenic river. An agency which has administrative jurisdiction over lands or interests in land along a state scenic river must assist the department to implement the policies and practices of this chapter.

SECTION 49-29-200. Enforcement of provisions of chapter.

The Natural Resources Enforcement Division of the Department of Natural Resources and the State Forestry Commission, as well as local sheriffs, constables, and special officers, shall cooperate in the inspection and enforcement of the provisions of this chapter.

SECTION 49-29-210. Penalties for violations of chapter.

A person who violates a provision of this chapter, the regulations promulgated by the management agency under it, or the conditions of the perpetual easements granted to the State under this chapter is guilty of a misdemeanor and may be compelled to comply with or obey the provisions of this chapter by injunction or other appropriate remedy and, upon conviction, must be punished by a fine of not more than five hundred dollars or imprisonment for not more than thirty days for each day of a violation. The provisions of this section do not preclude any applicable action by the Department of Revenue to remove or recover property or income tax due it under Section 49-29-100.

SECTION 49-29-220. Camping activities encouraged at scenic rivers.

To the extent practicable and consistent with the objectives of this chapter to preserve and maintain scenic rivers, camping activities are encouraged to be included in the comprehensive management plans of all classes of scenic rivers when that activity does not interfere with the rights retained by the titleholders or detract from the natural scenic qualities of the land.

SECTION 49-29-230. Portions of Little Pee Dee, Broad, Saluda, Lynches, and Ashley Rivers designated scenic rivers.

The following are designated as scenic rivers:

- (1) that portion of the Little Pee Dee River located between the Highway 378 bridge crossing of the Little Pee Dee River and the confluence of the river with the Great Pee Dee River;
- (2) that portion of the Broad River located between the 99 Islands Dam and the confluence with the Pacolet River;
- (3) that portion of the Saluda River located between the old railroad abutments located three thousand feet below the Saluda Hydroelectric Plant and the confluence with the Broad River;
- (4) that portion of the Lynches River located between U.S. 15 near Bishopville and the eastern boundary of Lynches River State Park as defined on May 19, 1993.
- (5) that portion of the Ashley River located between the Highway 17A bridge crossing of the Ashley River and downstream to the Highway 526 bridge crossing of the Ashley River.
- (6) that portion of the Black River located between the Clarendon County Road No. 40 bridge crossing of the Black River and downstream to the Pea House Landing at the end of Georgetown County Road No. 38.
- (7) that portion of the Great Pee Dee River located between the U. S. Highway 378 bridge crossing of the Great Pee Dee River and downstream to the U. S. Highway 17 bridge crossing the Great Pee Dee River.

Attachment VI- Staff Brainstorming Notes

Brainstorming session dated August 27, 2004

Those in attendance: Mary Crockett, Bill Marshall, Rich Scharf, and Lynn Quattro.

- 1) List all the current actions we take to implement River Conservation and possible measures of effectiveness.
 - Create Community-based management plans.
 - Number of current recommendations working on or completed
 - Number of Advisory Council members involved or attending meetings
 - Conduct Advisory Council meetings.
 - Produce and distribute public information and activities.
 - Review and comment on permit reviews.
 - Inform and educate the public.
 - Number of talks or seminars
 - Number of river festivals or other events attended
 - Number of service projects completed i.e.. Storm drain tags, BS/RS
 - Number of canoe or survey projects involving landowners etc.
 - Number of classes on river safety
 - Public canoe/boat outings
 - Conduct eligibility studies for new scenic river designations (mileage)
 - Number of interagency programs i.e....
 - YOCW, DHEC, SCPRT, COG
 - Watch dog/ clearing house
 - Conservation Easements
 - BS/RS # of bags of liter
 - Amount of landings cleaned
 - Number of people participating
 - Grant programs
 - Number of Community/local/and state Decision makers attending meetings with advisory council members and staff.
 - Amount and type of development within the riparian zone as documented on aerial photographs or county tax maps
- 2) How do we track the above items?
 - Currently we do not track all of the above items and for those we do track, we all record it differently.
- 3) How do you suggest we track these items?

