



South Carolina
House of Representatives
Legislative Oversight Committee

**SOUTH CAROLINA FORESTRY COMMISSION
STUDY REPORT**



2024



South Carolina House of Representatives Legislative Oversight Committee

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Lewis Carter

LEGAL COUNSEL

Roland Franklin

EXECUTIVE COORDINATOR

Cathy Greer

RESEARCH ANALYST

Charlie LaRosa

RESEARCH ANALYST

Riley McCullough

Post Office Box 11867

Columbia, South Carolina 29211

Telephone: (803) 212-6810 Fax: (803) 212-6811

Room 228 Blatt Building

Members of the Economic Development, Transportation, and Natural Resources Subcommittee and the Subcommittee's primary staff person are in bold font, and an asterisk designates the chair.

TABLE OF CONTENTS

Legislative Oversight Committee Overview.....	4
Forestry Commission Overview	5
Findings.....	6
Economic Impact.....	6
Finding #1.....	6
Paper Mill Closure	7
Finding #2.....	7
Ownership.....	7
Finding #3.....	7
County Forestry Advisory Boards.....	8
Finding #4.....	8
School System Support	9
Finding #5.....	9
Response to Wildfires	9
Finding #6.....	9
Aircraft Surveillance	10
Finding #7.....	10
Outdoor Burn Notifications.....	11
Finding #8.....	11
Three Types of Burns.....	11
Finding #9.....	11
Smoke Management Guidelines	12
Finding #10.....	12
Prescribed Fire Benefits	12
Finding #11.....	12
Prescribed Fire Liability	13
Finding #12.....	13
Prescribed Fire Liability Insurance	14
Finding #13.....	14
Prescribed Fire Assistance to Landowners.....	14
Finding #14.....	14
Agriculture Use Property Tax	15
Finding #15.....	15

Law Enforcement Jurisdiction	16
Finding #16.....	16
ArborGen.....	17
Finding #17	17
Leases with SCDNR.....	17
Finding #18.....	17
Vacancies / Retirement / Recruitment.....	18
Finding #19.....	18
Recommendations.....	19
Human Resources	19
Recommendation #1	19
Recommendation #2	19
Recommendation #3	19
Recommendation #4	20
Smoke Management Guidelines	20
Recommendation #5	20
Prescribed Burn Notification	20
Recommendation #6	20
Access to Forest Trails	21
Recommendation #7	21
Modernization of Laws.....	21
Recommendation #8	21
Recommendation #9	21
Recommendation #10.....	21
Recommendation #11.....	21
Recommendation #12.....	21
Recommendation #13.....	22
Recommendation #14.....	22
Appendix A	23
Appendix B	24
Appendix C	25
Appendix D.....	27
Appendix E	28
Endnotes.....	35

LEGISLATIVE OVERSIGHT COMMITTEE OVERVIEW

AUTHORITY

The Legislative Oversight Committee, created in December 2014, is a vehicle for oversight used by the House of Representatives. The Committee’s specific task is to conduct legislative oversight studies and investigations of state agencies at least once every seven years. The Committee has the authority to conduct studies at any time of state agencies within the Committee’s jurisdiction, even outside of the seven-year cycle.

VISION

For South Carolina agencies to become, and continuously remain, the most effective state agencies in the country through processes which eliminate waste and efficiently deploy resources thereby creating greater confidence in state government.

MISSION

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated. Inform the public about state agencies.

SUBCOMMITTEES



Economic Development, Transportation, and Natural Resources



Education and Cultural Affairs



Healthcare and Regulatory



Law Enforcement, Civil and Criminal Justice

METHODOLOGY

The Committee evaluates:

- ❖ the application, administration, execution, and effectiveness of the agency’s laws and programs;
- ❖ the organization and operation of the agency; and
- ❖ any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.

STUDY PROCESS

01	Full Committee schedules agency for study and gathers initial information from agency and the public
02	Subcommittee investigates through meetings and information requests
03	Subcommittee publishes report
04	Full Committee considers subcommittee report and may conduct further investigation
05	Full Committee publishes report

FORESTRY COMMISSION OVERVIEW



ABOUT

The South Carolina Forestry Commission was established by law in 1927. At its inception, the agency had three charges – to protect the forest, to promote the benefits of forest management and to monitor the forests' condition. At that time, our forestland had been heavily cut-over and was eroding badly from poor farming practices. Today South Carolina's forests provide the raw material for the state's forest products industry, the second-largest manufacturing industry sector in South Carolina.

AGENCY MISSION

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

HISTORY

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

SUCCESSSES

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

CHALLENGES

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

DIVISIONS

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

EMPLOYEES

376.8

Authorized FTEs

FUNDING

\$49.1 million

Total Funds

FINDINGS

During the study of the South Carolina Forestry Commission, the Economic Development, Transportation, and Natural Resources Subcommittee adopted **19** findings pertaining to economics, land ownership, wildfire response, prescribed fire benefits, assistance and liability insurance, and Commission law enforcement jurisdiction.

Findings note information a member of the public or the General Assembly may seek to know, or upon which they may desire to act.

ECONOMIC IMPACT

FINDING #1

SOUTH CAROLINA'S FORESTRY INDUSTRY IS A \$23.2 BILLION DOLLAR INDUSTRY THAT LEADS THE STATE IN JOB CREATION.

According to the Commission's 2022 report on the economic impact of forestry in South Carolina, the state's forestry industry contributed \$23.2 billion to the state's economy in 2020.¹ Forestry encompasses various economic sectors including pulp and paper,² solid wood products,³ forestry-based recreation,⁴ wood furniture,⁵ timber,⁶ and logging.⁷ Of those, the pulp and paper sector is the largest, contributing \$9.6 billion to the forestry industry's state economic impact.⁸ This sector is followed by solid wood products (\$2.53 billion), forestry-based recreation (\$1.04 billion), wood furniture (\$866 million), timber (\$408 million) and logging (\$301 million).⁹

Forestry is a major manufacturing force in South Carolina, ranking first in employment, second in labor income, and third in direct economic output.¹⁰ The industry's \$23.2 billion dollar contribution to South Carolina's economy represents the total dollar value encompassing all final goods and services produced statewide that can be attributed, directly or indirectly, to the forestry industry.¹¹ The industry "maintains an employment multiplier of 2.1, meaning that for every 10 jobs created directly by forestry businesses another 11 jobs, on average, are created elsewhere in South Carolina."¹² This multiplier effect is significantly higher than that of the average industry in our state at 1.7.¹³ This healthy economic activity translates to 100,133 jobs, and over \$5.5 billion in labor income annually for South Carolinians, which is estimated to be 10% higher than the average state wage.¹⁴

DIRECT INDUSTRY OUTPUT OF FORESTRY SECTORS IN SOUTH CAROLINA

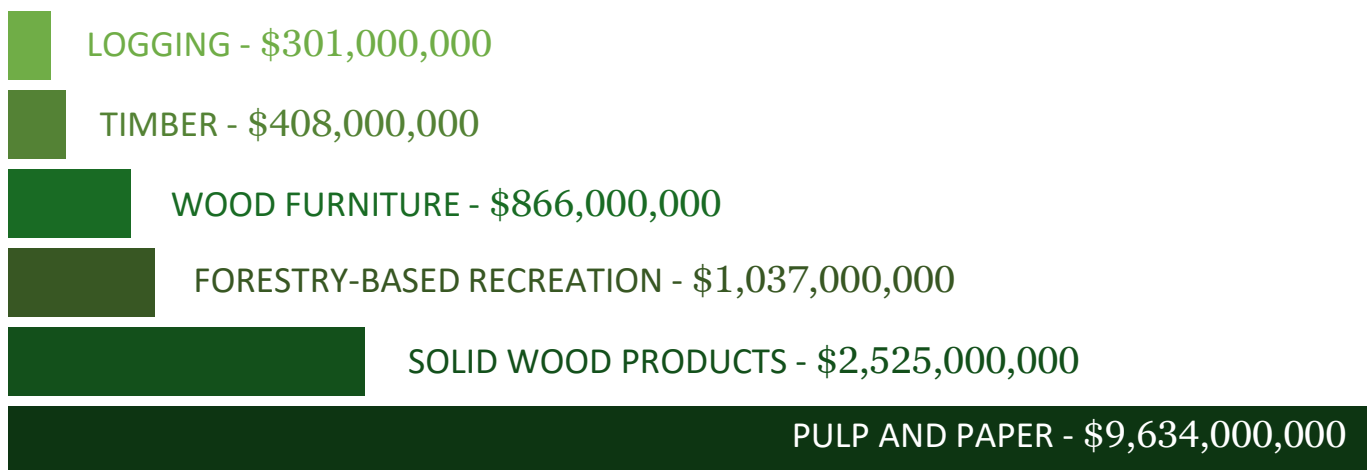


Figure 1: Direct industry output of each forestry sector in South Carolina.

PAPER MILL CLOSURE

FINDING #2

RECENT PAPER MILL CLOSURES HAVE HAD A SIGNIFICANT IMPACT ON STATE FORESTRY MARKETS.

The closing of two paper mills has significantly impacted state forestry markets. Citing a need for significant company restructuring, in June of 2023, Pactiv Evergreen, a longstanding paper mill located in Canton, North Carolina, permanently ceased operations.¹⁵ More than 40% of the wood processed at Pactiv came from the upstate of South Carolina.¹⁶ Two months later, on August 31, 2023, WestRock Co., a longtime paper mill located in North Charleston, South Carolina, also ceased operations permanently, in part due to high operating costs and the need for significant capital investments.¹⁷ Additionally, in October of 2022, Sonoco Products Company, a paper mill located in Hartsville, South Carolina, transitioned to 100% recycled fiber.¹⁸ These three events “completely changed the conversation within the forestry industry here in the State of South Carolina,” sending shock waves through the state’s supply chain.¹⁹ The pulp and paper industry contributes 63% of forestry’s \$23.2 billion state economic impact in South Carolina.²⁰ The Pactiv and WestRock mill closings, along with Sonoco’s shift in production, led to a reduction of 3.3 million tons in the amount of pulpwood procured in South Carolina in 2023, which “create[d] a ripple effect that goes through the entire forestry supply chain.”²¹ In some areas of the state, pulpwood prices decreased by as much as 50%,²² while hauling costs have increased for timber buyers as they now have to transport wood to more distant mills.²³ Prior to 2022, each mill employed hundreds of workers, with WestRock Co. alone having over 500 direct employees.²⁴

Recognizing the drastic economic impact these mill closures are having on the forestry industry and the state, the Forestry Commission and the Forestry Association formed the Forestry Recovery Task Force,²⁵ which is looking at ways to stabilize the forestry industry and “move back into growth mode again, because [there are] still . . . tremendous forest resources here in South

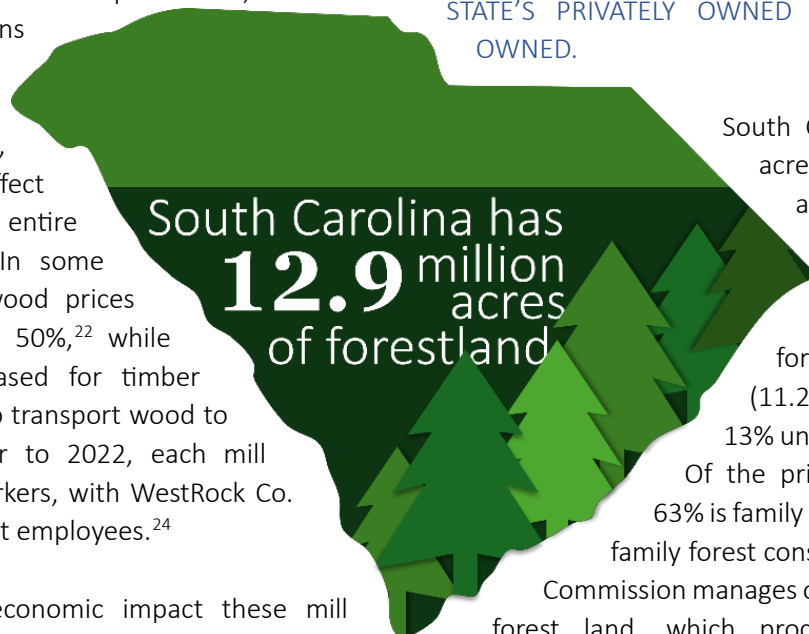
Carolina.”²⁶ The goal of the task force is “to catalyze market-based conservation efforts to increase the resilience of [the state’s] forestry supply chain . . . by convening experts from all sectors of the forestry supply chain” in the state, as well as experts from other industries around the state, to explore opportunities for growth.²⁷

According to the Commission, the likelihood of another paper mill opening in the state is “very, very slim.”²⁸ The Commission believes that there are, however, opportunities to export chips and wood pellets to Europe.²⁹ The Task Force is also considering opportunities to utilize woody biomass for domestic energy production.³⁰ According to the Commission, the Task Force is consulting with the South Carolina Department of Commerce and Boeing about the possibility of recruiting new industries to South Carolina to produce sustainable aviation fuel using woody biomass.³¹

OWNERSHIP

FINDING #3

EIGHTY-SEVEN PERCENT OF SOUTH CAROLINA’S FORESTLAND IS PRIVATELY OWNED AND 63% OF THE STATE’S PRIVATELY OWNED FORESTLAND IS FAMILY OWNED.



