

South Carolina Mitigation Association
Executive Committee
Meeting Minutes
November 10, 2020

Opening

The regular meeting of the Executive Committee of the South Carolina Mitigation Association was called to order at 9:03 AM via Zoom by Allen Conger, the SCMA President.

Attending:

Allen Conger	Tara Disy Allden
Tommy Cousins	Daniel Johnson
Kristin Knight-Meng	Ross Nelson
Sydni Redmond	Ryan Smith
Jack Smith	
Adrienne Graham	

I. Approval of Previous Meeting Minutes

Tommy Cousins made a motion to accept the minutes of October 13, 2020. Jack Smith seconded the motion, which carried.

II. Financial Report

Mr. Conger noted the financial transition is complete.

III. Quarterly Meeting

- October 28 Quarterly Meeting
 - Mr. Conger thanked Daniel Johnson for coordinating with Lorianne Riggin and Greg Jennings for the October 28th Quarterly Meeting.
 - Adrienne Graham will send Ms. Riggin a trimmed video of the meeting per her request showing the presentations and David Wilson's comments only.
- December 9 Quarterly Meeting
 - Mr. Conger reported that Annie Wilson and Richard David of Capitol Consultants telephoned him to discuss the risks and liabilities of holding an in-person meeting. It is difficult to enforce masks and socially distancing. It is also a risk to hold the event for which no one shows up. The Executive Committee agreed that holding a virtual December Quarterly Meeting was the best option.
 - The December meeting will have a regulatory focus and will include the Corps and the SCDOT. Mr. Conger will reach out to both parties to confirm. Jack Smith will contact DHEC's Acting Director, Marshall Taylor, and invite him to the meeting. He will also try to have OCRM and the 401 Water Quality Certification Group participate.
 - OCRM may be able to share their views on the new Corps rules affecting jurisdiction if they are willing to participate.
- Tara Allden suggested a topic for a future meeting might involve the federal rule on water protection raised in a recent article by Sammy Fretwell. Mr. Smith commented that a future meeting on this issue with the Corps and the SCDHEC might be beyond the scope of a Quarterly Meeting but better presented in a longer program on the protection of wetlands in

South Carolina where the SCMA can gather all points of views and set the legislative stage. If we are looking at potential lobbying, we need to have a formula of what we think is appropriate and suggested. Getting feedback and ideas from stakeholders and agencies would be appropriate, necessary and helpful.

- Mr. Cousins pointed out an example of the Navigable Waters Protection Rule as the River Port project, which has a previous JD prior to the Navigable Waters Protection Rule. The JD was resubmitted in October and now 226 acres are no longer being considered jurisdictional by the Corps. This is a county where OCRM would potentially have jurisdiction. It will be interesting to see if OCRM steps in to claim this area and require mitigation. Sydni Redmond pointed out that from a regulatory standpoint, OCRM's mitigation rules are similar to the Corps with the exception of the hierarchy.

IV. Member Care

- WSP has joined as a non-voting member for 2020.
- There are currently 21 voting and 13 non-voting members.
- Mr. Conger continued the fee structure discussion noting that the pandemic along with an uncertain political environment and reduced corporate budgets are creating a great deal of stress. Consulting is going well.
 - Mr. Nelson suggested eliminating the non-voting level, charging a nominal fee for non-members to attend meetings, and keeping the voting level the same. Mr. Conger said the non-voting level is a way to groom companies to become voting members. Mr. Johnson supported doubling the non-voting fee to \$500; he predicts about 80% would still join at this amount.
 - Mr. Smith noted SCMA is a great value but is concerned about why we need to increase the rate? SCMA has a healthy bank balance. A plan may show justification for an increase. Mr. Conger responded that the SCMA may need to lobby, an important reason Capitol Consultants was chosen as the management firm, and the Executive Committee is looking for conferences and expos to increase visibility. Mr. Johnson noted DNR requested SCMA's support on a joint workshop in 2021. This may be an annual event but the 2021 workshop may be virtual. An annual workshop to discuss hot topics in mitigation would be an added expense and an added value to member organizations.
 - Mr. Smith encouraged maintaining a non-voting membership category but is opposed to increasing the fee at this time due to reduced budgets and an uncertain 2021 and 2022. The SCMA should focus on increasing membership participation and visibility now.
 - Ms. Alden recommended sending a membership survey to assess services that members may value. This may also provide topics of discussion for the first Quarterly Meeting of 2021.
- Mr. Nelson made a motion to maintain the voting membership dues at \$1,000, increase the non-voting membership fees to \$400, and we allow non-members to attend meetings for \$50. Mr. Johnson seconded the motion and for discussion
 - Ms. Knight-Meng would like to keep the non-voting fee as it is but charge the non-members a fee to attend the meetings.
 - Logistically, the non-members would be invoiced prior to receiving registration approval via Zoom.
 - Concern was raised that non-voting members may drop their membership and just pay the fee to attend the meetings in which they are interested.

- Ms. Redmond recommended evaluating the paid non-membership meeting attendance at the end of 2021 to evaluate who is attending multiple meetings and target them for membership.
- It was noted that SCMA has not capped the number of attendees per member organization in the past.
- Mr. Smith left the meeting at 10:00 AM but authorized Ms. Alden to vote on his behalf.
- Mr. Nelson amended the motion to maintain the voting membership dues at \$1,000, increase the non-voting membership fees to \$400, and the Executive Committee should evaluate a per meeting attendance fee for non-members. Ms. Redmond seconded the motion. The motion carried with a vote of six to two.

V. Old Business

- The draft letter on functional mitigation was shared with the Executive Committee prior to the meeting. As per the Executive Committee in October, this letter will be combined with the regulatory timeline issues SCDOT requested SCMA raise with the Corps. Mr. Cousins has drafted points on this which Mr. Johnson will incorporate into a new draft. This will be circulated and voted on by the Executive Committee and sent before Thanksgiving.
- Mr. Johnson has not heard back from the Georgia mitigation association on the Nationwide Permit program. The North Carolina organization does plan to respond to headquarters and to submit a letter to support the regional conditions in Wilmington. Mr. Johnson received requested data from the Wilmington District related to impacts so the SCMA can present specific metrics in the letter. The Charleston District has not responded to his FOIA request. Mr. Johnson does support the SCMA compiling a letter to headquarters and recommends that we respond to the Charleston District in support of the regional conditions and mitigation thresholds. The Charleston comments are due in the next few days. Ms. Alden will prepare a letter prior to the close of the comment period on November 13.

VI. New Business

- The Technical Committee submitted excellent questions on the SQT.
- Mr. Conger requested that Ms. Alden and Ms. Redmond work with him on the Partnership Committee.
- The SCDOT End Lieu Fee has sparked numerous comments. The Public Notice is open. Mr. Nelson recused himself from the discussion. Ms. Knight-Meng and Ms. Redmond will prepare a draft letter with functionally equivalent mitigation in mind, share it with the Technical Committee and then circulate with the Executive Committee.

VII. Adjournment

- Ms. Alden made a motion to close the meeting at 10:30 AM. Ms. Redmond seconded the motion, which carried.

Next Meeting: December 8, 2020 at 9:00 AM - Executive Committee Meeting
 December 9, 2020 at 10:00 AM - Quarterly Meeting

Minutes submitted by: Kristin Knight-Meng

Approved by: