



## A Review of Regulatory Issues at the Department of Natural Resources

### BACKGROUND

The S.C. Department of Natural Resources (DNR) provides for the conservation, management, utilization, and protection of the state's natural resources. DNR sets hunting seasons, the methods of hunting, and the amount of game that can be caught, as well as other requirements.

South Carolina is divided into 11 game zones; within the game zones, DNR regulates outdoor activities on 3 types of land – DNR-owned land, leased land, and privately-owned land. DNR-owned and leased lands collectively are considered wildlife management areas (WMAs). DNR has broad authority over the land it owns throughout the state.

DNR's authority on WMA-leased and private land is more limited and is primarily restricted to setting the hunting seasons, the methods of hunting, and bag limits.

Our July 2004 audit focused on DNR's promulgation of regulations for efficiency and compliance with the Administrative Procedures Act. We also reviewed DNR's enforcement of state laws and regulations and the communication of changes in the law to DNR officers and the public. We made eight recommendations and, during our follow-up review, found that the agency has substantially complied with seven of these recommendations.

### DNR REGULATIONS

We found that DNR promulgated regulations in compliance with its statutory authority. We reviewed all the regulations promulgated by DNR from January 2003 through June 2006. We did not find any problems with the statutory authority cited for these regulations. DNR has established a committee that reviews current and proposed regulations for the proper statutory authority.

### ENFORCEMENT OF STATUTES AND REGULATIONS

DNR has improved its enforcement of state laws and regulations when issuing tickets. In our 2004 audit we found four regulations that either expired during the hunting season or were not in effect when the season began. In our review of regulations issued between January 2003 and June 2006, we found one emergency regulation with a single provision that had an effective date which began two weeks after the hunting season had started.

In our 2004 audit, we found that DNR had issued 186 tickets citing repealed statutes between January 2002 and October 2003. During our follow-up review, we examined DNR's ticket database for tickets written in FY 05-06 and found that 35 (less than 1%) of 9,000 tickets issued in FY 05-06 cited statutes that were repealed or redesignated.

DNR has also improved its enforcement of violations under the state lakes program. S.C. Code §50-13-2020 requires that the rules and regulations governing use of the state lakes be approved by the DNR board and the county legislative delegation and be published in a local newspaper. We found that DNR had complied with this statute for the lakes we reviewed. In reviewing the ticket database for FY 05-06, we found no problems with tickets issued for violations of the state lakes program.

In 2005, DNR reviewed its ticket systems and developed a revised version of the tickets. The agency also issued a guide to WMA hunting regulations which has been distributed to all DNR law enforcement officers.

WE RECEIVED INFORMATION FROM THE DEPARTMENT OF NATURAL RESOURCES REGARDING THE IMPLEMENTATION OF THE AUDIT'S RECOMMENDATIONS. WE REVIEWED THIS AND OTHER INFORMATION, INTERVIEWED OFFICIALS, AND VERIFIED EVIDENCE SUPPORTING DNR'S INFORMATION AS APPROPRIATE.

#### FOR MORE INFORMATION

Our full report, summary, and this document are published on the Internet at

LAC.SC.GOV

Copies can also be obtained by calling

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## NO WAKE ZONES

DNR has not promulgated a regulation outlining the procedure for establishing no wake zones. A no wake zone is an area where a boat must travel without creating an appreciable wake. A no wake zone may be created through statute, regulation, or by DNR. There were three no wake zones established in FY 05-06. All three of these no wake zones were created by DNR. In May 2006, the General Assembly amended S.C. Code §50-21-710(B) to allow DNR to promulgate regulations concerning no wake zones. According to a DNR official, the agency is writing these regulations. As of February 2007, DNR has not proposed these regulations. If DNR were to promulgate these regulations, new no wake zones would be established in a consistent manner. The public and the General Assembly could also have input into the process.

## COMMUNICATION WITH OFFICERS AND THE PUBLIC

DNR has improved its communication of changes in statutes and regulations to the public. DNR publishes a rules and regulations brochure to communicate information on hunting, fishing and wildlife management areas. We reviewed all the statutes cited in the brochure and noted no major errors. DNR publishes the brochure after the end of the legislative session in order to incorporate all changes made during the session. DNR also has established a rules and regulations committee whose goal is to ensure the accuracy of the rules and regulations brochure.

DNR's communication of changes in statutes and regulations to law enforcement officers is unclear. Because DNR's statutes, regulations, and enforcement procedures change frequently, it is important to communicate these changes quickly and clearly. According to a DNR official, officers are informed of any changes in enforcement through e-mails and meetings. DNR uses the following methods to communicate changes.

- Legislative updates are e-mailed periodically to DNR officials during the legislative session. However, these e-mails generally include only brief descriptions of the legislation and do not give practical applications of the changes.
- Captain's meetings are used to communicate changes in enforcement to the top law enforcement officers. The only minutes kept of these meetings in FY 05-06 did not include any enforcement changes. However, DNR discontinued keeping minutes of the captain's meetings after November 2005. Without these minutes, the information communicated to the captains cannot be determined.
- Region meetings are held with the field officers to communicate information. Officers are required to sign a sheet acknowledging that they received the material described on the sheet. We reviewed sign-in sheets for several meetings and, while the descriptions of the materials are vague, some of the information communicated could have included changes in enforcement.