Make the monthly reports standard for our program...by including the following

 - Number of Advisory Council meetings
 - And track what recommendations are being worked on and document the progress and findings

- Number of canoe, boating or outings with river staff and Advisory Council members.
 - Number of Public Presentations
 - Number of program interaction with other agencies, meetings or specific projects
 - Number of days working on a project per month
 - Number of major accomplishments of the Scenic Rivers program
 - Other Accomplishments
 - Awards
 - Publicize these things both locally and in DNR circles
- 4) What do our advisory council members think about the river conservation program and how we all contribute?
- Need to conduct a survey

Possible draft survey questions:

Public perception of how and what we do...

- 1) Do you think the Advisory Council members and SCDNR staff are adequately addressing river conservation?
- 2) How can the Advisory Council and SCDNR staff improve or become more effective in addressing river conservation?
- 3) What do you think is the most important thing you can do as an Advisory Council member to help in addressing river conservation?
- 4) Do you feel your views are adequately expressed or considered by the Advisory Council?
- 5) What do you think your role should be as a Scenic River Advisory Council member?
- 6) What do you think the SCDNR staff role should be as a part of the Scenic River Advisory Council?



Attachment VII - Survey Cover Letter
River Conservation Program



S.C. Department of Natural Resources
S.C. Department of Natural Resources – Land, Water, and Conservation

1000 Assembly Street § Columbia, SC 29201 § (803) 734-9100

Internet: www.dnr.state.sc.us/etc/conservation

December 1, 2004

Dear Advisory Council member,

We are asking you to participate in a business research project concerning the South Carolina Department of Natural Resources' River Conservation Program. As part of this research project we are conducting a survey to gain your ideas and suggestions to help us improve our program.

If you have email and access to the web we invite you to fill out the survey on-line using the URL listed below. For those of you without email or web access, we invite you to complete the enclosed survey and return it in the enclosed envelope.

Your completed survey needs to be in our office by close of business Friday December 17, 2004 to be counted in the business report.

To access the survey on line, please type in the password ***CPM*** in the space provided and hit submit.

It should only take about thirty (30) minutes to complete the survey. This site and survey will be available for a limited time period. The dates of this survey will be from December 1, 2004 to December 17, 2004. Please plan to complete your survey prior to the close of business December 17th.

<http://www.surveymonkey.com/s.asp?u=11188749698>

We appreciate your input and suggestions for improving our programs. If you have any questions concerning the web site or survey please contact me at 803-734-9111 or email me at CrockettM@dnr.sc.gov

Thank you for your help,

Mary Crockett, Planner
SCDNR River Conservation Staff

Attachment VIII- Survey Instrument

Website Survey for SC Scenic River Conservation

[Exit this survey >>](#)

1. Introduction

This survey will be used as a tool to improve our joint role in the conservation of South Carolina's Scenic Rivers by the river conservation staff of SCDNR and the advisory councils.

Click "Next" to begin the survey. If for any reason you would like to leave the survey click "Exit this survey". Your answers will be saved.

[Next >>](#)

Website Survey for SC Scenic River Conservation

[Exit this survey >>](#)

2. Demographic

Please let us know about your service on a scenic river advisory council.

1. On which scenic river advisory council do you serve?

- Ashley Scenic River
- Black Scenic River
- Broad Scenic River
- Great Pee Dee Scenic River
- Little Pee Dee Scenic River
- Lower Saluda Scenic River
- Lynches Scenic River

2. How many years have you served South Carolina as a member of a scenic river advisory council?

- less than one year
- 1-3 years
- 4-6 years
- 7-10 years
- 10 or more years
- Other (please specify)

[<< Prev](#) [Next >>](#)

Website Survey for SC Scenic River Conservation**Exit this survey >>****3. Current status**

Please provide your thoughts on the current river conservation program.

