



**SOUTH
CAROLINA
WILDLIFE
PARTNERSHIP**
PRIVATE LANDS. PUBLIC HUNTS.

SCWP Landowner Packet
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Ed Paul

125 Regional Pkwy #200/Orangeburg, South Carolina 29118 / (803)378-0574 Fax: 803-585-0200

"We connect public hunters with private landowners who are willing to provide hunting opportunities that promote respect for the land and ethical hunting for the future."

www.sc-wp.org
epaul@sc-wp.org



**SOUTH
CAROLINA
WILDLIFE
PARTNERSHIP**
PRIVATE LANDS. PUBLIC HUNTS.

_____, 20____

To: _____

From: South Carolina Wildlife Partnership (SCWP)

Dear "Landowner",

President

John P. Evans

Vice President

Chip Campsen

Secretary

Buford S. Mabry

Treasurer

Stephen Davis

George C. Thornton

William A. Demmer D

Steve Jordan

Ben Duncan

Jason Hart

Paul C. Aughtry III

John F. Morgan Sr.

Gairy Nichols

Mario DeCarvalho

State Director

Travis Sumner

Executive Director

Ed Paul

Thank you for your Partnership interest with SCWP.

Please review the Following **SCWP/Landowner Packet.**

By agreeing and signing the bottom of this letter you are agreeing to the information within this packet. Once you have reviewed and signed this page, you will have completed the process of entering your property(s) into the South Carolina Wildlife Partnership.

Your Partnership will help the SCWP accomplish its vision/mission to provide hunting opportunities for everyone in South Carolina who would like to participate by connecting public hunters with private landowners who are willing to provide hunting opportunities that promote respect for the land and ethical hunting for the future.

Thank you for your support.

Sincerely,

Ed Paul
Executive Director
South Carolina Wildlife Partnership

The *South Carolina Wildlife Partnership* is an exempt organization as defined in Section 501(c)(3) of the Internal Revenue Code

Organization Contact/Notification Information: Ed Paul

Landowner: _____ Date: ____/____/____

125 Regional Pkwy #200/Orangeburg, South Carolina 29118 / (803)378-0574 Fax: 803-585-0200

"We connect public hunters with private landowners who are willing to provide hunting opportunities that promote respect for the land and ethical hunting for the future."

www.sc-wp.org

cpaul@sc-wp.org



Our Vision:

Provide hunting opportunities for everyone in South Carolina who would like to participate.

Our Mission:

We connect public hunters with private landowners who are willing to provide hunting opportunities that promote respect for the land and ethical hunting for the future.

Our Core Beliefs:

1. Everyone in South Carolina should have access to opportunities to participate in hunting.
2. Responsible, ethical hunting contributes to the well-being of the environment, wildlife populations, and our state:
 - a. *Hunting plays a key role in responsible wildlife management, helping to defend some animal populations from disease and starvation, while protecting some that are threatened and endangered.*
 - b. *Hunting provides a healthy way for individuals to experience and strengthen connections with nature and develop an appreciation for our natural resources.*
 - c. *Hunting creates opportunities for mentorship and the transfer of principles of ethical sportsmanship and outdoorsmanship to future generations.*



Formation:

In 2017, a group of citizens from across our state who share a passion for responsible and ethical hunting formed the South Carolina Wildlife Partnership (SCWP) with a vision of providing hunting opportunities for everyone in South Carolina who would like to participate. The founding members of SCWP believe that responsible and ethical hunting contributes to the well-being of the environment, wildlife populations, and our state, and we believe that everyone in South Carolina should have access to opportunities to participate in hunting.

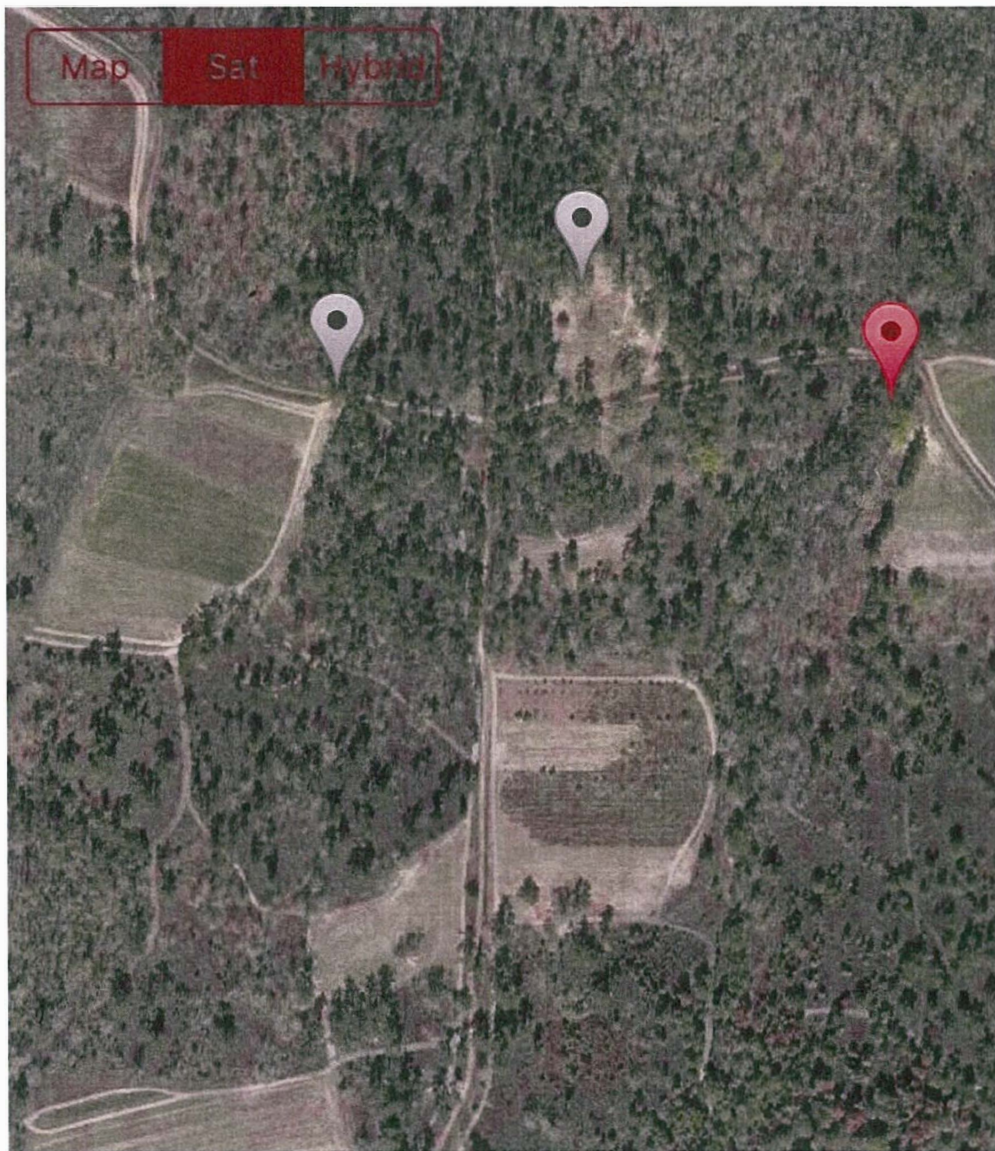
With approximately 90% of the land in South Carolina being privately owned, many potential hunters have little or no ability to experience hunting, learn important principles of sportsmanship, and develop a lifelong connection with nature and a passion for hunting and the preservation of our natural resources. The mission of SCWP therefore is to connect public hunters with private landowners who are willing to provide hunting opportunities that promote respect for the land and ethical hunting for the future.