South Carolina has 12.9 million acres of forestland,³² which is approximately 67% of the state’s total land area.³³

Eighty-seven percent of South Carolina’s forestland is privately owned (11.2 million acres), leaving 13% under public management.³⁴

Of the privately owned forestland, 63% is family owned,³⁵ with the average family forest consisting of 97.3 acres.³⁶ The Commission manages over 100,000 acres of state forest land, which produces sustainable forest products and provides a variety of recreational opportunities for the citizens of the state.³⁷

COUNTY FORESTRY ADVISORY BOARDS

FINDING #4

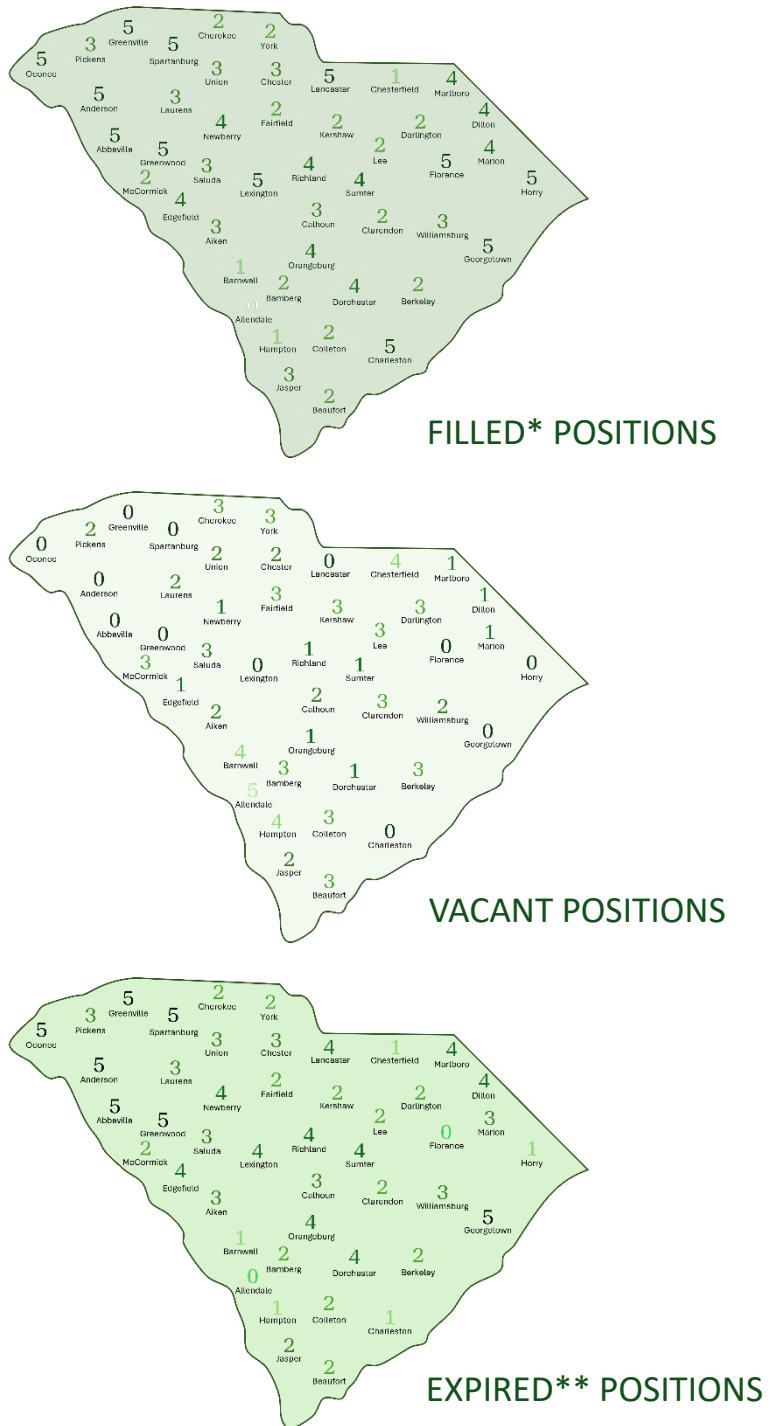
THIRTY-FIVE PERCENT OF THE 230 COUNTY BOARD MEMBER POSITIONS ARE CURRENTLY VACANT, AND 51 PERCENT OF COUNTY BOARD MEMBERS ARE SERVING ON EXPIRED TERMS.

The purpose of the county forestry advisory boards is to “assist in the efficient performance . . . and the general conduct of the forestry program in the county.”³⁸ Specifically, county boards were set up to keep the nine-member state Forestry Commission informed of forest management and fire control issues that may be occurring at the local level in each county.³⁹

In accordance with section 48-33-50 of the Code, each county in the state is required to establish a county forestry board composed of five members “who shall be appointed by the State Commission of Forestry on the recommendation of a majority of the county legislative delegation in the House of Representatives and the Senator of such county.”⁴⁰ The members of the boards “shall be residents of the county from which they are appointed” who serve a term of five years, “each member holding office until his successor is appointed . . .”⁴¹ In the event of a vacancy on a county forestry board, “such vacancy shall be filled in the same manner as provided for the appointment of members thereof, except that if a vacancy shall exist in the office of member of a county forestry board for more than two months the then existing members of the county forestry board may recommend for appointment some suitable person to fill such vacancy and the State Commission of Forestry shall make the appointment on such recommendation.”⁴²

The Commission acknowledges the challenge of finding individuals willing to serve on county forestry advisory boards.⁴³ Currently, 35% of the 230 county board member positions are vacant, and 51% of members are serving on expired terms.⁴⁴

SOUTH CAROLINA COUNTY FORESTRY ADVISORY BOARD MEMBER POSITION STATUS



*Every county should have 5 member positions filled.
 **The number of expired positions is also included in the filled positions. Each member holds office until successor is appointed.

Figure 2. Status of county forestry advisory board members across South Carolina.

SCHOOL SYSTEM SUPPORT

FINDING #5

SINCE 1990, THE FORESTRY COMMISSION HAS PROVIDED OVER \$19.3 MILLION IN REVENUE TO SUPPORT PUBLIC SCHOOLS IN SOUTH CAROLINA.

Pursuant to section 48-23-260 of the Code, “[t]he State Treasurer must pay to a county containing state forest lands an amount equal to twenty-five percent of the gross proceeds received by the State in each fiscal year from the sale of timber, pulpwood, poles, gravel, and other privileges on state forest lands within the county”⁴⁵ The provisions of section 48-23-260 “are applicable to all state forest lands managed or operated by the State Commission of Forestry, whether they be owned in fee by the State or leased from the United States”⁴⁶ The funds provided for by this section “must be spent for general school purposes.”⁴⁷

The South Carolina Forestry Commission is the only agency in the state that supports the school system in this manner. The Forestry Commission manages five state forests: Manchester State Forest (28,000 acres spanning Clarendon and Sumter counties), Poe Creek State Forest (2,498 acres spanning Oconee and Pickens counties), Sand Hills State Forest (46,000 acres spanning

Chesterfield, Darlington, and Kershaw counties), Wee Tee State Forest (18,000 acres spanning Williamsburg and Georgetown counties), and Harbison State Forest (2,137 acres located in Richland County).⁴⁸ There is a correlation between the size and location of state forests and the county school districts that benefit the most from this law, with Chesterfield County school district receiving the most funds and Kershaw county receiving the least.

RESPONSE TO WILDFIRES

FINDING #6

THE COMMISSION SUPPRESSES APPROXIMATELY 2,000 WILDFIRES THAT BURN ROUGHLY 16,000 ACRES OF FOREST LAND IN AN AVERAGE YEAR.

Established by the South Carolina General Assembly on April 26, 1927, the Commission is the lead agency responsible for wildfire suppression for over 13.6 million acres of forest and agricultural land in South Carolina.⁴⁹ Section 48-23-90 of the Code grants primary jurisdiction in the Commission to “take such action and afford such organized means as may be necessary to prevent, control and extinguish fires, including the enforcement of any and all laws pertaining to the protection of the forests and woodlands of the State.”⁵⁰ The Commission’s jurisdiction

encompasses “the unincorporated areas of the state where there’s trees and grasslands and agricultural lands”⁵¹ However, the Commission shares jurisdiction with local fire departments as a “unified command” when responding to wildfires in different counties.⁵²

A wildfire consists of “[a]ny forest fire, brush fire, grass fire, or any other outdoor

SOUTH CAROLINA FORESTRY COMMISSION PUBLIC SCHOOL SUPPORT SINCE 1990

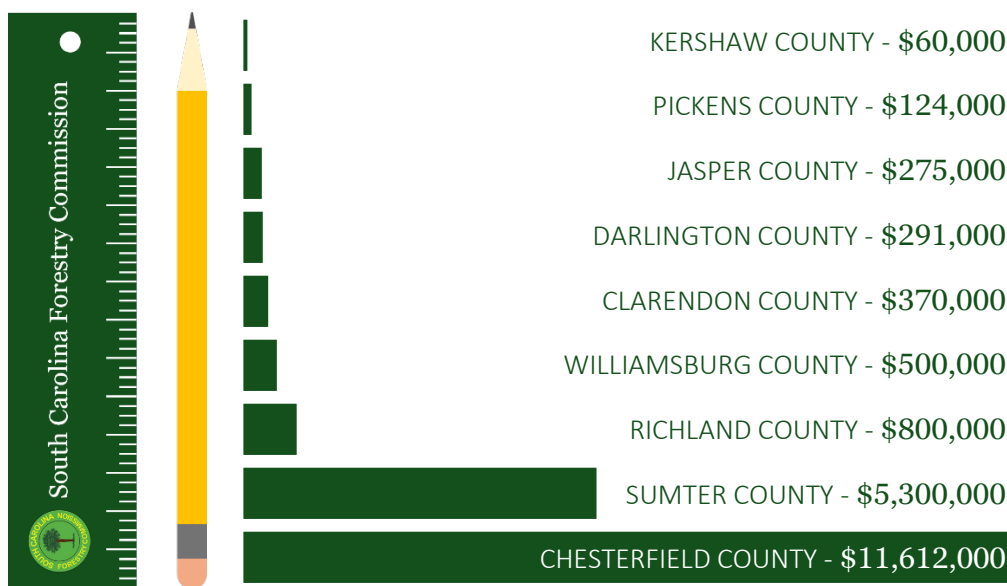


Figure 3. Breakdown by county of the public-school support provided by the Forestry Commission since 1990.

WILDFIRE OCCURRENCE AND CAUSES (FY23)

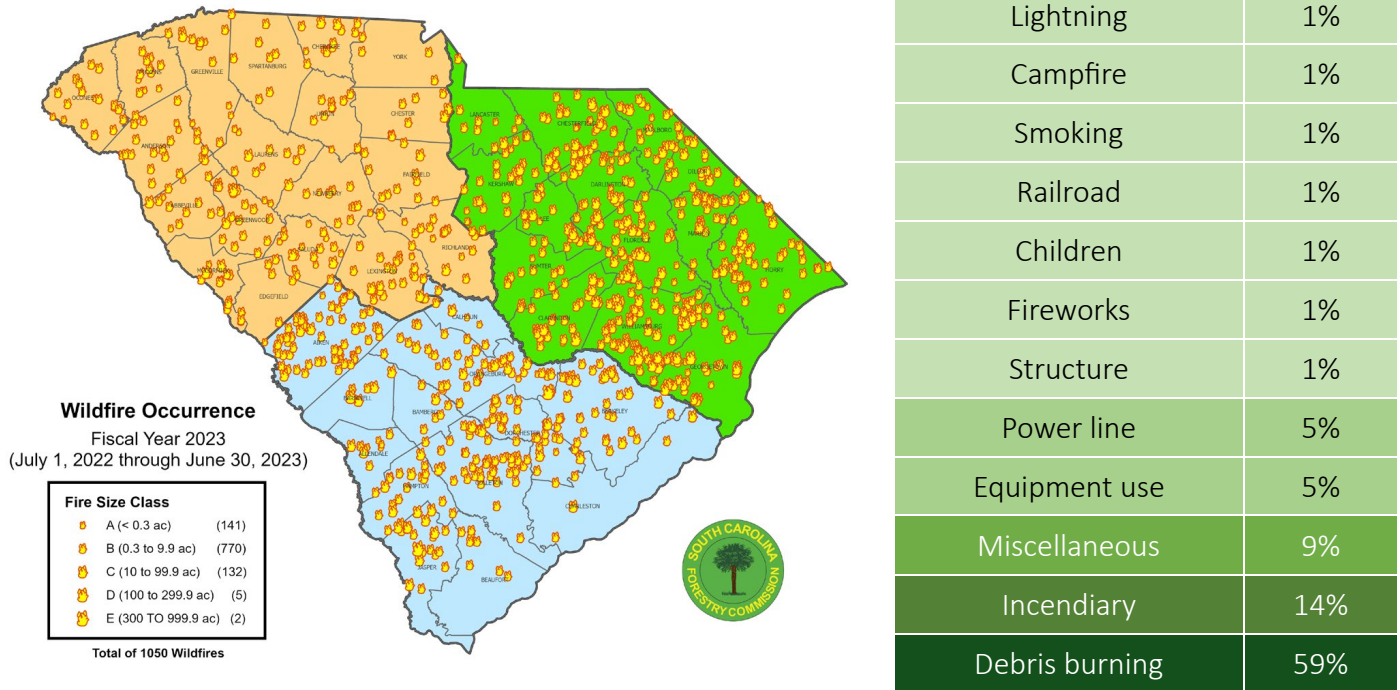


Figure 4. Location of 1,050 wildfires across the state in FY23 and a percent breakdown of primary causes.
Source: SCFC

fire that is not controlled and supervised.”⁵³ The goal of the Commission is to be on the scene of a reported wildfire anywhere in the state in 38 minutes.⁵⁴ Over a span of ten years, on average the Commission suppresses approximately 2,000 wildfires that burn roughly 16,000 acres of forest land each year.⁵⁵ The number of wildfires in any given year varies depending on weather, including drought conditions, humidity levels, and the like.⁵⁶ In 2023, the Commission recorded 1,050 wildfires that burned 6,920 acres, destroyed 13 homes and damaged eight others.⁵⁷ According to the Commission, that same year “[a]gency firefighters saved 446 structures that were directly threatened by wildfires.”⁵⁸

Although the number of wildfires fluctuates annually, the primary cause remains consistent. Over the last decade, careless debris burning by individuals has been the leading cause of wildfires in the state.⁵⁹ Careless debris burning “includes wildfires originating from burning trash, yard debris, construction waste, land clearing piles, crop stubble, and from prescribed burning for forestry or wildlife management purposes.”⁶⁰

AIRCRAFT SURVEILLANCE

FINDING #7

THE COMMISSION USES AIRCRAFT TO CONDUCT AERIAL WILDFIRE SURVEILLANCE. SIXTY PERCENT OF THESE AIRCRAFT ARE MORE THAN 50 YEARS OLD, AND THE NEWEST AIRCRAFT IS A 1979 MODEL.

Commission firefighters suppress wildfires by utilizing a fleet of 160 bulldozers, wildland fire engines, and ten fixed-wing aircraft.⁶¹ The aircraft, which act as the “eyes and ears” for firefighters on the ground and are operated by pilots trained in wildfire suppression,⁶² are federal excess aircraft owned by the U.S. Forest Service and permanently loaned to the Forestry Commission.⁶³ Once loaned, the Commission is responsible for the maintenance of the planes and upfitting the planes with communications and avionics.⁶⁴ Currently, the Commission has ten planes around the state to assist in fire surveillance and suppression efforts. The planes are well maintained but come with “a little bit of age.”⁶⁵ The oldest plane is a 1953 Cessna 180, and the newest plane is a 1979 Cessna 172N.⁶⁶



Picture 2. Example of proper precautions for burning debris.
Source: SCFC

OUTDOOR BURN NOTIFICATIONS

FINDING #8

LANDOWNERS RESIDING IN UNINCORPORATED AREAS OF THE STATE MUST NOTIFY THE COMMISSION PRIOR TO CONDUCTING A BURN.

By 1962, fourteen counties in the state had burn notification laws or fire permit laws.⁶⁷ In 1962, the South Carolina General Assembly enacted a notification and precautions law that standardized the notification and precautions practices across the state and regulated fires in unincorporated areas of the state. Pursuant to section 48-35-10 of the Code, it is unlawful for any owner or lessee of land located in unincorporated areas of the state⁶⁸ “to start or cause to be started, a fire in any woodlands, brushlands, grasslands, ditchbanks, or hedgerows or in any debris, leaves or other flammable material adjacent thereto” unless, among other requirements, “[p]roper notification [is] given to the State Forester, or his duly authorized representative or other persons designated by the State Forester”⁶⁹ Section 48-35-10 is “a primary tool to minimize wildfires in South Carolina by requiring citizens to . . . take proper precautions . . . to prevent the spread of wildfires.”⁷⁰ A person who violates section 48-35-10 “may be deemed guilty of a misdemeanor and, upon conviction, may be fined not more than two hundred dollars or imprisoned not more than thirty days for a first offense.”⁷¹ In FY 2022-

2023, the Forestry Commission received 9,675 burn notifications from landowners across the state.⁷²

THREE TYPES OF BURNS

FINDING #9

THE COMMISSION ACCEPTS NOTIFICATIONS FOR THREE TYPES OF BURNS: RESIDENTIAL YARD DEBRIS, PRESCRIBED BURNS, AND LAND CLEARING/CONSTRUCTION-RELATED BURNS.

South Carolina does not issue burn licenses for residential yard debris, prescribed burns, and land clearing/construction related burns. However, a landowner or lessee of land located outside city limits who plans to engage in outside burning must notify the Forestry Commission before initiating an outdoor burn. The Commission accepts notifications for three types of outdoor burns: (1) residential yard debris burns; (2) forestry, wildlife, and agricultural burns—i.e., “prescribed burns”; and (3) construction-related or land clearing burns.⁷³ For residential yard debris burns—i.e., the burning of leaves, grass clippings or tree limbs, landowners can notify the Commission by calling the toll-free number for the county for which they live.⁷⁴ The Commission is in the process of developing a system for landowners to give notice of residential yard debris burns through the Commission’s website.⁷⁵

Landowners intending to conduct a prescribed burn must call the Forestry Dispatch Center at 800-777-3473⁷⁶ and speak to a Commission dispatcher who will gather and record all pertinent information before issuing a burn number for the landowner to conduct a burn on a specific day.⁷⁷ The Commission posts notifications for prescribed burns on its website,⁷⁸ which the public can view on the Commission’s wildfire app.⁷⁹ Finally, for land clearing or construction burns, landowners must notify the Forestry Commission by calling the toll-free number for the county in which the burn will take place.⁸⁰

Different rules apply depending on the purpose of the planned burn, however. Section 48-35-10 of the Code governs yard debris burns. The statute makes it unlawful for a landowner to conduct a residential yard debris burn unless the landowner notifies the Commission, clears an area around the area to be burned and has sufficient equipment to secure the fire to prevent its spread, and stays to “supervise carefully the fire started and have it under control prior to leaving the area.”⁸¹ The South Carolina Smoke Management Guidelines, which “define smoke sensitive areas, amounts of vegetative debris that may be burned, and atmospheric conditions suitable for burning this debris” govern “vegetative debris burning operations for forestry, agriculture, and wildlife purposes”—i.e., prescribed burns.⁸² The Commission has jurisdiction to enforce the guidelines. Burning for the purpose of land clearing or right-of-way maintenance is governed by South Carolina Department of Environmental Services (SCDES) Reg. 61-62.2, which allows this type of burning as long as certain conditions are met.⁸³ SCDES has jurisdiction to enforce violations of Reg. 61-62.2.

SMOKE MANAGEMENT GUIDELINES

FINDING #10

THE COMMISSION’S SMOKE MANAGEMENT GUIDELINES, WHICH INCLUDE PRACTICES AND CONDITIONS THAT MUST BE MET TO CONDUCT BURNING ACTIVITIES IN THE STATE LEGALLY AND SAFELY, HAVE NOT BEEN UPDATED SINCE 2006.

All burning for forestry, wildlife, and agricultural purposes must comply with the South Carolina Smoke Management Guidelines. The guidelines “provide for minimizing the impact of smoke from vegetative debris burning

operations for forestry, agriculture, and wildlife purposes” by, among other things, outlining atmospheric conditions suitable for such burns.⁸⁴ The Commission, working in conjunction with the National Weather Service and the South Carolina Department of Environmental Services, is responsible for administering the Guidelines.⁸⁵

The Commission acknowledges that the Guidelines have not been updated since 2006.⁸⁶ The Commission further acknowledges the need for the Guidelines to be updated.⁸⁷

PRESCRIBED FIRE BENEFITS

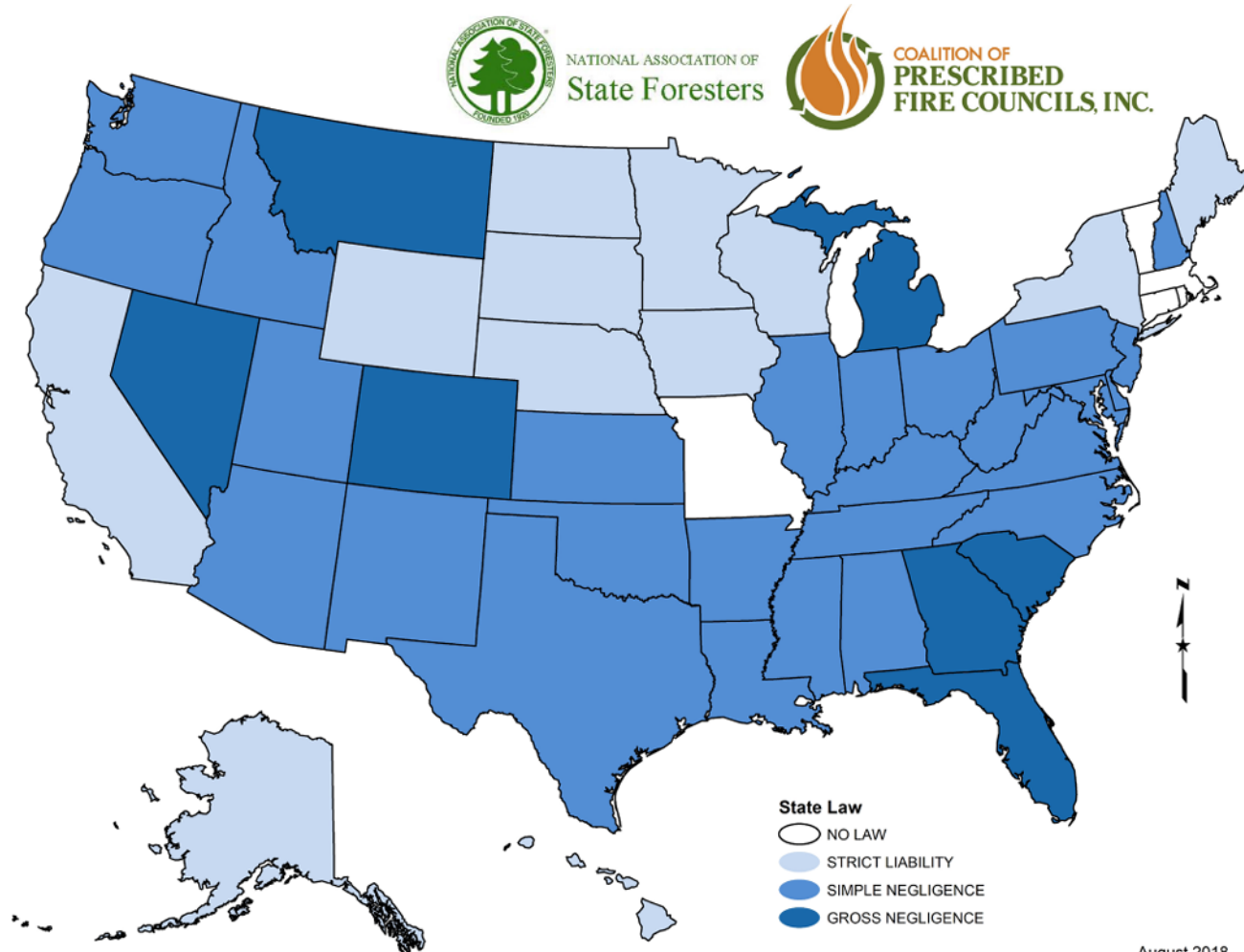
FINDING #11

BY REDUCING THE INTENSITY OF FUTURE WILDFIRES, PRESCRIBED FIRES ARE BENEFICIAL TO THE FOREST ECOSYSTEM.

The South Carolina Prescribed Fire Act, S.C. Code Ann. § 48-34-10 *et seq.* (2008 & Supp. 2023), is a “critical tool” that fosters a favorable legal environment for landowners and foresters to effectively manage their land with the use of fire.⁸⁸ As observed by the Commission, “[w]e live in a fire dependent ecosystem.”⁸⁹ Accordingly, the state’s forests need fires both for the health of the forests and for the welfare of the wildlife that inhabit them.⁹⁰ Yet, according to the Commission, “people are pretty much polarized in burning. Either they’re very supportive or they’re very much against it. There’s not much middle ground.”⁹¹

A prescribed fire (also known as a “controlled burn”) is “a controlled fire applied to forest, brush, or grassland vegetative fuels under specified environmental conditions and precautions which cause the fire to be confined to a predetermined area and allow accomplishment of the planned land management objectives.”⁹² During FY 2022-23, a total of 16,831 prescribed burns were carried out, covering an area of 433,165 acres.⁹³ According to the Commission, “we need more acres of prescribed burning in the State of South Carolina for multiple reasons.”⁹⁴

FIRE STATUTE DEGREE OF LIABILITY ACROSS THE COUNTRY



August 2018

Figure 5. Illustrates the degree of liability as defined in each state's prescribed fire statute(s).

Source: 2018 National Prescribed Fire Use Survey Report

When conducted by trained professionals, prescribed fires serve as “effective resource management tool[s]” that offer many benefits to forestland including removing fuel loads (e.g., leaves and pine needles) to lessen the intensity of future wildfires,⁹⁵ encouraging travel and feeding opportunities of forest inhabitants by clearing thick undergrowth, removing unwanted vegetation, unwanted brush and logging debris, and controlling brown spot disease.⁹⁶ Despite the need for more prescribed burning, the 2021 National Prescribed Fire Use Survey Report revealed that South Carolina, along with most other states, experienced a decline of more than 10% in prescribed fire use in 2020 compared to the average from previous survey years.⁹⁷

PREScribed FIRE LIABILITY

FINDING #12

SOUTH CAROLINA IS ONE OF SEVEN STATES WITH A GROSS NEGLIGENCE LIABILITY STANDARD FOR PRESCRIBED FIRE SMOKE-RELATED DAMAGES.

The Prescribed Fire Act acknowledges that prescribed fires are the property right of the landowner and serve the public interest. Moreover, when conducted pursuant to the Act and the South Carolina Smoke Management Guidelines, prescribed fires do not constitute a public or private nuisance.⁹⁸ To conduct a prescribed fire, a landowner must have a written prescribed fire plan that complies with the 2006 South Carolina Smoke Management Guidelines, is prepared before

authorization to burn is issued by the Commission, and is on site during the burn.⁹⁹ In addition, the landowner must have present at least one prescribed fire manager who is certified by the Commission, supervises the burn from ignition until the fire is deemed safe, and fully considers both fire behavior and smoke management issues during and after the burn.¹⁰⁰ Notwithstanding the provisions of section 48-34-40, “a person may conduct a prescribed fire without a certified prescribed fire manager present.”¹⁰¹ However, a landowner who complies with the provisions of section 48-34-40(B) “is not liable for damage, injury, or loss caused by fire or other consequences of the prescribed fire, except smoke, unless negligence is proven.”¹⁰² Moreover, a landowner who is a certified prescribed fire manager or who has one present during the prescribed burn “is not liable for damage, injury, or loss caused by the resulting smoke of a prescribed fire unless gross negligence or recklessness is proven.”¹⁰³ South Carolina is one of seven states with a gross negligence liability standard for prescribed fire smoke related damages.¹⁰⁴

PRESCRIBED FIRE LIABILITY INSURANCE

FINDING #13

PRESCRIBED FIRE LIABILITY INSURANCE REQUIRES CERTIFICATION, BUT CERTIFICATION REQUIRES COMPLETING FIVE UNINSURED BURNS.

Despite the liability protection provided in section 48-34-50 of the Code, fear of liability deters widespread use of prescribed burning. Yet, as noted by the Commission, because South Carolina has adopted a gross negligence liability standard, the state has “about the best legal climate for liability for prescribed burners in the Southeast.”¹⁰⁵

But the prerequisite for obtaining insurance coverage for prescribed burning—becoming a certified prescribed fire manager—serves as a deterrent for obtaining prescribed fire liability insurance. Prescribed fire liability insurance is available only to professional foresters who are certified prescribed fire managers¹⁰⁶ or to certified prescribed fire managers who are not professional foresters.¹⁰⁷ A landowner cannot obtain certification, however, until the landowner has completed five prescribed burns.

Landowners operating without insurance risk significant liability if a prescribed fire gets out of control.

Moreover, the cost of prescribed fire liability insurance is a deterrent to obtaining coverage. According to the 2018 National Prescribed Fire Use Survey Report, the Southeastern United States ranked weather, liability/insurance, and capacity as the top three impediments limiting prescribed fire use, “with liability/insurance ranking much higher than the national average.”¹⁰⁸ For certified burn managers, general liability standard limits are \$1,000,000 per occurrence or \$2,000,000 aggregate. Damage to rented premises, medical payments, and personal and advertising injury are excluded from coverage.¹⁰⁹ Coverage is limited to the activities and operations of a certified prescribed fire manager.¹¹⁰ The estimated insurance premiums vary based on payroll amounts. For a payroll of \$50,000, the premium is estimated at \$2,600; for a payroll of \$100,000, the premium increases to \$3,500; and for a payroll of \$150,000, the premium increases to \$4,200.¹¹¹

PRESCRIBED FIRE ASSISTANCE TO LANDOWNERS

FINDING #14

THE COMMISSION OFFERS A VARIETY OF PRESCRIBED FIRE ASSISTANCE TO LANDOWNERS.

Pursuant to section 48-23-295 of the Code, Commission personnel provide various forest management services and advice to landowners, including assisting landowners with prescribed burns.¹¹² For prescribed fire assistance, Commission personnel offer training to those wanting to become Certified Prescribed Fire Managers.¹¹³ The one-day course, with a \$75.00 registration fee, is offered several times a year and teaches landowners how to plan prescribed burns in accordance with the 2006 South Carolina Smoke Management Guidelines.¹¹⁴ Certification requires that a landowner complete the course, pass a written exam, and document the burn experience.¹¹⁵ During FY 2022-2023, the Commission held six certified prescribed fire manager training programs, with a total of 143 participants.¹¹⁶

Commission personnel also provide turn-key prescribed fire burn assistance. With this type of assistance, a fire

management officer meets with the landowner and writes a burn plan that includes the needed parameters— i.e., wind speed and direction, fuel moisture.¹¹⁷ The fire management officer will schedule the burn to commence the burn on a “good burning day[.]”¹¹⁸ using agency equipment “for \$25 per acre for understory burns and \$35 per acre for site preparation burns and for understory burns in mountainous terrain.”¹¹⁹ The Commission charges a minimum of \$750 to conduct a turn-key burn.¹²⁰

For a landowner who wishes to conduct a prescribed fire on their own, the Commission’s standby service offers some assurance to a landowner in case the fire starts to get out of control. As part of this service, the landowner writes a burn plan that must be approved by the Commission.¹²¹ This service costs \$125 for the first hour and \$45 for each additional hour.¹²² The Commission provides a trained fire professional and an agency tractor on-site to respond to any problems that may arise.¹²³

Another service the Commission provides to landowners is the installation of firebreaks. Firebreaks are strips of land cleared by bulldozers that serve as barriers to prevent the spread of fire, making them essential preventative tools in wildfire prevention and control.¹²⁴ According to the Commission, the majority of firebreak installation requests are fulfilled annually, with the exception of requests associated with prescribed burning.¹²⁵ The Commission charges \$165 for the first hour and \$130 for each additional hour for this service.¹²⁶

AGRICULTURE USE PROPERTY TAX

FINDING #15

THE COMMISSION CAN ASSIST OWNERS OF TEN OR MORE ACRES OF FORESTED LAND IN OBTAINING THE APPROPRIATE TAX ASSESSMENT BY CREATING A FOREST MANAGEMENT PLAN FOR THE PROPERTY.

The Commission’s goal is to create forest management plans for owners of ten acres or more of forested land. A forest management plan is a document “prepared or approved by a forester registered in this State that defines a landowner’s forest management objectives and describes specific measures to be taken to achieve those objectives.”¹²⁷ The plan can serve as verification that the property is eligible for an agricultural use special tax assessment.

The South Carolina agricultural use property tax provides a tax incentive for landowners who use their land for agricultural purposes by offering a reduced tax rate for qualifying lands, primarily to support farming and forest activities. Section 12-43-230 of the South Carolina Code defines “agricultural real property” as follows:

[A]ny tract of real property which is used to raise, harvest or store crops, feed, breed or manage livestock, or to produce plants, trees, fowl or animals useful to man, including the preparation of the products raised thereon for man’s use and disposed of by marketing or other means. It includes but is not limited to such real property used for agriculture, grazing, horticulture, forestry, dairying



Picture 3. Example of a firebreak installation.
Source: SCFC

and manicure. In the event at least fifty percent a real property tract shall qualify as 'agricultural real property', the entire tract shall be so classified, provided no other business for profit is being operated thereon. . . .¹²⁸

In accordance with S.C. Regs. 117-1780.1, county assessors must consider certain factors in determining whether a tract of land is bona fide agricultural real property including, but not limited to, "[t]he use or not of recognized care, cultivation, harvesting and like practices applicable to the product involved, *and any implemented plans thereof.*"¹²⁹ A forest management plan is evidence of that factor.

If the tract of land is used to grow timber, the tract must be five acres or more. For land not used to grow timber, it must be at least ten acres.¹³⁰ Agricultural real property that is used for purposes set forth in section 12-43-230 is taxed on an assessment equal to "[f]our percent of its fair market value for such agricultural purposes for owners or lessees who are individuals or partnerships and certain corporations" ¹³¹ "All other real property not herein provided for shall be taxed in an assessment equal to six percent of the fair market value of such property."¹³²

The Commission helps inform landowners about the availability of the agricultural use special assessment and can create forest management plans that may help landowners qualify for the agricultural use tax rate.¹³³ The Commission recently received a grant from the US Forest Service to help them connect with landowners. The Commission plans to partner with the Center for Heirs' Property Preservation and other organizations to improve outreach to underserved landowners, making them aware of the agency's services including the creation of a forest management plan for their property.¹³⁴

LAW ENFORCEMENT JURISDICTION

FINDING #16

THE COMMISSION IS WITHOUT AUTHORITY TO ENFORCE SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES (SCDES) REGULATIONS AND COUNTY SMOKE ORDINANCES.

Pursuant to section 48-23-96 of the Code, the Commission shall appoint law enforcement officers responsible for executing the Commission's law enforcement duties.¹³⁵ Commission officers are empowered to "issue a written warning ticket on a form approved by the State Forestry Commission, as appropriate, in their discretion."¹³⁶ Commission officers have jurisdiction to investigate outdoor burning, and routinely conduct cause and origin investigations when a wildfire occurs.¹³⁷ In FY 2023, Commission officers prosecuted 35 fire cases, 54 state forest regulation cases, and 104 game and fish cases.¹³⁸ In addition, the officers investigated 124 timber theft cases, conducted 319 fire investigations, and issued 141 warning tickets.¹³⁹

When Commission officers respond to a fire, the officers routinely check to confirm whether the burner made the required notification, created an adequate fire break, and has sufficient equipment available to secure the fire and prevent its spread.¹⁴⁰ Commission officers are well positioned to investigate violations of these laws and enforce them as appropriate.¹⁴¹

Commission officers also respond to fires where they may encounter violations of laws that fall outside of their enforcement jurisdiction and into two basic categories: (1) smoke pollution that violates SCDES regulations, and (2) nuisance burning that may or may not violate county ordinances but does not violate state law.

The first category of these violations involves breaches of S.C. Reg. 61-62.2, a state air quality regulation that restricts outdoor burning to vegetative debris unless certain conditions are met. For example, if a landowner demolishes an outbuilding, piles up debris that includes treated lumber, vinyl siding, asphalt roofing, and other material, creates a fire break around it, and then ignites the pile, this would constitute a violation of S.C. Reg. 61-62.2.¹⁴² Consequently, SCDES would have authority to pursue an administrative enforcement action.

Smoke complaint calls are frequently received by the Commission's Dispatch Center regarding suspected violations of Reg 61-62.2. In such cases, Commission officers can only inform the individual responsible for the burn that it violates the regulation and report the violation to SCDES. However, Commission officers cannot enforce the regulation because while the Commission has

jurisdiction over the flames, only SCDES has jurisdiction over the smoke.¹⁴³

The second category of common enforcement challenges involves nuisance burning that may or may not violate county ordinances but does not violate state law. State law requires that a landowner in an unincorporated area of the state notify the Commission, have a fire break, have a means to extinguish the fire, and supervise the fire until it is extinguished.¹⁴⁴ However, thirteen counties have enacted county ordinances specifying the required distance for debris burns from roads, structures, or property lines, with each ordinance varying on the exact distance required.¹⁴⁵

Commission officers are frequently called to investigate these burns in response to smoke complaints received by the Commission.¹⁴⁶ During their investigation, Commission officers will verify whether the landowner provided the required notification and took precautions mandated by state law. But while the intent of the various ordinances is to prevent burns that will become a nuisance to the surrounding area, “it makes a very, very messy patchwork of enforcement because only codes enforcement or fire department or maybe deputies in some counties can enforce” the ordinances.¹⁴⁷ Commission officers lack the authority to enforce these ordinances.¹⁴⁸

ARBORGEN

FINDING #17

THE COMMISSION OWNS BUT NO LONGER OPERATES A STATE NURSERY.

According to the Commission, the state once owned and operated five state nurseries.¹⁴⁹ However, the demand for seedlings from state-run nurseries declined significantly over time due to competition from private tree nurseries.¹⁵⁰ By 2000, the Commission owned only one nursery, Taylor Nursery, located in Trenton, South Carolina.¹⁵¹ Taylor Nursery spans 345 acres, including an office complex, roads, and an irrigation pond, with 106 acres dedicated to seedling production.¹⁵² By 2018, demand for seedlings “had slipped to the point where the Commission could no longer operate that [nursery] efficiently.”¹⁵³ The Commission decided therefore to enter

into a ten year public-private partnership with ArborGen, a privately owned company headquartered in Ridgeville, South Carolina “committed to helping landowners, consulting foresters and tree planters worldwide achieve maximum return, productivity, and profitability from their reforestation efforts[]” by “grow[ing] seedlings with healthy lateral root systems and strong survival rates.”¹⁵⁴ Under the partnership agreement, the Commission owned the nursery, but ArborGen operated it, which produced “up to five million seedlings for South Carolina landowners at a reduced cost.”¹⁵⁵

Recently, ArborGen notified the Commission of its intention to terminate the partnership.¹⁵⁶ After months of negotiations, the Commission and ArborGen entered into a new agreement that released ArborGen from its lease obligations. As a result, the Commission owns but does not operate Taylor Nursery. However, the pursuant to the new agreement, the Commission “continue[s] having a role in providing and ensuring South Carolina landowners access to affordable seedlings.”¹⁵⁷ Small landowners will still have the option to purchase seedlings at a discount, which will be grown at other ArborGen nurseries.¹⁵⁸

LEASES WITH SCDNR

FINDING #18

THE MAJORITY OF STATE FOREST LAND OPERATED BY THE FORESTRY COMMISSION IS ENROLLED IN THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCE’S WILDLIFE MANAGEMENT AREA PROGRAM FOR PUBLIC HUNTING.

The Commission collaborates with the South Carolina Department of Natural Resources (SCDNR) to manage public hunting opportunities on state lands through lease agreements.¹⁵⁹ The Commission’s partnership with SCDNR involves the enrollment of four of the Commission’s five managed lands into SCDNR’s Wildlife Management Area (WMA) program.¹⁶⁰ The WMA program is made up of different types of public lands offering different opportunities such as dove and deer hunting, fishing, bird dog training, and public education and recreational uses.¹⁶¹ In FY 2023, the Commission had 92,398 acres of forestland enrolled in SCDNR’s WMA program.¹⁶² The Commission and SCDNR mutually agree on the terms of the leases as well as the price for each

lease, which varies depending on property access and the extent and type of management provided by the Commission on the property.¹⁶³

The lease agreements allow for public hunting and fishing, and pursuant to the terms of the leases, hunters must adhere to SCDNR's regulations concerning species, seasons, and methods of hunting.¹⁶⁴

VACANCIES / RETIREMENT / RECRUITMENT

FINDING #19

THE COMMISSION LACKS A FORMAL SUCCESSION PLAN TO ADDRESS IMPENDING RETIREMENTS AND SIGNIFICANT VACANCIES IN KEY POSITIONS WITHIN THE AGENCY.

A succession plan is vital for any state agency to ensure continuity within the agency, maintain stability, and to preserve institutional knowledge. A succession plan should identify and develop internal talent to ensure there are capable individuals ready to step into leadership roles when vacancies occur due to retirements, promotions, or unexpected departures. A succession plan should include a recruitment plan—i.e., an agency's strategy to identify and attract qualified candidates who possess the necessary skills to meet the agency's current and future needs.

By its own admission, the Commission lacks a formal succession plan, and the need for one is critical. In FY 2024, the Commission employs 376 full-time employees.¹⁶⁵ Thirty-two positions at the Commission are currently unfilled.¹⁶⁶ Agency wide, 30% of Forestry Technician I and Forestry Warden I employees are currently eligible to retire, and 49% will be eligible to retire in five years. Forty-one percent of the Commission's Fire Management Officers are eligible to retire within the

next five years. Twenty-seven percent of Forester Supervisors are currently eligible to retire, and 72% will be eligible to retire in five years.¹⁶⁷ In FY 2019-20, the employee turnover rate was eight percent. By FY 2022-23, the employee turnover rate grew to 11.86%.¹⁶⁸ Despite these alarming numbers, the Commission does not have a formal succession plan in place.¹⁶⁹

Recruitment of employees is a significant issue with the Commission, similar to many other state agencies. Overcoming barriers to employee recruitment is a challenge expressed by many state agencies during the House oversight review process. A frequent barrier mentioned during reviews is competitive employee compensation. The Commission competes with the private industry as well as the federal government and state agencies in South Carolina and other Southeastern states for talent.¹⁷⁰ The Commission testified that it has been working with the Division of State Human Resources to ensure that it can "attract top-notch candidates for . . . forestry jobs."¹⁷¹

Developing a pipeline of talent within the state is a challenge. Recruitment efforts include "a huge push to attend job fairs with colleges and universities across the country," but these efforts fall short.¹⁷² According to the Commission, "it's hard to fill forester positions specifically" with South Carolina college graduates because "they're small programs within these colleges and universities . . ."¹⁷³ Indeed, only three South Carolina universities offer forestry degree programs, Clemson University, Horry-Georgetown Technical College, and Newberry College.¹⁷⁴ According to the South Carolina Commission on Higher Education, from the fall of 2014 through the fall of 2023, 2048 individuals enrolled in a forestry degree program at a South Carolina university, but only 557, or 27%, successfully completed the program.¹⁷⁵

RECOMMENDATIONS

During the study of the South Carolina Forestry Commission, the Economic Development, Transportation, and Natural Resources Subcommittee (“Subcommittee”) of the House Legislative Oversight Committee (“Committee”) adopts **14** recommendations.

With any study, the Committee recognizes these recommendations (e.g., continue, curtail, improve areas potentially, and/or eliminate agency programs, etc.) will not satisfy everyone nor address every issue or potential area of improvement at the agency. Recommendations are based on the agency’s self-analysis requested by the Committee, discussions with agency personnel during multiple meetings, and analysis of the information obtained by the Committee. This information, including, but not limited to, the Initial Request for Information, Accountability Report, Restructuring Report, and videos of meetings with agency personnel, is available on the Committee’s website.

HUMAN RESOURCES

RECOMMENDATION #1

THE COMMITTEE RECOMMENDS THAT THE COMMISSION DEVELOP A SUCCESSION PLAN TO ADDRESS IMPENDING RETIREMENTS AND VACANCIES IN KEY POSITIONS WITHIN THE AGENCY.

Recruitment of employees is an issue for state agencies. Identifying a pool of potential employees to fill key positions in an agency takes time, strategy, and effort. As observed in Finding 19, a significant percentage of staff agency-wide is eligible to retire in five years. This finding underscores the significance of succession planning to avert risks associated with retirement and unexpected departures. Therefore, it is essential that the Commission identify key positions that may be vacant within the next five years and develop a plan for individuals to assume those positions. The plan should consider identifying and mentoring individuals from within the agency to assume key positions, as well as developing a recruitment and marketing strategy designed to identify and recruit individuals outside the agency to assume the potentially vacant positions.

RECOMMENDATION #2

THE COMMITTEE RECOMMENDS THAT THE COMMISSION REEVALUATE JOB CLASSIFICATIONS AND ELIMINATE REQUIREMENTS THAT ARE NOT NECESSARY FOR SUCCESSFUL JOB PERFORMANCE.

As a state agency facing a significant recruitment challenge, the Committee recommends that the Commission reevaluate job classifications and eliminate any requirements that are not directly necessary for successful job performance. The Commission should assess the actual demands of job positions at the Commission in light of the current needs of the agency and remove barriers that may be discouraging otherwise qualified candidates from applying—e.g., reducing excessive educational requirements, broadening the range of education and experience required, or removing unnecessary or outdated certification demands that do not directly impact job performance.

RECOMMENDATION #3

THE COMMITTEE RECOMMENDS THAT THE COMMISSION COLLABORATE WITH THE DEPARTMENT OF EDUCATION AND SOUTH CAROLINA STATE UNIVERSITY AS PART OF ITS RECRUITMENT EFFORTS.

The Commission should establish a collaborative partnership with the South Carolina Department of Education (SCDOE) and South Carolina State University to assist the Commission in its recruitment efforts. By working with the SCDOE, the Commission can engage with high school students across the state to promote career possibilities in forestry. Early engagement could be a tool to inspire students at a young age to consider forestry as a career, thereby possibly expanding the pool of future forestry employees.

Further, the Commission should establish a collaborative partnership with South Carolina State University to assist

the Commission in its recruitment efforts. While South Carolina State does not have a forestry degree program, the university's College of Agriculture, Family and Consumers Sciences has a Department of Agriculture whose mission is to "educate[] future agriculture professionals."¹⁷⁶ Forestry and agriculture are both fields that work hand in hand and impact South Carolina's agribusiness sector, which "revolve[s] around the traditional agriculture and forestry sectors, all associated food and wood processing, and other related sectors . . . " and "generat[es] billions of dollars in economic activity and directly employing thousands of workers across the state every year."¹⁷⁷ Actively engaging college students enrolled in the university's Department of Agriculture and educating them about the relationship between agriculture and forestry could help to create a direct pipeline of graduates into the Forestry Commission's workforce.

RECOMMENDATION #4

THE COMMITTEE RECOMMENDS THAT THE FORESTRY COMMISSION REQUEST THE OFFICE OF THE STATE INSPECTOR GENERAL (SIG) TO CONDUCT AN EMPLOYEE SATISFACTION SURVEY.

Commission leadership must report survey findings to the House Legislative Oversight Committee and include an action plan to address identified opportunities for improvement. The survey must be conducted within one year of approval of this report, and the results must be provided to the House Legislative Oversight Committee. Subsequent employee satisfaction surveys should be conducted every two years.

This recommendation requests the agency utilize the experience and expertise of the SIG to survey employee morale. The SIG has partnered with the House Legislative Oversight Committee in prior studies to provide this human resource information at no cost to the participating agency. The SIG's independence as a third party may mitigate any employee concern regarding the anonymous nature of the survey and its results, resulting in more candid and constructive responses. Agency leadership is disadvantaged if unaware of challenges or systemic issues within the agency.

The Commission has conducted three employee engagement surveys since 2018 and utilized the results to bolster employee engagement. It has also implemented

biannual "pulse" surveys to gather continuous feedback from employees on their engagement and satisfaction levels.¹⁷⁸ The Commission should compare the results of its own internal employee satisfaction reviews to the results of the SIG's independent assessment.

SMOKE MANAGEMENT GUIDELINES

RECOMMENDATION #5

THE COMMITTEE RECOMMENDS THAT THE COMMISSION AMEND ITS SMOKE MANAGEMENT GUIDELINES PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT. THE COMMITTEE FURTHER RECOMMENDS THAT FOLLOWING THE SUBMISSION OF THE AMENDED GUIDELINES AS REGULATIONS TO THE GENERAL ASSEMBLY, THE GENERAL ASSEMBLY APPROVE THE REGULATIONS.

As noted in Finding 10, The Commission acknowledges that the Guidelines have not been updated since 2006. The Guidelines "are considered promulgated by the State Forestry Commission and approved by the General Assembly."¹⁷⁹ Therefore, "[a]ny amendment, replacement, or revision of these guidelines must be promulgated by the State Forestry Commission pursuant to the Administrative Procedures Act."¹⁸⁰

PRESCRIBED BURN NOTIFICATION

RECOMMENDATION #6

THE COMMITTEE RECOMMENDS THAT THE COMMISSION CONDUCT A STUDY TO ASSESS THE COST OF USING U.S. MAIL TO NOTIFY RURAL RESIDENTS OF THE DIFFERENT TYPES OF LEGAL BURNS, PRESCRIBED FIRE LIABILITY, PRESCRIBED FIRE LIABILITY INSURANCE, AND PRESCRIBED FIRE ASSISTANCE AVAILABLE TO LANDOWNERS. THE COMMISSION SHALL REPORT ITS FINDINGS TO THE HOUSE LEGISLATIVE OVERSIGHT COMMITTEE WITHIN SIX MONTHS OF PUBLICATION OF THIS REPORT.

This recommendation may offer the Commission an opportunity to share more information with rural landowners about the benefits of prescribed burns, as well as the laws and regulations that govern various types of burns.

ACCESS TO FOREST TRAILS

RECOMMENDATION #7

THE COMMITTEE RECOMMENDS THAT THE COMMISSION CONDUCT A FORMAL EVALUATION ON EXPANDING E-BIKE ACCESS ON STATE FOREST TRAILS. AS PART OF THE EVALUATION, THE COMMISSION SHOULD TAKE INTO CONSIDERATION USDA FOREST SERVICE GUIDANCE TO MANAGE E-BIKE USE IN NATIONAL FORESTS ISSUED IN 2022.¹⁸¹ THE COMMISSION SHALL REPORT ITS FINDINGS TO THE HOUSE LEGISLATIVE OVERSIGHT COMMITTEE WITHIN ONE YEAR OF PUBLICATION OF THIS REPORT.

This recommendation aims to broaden access to forestland for all residents of the state.

MODERNIZATION OF LAWS¹⁸²

RECOMMENDATION #8

THE COMMITTEE RECOMMENDS THE GENERAL ASSEMBLY CONSIDER AMENDING S.C. CODE ANN. § 48-33-60 (2008) AS PROPOSED BY THE COMMISSION.

Section 48-33-60 sets forth the duties and powers of county forestry boards. According to Commission leadership, the agency no longer employs individuals who are considered county employees, as their responsibilities now span a multi-county area.¹⁸³ Therefore, the General Assembly should amend section 48-33-60 to eliminate references to employees being hired, retained, or dismissed with the consent of the county advisory boards. Additionally, references to employees living within the counties where they work should also be removed.

RECOMMENDATION #9

THE COMMITTEE RECOMMENDS THE GENERAL ASSEMBLY CONSIDER AMENDING S.C. CODE ANN. § 48-33-70 (2008) AS PROPOSED BY THE COMMISSION.

Section 48-33-70 mandates that the Commission “prepare for each county forestry board a plan for forestry fire protection for the fiscal year” According to Commission leadership, the Commission no longer prepares a plan for forestry fire protection for each county. Instead, the Commission prepares and presents an annual update on forest protection activities in their areas to the county boards.

RECOMMENDATION #10

THE COMMITTEE RECOMMENDS THE GENERAL ASSEMBLY CONSIDER AMENDING S.C. CODE ANN. § 48-33-80 (2008) BY STRIKING REFERENCE TO MEMBERS OF COUNTY BOARDS.

Section 48-33-80 provides that “[t]he State Commission of Forestry, any of its authorized agents and any member of a county forestry board may, at any or all times, go upon any land for the purpose of preventing or controlling forest fires, as defined herein, without making themselves liable for trespassing.” According to the Commission, the language referencing members of county forestry boards could present safety and liability issues.

RECOMMENDATION #11

THE COMMITTEE RECOMMENDS THE GENERAL ASSEMBLY CONSIDER STRIKING S.C. CODE ANN. § 48-23-270 (2023) WHICH PRESCRIBES THE USE OF REVENUE FOR SCRUB OAK ERADICATION, REFORESTATION, TIMBER STAND IMPROVEMENT, AND HARVEST CUTTING IN STATE PARKS.

By its terms, section 48-23-270 created a temporary funding program for scrub oak eradication, reforestation, timber stand improvement, and harvest cutting in state parks. The program, which authorizes the Commission to “commence a program not exceeding seven years” to carry out, among other things, scrub oak eradication operations on state park lands for reforestation purposes “shall commence as soon as is practicable after June 8, 1965.” According to the Commission, the Commission complied with section 48-23-270, and therefore the statute is obsolete.

RECOMMENDATION #12

THE COMMITTEE RECOMMENDS THE GENERAL ASSEMBLY CONSIDER STRIKING S.C. CODE ANN. § 48-23-280 (2023) WHICH PRESCRIBES THE USE OF REVENUE FOR SCRUB OAK ERADICATION AND REFORESTATION IN MANCHESTER AND SAND HILLS STATE FORESTS.

Section 48-23-280 allows the Commission to expend certain funds annually to commence a program to carry out scrub oak eradication operations on the Manchester and Sand Hills State Forests. The program, “not exceeding

seven years . . . shall commence as soon as is practicable after May 24, 1960.” According to the Commission the Commission complied with section 48-23-280, and therefore the statute is obsolete.

RECOMMENDATION #13

THE COMMITTEE RECOMMENDS THE GENERAL ASSEMBLY CONSIDER AMENDING S.C. CODE ANN. § 48-23-132 (2008) BY STRIKING REFERENCE TO SAND HILLS STATE FOREST AND MANCHESTER STATE FOREST.

Section 48-23-132 prescribes the purposes for which revenues from specified sources, excluding Sand Hills State Forest, may be used for the reforestation of Manchester State Forest. According to the Commission, section 48-23-132 is an antiquated law enacted because Sand Hills State Forest at the time was owned by the federal government until the late 1990s, which is why it was excluded from receiving state funds. Sand Hills is now owned by the state.¹⁸⁴ According to the Commission, section 48-23-132 should be amended to reference the state forest system as a whole.

RECOMMENDATION #14

THE COMMITTEE RECOMMENDS THE GENERAL ASSEMBLY CONSIDER AMENDING SECTION 48-23-120 (2008) AS PROPOSED BY THE FORESTRY COMMISSION.

Section 48-23-120, which outlines the methods by which the Commission may acquire agricultural and forest lands in the state, limits the price to “five dollars per acre and in no event above ten dollars per acre.” This proposed amendment seeks to strike the price cap and replace it with “the current appraised value.”

APPENDIX A

Aircraft used for aerial wildfire surveillance by the Forestry Commission.

Source: SCFC



APPENDIX B

Toll-free numbers to call to notify the Forestry Commission of outdoor burnings.

Source: SCFC

COUNTY	NUMBER	COUNTY	NUMBER
Abbeville	1-800-895-7056	Greenwood	1-800-986-5327
Aiken	1-800-895-7057	Hampton	1-800-986-5403
Allendale	1-800-895-7058	Horry	1-800-986-5404
Anderson	1-800-895-7059	Jasper	1-800-986-5405
Bamberg	1-800-895-7060	Kershaw	1-800-705-8609
Barnwell	1-800-895-7061	Lancaster	1-800-705-8610
Beaufort	1-800-895-7062	Laurens	1-800-705-8611
Berkeley	1-800-895-7063	Lee	1-800-705-8612
Calhoun	1-800-895-7064	Lexington	1-800-705-8613
Charleston	1-800-986-3593	Marion	1-800-705-8614
Cherokee	1-800-986-3594	Marlboro	1-800-705-8615
Chester	1-800-986-3595	McCormick	1-800-705-8616
Chesterfield	1-800-986-3596	Newberry	1-800-705-8617
Clarendon	1-800-986-3597	Oconee	1-800-705-8618
Colleton	1-800-986-3599	Orangeburg	1-800-517-9636
Darlington	1-800-986-3742	Pickens	1-800-517-9637
Dillon	1-800-986-3745	Richland	1-800-517-9638
Dorchester	1-800-986-3746	Saluda	1-800-517-9639
Edgefield	1-800-986-5138	Spartanburg	1-800-517-9640
Fairfield	1-800-986-5162	Sumter	1-800-517-9641
Florence	1-800-986-5165	Union	1-800-517-9642
Georgetown	1-800-986-5256	Williamsburg	1-800-517-9643
Greenville	1-800-986-5299	York	1-800-517-9644

APPENDIX C

Information on Prescribed Burn Insurance Prepared for Roland Franklin by Mark Fryer July 16, 2024

Disclaimer: The below is intended to be general information. Coverage can vary by carrier. If there are any discrepancies in the below and the policy, the policy will apply.

Consulting Foresters & Certified Burn Managers – Prescribed Burning Liability

Prescribed Burning Liability insurance can be provided to Professional Foresters (Consulting Foresters) who are also certified prescribed burn managers or to certified prescribed burn managers who are not professional foresters. A professional forester is a graduate of a forestry program, licensed or registered in his/her state, if required, or have an acceptable level of experience.

For Professional Foresters, prescribed burning liability coverage is added to the other coverages of a general liability policy through an endorsement.

For Certified Burn Managers, prescribed burning liability coverage is added to the general liability policy through an endorsement. However, coverage is limited to the activities and operations of a Certified Prescribed Burn Manager.

Coverage Limits

Consulting Foresters

Our General Liability has the following standard limits:

- \$ 1,000,000 per occurrence
- \$ 2,000,000 aggregate
- \$ 100,000 – Damage to Rented Premises
- \$ 5,000 – Medical Payments
- \$1,000,000 – Personal & Advertising Injury
- \$2,000,000 – Products/Completed Operations Aggregate

Our endorsement to add prescribed burning liability to the general liability policy offers the following limit options:

- \$ 1,000,000 / \$ 500,000 / \$ 250,000 / \$ 100,000 per occurrence options
- \$ 1,000,000 / \$ 500,000 / \$ 250,000 / \$ 100,000 aggregate options (the aggregate limit will be the same as the per occurrence limit selected)

While there are multiple options available, we recommend a limit of \$1,000,000.

Certified Burn Managers

Our General Liability has the following standard limits:

- \$ 1,000,000 per occurrence
- \$ 2,000,000 aggregate
- Excluded – Damage to Rented Premises
- Excluded – Medical Payments
- Excluded – Personal & Advertising Injury

- Excluded – Products/Completed Operations Aggregate

Our endorsement to add prescribed burning liability to the general liability policy offers the following limit options:

- \$ 1,000,000 per occurrence and aggregate

As stated earlier, for this policy coverage is limited to the activities and operations of a Certified Prescribed Burn Manager.

Prescribed Burning Liability Coverage

Bodily Injury or Property Damage arising out of:

- Fire Damage Liability
- Smoke Damage Liability

Requirements for Coverage to Apply

- The burn is to be accomplished only when at least **one certified prescribed burn manager** is supervising the burn or burns that are being conducted.
- A **written prescription** is prepared and witnessed or notarized prior to prescribed burning.
- A **burning permit** is obtained from the State Forestry Commission.
- The burn is **conducted pursuant to ALL state laws and rules** applicable to prescribed burning.

Premium

Premium is based on payroll with an additional charge to add the prescribed burning liability endorsement.

