

Southern States Survey Boating Safety Statistics

**This is a study of four southern states:
North Carolina, South Carolina,
Georgia and Alabama.**

**The purpose of this study is to chart a correlation
between the four states with respect to each state's
numbers of:**

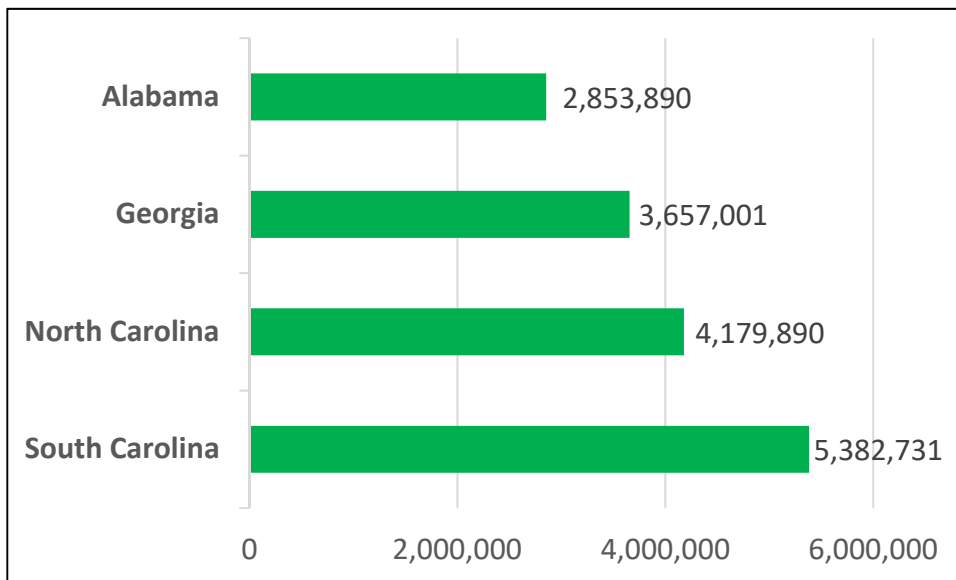
- **Registered Watercraft**
- **Natural Resource Law Enforcement Officers**
- **DNR's Boating Under the Influence Arrests**

By year starting in 2009 through 2019.

South Carolina has the largest number of Watercraft of the four states surveyed

SC has more recreational watercraft than Texas and SC has more recreational watercraft than all other southern states except Florida.

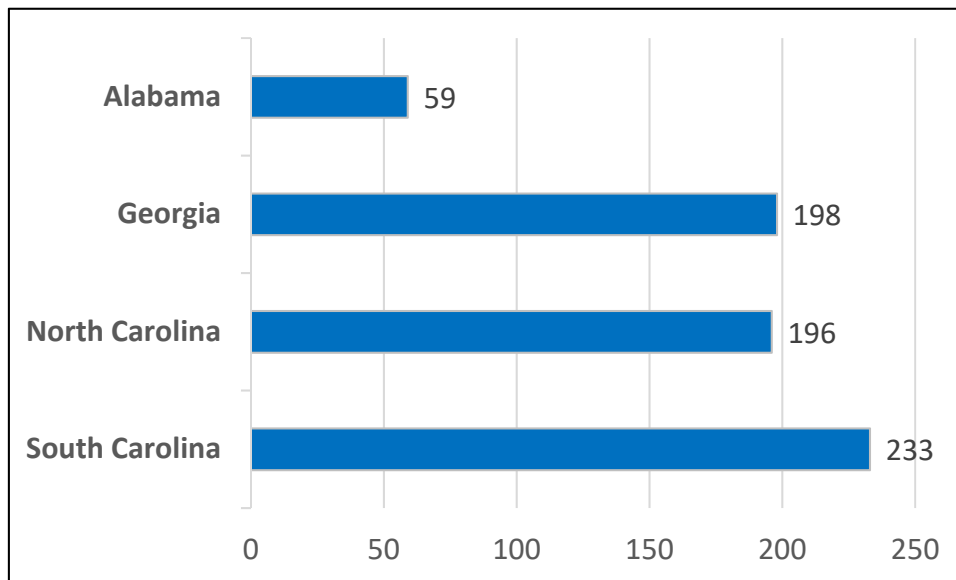
Watercraft Average By Year 2009-2019



Watercraft	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Totals	Average
South Carolina	435,528	435,491	447,745	460,564	466,598	462,680	502,210	518,269	534,726	551,477	567,443	5,382,731	538,273
North Carolina	405,663	400,846	392,566	391,711	386,884	380,670	374,823	367,225	358,171	359,361	361,970	4,179,890	417,989
Georgia	352,054	353,950	322,346	323,116	319,871	321,740	327,657	335,723	338,210	330,853	331,481	3,657,001	356,700
Alabama	270,726	271,377	265,526	268,374	265,626	262,926	261,182	231,741	266,157	244,619	245,636	2,853,890	285,389

South Carolina has the largest number of DNR Officers of the four states surveyed

DNR Officers Average By Year 2009-2019

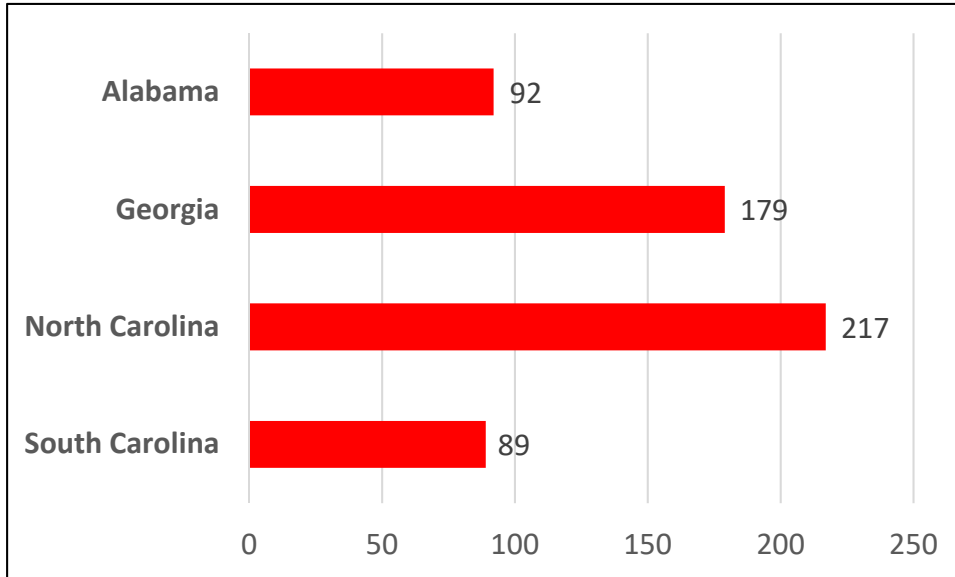


DNR Officers	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Totals	Average
South Carolina	248	202	213	189	212	247	259	248	258	245	243	2564	233
North Carolina	193	195	195	193	193	195	193	193	195	204	204	2153	196
Georgia	223	209	207	197	189	192	185	185	190	190	214	2181	198
Alabama	56	60	60	57	57	55	47	43	40	*	*	476*	59

*We have not received the 2018 and 2019 stats from Alabama.

South Carolina has the lowest number of BUI Arrests of the four states surveyed

DNR BUI Arrests By Year 2009-2019

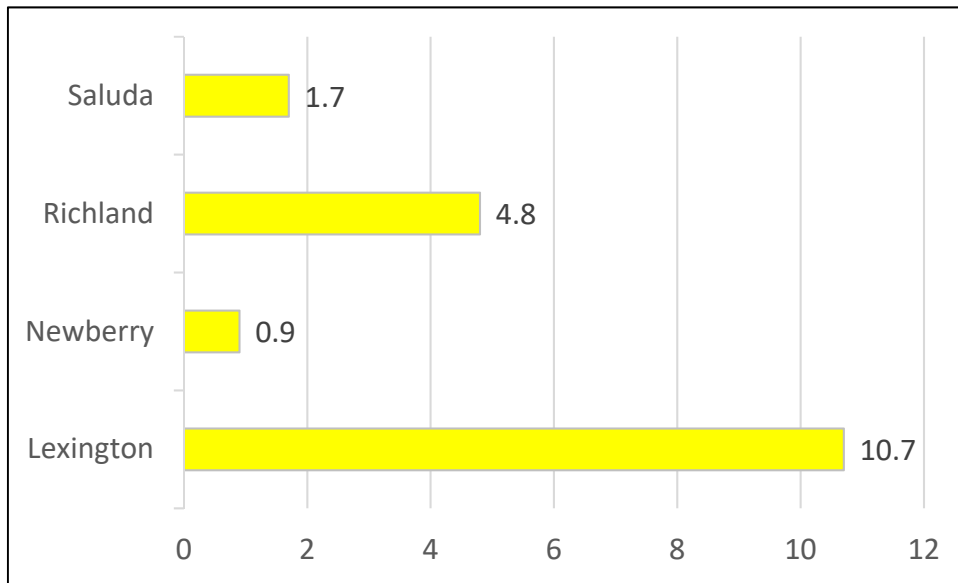


BUI Totals	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Totals	Average
South Carolina	119	94	104	126	90	106	78	60	73	57	60	967	89
North Carolina	370	304	313	265	178	148	106	176	124	191	215	2390	217
Georgia	177	139	165	180	160	182	201	182	189	185	209	1969	179
Alabama	131	118	107	79	60	61	54	73	51	*	*	734*	92

*We have not received the 2018 and 2019 stats from Alabama.

Counties Surrounding Lake Murray BUI Boating Safety Statistics

DNR BUI 10 Year Arrests Average 2009-2019



County	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Average
Lexington	6	11	16	20	11	9	7	10	5	8	4	10.7
Newberry	0	0	0	2	1	0	0	3	3	0	0	0.9
Richland	2	0	2	4	1	1	3	1	12	7	15	4.8
Saluda	0	1	0	5	4	3	0	2	0	2	0	1.7

The number of BUI arrests by county tells the true store.

When we asked the South Carolina Department of Natural Resources about ...enforcement of alcohol statutes on bars surrounding waterways ...

Their response was *“Enforcement of alcohol sales in businesses and bars falls to SLED and local law enforcement agencies with Vice and alcohol enforcement units. SCDNR does monitor these areas and conducts boating safety patrols with an emphasis on boating under the influence enforcement. Information related to violations occurring at land-based alcohol establishments are shared with partner agencies for alcohol licensing and distribution/sales enforcement.”*

We would like to know just how many hours are indeed spent on patrolling these locations as well as the number of arrests made. For example, Lake Murray actually has 13 businesses on the water that sell alcohol, 11 of which are bars.

The findings in this study show:

Number of Watercraft	South Carolina is First
Number of DNR Officers	South Carolina has the Most
Number of BUI Arrests by DNR	South Carolina is Dead Last

Summary:

South Carolina has on average the largest number of registered watercraft, the largest number of DNR Officers and the **LOWEST NUMBER of BUI ARRESTS** of the states surveyed.

*SC has more recreational watercraft than Texas and SC has more recreational watercraft than all other southern states except Florida.

Information In This Study Was Provided by:

South Carolina Department of Natural Resources

Caroline M. Pinckney
Privacy Officer, FOIA Officer and Paralegal to Chief Counsel
803-734-2046
PinckneyC@dnr.sc.gov

Georgia Department of Natural Resources

Taye Pierce
Administrative Assistant to the Director Law Enforcement
Division
770-918-6408
taye.pierce@dnr.ga.gov

NC Wildlife Resources Commission

Ben Meyer
Major of Administration Law Enforcement Division
919-707-0033
ben.meyer@ncwildlife.org

Alabama Law Enforcement Agency

Walter S. Thompson
Chief, Marine Patrol Division
334-517-2950
Steve.Thompson@alea.gov

* U. S. Coast Guard

2019 Recreational Boating Statistics

<https://www.uscgboating.org/library/accident-statistics/Recreational-Boating-Statistics-2019.pdf>

QUESTION TO SCDNR

Timeline

Meeting with Director Boyles

Laura Hudson, our Executive Director, and I met with Director Boyles of the South Carolina Department of Natural Resources on June 2, 2020, to discuss the survey. During the meeting Director Boyles asked what would success look like. The Director said after the meeting that he would look into our concerns and get back with us.

Follow Up

Laura sent an email to Director Boyles on June 5 outlining our concerns and then, after no reply, a second email on June 25. Director Boyles responded on June 25 in which he wrote,

“Good morning Ms. Hudson. We are working on a response to your letter.”

Director Boyles finally replied to Laura’s letter on July 9, 2020. Included in this release is a list of Laura’s questions with the reply from the Department of Natural Resources and our responses to the Department.

Response

Nowhere in SCDNR’s response do they ever address the findings in the survey placing SCDNR last in the average number of BUI arrests of the four states surveyed.

Based upon the Department’s responses to our concerns, it our opinion that the South Carolina Department of Natural Resources has no collective strategy on dealing with or preventing accidents or deaths on our waterways. Unlike our Highway Patrol that vigorously addresses the problem, the Department of Natural Resources falls short. As an organization whose primary goal is to support victims of crimes and support public safety, the [South Carolina Crime Victims’ Council](#) is disappointed in the response by the Department of Natural Resources. The Council’s hope is to continue a productive dialogue by forming a statewide advisory committee.

The following is a list of Laura’s questions with the reply from the Department of Natural Resources and our response to the department.

Laura’s questions to SCDNR are in **BLUE**
SCDNR’s reply is framed in **RED**
Our response to SCDNR is in **BLACK**

1. [Obviously, fewer injuries and deaths on our SC waterways is the overall goal! As revealed by the stats gathered by Randall, we are woefully lacking in BUI arrests compared with other nearby jurisdictions.](#)

We agree that fewer deaths and injuries on our waterways are the overall goal. While BUI arrests are important and a priority, our annual Boating Statistics Report show that the most significant contributing factors to boating accidents are operator experience, speed, failure to keep a lookout and hazardous water conditions. SCDNR has worked hard to address all of these. We believe this has contributed significantly to South Carolina having one of the lowest fatality rates in the country (2.9% for 2018 and 2.6% for 2019). For the same time period, NC was 8.3 and 4.4; GA was 3.3 and 6.9; and AL was 5.3 and 11.4 respectively.

As noted in the table below, South Carolina (with significantly more registered vessels) consistently reflects comparable or lower numbers of alcohol as a contributing factor in accidents and deaths than the referenced other states.

Accident Causes & Conditions

Table 8 ■ ALCOHOL USE AS A CONTRIBUTING FACTOR IN ACCIDENTS & CASUALTIES BY STATE 2015-2019

	Accidents					Deaths					Injuries				
	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019	2015	2016	2017	2018	2019
USA	306	350	323	309	330	122	133	118	119	128	258	335	255	275	279
AL	9	7	8	9	12	5	6	2	7	8	4	5	10	7	12
GA	8	12	11	8	7	4	7	2	2	3	3	7	9	8	2
NC	20	12	13	18	11	4	1	1	4	4	14	13	13	18	9
SC	7	9	12	4	9	3	4	2	1	2	6	9	8	3	9

OUR RESPONSE

The statistics used by SCDNR do not reflect the true underlying reporting of “alcohol as a contributing factor in accidents and deaths.” The (Table 8) data SCDNR used came from the [Coast Guard’s 2019 Recreational Boating Statistics](#). This same 2019 Coast Guard report shows alcohol use as 5th of the primary contributing factor in accidents and injuries. Yet, in the same 2019 Coast Guard report, alcohol is listed as the first primary contributing factor in deaths reported.

With respect to the primary cause of accidents and injuries, could it be that the operator was too drunk to pay attention or see where they were going? A possible explanation to these discrepancies may come from outside business pressure not to reveal the true underlying cause in reporting. It is our opinion that the manner in which the primary cause is determined is flawed at best and could be purposely deceiving.

NATIONWIDE CONTRIBUTING FACTORS

Figure 3 PRIMARY CONTRIBUTING FACTOR OF ACCIDENTS 2019

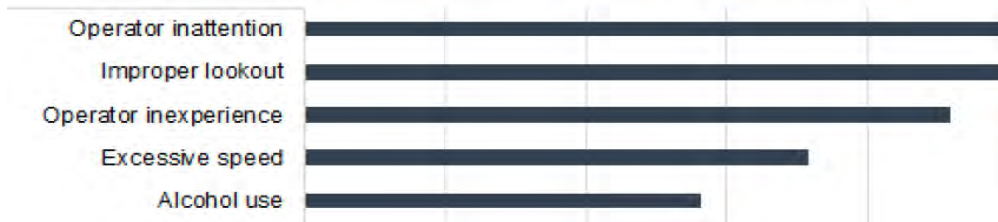


Figure 5 PRIMARY CONTRIBUTING FACTOR OF INJURIES 2019

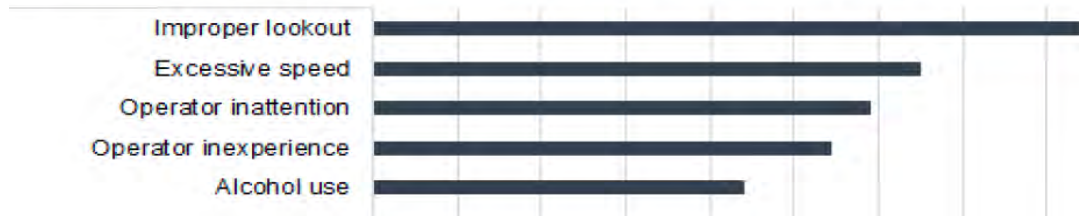


Figure 4 PRIMARY CONTRIBUTING FACTOR OF DEATHS 2019



In the same report, the [Coast Guard states](#):

“Alcohol Use as a Contributing Factor in Accidents & Casualties by State 2015-2019 (Table 8, Page 26)

This table reflects a tally of all four causes of accidents listed for all national accidents, deaths and injuries. This table lists accidents where alcohol use by the vessel’s occupants was listed as a direct or indirect cause of the accident. There are other cases in the national database where alcohol use is listed as being involved in the accident but it was not determined to be a cause of the accident.”

2. *Another measure of success will be an increase in patrol activity with a proactive rather than reactive mindset. Enforcing existing safety statutes is desirable instead of only injury and death investigations.*

SCDNR proactively conducts boating safety patrols year-round to enforce existing boating safety laws. In 2019, officers spent 40,249 hours on boating patrol in our state and inspected 62,009 boats. As a result of these patrols, officers issued 10,479 warnings and 1,859 summons for boating related violations. During that same time period, 61 summons were issued for Boating Under the Influence.

Another example of proactive enforcement is the Boating Safety Action Force (BSAF team), which began in 1999. This team was created to enforce boating safety and alcohol related offenses at high-traffic events such as the Beaufort Water Festival and Rockville Regatta. This enforcement effort has proven to heighten public awareness of alcohol related offenses, reduce BUIs, and promote compliance with boating safety requirements.

OUR RESPONSE

SCDNR proudly states their number of hours spent patrolling and number of summons and warnings issued. Yet they give no answer to the fact that they had on average the lowest number of BUI arrests of the four states in the survey over the past 10 years. SCDNR states that they had 61 summons issued in 2019 while in the same year North Carolina had 215 BUI arrests and Georgia had 209. How can our neighboring states have more than three times the number of BUI arrests while having fewer numbers of registered watercraft and fewer DNR officers in their states?

In fact, nowhere in SCDNR’s response do they even address the findings in the survey placing SCDNR last in the average number of BUI arrests of the four states surveyed.

BUI Arrests	2019
South Carolina	60
North Carolina	215
Georgia	209

Watercraft	2019
South Carolina	567,443
North Carolina	361,970
Georgia	331,481

DNR Officers	2019
South Carolina	243
North Carolina	204
Georgia	214

3. [We would like to receive the written policy from the Department on BUI enforcement and arrest procedures on our waterways.](#)

Agencies normally do not have written policy on BUI/DUI enforcement. All officers receive advanced alcohol enforcement training through the SC Criminal Justice Academy, SCDNR Wildlife Basic Training, SCDNR Advanced Training, and SCDNR In-Service Training. NHTSA Advanced DUI Detection Training is part of the Basic Law Enforcement curriculum at the Academy. NASBLA BUI Detection Training has been provided to all SCDNR Officers and requires annual recertification of the on-water field sobriety testing component. In all, officers receive 48 hours of initial alcohol enforcement training between the NHTSA and NASBLA standardized field sobriety testing.