The Board of Directors of SCWP has formed a collaborative partnership with SCDNR. SCDNR has agreed to help facilitate and provide a list with contact information for non-selected hunters from SCDNR lottery hunts if hunters opt in to participate. This will allow SCWP to conduct an independent draw system for the public on private lands, helping to provide greater access for everyone in South Carolina to have opportunities to participate in hunts.

Property Details

Listed here will be:

- A satellite photo of **your property** indicating boundaries and agreed upon hunting/parking areas
- Potential Hazardous or KEEP OUT areas
- Entry and Exit areas
- Labeled roads etc.



SCWP Partnership Hunt Details

All SCWP hunts are controlled hunts, and all participating hunters will be briefed of the requirements and must participate in the SCWP hunt talk and sign the SCWP liability wavier prior to hunting on your property

Species to be hunted: _____, _____, _____

Hunt date(s): _____, _____, _____,
_____, _____, _____, _____

Number of Hunters/Day: _____

Meeting Place with SCWP hunt Staff: _____

Property Location: _____

Time: Arrival _____ Departure _____

Landowner Requirements:

Bag limit: Legal South Carolina daily limit of targeted species unless a reduced limit or other specifications are required by the landowner

Hunt start and end times: Start by _____ and End by _____

Species requirements by the landowner if required:

Additional Landowner requirements, or preferences:

Landowner requests: (I,E) Is there a hog problem on the property, or are there any other species not pertaining to the targeted species that you the landowner would like the SCWP hunters to harvest if the opportunity presents itself? _____

Gates and access points: SCWP will lead each hunter to and from the hunting location and will secure entry and exits points as specified by the landowner. If it is a waterfowl, quail, dove, squirrel, hog, or turkey hunt an SCWP hunt staff member will always be present with the hunters.



Resolution



South Carolina Department of Natural Resources
hereby declares on this day:

WHEREAS, the South Carolina Department of Natural Resources is a duly constituted governmental agency, created to serve the people and conserve the fish and wildlife resources of the great State of South Carolina; and

WHEREAS, the Department's statutory responsibility includes the conservation and management of South Carolina's fish and wildlife resources; and

WHEREAS, hunting is recreationally, culturally and economically important to the citizens of South Carolina.

WHEREAS, recruitment, retention, and reactivation of hunters is considered vitally important to maintaining the tradition of hunting in South Carolina; and

WHEREAS, access to quality hunting experiences has been identified as a potential barrier to recruitment of new hunters; and

WHEREAS, the Department fosters and supports hunting as a recreational activity on public and private lands; and

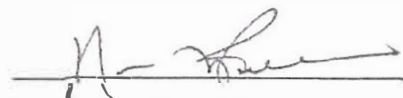
WHEREAS, most hunting occurs on private land and access to private lands for hunting can be limited either by ownership or invitation; and

WHEREAS, the SC Wildlife Partnership proposes to encourage private land owners to act as volunteers and allow some public hunting on private lands; and

WHEREAS, the Board of the Department recognizes the benefits of this proposal to the hunting public.

NOW, THEREFORE BE IT RESOLVED that the Department supports a partnership between the Department and SC Wildlife Partnership to make offered private lands available for public hunting.

Approved this the 13th day of July, 2018, in an official meeting by the Board of the South Carolina Department of Natural Resources.



Norman Pulliam, Chairman



Alvin A. Taylor, Director



SCWP Draw Hunt- Hunter Packet (last page must be filled out and sent to epaul@sc-wp.org one week prior to your hunt)

Date of Hunt:

Where:

Meeting place and time:

Successfully drawn applicants will be contacted one week prior to the hunt date to go over hunt details.

Requirements to participate in the SCWP Private Land/Public Hunts:

Read the rules, requirements, and code of ethics fully and check the box to signify your complete understanding of the terms listed.

SCWP Partnership-Hunting Ethics-provided by SCDNR

Ethical behavior is not mandated by laws or regulations, but by an individual's sense of right. Ethics generally cover behavior that has to do with issues of fairness, respect, and responsibility not covered by laws. For instance, it's not illegal to be rude to a landowner when hunting on his or her property or to be careless and fail to close a pasture gate after opening it, but most hunters agree that discourteous and irresponsible behavior is unethical.