Premium estimates are as follows:

Payroll	Premium
\$ 50,000	\$2,600
\$100,000	\$3,500
\$150,000	\$4,200

APPENDIX D

Forestry program degree data.

Source: SC Commission on Higher Education

South Carolina Commission on Higher Education

Headcount Enrollment by Student Level

Forestry Programs* by Fall Semester

South Carolina Public & Independent Colleges & Universities

Institution	Student Level	Fall 2014	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019	Fall 2020	Fall 2021	Fall 2022	Fall 2023	Grand Total
Clemson University	Bachelors	71	77	74	89	97	98	91	90	94	92	873
	Masters	11	11	11	9	14	19	19	16	18	21	149
	Doctors-Research/Scholarship	9	10	10	8	9	9	10	12	13	18	108
Clemson University Total		91	98	95	106	120	126	120	118	125	131	1,130
Horry-Georgetown Technical College	Certificate	1	3	2	3	1						10
	Associate	114	104	112	107	106	95	71	73	67	57	906
Horry-Georgetown Technical College Total		115	107	114	110	107	95	71	73	67	57	916
Newberry College	Bachelors								1	1		2
Newberry College Total									1	1		2
Grand Total		206	205	209	216	227	221	191	192	193	188	2,048

* Forestry programs were classified by the National Center for Education Statistics 4-digit CIP code family for forestry: 03.05xx.

South Carolina Commission on Higher Education

Total Degrees Awarded by Institution CIP Code and Degree Level

Forestry Programs* by Fiscal Year

South Carolina Public & Independent Colleges & Universities

Institution	Degree Level	Fiscal Year 2013-2014	Fiscal Year 2014-2015	Fiscal Year 2015-2016	Fiscal Year 2016-2017	Fiscal Year 2017-2018	Fiscal Year 2018-2019	Fiscal Year 2019-2020	Fiscal Year 2020-2021	Fiscal Year 2021-2022	Fiscal Year 2022-2023	Grand Total
Clemson University	Bachelors	21	12	23	18	25	23	28	24	32	21	227
	Masters	8	8	3	6	2	6	3	6	9	3	54
	Doctors-Research/Scholarship	2	1	2	2	2	2	2	1	2		16
Clemson University Total		31	21	28	26	29	31	33	31	43	24	297
Horry-Georgetown Technical College	Certificate		2	2	1	1		1				7
	Associate	22	26	21	34	31	21	31	24	21	22	253
Horry-Georgetown Technical College Total		22	28	23	35	32	21	32	24	21	22	260
Grand Total		53	49	51	61	61	52	65	55	64	46	557

* Forestry programs were classified by the National Center for Education Statistics 4-digit CIP code family for forestry: 03.05xx.

APPENDIX E

Suggested law changes for the Forestry Commission.

LAW CHANGE #1			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
Section 48-33-60	<p><u>Current Law</u> Duties and powers of county forestry boards; employees</p> <p><u>Recommendation</u> Modify to remove language that is outdated.</p>	The Commission no longer has employees who are considered county employees. Current employees cover multi county areas.	<p>Presented and approved by agency's <u>governing body</u>: To be presented at next Commission meeting.</p> <p><u>Other entities potentially impacted</u> None</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly</u>: Not Applicable</p>
Current Law Wording		Proposed Revisions to Law Wording	
<p>SECTION 48-33-60. Duties and powers of county forestry boards; employees.</p> <p>The county boards shall assist in the efficient performance of the requirements of this chapter and the general conduct of the forestry program in the county. They shall review, revise and adopt the annual forest protection plan and the county ranger, fire wardens, towermen and all other county forest fire protection officers shall be employed, retained or dismissed only with the consent of the county forestry board. The county ranger, fire wardens and towermen and all other county officers of the county board shall be residents of the county in which they are so employed.</p> <p>HISTORY: 1962 Code Section 29-56; 1952 Code Section 29-56; 1945 (44) 138.</p>		<p>SECTION 48-33-60. Duties and powers of county forestry boards; employees.</p> <p>The county boards shall assist in the efficient performance of the requirements of this chapter and the general conduct of the forestry program in the county. They shall review, revise and adopt the annual forest protection plan and the county ranger, fire wardens, towermen and all other county forest fire protection officers shall be employed, retained or dismissed only with the consent of the county forestry board. The county ranger, fire wardens and towermen and all other county officers of the county board shall be residents of the county in which they are so employed.</p> <p>HISTORY: 1962 Code Section 29-56; 1952 Code Section 29-56; 1945 (44) 138.</p>	

LAW CHANGE #2			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted

SECTION 48-33-70.	<u>Current Law</u> Plans for forest fire protection; rules and regulations for administration of plans. <u>Recommendation</u> Modify to remove obsolete and insert updated language.	The Commission no longer prepares a plan for each county. It prepares and presents an annual update on forest protection activities in their areas to the county boards.	<u>Presented and approved by agency's governing body:</u> To be presented at next Commission meeting. <u>Other entities potentially impacted</u> None If the law is a regulation, where <u>agency is in the process of finalizing it and providing it to the General Assembly:</u> Not Applicable
Current Law Wording		Proposed Revisions to Law Wording	
SECTION 48-33-70. Plans for forest fire protection; rules and regulations for administration of plans. The State Commission of Forestry shall prepare for each county forestry board a plan for forest fire protection for the fiscal year and present such plan at the July meeting of the board. It shall have power to make and enforce all rules and regulations necessary for the administration of forest fire protection. HISTORY: 1962 Code Section 29-57; 1952 Code Section 29-57; 1945 (44) 138.	SECTION 48-33-70. Plans for forest fire protection; rules and regulations for administration of plans. The State Commission of Forestry shall prepare for each county forestry board a plan for forest fire protection for the fiscal year and present such plan <u>an update on forest fire protection activities at the July annual meeting of the board.</u> It shall have power to make and enforce all rules and regulations necessary for the administration of forest fire protection. HISTORY: 1962 Code Section 29-57; 1952 Code Section 29-57; 1945 (44) 138.		

LAW CHANGE #3			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
SECTION 48-33-80	<u>Current Law</u> Access to property <u>Recommendation</u> Remove and update language.	Current language could present safety and liability issues.	<u>Presented and approved by agency's governing body:</u> To be presented at next Commission meeting. <u>Other entities potentially impacted</u> None If the law is a regulation, where <u>agency is in the process of finalizing it and providing it to the General Assembly:</u> Not applicable
Current Law Wording		Proposed Revisions to Law Wording	
SECTION 48-33-80. Access to property. The State Commission of Forestry, any of its authorized agents and any member of a county forestry board may, at any or all times, go upon any		SECTION 48-33-80. Access to property. The State Commission of Forestry <u>and</u> any of its authorized agents and any member of a county forestry board may, at any or all times, go upon any land for the purpose of preventing or controlling forest fires, as	

land for the purpose of preventing or controlling forest fires, as defined herein, without making themselves liable for trespassing. HISTORY: 1962 Code Section 29-58; 1952 Code Section 29-58; 1945 (44) 138.	defined herein, without making themselves liable for trespassing. HISTORY: 1962 Code Section 29-58; 1952 Code Section 29-58; 1945 (44) 138.
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LAW CHANGE #4			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
SECTION 48-23-270	<p><u>Current Law</u> Use of revenue for scrub oak eradication, reforestation, timber stand improvement, and harvest cutting in state parks.</p> <p><u>Recommendation</u> Repeal</p>	Law is obsolete.	<p><u>Presented and approved by agency's governing body:</u> To be presented at next Commission meeting.</p> <p><u>Other entities potentially impacted</u> None <u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not Applicable</p>
<u>Current Law Wording</u>		<u>Proposed Revisions to Law Wording</u>	
<p>SECTION 48-23-270. Use of revenue for scrub oak eradication, reforestation, timber stand improvement, and harvest cutting in state parks.</p> <p>(1) The State Commission of Forestry is hereby authorized to expend annually an amount not to exceed one half the total receipts derived annually from the State parks (sale of timber products only) under the administration of the Commission in order to commence a program not exceeding seven years to carry out scrub oak eradication operations, timber stand improvement and other management activities on State park lands and for the reforestation of such treated areas. Provided, the State Commission of Forestry shall first expand such funds as are derived hereunder for necessary reforestation projects and fixtures within the park from which timber has been cut and only thereafter shall such funds be expended on other State parks. The other half of the total receipts derived annually from the State parks and all unexpended funds, at the end of each fiscal year, heretofore herein authorized to be spent by the State Commission of Forestry for the purposes herein stated, shall be deposited to the general fund of the State. Provided, the State Treasurer shall pay to any county containing State park lands an amount equal to twenty-five per cent of the gross proceeds received by the State in each fiscal year from the sale of timber, pulpwood, and other timber products on such State park lands in any such county, which said payments shall be in lieu of taxes. This provision shall apply to all State park lands managed or operated by the State Commission of Forestry whether they be owned in fee by the State or leased from the United States and irrespective of Section 48-23-260. Where a particular State park lands lies in more than one county, the funds derived from such State park lands and to be paid by the State Treasurer shall be apportioned on the basis of land acreage involved. All funds distributed under the provision of this section shall be spent upon the approval</p>		Repeal entire statute.	

of a majority of the county legislative delegations, including the Senator. The Commission may enter into contracts with such persons as may be necessary in order to carry out the provisions of this section. All timber shall be cut consistent with good forestry practices and such cutting shall not impair the value of the State parks as to beauty or for recreational purposes and no such timber shall be cut without the approval of the Department of Administration. (2) The program herein authorized shall commence as soon as is practicable after June 8, 1965. Provided, that no expenditures or contracts authorized by this section shall be made without the approval of the Department of Administration.

HISTORY: 1962 Code Section 29-29.1; 1965 (54) 684.

Code Commissioner's Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

LAW CHANGE #5

Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
Section 48-23-280	<p><u>Current Law</u> Use of revenue for scrub oak eradication and reforestation in Manchester and Sandhills State Forests.</p> <p><u>Recommendation</u> Repeal</p>	Law is obsolete	<p><u>Presented and approved by agency's governing body:</u> To be presented at next Commission meeting.</p> <p><u>Other entities potentially impacted</u> None</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not Applicable</p>
Current Law Wording		Proposed Revisions to Law Wording	
<p>SECTION 48-23-280. Use of revenue for scrub oak eradication and reforestation in Manchester and Sandhills State Forests.</p> <p>The Commission may expend annually an amount not to exceed the total receipts derived annually from the State forests under the administration of the Commission in order to commence a program not exceeding seven years to carry out scrub oak eradication operations on the Manchester and Sandhills State Forests and for the reforestation of such treated areas at a minimum rate of four thousand acres annually. The Commission may enter into contracts with such persons as may be necessary in order to carry out the provisions of this section. The program authorized in this section shall commence as soon as is practicable after May 24, 1960. No expenditures or contracts authorized by this section shall be made without the approval of the State Fiscal</p>		Repeal	

<p>Accountability Authority. The provisions of this section shall in no way affect the provisions of Section 48-23-260.</p> <p>HISTORY: 1962 Code Section 29-30; 1960 (51) 2080.</p> <p>Code Commissioner's Note</p> <p>At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.</p>	
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LAW CHANGE #6			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
SECTION 48-23-132.	<p><u>Current Law</u> Purposes for which revenues from specified sources may be used.</p> <p><u>Recommendation</u> Update language.</p>	Remove unnecessary language.	<p><u>Presented and approved by agency's governing body:</u> To be presented at next Commission meeting.</p> <p><u>Other entities potentially impacted</u> None</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not applicable</p>
Current Law Wording		Proposed Revisions to Law Wording	
<p>SECTION 48-23-132. Purposes for which revenues from specified sources may be used. Revenue received from hunting privileges, rentals, fuel wood sales, the marketing of pine straw, merchantable timber, forest tree seed, and miscellaneous products on commission lands, excluding Sand Hills State Forest, must be retained by the commission to be used for reforestation of the Manchester State Forest, the development and operation of state forests and forest tree seed orchards, the maintenance of wildlife habitat, and the administration and operation of various programs on commission holdings. The commission may carry forward unexpended funds under this section to be used for those purposes.</p> <p>HISTORY: 1994 Act No. 497, Part II, Section 9.</p>		<p>SECTION 48-23-132. Purposes for which revenues from specified sources may be used. Revenue received from hunting privileges, rentals, fuel wood sales, the marketing of pine straw, merchantable timber, forest tree seed, and miscellaneous products on commission lands, excluding Sand Hills State Forest, must be retained by the commission to be used for reforestation of <u>state forests</u> the Manchester State Forest, the development and operation of state forests and forest tree seed orchards, the maintenance of wildlife habitat, and the administration and operation of various programs on commission holdings. The commission may carry forward unexpended funds under this section to be used for those purposes.</p> <p>HISTORY: 1994 Act No. 497, Part II, Section 9.</p>	

LAW CHANGE #7

Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
SECTION 48-29-20.	<u>Current Law</u> State Commission of Forestry to detect and control forest pest outbreaks. <u>Recommendation</u> Update language.	Replace the language State Crop Pest Commission with Clemson Department of Plant Industry.	<u>Presented and approved by agency's governing body:</u> To be presented at next Commission meeting. <u>Other entities potentially impacted</u> None <u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not Applicable
<u>Current Law Wording</u>		<u>Proposed Revisions to Law Wording</u>	
SECTION 48-29-20. State Commission of Forestry to detect and control forest pest outbreaks. The purpose and intent of this chapter is to place with the State Commission of Forestry the authority and responsibility for action programs to detect and control forest pest outbreaks in South Carolina. The establishment of quarantine regulations and other actions to prevent the introduction into or the spread of introduced forest pests in South Carolina shall remain the responsibility of the State Crop Pest Commission, and the provisions of this chapter shall not abrogate or change any power or authority vested in the State Crop Pest Commission except as defined herein in regard to action programs to detect and control forest pests. HISTORY: 1962 Code Section 29-65.1; 1963 (53) 104.		SECTION 48-29-20. State Commission of Forestry to detect and control forest pest outbreaks. The purpose and intent of this chapter is to place with the State Commission of Forestry the authority and responsibility for action programs to detect and control forest pest outbreaks in South Carolina. The establishment of quarantine regulations and other actions to prevent the introduction into or the spread of introduced forest pests in South Carolina shall remain the responsibility of the State Crop Pest Commission <u>Clemson Department of Plant Industry</u> , and the provisions of this chapter shall not abrogate or change any power or authority vested in the State Crop Pest Commission <u>Clemson Department of Plant Industry</u> except as defined herein in regard to action programs to detect and control forest pests. HISTORY: 1962 Code Section 29-65.1; 1963 (53) 104.	

LAW CHANGE #8			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
SECTION 48-29-30.	<u>Current Law</u> Duties of State Commission of Forestry as to forest pest outbreaks. <u>Recommendation</u> Update language.	Replace the language State Crop Pest Commission with Clemson Department of Plant Industry.	<u>Presented and approved by agency's governing body:</u> To be presented at next Commission meeting. <u>Other entities potentially impacted</u> None <u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not Applicable
<u>Current Law Wording</u>		<u>Proposed Revisions to Law Wording</u>	
SECTION 48-29-30. Duties of State Commission of Forestry as to forest pest outbreaks. Whenever a forest pest outbreak is suspected, the State Commission of Forestry shall make surveys and observations, consulting with the State Crop Pest Commission's technical personnel for assistance with evaluation of pest populations and survey data. If the State Commission of Forestry		SECTION 48-29-30. Duties of State Commission of Forestry as to forest pest outbreaks. Whenever a forest pest outbreak is suspected, the State Commission of Forestry shall make surveys and observations, consulting with the State Crop Pest Commission's <u>Clemson Department of Plant Industry's</u> technical personnel for assistance with evaluation of pest populations and survey data.	

<p>determines that a forest pest outbreak exists and control measures are deemed necessary, it shall:</p> <p>(a) Establish a control zone, and designate and clearly describe the boundaries.</p> <p>(b) Give notice to all affected forest landowners within the control zone of the existence of the control zone and the actions to be taken under this chapter.</p> <p>(c) Be responsible for surveys in conjunction with the determined action programs.</p> <p>HISTORY: 1962 Code Section 29-65.2; 1963 (53) 104.</p>	<p>If the State Commission of Forestry determines that a forest pest outbreak exists and control measures are deemed necessary, it shall:</p> <p>(a) Establish a control zone, and designate and clearly describe the boundaries.</p> <p>(b) Give notice to all affected forest landowners within the control zone of the existence of the control zone and the actions to be taken under this chapter.</p> <p>(c) Be responsible for surveys in conjunction with the determined action programs.</p> <p>HISTORY: 1962 Code Section 29-65.2; 1963 (53) 104.</p>
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LAW CHANGE #9			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
SECTION 48-23-120.	<p><u>Current Law</u> Acquisition of real estate for timber production and other purposes.</p> <p><u>Recommendation</u> Update language.</p>	Remove and replace outdated language.	<p><u>Presented and approved by agency's governing body:</u> To be presented at next Commission meeting.</p> <p><u>Other entities potentially impacted</u> None</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not Applicable</p>
Current Law Wording		Proposed Revisions to Law Wording	
<p>SECTION 48-23-120. Acquisition of real estate for timber production and other purposes.</p> <p>The State Commission of Forestry may acquire, by purchase, gift or otherwise, submarginal agricultural lands and cut over forest lands in this State at an average price not to exceed five dollars per acre and in no event above ten dollars per acre and use such lands for timber production, demonstration in forestry practice, erosion and flood prevention, game sanctuaries, public shooting grounds and places of general recreation.</p> <p>HISTORY: 1962 Code Section 29-14; 1952 Code Section 29-14; 1942 Code Section 3284-1; 1933 (38) 503.</p>		<p>SECTION 48-23-120. Acquisition of real estate for timber production and other purposes.</p> <p>The State Commission of Forestry may acquire, by purchase, gift or otherwise, submarginal agricultural lands and cut over forest lands in this State at an average price not to exceed five dollars per acre and in no event above ten dollars per acre <u>the current appraised value</u> and use such lands for timber production, demonstration in forestry practice, erosion and flood prevention, game sanctuaries, public shooting grounds and places of general recreation.</p> <p>HISTORY: 1962 Code Section 29-14; 1952 Code Section 29-14; 1942 Code Section 3284-1; 1933 (38) 503.</p>	

ENDNOTES

¹The Economic Impact of South Carolina’s Forestry Indus., *available at* <https://www.scfc.gov/wp-content/uploads/2022/11/economicimpactofforestry2022.pdf>, at 19 (last visited July 11, 2024).

² *Id.* at 12 (“The pulp & paper sector of the forestry industry is defined to include all businesses generally engaged in using wood as the primary raw material to produce pulp, paper, paperboard, and other cellulose-based products.”).

³ *Id.* at 14 (“The solid wood products sector of the forestry industry is generally defined to include all businesses engaged in the production of any solid wood product using timber as a primary raw material (except furniture).”).

⁴ *Id.* at 18 (Noting that forestry-based recreation includes “everything from hiking and wildlife observation to fishing and hunting. The expenditures made by individuals looking to take part in these activities, in turn, generate new economic activity for the state.”).

⁵ *Id.* at 16 (“The wood furniture sector of the forestry industry consists of over 400 companies that manufacture household and office furniture, including kitchen cabinets, upholstered and non-upholstered wood furniture, architectural woodwork, shelving, box springs, blinds, and burial urns and caskets.”).

⁶ *Id.* at 8 (“The timber sector of the forestry industry is defined to include all businesses engaged in the establishment and management of forestland in South Carolina. These businesses include nursery and tree improvement operations, site preparation, forest fertilization, short rotation woody crops, pine straw production, TIMO and REIT operations, and businesses providing various supporting and/or consulting services.”).

⁷ *Id.* at 11 (“The logging sector of the forestry industry is broadly defined to include businesses primarily engaged in either cutting/transplanting timber or processing wood chips. The logging sector is unique in that it is the only sector on which all others in forestry depend.”).

⁸ *Id.* at 12-13.

⁹ June 17, 2024 video presentation at 01:55:01—01:55:56.

¹⁰ June 17, 2024 video presentation at 01:55:01—01:55:56; S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/development/economic-development/> (last visited July 11, 2024).

¹¹ S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/wp-content/uploads/2022/11/economicimpactofforestry2022.pdf> at 9 (last visited July 11, 2024).

¹² *Id.* at 3.

¹³ *Id.*

¹⁴ *Id.* See also Feb. 1, 2024 video presentation at 02:27:31—02:27:50.

¹⁵ Pactiv Evergreen to Close Canton, North Carolina, Pulp and Paper Mill, *available at* <https://www.papereage.com/2023news/03-07-2023pactiv-evergreen-canton-mill.html> (last Visited Aug. 27, 2024).

¹⁶ Jan. 24, 2024 (Ag.) video presentation at 00:03:06—00:03:29.

¹⁷ WestRock to close its North Charleston paper mill in South Carolina, US, *available at* <https://www.packaging-gateway.com/news/westrock-mill-south-carolina/> (last visited Aug. 27, 2024). The company also cited its intention “to eliminate the unbleached saturating kraft paper business from its portfolio.” *Id.*

¹⁸ Jan. 24, 2024 (Ag.) video presentation at 00:04:02—00:04:18.

¹⁹ Feb. 1, 2024 video presentation at 00:03:35—00:10:44.

²⁰ Jan. 24, 2024 (Ag.) video presentation at 00:05:04—00:05:29.

²¹ Jan. 24, 2024 (Ag.) video presentation at 00:05:34—00:06:25.

²² *Id.* at 00:06:30—00:07:19.

²³ Feb. 1, 2024 video presentation at 02:29:51—02:32:06.

²⁴ *Id.*

²⁵ State Forester Scott Phillips and Cam Crawford, president of the Forestry Association of South Carolina serve as co-chairs of the Task Force. The other members include Charles Segars of the Johnson Company; Dr. Walter McPhail, Chairman of the South Carolina Forestry Board of Commissioners; Reg Williams, co-owner of Log Creek Timber Co.; Mike Macedo, Region Manager at International Paper (retired); Chris Brown, Senior Community Relations Manager at Enviva; Mitchell S. (“Mickey”) Scott, President of Cullum’s Lumber Products; Amy McFadden, CEO of White Oak Forest Management; McLeod (“Mac”) Rhodes, CEO of Essex Farms; and Joey A. Ferguson of Resource Management Services, LLC (retired).

²⁶ Jan. 24, 2024 (Ag.) video presentation at 00:07:23—00:07:46.

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- ²⁷ *Id.* at 00:07:52—00:08:33.
- ²⁸ Feb. 1, 2024 video presentation at 02:32:06—02:33:58.
- ²⁹ The Commission acknowledges, however, that exporting chips is not cost effective because the Port of Charleston lacks a bulk loading facility. *See id.* at 02:33:07—02:34:05.
- ³⁰ *Id.* at 02:34:05—02:34:46.
- ³¹ *Id.* at 02:34:46—02:35:39.
- ³² The first forest inventory conducted in South Carolina occurred in 1936 and revealed that there was 10.7 million acres of forestland in the state. A forest inventory conducted in 1958 revealed that forestland acreage in the state had increased to 12.4 million acres. Feb. 1, 2024 video presentation at 00:21:02—00:30:37. According to the Commission, prior to 2010, state forestland acreage was relatively stable. At its peak, South Carolina had 13.1 million acres of forestland. Since 2010, however, forestland acreage in the state has decreased due to an increase in both housing and industrial development. *See* Mar. 5, 2024 video presentation at 00:05:03—00:07:50.
- ³³ Feb. 1, 2024 video presentation at 00:09:53—00:10:09; USDA, *available at* <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/south-carolina/forestry-in-south-carolina#:~:text=South%20Carolina%20has%2012.9%20million,the%20state's%20total%20land%20area> (last visited July 11, 2024).
- ³⁴ Feb. 1, 2024 video presentation at 00:09:53—00:10:09.
- ³⁵ *Id.*
- ³⁶ S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/wp-content/uploads/2021/10/SCForests.pdf> (last visited July 11, 2024).
- ³⁷ Feb. 1, 2024 video presentation at 00:09:51—00:10:44.
- ³⁸ S.C. Code Ann. § 48-33-60 (2008).
- ³⁹ Feb. 15, 2024 video presentation at 00:29:19—00:30:37.
- ⁴⁰ S.C. Code Ann. § 48-33-50 (2008).
- ⁴¹ *Id.*
- ⁴² *Id.*
- ⁴³ June 25, 2024 video presentation at 00:27:30—00:27:57.
- ⁴⁴ The chart illustrating county forestry advisory board vacancies was developed using information provided in correspondence from the Forestry Commission dated July 24, 2024.
- ⁴⁵ S.C. Code Ann. § 48-23-260 (Supp. 2023).
- ⁴⁶ *Id.*
- ⁴⁷ *Id.*
- ⁴⁸ *See* South Carolina Forestry Comm’n, *available at* <https://www.scfc.gov/state-lands/> (last visited July 11, 2024).
- ⁴⁹ Feb. 1, 2024 video presentation at 00:05:31—00:06:36; June 25, 2024 video presentation at 00:06:17—00:06:51. The South Carolina Forest Fire Protection Act extends the Commission’s fire protection jurisdiction to all unincorporated areas of the state. *See* S.C. Code Ann. § 48-33-10, *et seq.* (2008). “This total area protected is based on the 2001 Forest Inventory Analysis data with 10% added to cover adjacent non-forest land.” FY 2022-2023 Annual Report at 4.
- ⁵⁰ S.C. Code Ann. §§ 48-23-10—90 (2008).
- ⁵¹ June 25, 2024 video presentation at 00:06:17—00:06:51; *see also* S.C. Code Ann. § 48-33-20 (2008) (defining “forest land” as land that has “enough forest growth, standing or down, or [has] sufficient inflammable debris or grass, *outside of corporate limits*, to constitute, in the judgement of the State Commission of Forestry, a fire menace to itself or adjoining lands.” (Emphasis added.))
- ⁵² June 25, 2024 video presentation at 00:06:51—00:07:58. *See also* June 25, 2024 video presentation at 00:41:50—00:42:30 (“We train our people not to do this, come in there and say we’re in charge. We’re the Forestry Commission. You know, we’re there. It’s their county, too, and their jurisdiction, their district. So we’re very aware of that, you know. We’re here to help you.”).
- ⁵³ S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/protection/fire-burning/fire-resources/wildfire-in-south-carolina/> (last visited July 16, 2024).
- ⁵⁴ June 25, 2025 video presentation at 00:15:26—00:16:42. According to the Commission, the response time in FY2023 was 37.84 minutes. *See id.*
- ⁵⁵ *Id.* at 00:26:32—00:26:37.
- ⁵⁶ *Id.* at 00:27:41—00:27:58.
- ⁵⁷ *Id.* at 03:17:15—03:17:53; FY 2022-2023 Annual Report at 4.
- ⁵⁸ FY 2022-2023 Annual Report at 4.
- ⁵⁹ Feb. 1, 2024 video presentation at 00:29:14—00:30:01; June 25, 2024 video presentation at 03:19:36—03:20:30.
- ⁶⁰ S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/protection/fire-burning/fire-resources/wildfire-in-south-carolina/> (last visited July 16, 2024).
- ⁶¹ June 25, 2024 video presentation at 01:01:51—01:04:50; 01:06:13—01:

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- ⁶² June 25, 2024 video presentation at 00:29:30—00:29:47.
- ⁶³ *Id.* at 00:31:13—00:31:29.
- ⁶⁴ March 28, 2024 video presentation at 00:09:18—00:10:46; June 25, 2024 video presentation at 00:31:14—00:32:34.
- ⁶⁵ Mar. 28, 2024 video presentation at 00:09:22—00:10:32.
- ⁶⁶ June 25, 2024 video presentation at 00:31:56--00:32:06. *See also* **Appendix A**.
- ⁶⁷ June 25, 2024 video presentation at 00:42:46—00:43:12. Those counties with fire permit laws included Chesterfield, Aiken, Orangeburg, Georgetown, Charleston, Greenville, Clarendon, Marlboro, Williamsburg, and Horry counties. Counties with notification laws included Beaufort, Colleton, Hampton, and Jasper counties. *See id.*
- ⁶⁸ *See* S.C. Code Ann. § 48-35-30 (2008) (“The provisions of this chapter shall not apply to fires which may be started within the corporate limits of any town or city.”).
- ⁶⁹ S.C. Code Ann. § 48-35-10(a) (2008). In addition to providing notification to the State Forester, the statute also requires that the person clear a fire break around the burning site and have sufficient equipment to keep the fire under control, and the person starting the burning must stay with the fire and have it under control before leaving the area.
- ⁷⁰ Feb. 1, 2024 video presentation at 00:43:25—00:43:42.
- ⁷¹ S.C. Code Ann. § 48-35-60 (Supp. 2023). Section 48-35-60 further provides that “[f]or any second or subsequent offense, a fine not less than five hundred dollars or imprisonment for not more than sixty days, or both may be imposed in the discretion of the court.”
- ⁷² *See* FY 2022-2023 Annual Report at 12.
- ⁷³ S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/protection/fire-burning/> (last visited July 17, 2024).
- ⁷⁴ Feb. 1, 2024 video presentation at 00:44:44—00:45:00. *See also* **Appendix B** (County notification numbers).
- ⁷⁵ S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/protection/fire-burning/> (last visited July 17, 2024).
- ⁷⁶ The dispatch centers are located in Florence, Walterboro, and Newberry counties and “operate twenty-four hours a day, seven days a week.” Feb. 1, 2024 video presentation at 00:44:44—00:44:36; June 25, 2024 video presentation at 00:35:48—00:36:51. The centers receive more than 39,000 calls each year. June 25, 2024 video presentation at 00:36:52—00:37:17.
- ⁷⁷ Feb. 1, 2024 video presentation at 00:45:49—00:46:36.
- ⁷⁸ *See* S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/dispatch-operations-panel/burn-notifications-map/> (last visited July 17, 2024).
- ⁷⁹ *See* S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/protection/fire-burning/mobile-wildfire-app/> (last visited July 17, 2024).
- ⁸⁰ S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/protection/fire-burning/> (last visited July 17, 2024).
- ⁸¹ S.C. Code Ann. § 48-35-10 (2008). So long as a person has “cleared around the area to be burned and has immediately available sufficient equipment and personnel to adequately secure the fire and prevent its spread,” the provisions of S.C. Code Ann. § 48-35-10 do not apply “to a fire used for the preparation of food for immediate consumption, or fires burned in portable outdoor fireplaces, chimineas, or permanent fire pits constructed of stone, masonry, metal, or other noncombustible material that conforms with all applicable South Carolina fire codes. . . .” *See* S.C. Code Ann. § 48-35-55 (Supp. 2023).
- ⁸² *See* S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/wp-content/uploads/2021/03/smoke-management-guidelines.pdf> (last visited July 17, 2024).
- ⁸³ *See id.*
- ⁸⁴ Smoke Mgmt. Guidelines for Vegetative Debris Burning for Forestry, Agric., and Wildlife Purposes in the State of S.C. at 3, *available at* <https://www.scfc.gov/wp-content/uploads/2021/03/smoke-management-guidelines.pdf> (last visited July 30, 2024).
- ⁸⁵ *Id.* at 4.
- ⁸⁶ June 6, 2024 video presentation at 00:32:14-00:33:15.
- ⁸⁷ *See id.*
- ⁸⁸ June 25, 2024 video presentation at 00:08:18—00:08:45.
- ⁸⁹ Feb. 1, 2024 video presentation at 01:15:18—01:15:20.
- ⁹⁰ *Id.* at 01:15:00—01:15:29.
- ⁹¹ June 25, 2024 video presentation at 01:20:19—01:20:26.
- ⁹² S.C. Code Ann. § 48-34-20(1) (2008).
- ⁹³ FY 2022-2023 Annual Report at 8.
- ⁹⁴ Feb. 1, 2024 video presentation at 00:14:55—01:15:49.
- ⁹⁵ *Id.* at 01:41:20—01:45:17.
- ⁹⁶ S.C. Forestry Comm’n, *available at* <https://www.scfc.gov/protection/prescribed-burning/> (last visited July 17, 2024).
- ⁹⁷ *See* 2021 National Prescribed Fire Use Survey Report, *available at* https://www.prescribedfire.net/pdf/2021-National-Rx-Fire-Use-Report_FINAL.pdf (last visited Aug. 12, 2024).
- ⁹⁸ S.C. Code Ann. § 48-34-40(B)(3), (4) (Supp. 2003).

⁹⁹ S.C. Code Ann. § 48-34-40(B)(1) (Supp. 2023).

¹⁰⁰ S.C. Code Ann. § 48-34-40(B)(2) (Supp. 2023).

¹⁰¹ S.C. Code Ann. § 48-34-60 (2008).

¹⁰² S.C. Code Ann. § 48-34-50 (Supp. 2023).

¹⁰³ *Id. Rainey v. S.C. Dep’t of Soc. Servs.*, 434 S.C. 342, 863 S.E.2d 470 (Ct. App. 2021) (“Gross negligence is the intentional conscious failure to do something which is incumbent upon one to do or the doing of a thing intentionally that one ought not to do. In other words, it is the failure to exercise slight care.”) (Internal citations, quotations, and alterations omitted).

¹⁰⁴ The other states are Georgia, Florida, Montana, Michigan, Nevada, and Colorado. Twenty-six states have a simple negligence standard, 12 states have a strict liability standard, and five states have no prescribed fire law. See 2018 Nat’l Prescribed Fire Use Survey Report, p. 15, 19, available at <https://www.stateforesters.org/wp-content/uploads/2018/12/2018-Prescribed-Fire-Use-Survey-Report-1.pdf> (last visited Aug. 12, 2024).

¹⁰⁵ June 25, 2024 video presentation at 01:19:39—01:20:19.

¹⁰⁶ A certified prescribed fire manager is “an individual who successfully completes a certification program approved by the State Commission of Forestry.” S.C. Code Ann. § 48-34-20(2) (2008).

¹⁰⁷ Memo. from Mark Fryer dated July 16, 2024, attached hereto as **Appendix C**.

¹⁰⁸ See 2018 National Prescribed Fire Use Survey Report, p. 22 available at <https://www.stateforesters.org/wp-content/uploads/2018/12/2018-Prescribed-Fire-Use-Survey-Report-1.pdf> (last visited Aug. 12, 2024). Nationally, fewer than 40% of those surveyed nationally ranked liability and insurance concerns as an impediment limiting prescribed fire use, while in the Southeast, just over 60% ranked liability and insurance concerns as an impediment limiting prescribed fire use. See *id.*

¹⁰⁹ Memo. from Mark Fryer dated July 16, 2024, attached hereto as **Appendix C**. (“Disclaimer: The [information] below is intended to be general information. Coverage can vary by carrier. If there are any discrepancies in the below and the policy, the policy will apply.”).

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² S.C. Code Ann. § 48-23-295(A) (2008).

¹¹³ Feb. 1, 2024 video presentation at 00:54:40—00:54:46; June 25, 2024 video presentation at 01:14:13—01:14:21.

¹¹⁴ S.C. Forestry Comm’n, available at <https://www.scfc.gov/protection/prescribed-burning/certified-prescribed-fire-manager-program/> (last visited July 24, 2024); June 25, 2024 video presentation at 01:37:40—01:39:26.

¹¹⁵ Feb. 1, 2024 video presentation at 01:18:21—01:19:05.

¹¹⁶ 2022-2023 Annual Report at 8.

¹¹⁷ Mar. 5, 2024 video presentation at 01:29:17—01:30:08.

¹¹⁸ *Id.* at 01:30:36—01:31:07.

¹¹⁹ FY 2022-2023 Annual Report at 20. As of July 1, 2024, the Commission charges \$30 per acre for understory burning (firebreak plowing not included) and \$40 per acre for understory burning in mountainous terrain (firebreak plowing not included). See S.C. Forestry Comm’n, available at <https://www.scfc.gov/management/landowner-services/fee-rental-services/> (last visited Sept. 3, 2024). An understory burn consist of “low-intensity fires over large areas” often used to “reduce fuel loads on the forest floor in order to minimize the risk of devastating canopy fires.” See <https://www.treehugger.com/what-are-controlled-burns5180668#:~:text=Understory%20burning%20is%20similar%20to%20broadcast%20burning%20in,to%20minimize%20the%20risk%20of%20devastating%20canopy%20fires.>

¹²⁰ Mar. 5, 2024 video presentation at 01:31:26—01:31:41; S.C. Forestry Comm’n, available at <https://www.scfc.gov/management/landowner-services/fee-rental-services/> (last visited Sept. 3, 2024).

¹²¹ Feb. 15, 2024 video presentation at 00:58:27—00:58:41.

¹²² Mar. 5, 2024 video presentation at 01:32:34—01:32:59.

¹²³ *Id.* at 01:32:59—01:33:19.

¹²⁴ *Id.* at 01:22:08—01:23:01.

¹²⁵ Mar. 5, 2024 video presentation at 01:23:38—01:24:17.

¹²⁶ *Id.* at 01:23:01—01:23:17. If heavier equipment is needed to remove dense debris, the Commission charges \$185 for the first hour and \$145 for each additional hour. See *id.* at 01:23:17—01:23:38.

¹²⁷ S.C. Code Ann. § 48-23-205(A)(3).

¹²⁸ S.C. Code Ann. §12-43-230(a) (2014) (emphasis added).

¹²⁹ S.C. Regs. 117-1780.1(5) (emphasis added).

¹³⁰ S.C. Code Ann. §12-43-232(1), (2) (2014). Nontimberland tracts not meeting the acreage requirement can qualify for the agricultural use assessment if the landowner can provide proof that the land has produced an annual gross income of “at least one

thousand dollars of gross farm income for at least three of the five taxable years preceding the year of the application.” S.C. Code Ann. § 12-43-232(3)(a) (2014).

¹³¹ S.C. Code Ann. § 12-43-220(d)(1)(A) (2014). When applicable for land used for growth of timber, “fair market value for agricultural purposes” means “the productive earning power based on soil capability to be determined by capitalization of typical cash rents of the lands for timber growth or by capitalization of the typical net income of similar soil in the region . . .” S.C. Code Ann. § 12-43-220(d)(2)(A). When used for growth of other agricultural products, “fair market value for agricultural purposes” means “the capability of the soil to produce typical agricultural products of the region considering any natural deterrents to the potential capability of the soil as of the current assessment date. *Id.*”

¹³² S.C. Code Ann. § 12-43-220(e) (2014).

¹³³ Mar. 5, 2024 video presentation at 00:13:15—00:14:11.

¹³⁴ *Id.* at 00:14:11—00:14:44.

¹³⁵ S.C. Code Ann. § 48-23-96(A) (Supp. 2023). The Commission’s duties include “the enforcement of any and all laws pertaining to the protection of the forests and woodlands of the State.” S.C. Code Ann. § 48-23-90 (2008).

¹³⁶ S.C. Code Ann. § 48-23-96(B) (Supp. 2023). The Commission did not have the authority to issue warning tickets until section 48-23-96 was enacted in 2021. According to the Commission, the ability to issue warning tickets has been “a good tool” that its officers are “pretty aggressively using” now as a “public education and outreach” tool. See June 25, 2025 video presentation at 03:30:15—03:30:47.

¹³⁷ Memo. from Forestry Comm’n dated July 25, 2024.

¹³⁸ June 25, 2024 video presentation at 03:04:07—03:05:01.

¹³⁹ *Id.*

¹⁴⁰ Memo. from Forestry Comm’n dated July 25, 2024.

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ S.C. Code Ann. § 48-35-10 (2008).

¹⁴⁵ June 25, 2024 video presentation at 03:36:25—03:37:03.

¹⁴⁶ Memo. from Forestry Comm’n dated July 25, 2024.

¹⁴⁷ June 25, 2024 video presentation at 03:36:58—03:37:24.

¹⁴⁸ *Id.*

¹⁴⁹ Feb. 1, 2024 video presentation at 00:21:52—00:22:13.

¹⁵⁰ *Id.* at 00:22:29—00:22:42.

¹⁵¹ *Id.* at 00:21:52—00:22:13.

¹⁵² FY 2023-2024 Annual Report at 41.

¹⁵³ Feb. 1, 2024 video presentation at 00:22:12—00:22:29.

¹⁵⁴ *Id.* at 00:22:12—00:22:29; see also <https://www.arborgen.com/about-arborgen/> (last visited July 22, 2024).

¹⁵⁵ Feb. 1, 2024 video presentation at 00:22:42—00:23:14

¹⁵⁶ July 2, 2024 video presentation at 02:37:01—02:37:25.

¹⁵⁷ July 2, 2024 video presentation at 02:39:25—02:41:34.

¹⁵⁸ *Id.* at 02:40:18—02:41:34.

¹⁵⁹ Pursuant to section 50-11-2200 of the Code, subject to certain restrictions SCDNR may “acquire sufficient wildlife habitat through lease . . . to establish wildlife management areas for the protection, propagation, and promotion of fish and wildlife and for public hunting, fishing, and other natural resource dependent recreational use.”

¹⁶⁰ Mar. 28, 2024 video presentation at 00:59:09—00:59:36.

¹⁶¹ See S.C. Dep’t of Natural Res., available at <https://www.dnr.sc.gov/wma/index.html> (last visited July 30, 2024).

¹⁶² Letter from Forestry Comm’n dated July 24, 2024; June 17, 2024 video presentation at 00:07:29—00:08:03. The Commission received \$265,000 in lease payments in FY 2023, which is about \$2.87 per acre. See *id.*

¹⁶³ Feb. 15, 2024 video presentation at 00:40:57—00:41:10; June 17, 2024 video presentation at 00:06:21—00:06:23.

¹⁶⁴ See <https://www.eregulations.com/southcarolina/hunting/wma-regulations> (last visited July 30, 2024); S.C. Dep’t of Natural Res., available at <https://www.dnr.sc.gov/mlands/wmaregulations.html> (last visited July 30, 2024).

¹⁶⁵ July 2, 2024 video presentation at 02:12:50—02:13:15.

¹⁶⁶ *Id.* at 01:28:23—01:28:59.

¹⁶⁷ *Id.* at 01:43:22—01:43:31

¹⁶⁸ *Id.* 01:36:20—01:37:17.

¹⁶⁹ *Id.* 01:45:07—01:45:36.

¹⁷⁰ *Id.* 01:26:22—01:27:14.

¹⁷¹ *Id.* at 01:25:01—01:25:55.

¹⁷² *Id.* at 01:12:58—01:13:18.

¹⁷³ *Id.* at 01:12:58—01:13:18.

¹⁷⁴ Clemson offers a four-year degree program, a master's program, and a PhD program. Horry-Georgetown Technical College offers a two-year certificate program and an associate program. *See* Correspondence from Comm'n on Higher Educ. re: Forestry Program Degree Data. Newberry College has a partnership with Duke University, and after 3 years at Newberry and 2 at Duke, students can obtain both a biology degree (awarded by Newberry College) and a Master of Forestry (awarded by Duke). *See* Newberry College, available at <https://www.newberry.edu/academics/areas-of-study/sciences-and-mathematics> (last visited Sept. 4, 2024).

¹⁷⁵ *See* Correspondence from Comm'n on Higher Educ. re: Forestry Program Degree Data attached as **Appendix D**.

¹⁷⁶ SC State University, available at <https://scsu.edu/academics/departments/agriculture/index.php> (last visited Aug. 19, 2024).

¹⁷⁷ The Economic Impact of Agribusiness in South Carolina, available at <https://agriculture.sc.gov/wp-content/uploads/2022/12/Economic-Impact-Study-Nov-2022.pdf> (last visited Aug. 16, 2024).

¹⁷⁸ July 2, 2024 video presentation at 01:41:04—01:41:45.

¹⁷⁹ S.C. Code Ann. § 48-34-40, note (quoting 2012 Act No. 139, § 3).

¹⁸⁰ *Id.*

¹⁸¹ *See* USDA Forest Serv., available at <https://www.fs.usda.gov/about-agency/newsroom/releases/usda-forest-service-issues-guidance-manage-future-e-bike-use> (last visited Aug. 22, 2024).

¹⁸² *See* **Appendix E**.

¹⁸³ *See* Aug. 20, 2024 video presentation at 00:06:18—00:07:12.

¹⁸⁴ *See* Aug. 20, 2024 video presentation at 00:07:26—00:09:43.