3. How well do you think the SCDNR staff is addressing river conservation along your designated scenic river?

- Not at all
- Somewhat
- Fairly well
- Very well
- Extremely well
- Other (please specify)

4. How well do you think your scenic river advisory council is addressing river conservation?

- Not at all
- Somewhat
- Fairly well
- Very well
- Extremely well
- Other (please specify)

5. How well do you feel your personal views or those of the organization you represent are expressed and considered by the advisory council?

- Not at all
- Somewhat
- Fairly well
- Very Well
- Extremely well
- Other (please specify)

Website Survey for SC Scenic River Conservation

[Exit this survey >>](#)

4. Future Directions

Please help us formulate improvements for our river conservation program by answering the following questions.

6. Do you believe the scenic river advisory councils are effectively accomplishing river conservation along your scenic river? If yes, how is it effective? If not, what are its limitations?

7. How do you feel you can best assist river conservation efforts as an advisory council member?

8. What do you think the SCDNR staff role should be as a part of a scenic river advisory council? How can the SCDNR be more effective?

9. Would it be beneficial to you to meet annually with other scenic river advisory members and other river conservation organizations in South Carolina?

10. Overall, how would you improve river conservation efforts along your scenic river?

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Website Survey for SC Scenic River Conservation

Website Survey for SC Scenic River Conservation

Exit this survey >>

5. Thanks!

We appreciate your comments. Your responses, ideas and suggestions will help us improve the river conservation program.

Thanks again!

Mary Crockett, Planner
SCDNR River Conservation Staff

[<< Prev](#)

[Done >>](#)

**Attachment IX- Comprehensive Survey Data
For questions 1-5**

1. River name	# People Contacted	Total Response	% of total response	% of total contacted
Ashley Scenic River	15	9	19%	60%
Black Scenic River	20	11	23%	55%
Broad Scenic River	15	9	19%	60%
Great Pee Dee Scenic River	12	6	13%	50%
Little Pee Dee Scenic River	0	0	0%	0%
Lower Saluda Scenic River	14	7	15%	50%
Lynches Scenic River	15	5	10%	33%
Skipped		1	2%	
	91	48	100%	52%

2. How many years of service?

	Response Total	Response Percentage
< 1 yr.	3	6%
1-3 yrs.	21	44%
4-6 yrs	14	29%
7-10 yrs	2	4%
10 >	6	13%
Skipped	2	4%
	48	100%

3. How well is staff addressing river conservation on your designated river?

	Response Total	Response Percentage
Not at all	0	0%
Somewhat	2	4%
Fairly well	14	29%
Very well	22	46%
Extremely well	8	17%
Other	1	2%
Skipped	1	2%
	48	100%

How well is the Advisory Council addressing river conservation?

	Response Total	Response Percentage
Not at all	1	2%
Somewhat	6	13%
Fairly well	16	33%
Very well	17	35%
Extremely well	5	10%
Other	2	4%
Skipped	1	2%
	48	100%

5. Are your views or those of your organization expressed and considered by the Advisory Council?

	Response Total	Response Percentage
Not at all	0	0%
Somewhat	5	10%
Fairly well	7	15%
Very well	28	58%
Extremely well	7	15%
Other	0	0%
Skipped	1	2%
	48	100%

***Attachment X- Survey Data
Summary findings of questions 5-10***

Survey Results for the open-ended questions

6) Do you believe the Advisory Council is effective?

Yes	No	Unsure	Skipped
25	12	5	6

How is it effective?

- A voice for the river:
- All citizens of the community are encouraged to provide input
- Sharing of information/communication
- Making the public aware
- Educate and inform the landowners and community about the values of good conservation
- Raising public awareness/ local buy-in
- Develop constituencies that can influence decision makers
- Provides a vehicle for raising consciousness about factors affecting the river and how future land use will affect the river

What are its Limitations?

- Lack of communication with landowners
- Lack of positive involvement by major landowners
- Need for greater participation
- Attention to streamside activities, changing ownership, and non-point sedimentation
- Too many are suspicious of government intervention and are only interested in their private goals not the common good
- Lack of funding and time from volunteers
- Scenic river status does not provide any real protection for the river/lack of regulations
- Lack of information and a procedure for follow-up, should encourage the council members to keep an eye on the river
- The biggest challenge is pollution

7) How do you feel you can best assist river conservation efforts as and Advisory Council member?

- 7 people skipped this question out of 48 respondents and below are the highlights of what was said:

- Communicating with community members about conservation of the river
- Handing out educational materials
- Staying informed
- Providing assistance as needed
- Attend meetings of the Advisory Council
- Interact more with local elected officials/networking
- Being a model landowner so that other neighbors may follow
- Stewardship and education
- Monitor the river
- Work to provide more public access and awareness to the river
- Share ideas and take information to others

8) What should the DNR staff role be?

- 6 people skipped this question out of 48 respondents and below are the highlights of what was said:

- Publicity for meetings/ plan more frequent meetings
- Facilitator of all activities/actively pushing the Advisory Council along
- Provide data
- Establish water quality guidelines
- Make recommendations on development and land use issues
- By being accessible to local landowners to answer their questions/concerns
- Professional leadership and organization
- Coordinator/advisor/mentor
- It appears that staff sometimes favors some issues over others
- They should have the lead role/ be at the forefront
- If a more local person could fill the role, it might be beneficial
- The staff member should be the employee of the council
- Perhaps the actual council leadership should be river residents instead of DNR staff, the DNR staff person would still be the director of activities or technical resource.
- DNR would be more effective if it erased the “silo” or “stove pipe” mentality among the SC departments/agencies
- Improve the horizontal teamwork or vision

9) Would it be beneficial to meet annually with other scenic river advisory council members and conservation groups?

- 6 people skipped this question out of 48 respondents.

Yes	no	maybe
31	2	8

The people with concerns had these statements:

- Would depend on the agenda and the programs presented
- The key to success are the active positive involvement of the major landowners and public access
- Every river situation is different
- Exchange of ideas and issues
- Make it simple and time efficient and not staff intensive/inexpensive
- Maybe representatives from each council should attend

10) How would you improve river conservation efforts along your scenic river?

- 13 people skipped this question out of 48 respondents

Some of the suggestions are:

- Educate the public
- Involve a landtrust in the effort
- Complete the management plan
- Pattern some of the work after the wetlands program
- Restore our annual river festival and enlarge the advertising budget
- Improve river access
- Get rid of houseboats
- Make/monitor water quality and recreational access priorities
- Do more with the local governments
- Rejuvenate participation in the advisory councils
- Most powerful conservation initiatives are those that effectively bring together all stakeholders and find a way to get them all working on the same page
- Get greater public involvement
- Provide more financial incentives to major land owners to dedicate conservation easements or for sustaining vegetated buffers
- Compiling statistics on various river uses, fish survey, bird counts, etc.
- Recreate, educate, and advocate
- Increase exposure through TV and other media
- Install riverkeeper organization on the scenic rivers
- Legislate buffer requirements with compensation to the landowners
- Gain funding by groups such as the Chamber of Commerce
- Provide maps
- Continue to participate in River Sweep
- Foster more public ownership and support of the river

Attachment XI-Draft Standard Report

**River Conservation Program
Monthly Report Form**

Month _____ **Year** _____

Project Name: _____

Council Meeting date: _____ **Time:** _____

Location: _____

Descriptive and quantitative information of activities for this project:

Project Name: _____

Council Meeting date: _____ **Time:** _____

Location: _____

Descriptive and quantitative information of activities for this project

Project Name: _____

Council Meeting date: _____ **Time:** _____

Location: _____

Descriptive and quantitative information of activities for this project

Future Meeting dates: