

League of Women Voters of South Carolina

League Leaders Update

February 2010

From Barbara Zia, President

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Greetings, Local League Leaders. Following are some highlights of recent state League activity in South Carolina. From your newsletters and emails I know great things are happening in your local Leagues too. No grass is growing under our feet! Thanks for all you are doing to help make democracy work in our state.

Legislative Advocacy Day--

Another wonderful event is planned for February 23rd in Columbia. I hope you and your members will be able to attend. Please register using the form that is attached; the form is also in the Winter SC VOTER and being snailmailed to LWV members. This is a wonderful opportunity to educate and energize members on issues of critical importance for our children and youth. After the program ends at 1:30, we can amble down to the Statehouse to meet with our legislators and observe the General Assembly. It's a good idea to make an appointment beforehand with your local legislators. They love to see their constituents. We're a welcome break from all the lobbyists--and we vote in their districts.

Media ownership panel--

I'll be on a panel at the FCC media ownership workshop on February 23 in Columbia--
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296058A1.pdf. Two FCC commissioners will be in attendance. The focus of my remarks will be on whether current media ownership rules work in the public interest in our state. LWV is a long time advocate for free or reduced price airtime for candidates. TV and radio networks have been, and continue to be, partners of the League as we conduct public forums and candidate debates around the country. Please let me know if there are any points or concerns about your experience with media in your communities that you'd like me to share at the workshop.

Voter Photo ID--

JoAnne Day and Carole Cato have been doing yeowoman service leading the League's fight against photo ID. A separate email detailed our specific action. Many thanks to everyone who contacted their senators. Now it's on to the House which is furloughed this week--a good opportunity to catch members in their districts.

Judicial selection Amicus Curiae Brief--

We learned on January 22nd that the SC Supreme Court granted LWVSC's petition to file and accepted our petition regarding original jurisdiction in the case of Segars-Andrews v. Judicial Merit Selection Commission, et al. On granting permission the Court invited us to file a more substantive brief on the merits. LWV member Constance Anastopoulo, in consultation with Sarah Leverette, prepared and filed the second brief on February 1st. See attached brief and story that ran in several newspapers--
<http://www.postandcourier.com/news/2010/feb/02/league-rallies-behind-judge/>. The headline for the Post and Courier story is a poor choice of words because LWVSC is not weighing in on the qualifications of a particular judge. Our interest and concern is only the constitutionality of how judges are selected in SC.

LWVSC continues to work for a fair system that ensures diversity, quality, and

independence of our judiciary. The key issue of the second brief is to argue that 1) SC's system of having legislators serve in the majority on the commission as the qualifiers and also as the selectors - in essence "two bites at the apple" - is unconstitutional because it violates dual office holding and the intent of the voters in establishing the Judicial Merit Selection Commission; 2) SC stands almost alone in utilizing this system because it does not incorporate any system of check and balance on the power of legislature, which also frustrates the will of the voters in creating the Judicial Merit Selection Commission. At the same time, we want to stay away from advocating for a system that employs gubernatorial appointment, public election, etc. We believe the SC system in and of itself is not bad; it is just the execution of the process [majority of legislators on the Commission] which is flawed.

Membership Recruitment Initiative--

LWV/Charleston Area member Shayna Howell has been selected as one of 12 LWVUS Ruth S. Shur fellows to participate as a member of this first and historic national coaching team during 2010-2012. Shayna will be working with LWVUS in its innovative approach to strengthening League capacity by attracting new members and new leaders - built upon and utilizing some of the League's successful Membership Recruitment Initiative (MRI) experience. Her participation as a Shur Fellow is so important to all, as it will help expand the number of state and local Leagues that now have access to this program from LWVUS and will help ensure these Leagues' successful participation in the program through offering training and regular monthly coaching support. Shayna will participate in an upcoming training session on February 25-28th.

Congratulations to Shayna! We look forward to working with her as a national coach on this important endeavor.

As you know, LWVSC has been selected to participate in the current MRI. Janie Shipley is contacting 2 or 3 League leaders about serving as state coaches for 2 years. Shayna and our state coaches will take part in the regional training on April 16-18 in Memphis. We will have a presentation from Shayna and the state coaching team as part of LWVSC Council on April 24. An in-state training for local Leagues will follow this summer.

Education news--

Jon Butzon and Peggy Huchet were invited to contribute their paper, "Time to buy a seat at the education table," to Statehouse Report by editor Andy Brack. Part 1 appears this week; Part 2 follows next week.

<http://www.statehousereport.com/CurrentIssue.aspx?ID=64#My%20Turn>. Jon is executive director of Charleston Education Network. Peggy is LWV/Charleston Area education director. Both are LWV members who are also on the LWVSC education committee.

Sisters on the Planet Conference and Lobby Day--

I accepted an invitation from Oxfam America to take part in a 2-day Sisters on the Planet conference and lobby day March 8 & 9, in Washington, DC, in observance of International Women's Day. State LWV presidents from states for climate change legislative action were invited. The conference will feature Sisters Ambassadors from developing countries, panel discussions with climate experts, and a lobby day briefing session. On day two, participants will visit their Members of Congress. As you know, LWVUS and Oxfam America are partners on the Sisters on the Planet project which focuses on the critical need to take bold action to protect our planet from climate change, which already impacts vulnerable communities--and in

particular, women--here in the United States and around the world.

Edgewood premiere--

We received 6 tickets to the premiere of "Edgewood, Stage of Southern History." The documentary film tells the story of extraordinary women who lived and worked in Edgewood, including Eulalie Salley, a suffragist and founder of the LWV in SC. LWVSC is a film sponsor. The event, part of USC Aiken's Pickens-Salley Symposium on Southern Women, takes place March 30 at 7 p.m. Judith Goodwin, USCA Development Officer, tells us the tickets are free but going fast. Please let me know if you would like to attend. If there is lots of interest I'll ask Judith if she can get more tickets.

LWVSC Council meeting, April 24--Planning is underway for an exciting statewide member meeting in Columbia. Save the date!

LWVUS Convention, June 11-15--

Local Leagues are urged to register for convention. Go to www.lwv.org, click on the For Members tab and go to Convention/Council in the drop down box. Everything you need to know is there, including the registration form. Local League boards appoint voting delegates based on their membership count as of Feb. 1, 2010, but any League member can attend in a nonvoting capacity.

Major victory for the environment in SC Supreme Court--

The SC Environmental Law Practice represented the Georgetown, Charleston and State League of Women Voters, SC Wildlife Federation and SC Coastal Conservation League in the Supreme Court's February 1st decision ruling that the Coastal Management Program, which is used to protect wetlands throughout the 8 coastal counties, is valid and enforceable and was properly promulgated pursuant to the SC Coastal Zone Management Act. Congratulations to Amy Armstrong, LWV/Georgetown County Board member and SCELPA attorney, who argued the case before the Court. You can go here to read a brief article and access the Court's opinion: <http://scelp.org/posts/view/49>. See below for a story in The State.*

***Tuesday, Feb. 02, 2010**

Court's ruling protects S.C. wetlands

Conservationists applaud long-awaited decision

By SAMMY FRETWELL - sfretwell@thestate.com

The S.C. Supreme Court dealt a smashing blow Monday to developers who have tried for years to overturn state rules that safeguard coastal freshwater wetlands from unchecked development.

The decision, much anticipated by environmentalists and developers, overturns a 2008 lower-court verdict that declared invalid state rules protecting freshwater wetlands along the coast. If the Supreme Court had upheld the lower court decision, potentially hundreds of thousands of acres of freshwater wetlands would have been open for development without state oversight. Conservationists cheered Monday's decision, saying it's an important victory for the plants, wildlife and wetlands that define South Carolina's Lowcountry.

"This has been a cloud hanging over coastal wetlands and coastal resources in general for

nearly 10 years now," Pawleys Island lawyer Jimmy Chandler said.

"We finally put this argument to rest."

Chandler said the Supreme Court decision reinforces protections for all freshwater wetlands on the coast, but it is particularly significant for isolated depressions.

Isolated wetlands have been largely without federal protection in South Carolina since a 2001 U.S. Supreme Court ruling curtailed the U.S. Army Corps of Engineers' authority. The ruling left state regulators with the only authority to limit or stop development in the soggy depressions - but that authority has been under attack.

Since 2001, developers from Beaufort to Myrtle Beach have raised questions about the state's coastal law and South Carolina's authority. But the case decided Monday is the only one to reach the S.C. Supreme Court.

Chandler's co-counsel, Amy Armstrong, called the decision "the most significant and far-reaching" their office had handled in years. "It affects literally hundreds of thousands of acres of wetlands that are not protected under federal rules."

Stan Barnett, a lawyer for a business group that had challenged state authority, said he has little choice but to accept the Supreme Court decision. While isolated wetlands are considered important to wildlife, they also can get in the way of new development that businesspeople say helps the economy.

"The Supreme Court in this state is the last word," Barnett said. "I'm disappointed."

Despite the ruling, developers can still get permission to build in isolated wetlands - but only after review and approval from the state Department of Health and Environmental Control.

Monday's Supreme Court decision allows DHEC to continue oversight. The agency can turn down a developer's request or require a change in plans.

Unlike river swamps and salt marshes, isolated wetlands aren't directly connected to streams, lakes or the ocean. Many are fed by groundwater or rainfall and are rich in plants and wildlife. Black bears, for instance, are attracted to isolated wetlands near Myrtle Beach to feed on the succulent berries that grow there.

Carolina bays, rare oval-shaped depressions found almost exclusively in South Carolina, are among the types of isolated wetlands in the coastal plain. South Carolina has 300,000 to 400,000 acres of isolated wetlands, most of which are in the coastal plain.

At issue before the S.C. Supreme Court was a company's development plans for 62 acres at Murrells Inlet, at least half of which includes isolated wetlands.

The state Department of Health and Environmental Control had denied a storm water permit for the work, but that was overturned by the S.C. Administrative Law Court after the development company appealed. Spectre LLC was preparing the land for future commercial development.

Administrative Law Judge John McLeod said the state coastal-management program was not valid because it had not been through the proper procedures to regulate coastal development.

The state could not use the coastal management program to deny permits in isolated freshwater wetlands, the court said. McLeod also said federal rules did not apply because the wetlands were isolated.

But Monday, the Supreme Court said McLeod had erred and it upheld the state coastal-management rules as valid. The Supreme Court said the coastal program was approved by the Legislature, making it a legal way to regulate wetlands at the state level.

The S.C. Supreme Court case does not affect salt marshes, which are protected by a separate state permitting program, or isolated wetlands in the state's interior, where state rules are different than on the coast.

DHEC, the S.C. Wildlife Federation, the Coastal Conservation League and the League of Women voters had appealed the case to the Supreme Court. Last October, the court heard arguments in the case.

"DHEC is pleased with the state Supreme Court's unanimous ruling upholding the validity of our coastal-management program," DHEC spokesman Thom Berry said. "This complete and important victory in the Spectre case will allow DHEC to continue to implement regulations and policies to guide the reasonable use and protection of our resources."