Hunters must agree to treat the outdoors, the activities we are participants in, and each other with respect. The future of hunting belongs to those who are willing to accept full responsibility for their actions. Sportsmen accept responsibility not only for their actions, but also for perpetuating wildlife and maintaining a high caliber of sportsmanship.

Rules of ethical conduct/SCWP requirements, and instructions:

- Always think of safety first and shooting game second
- Applicants must be hunter safety certified and provide your certification number below
- Insert the invitation code on your application
- Non-licensed hunters 15 years of age or younger must be accompanied by a licensed hunter 18 years or older as a chaperone that will not be permitted to hunt only to observe
- Respect the rights of landowners. You should never go on private property without permission and remember that cooperation and respect are the keys to getting permission to hunt
- Being successfully drawn for this hunt only grants the applicant permission by the land owner for the date of the hunt. No permission is granted prior to or after your scheduled hunt unless otherwise authorized in writing by the land owner

- Know your gun and what it can do. Maintain your equipment so it functions properly and does not pose a safety threat
- Shoot only when certain of your target and make every effort to locate crippled or lost game
- Pick up spent shells and other litter
- Clean and care for your game properly
- Alcohol and hunting on SCWP hunts are prohibited
- Be mindful of local regulations and always be properly licensed. Taking game out of season and before or after legal shooting hours is poaching, not hunting
- Realize that just being out there is what a good hunt is all about and you can have a great day without taking the bag limit
- Leave the property in a better state than when you arrived

All potential hunt participants must have successfully completed a hunter education course that is approved by the SC Department of Natural Resources (SCDNR) before submitting an application for SCWP hunts. The SCDNR offers two (2) options to take the Hunter Education Course. The preferred Hunter Education method is through a free eight (8) hour instructor-led classroom course. Instructor led classes are taught throughout the year at locations across the state. The SCDNR also offers an online self-study option for those who wish to take the course when it is convenient for them. The online option requires the student to pay a fee to complete the online course. For information on both of these class options, please visit the DNR website at www.dnr.sc.gov under the Education icon.

Inclement weather: Unexpected weather or emergency conditions that alter the hunt date. SCWP and the land owner will communicate to change the date so that the hunt will occur on another date that works for the successfully drawn applicant

Frequently Asked Question (FAQ): can be viewed on our website: www.sc-wp.org

Hunt prep/Packing list/etc. can also be viewed on our website.

Areas Marked with (*) are required to complete the application submission!

☐

*By checking this box, you the applicant fully understand and agree to the terms and conditions of this SCWP application submission.

*Date ____ / ____ /2019

* Copy or image of Hunting License: _____

* Applicant email: _____@_____

* Applicant Phone #: (_____)_____/_____

* Signature: _____

**SOUTH CAROLINA WILDLIFE PARTNERSHIP
HUNTER LIABILITY WAIVER**

I understand that there are risks and dangers inherent in participating in hunting, fishing, recreational, and/or social activities. I also understand that in order to be allowed to participate in hunting, fishing, recreational, and/or social activities while I am on the property where permission was granted to the South Carolina Wildlife Partnership to conduct this activity, I must give up my rights to hold liable the South Carolina Wildlife Partnership, and its members individually, cooperating hosts, sponsors, and landowners, for any injuries or damages which I may suffer or sustain while on the said property/premises.

Knowing this, and in consideration of being permitted to participate, I hereby voluntarily release the South Carolina Wildlife Partnership, and its members individually, cooperating hosts, sponsors, and landowners, from any liability resulting from or arising out of my participation in hunting, fishing, recreational, and/or social activities on the property/premises.

I understand and agree that I am releasing not only the entities set forth in the two paragraphs above, but also the officers, agents, members, volunteers, and employees of those entities.

I understand and agree that this release will have the effect of releasing, discharging, waiving, and forever relinquishing any and all actions or causes of action that I may have or have had, whether past, present, or future, whether known or unknown, and whether anticipated or unanticipated by me, arising out of my participation in hunting, fishing, recreational, and/or social activities on the property/premises. This release constitutes a complete release, discharge, and waiver of any and all actions or causes of action against the South Carolina Wildlife Partnership, and its members individually, cooperating hosts, sponsors, and landowners.

I understand and agree that this release applies to personal injury, property damage, or wrongful death, which I may suffer, even if caused by the acts, negligence, or omissions of others.

I understand and agree that by signing this release, I am assuming full responsibility for any and all risk of death or personal injury or property damage suffered by me while participating in hunting, fishing, recreational, and/or social activities while on the property/premises.

I understand and agree that this release will be binding on me, my spouse, my heirs, my personal representatives, my assigns, my children and guardian ad litem for said children.

I understand and agree that by signing this release, I agree to release, indemnify and hold harmless the South Carolina Wildlife Partnership, and its members individually, cooperating hosts, sponsors, and landowners, from any and all liability or costs, including attorney fees, associated with or arising from my participation in hunting, fishing, recreational, and/or social activities on the property/premises.

Print Name: _____

Signature : _____ Date: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Emergency Contact: _____ Telephone: _____

**SOUTH CAROLINA WILDLIFE PARTNERSHIP
PARENTAL RELEASE FORM**

If the applicant is not at least 17 years of age the South Carolina Wildlife Partnership requires in addition to the waiver, a parental release.

I am the parent or legal guardian of _____ who is 17 years of age or younger.

I am aware that (s)he will participate in hunting, fishing, recreational, and/or social activities on the private property where permission was granted to the South Carolina Wildlife Partnership to conduct this activity. By my signature, I grant my permission to allow the above named minor to attend and participate in any and all previously named activities on the property/premises. I understand and agree that by signing this release, I agree to release, indemnify and hold harmless the South Carolina Wildlife Partnership, and its members individually, cooperating hosts, sponsors, landowners, from any and all liability or costs, including attorney fees, associated with or arising from the said minor's participation in hunting, fishing, recreational, and/or social activities on the property/premises. I understand and agree that by signing this release, I am assuming full responsibility for any and all risk of death or personal injury or property damage suffered or caused by my minor or child while (s)he is on the property. I understand and agree that this release applies to personal injury, property damage, or wrongful death, which my minor or child may suffer, even if caused by the acts, negligence, or omissions of others.

Parent or Guardian Signature: _____ Date: _____

Parent or Guardian Printed Name: _____

Named Insured:
South Carolina Wildlife Partnership
125 Regional Pkwy
Orangeburg, SC 29118

General Liability Policy and Coverage: \$1,000,000
Umbrella Liability Policy and Coverage: \$4,000,000

Total SCWP Coverage: \$5,000,000.00

SOUTH CAROLINA RECREATIONAL USE STATUTE

S.C. Code Ann. §§ 27-3-10 to 70

I. Background

- The South Carolina Recreational Use Statute (“RUS”), passed by the General Assembly in 1968, encourages landowners to make their land and water areas available to the public for recreational use by shielding them from liability.¹ All 50 states have some form of a recreational use statute.

II. Explanation of the of the RUS

- A landowner that allows the public to use his land for recreational purposes can use the RUS as a defense to liability if the following statutory requirements are met:
 - (1) the landowner does not charge an admission price to enter and use the land for a recreational purpose;² and
 - (2) the landowner is not grossly negligent, willful, or malicious in their failure to warn against dangerous conditions on the property.³
- The South Carolina Supreme Court has determined that a per-vehicle parking fee is not a “charge” within the statutory definition because not everyone must pay it for admission to the property.⁴

III. Gross Negligence Standard

- The first requirement for a landowner to make use of the RUS – that they do not charge a per-person admission – is self-explanatory. The second requirement – that the landowner is not grossly negligent, willful, or malicious in failing to warn against dangerous conditions – requires further discussion. “Gross negligence” is defined as the intentional, conscious failure to exercise slight care.⁵ A South Carolina Federal District Court, in defining “willful” and “malicious” in the context of the RUS, provided:

[A] willful failure to guard or warn *would require actual knowledge* of the owner that ... a condition exists involving an unreasonable risk of death or serious bodily harm; that the condition is not apparent to those using the property; and that *having this knowledge*, the owner chooses not to guard or warn, in disregard of the possible consequences. *This test excludes either constructive knowledge or a duty to inspect.*⁶
- A review of the South Carolina case law regarding the application of the RUS and the court’s interpretation of “gross negligence,” is provided below.
 - Chrisley v. United States, 620 F. Supp. 285, 291 (D.S.C. 1985), *aff’d*, 791 F.2d 165 (4th Cir. 1986)
 - A South Carolina Federal District Court determined as a matter of law that the failure to warn of an open and obvious hazard, such as rocks along a shoreline, did not constitute gross negligence. The court stated, “To hold that a failure to post a warning sign telling bank fishermen that they may fall from rocks along a

¹ S.C. Code Ann. § 27-3-10.

² S.C. Code Ann. § 27-3-40.

³ S.C. Code Ann. § 27-3-60.

⁴ Cole v. S.C. Elec. & Gas, Inc., 362 S.C. 445, 451, 608 S.E.2d 859, 862 (2005).

⁵ Richardson v. Hambright, 296 S.C. 504, 374 S.E.2d 296, 298 (1988).

⁶ Mena v. Lack’s Beach Serv., Inc., No. 4:06-CV-2536-TLW, 2008 WL 8850813, at *3 (D.S.C. Apr. 16, 2008) (citing Georgia Marble Co. v. Warren, 183 Ga.App. 866, 360 S.E.2d 286, 287 (1987)).

shoreline into the river below would constitute grossly negligent, willful or malicious conduct is contrary to common sense.”

- Brooks v. Northwood Little League, Inc., 327 S.C. 400, 489 S.E.2d 647 (Ct. App. 1997)
 - The South Carolina Court of Appeals found a little league was not grossly negligent as a matter of law for injuries suffered by a spectator stepping in a hole obscured by grass.
- Cole v. S.C. Elec. & Gas, Inc., 362 S.C. 445, 608 S.E.2d 859 (2005)
 - This case primarily concerned whether a per-vehicle parking fee was considered a “charge” within the definition of the RUS (it was not), however the underlying facts of the case are instructive. In this case, a young child drowned at a Lake Murray recreation site and the parents brought a wrongful death action against the owner of the lake, SCE&G. The parents asserted that SCE&G was grossly negligent for failing to provide lifeguards, warnings, and life-saving equipment on the site. SCE&G submitted a motion for summary judgment citing the RUS, however the trial judge denied the motion. The question of whether SCE&G was grossly negligent proceeded to trial where the jury returned a verdict in SCE&G’s favor. As part of its opinion determining whether a parking fee was a “charge,” the Supreme Court’s provided that “slight care” does not require providing recreational safety features such as lifeguards or lifesaving equipment.
- Maloney v. Duke Energy Carolinas, LLC, No. CA 8:11-381-HMH, 2011 WL 1343388, at *1 (D.S.C. Apr. 8, 2011)
 - In this case, an individual suffered serious injuries after falling from a rope swing that was located on the shore of Lake Keowee. The individual sued Duke Energy alleging that it was aware of the dangerous condition of the rope swing and that it gross negligently failed to warn of its dangers. Duke Energy moved to dismiss the complaint on the basis that the individual’s claim was barred by the RUS. The district court denied the motion in order to more fully develop the factual record and the case later settled out of court. If this approach is adopted by other judges, nearly all complaints alleging gross negligence will require at least some discovery.⁷

IV. Conclusion

- A landowner choosing to allow the public use of his property for recreational use must (1) not charge for the use and (2) should be mindful of any special conditions on the property that may cause serious injury or death. If the landowner can think of any at all, it is best to warn the public. For example: a deer stand that the owner knows is rotted out and unsafe for use; a large pit in the road covered by a tarp; a pond known to have multiple alligators with no signage. In each of these instances, a warning sign would likely prevent an action based in gross negligence from being successful. The RUS has been construed broadly to grant immunity from liability to landowners if a lawsuit is filed, however, as the case law above illustrates, some judges may seek to more fully establish a factual record before dismissing a case outright, or simply let a jury decide.

⁷ See *Di Mella v. Gray Lines of Boston, Inc.*, 836 F.2d 718, 720 (1st Cir. 1988).

HENRY MCMASTER, CHAIR
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



INSURANCE RESERVE FUND

POST OFFICE BOX 11066
COLUMBIA, SOUTH CAROLINA 29211
(803) 737-0020
FAX: (803) 737-0042

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

G. MURRELL SMITH, JR.
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

GRANT GILLESPIE
EXECUTIVE DIRECTOR

May 3, 2019

SC Department of Natural Resources
P.O. Box 167
Columbia, SC 29202

Re: Policy Number T112520019

SCDNR,

You inquired about the status of landowners allowing use of their property "in gratis" for SC DNR sanctioned hunts of waterfowl; whether or not the landowner(s) would be considered volunteers under the agency's Tort Liability policy.

The tort liability policy issued by the South Carolina Insurance Reserve Fund covers "employees" while acting within the scope of their official duties for the named insured. "Employees" include "volunteers". "Volunteers" are defined in Section 8-25-10 of the South Carolina Code of Laws as "any person who, of his own free will, provides goods or services, without any financial gain, to any agency, instrumentality or political subdivision of the State".

Property owners who provide use of property to a governmental entity are considered "volunteers" while the insured entity is using or in control of the designated property. It is understood that SC DNR intends to solicit landowners to lease property "in gratis" to the agency for the purpose of hunting waterfowl.

Once the agreement is in place and the Insurance Reserve Fund receives the names and addresses of the landowners and the location of the designated property, those landowners will be considered "volunteers". Please note that only individuals can be considered volunteers; this status would not apply to LLC's, corporations or any other type of entity.

Sincerely,

Athena S. Christensen, CPCU
Underwriting Field Services Manager
South Carolina Insurance Reserve Fund

Contributions to the South Carolina Wildlife Partnership:

The South Carolina Wildlife Partnership is recognized by the Internal Revenue Service (IRS) as a non-profit 501 (c) (3) entity, which allows your contributions to be tax deductible.

We encourage each potential donor to consult with their own CPA about contributions for SCWP. We would be happy to schedule a meeting to further discuss all possibilities with potential donors and their CPA representatives to maximize the opportunities for their tax-deductible contributions.

Any and all contributions are greatly appreciated and will be used to help carry out our mission at SCWP.

Project specific or any other detail marked contributions will be confirmed and agreed upon on a case by case basis.

We look forward to the opportunity to make a difference together for the present-day public hunter as well as the future of our hunting heritage through our SCWP partnership with SCDNR, South Carolina public hunters, and South Carolina private land owners!

Why donate to the South Carolina Wildlife Partnership:

- Heightens the awareness and understanding for today's and tomorrow's outdoor enthusiast on concepts such as: conservation, wise use, successful wildlife management practices, sustainability, outdoor experiential learning, and ethical hunting.
- Contributions are tax deductible.
- Provides avenues for today's society to reconnect to nature as well as the formation of relationships between the South Carolina public hunters and private land owners leading to greater hunting opportunities for all.
- Your contribution ensures more hunting opportunities for the South Carolina public hunters.
- Increases the number of new and excited hunters who just needed the opportunity or a place to go experience hunting.
- Contributions will protect our right to hunt, while creating new public hunting opportunities for the public on private lands.
- Provides a direct impact on the partnerships formed between public land hunters and private land owners.
- Protects the heritage and legacy of hunting.
- Directly affects South Carolina's economy by increasing hunting license and other outdoor industry sales.