The BUI arrest process differs at times from that of a DUI but is governed in detail in State code. Time is a major factor for BUI's. Officers are often in remote locations dealing with at least 2 vessels and numerous individuals. During this process, the officer must maintain control of the arrested subject as well as make arrangements to get the subject's vessel and passengers back to land. Sometimes this entails performing field sobriety test on other occupants to ensure they can safely operate a vessel. If someone else cannot operate the vessel, the officer must take the much more time-consuming route of towing the vessel back to the landing. During this entire time, the suspect's alcohol concentration is dissipating. The average time from contact to testing is significantly longer for a BUI arrest and can average 1.5 to 4 hours depending on location and availability of testing facilities. Recognizing this, with limited manpower, DNR has taken steps to work with local agencies to expedite this process. In addition, the SCDNR has proactively purchased a mobile breath testing vehicle (BAT Mobile) to streamline this process and assist our officers in successfully making BUI arrests. We are constantly adapting our training, embracing technology and looking for ways to improve and be more effective.

OUR RESPONSE

SCDNR states that they *"do not have written policy on BUI/DUI enforcement."* Well, maybe they need to write one and develop a better strategy for dealing with BUI cases. It's obvious by SCDNR's reply that they do not have a better strategy for dealing with BUI cases. Their answer makes it sound as if there is only one officer on each lake at a given time. In addition, one (Bat Mobile) cannot cover the entire state. There have been far too many cases where datamaster results were not allowed in court because the evidence was not processed within the two-hour deadline set by state law.

4. *We would like to receive any and all MOAs with other law enforcement agencies on enforcement and arrest procedures on our waterways. One such MOA may involve the SC Highway Patrol assistance when people leave the waterways.*

As a statewide law enforcement agency, it would be impractical to have a MOA with every law enforcement agency. Generally, MOAs are used to grant local agencies "legal arrest/detention jurisdiction" in neighboring jurisdictions (like on bodies of water bordering multiple counties). We are often included in these as a courtesy, but as a State Agency we already have statewide jurisdiction and we are not the grantor of jurisdiction to local agencies. However, we do have several agreements with various Sheriff's Departments. On Lake Murray, for example, we supported a MOA between Richland, Lexington, Saluda and Newberry County Sheriff's Departments to allow deputies to work across jurisdictions as they worked events and enforcement on the lake. The SCDNR has an excellent working relationship with local jurisdictions across the state resulting in better enforcement on the state's waterways. As noted earlier, we routinely coordinate with local departments to assist us with enforcement and/or transportation to jail during large events like the Beaufort Water Festival, Rockville Regatta, Sparkleberry Swamp Duck Run' etc

OUR RESPONSE

There was no SCDNR reply for asking the SC Highway Patrol for assistance when people leave the waterways. An intoxicated boater after leaving the lake gets in their car and is now a DUI problem on our highways.

- [5. Enforcement of alcohol statutes on bars surrounding waterways \(6 such places exist on Lake Murray that according to one recent lawsuit allegedly contributed to a violent death\).](#)

Enforcement of alcohol sales in businesses and bars falls to SLED and local law enforcement agencies with Vice and alcohol enforcement units. SCDNR does monitor these areas and conducts boating safety patrols with an emphasis on boating under the influence enforcement. Information related to violations occurring at land-based alcohol establishments are shared with partner agencies for alcohol licensing and distribution/sales enforcement.

OUR RESPONSE

SCDNR States: *“SCDNR does monitor these areas and conducts boating safety patrols with an emphasis on boating under the influence enforcement.”*

I would like to know just how many hours are indeed spent on patrolling these locations as well as the number of arrests made.

For example, Lake Murray actually has 13 businesses on the water that sell alcohol, 11 of which are bars.

The number of BUI arrests by county tells the true store.

*SCDNR BUI Arrest 2009-2019 by county surrounding Lake Murray
Information provided by Caroline M. Pinckney South Carolina Department of Natural Resources*

County	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Average
Lexington	6	11	16	20	11	9	7	10	5	8	4	10.7
Newberry	0	0	0	2	1	0	0	3	3	0	0	0.9
Richland	2	0	2	4	1	1	3	1	12	7	15	4.8
Saluda	0	1	0	5	4	3	0	2	0	2	0	1.7

- [6. Consider allowing officers to carry portable breathalyzer devices.](#)

Use of these devices would be welcomed, but this would require a change to state law. Under the current BUI and DUI law, we are only allowed to administer one breath alcohol test which is the National Patent Datamaster device.

OUR RESPONSE

The use of portable breathalyzer devices would greatly cut down on the [two-hour deadline set by state law](#) for collecting evidence to be used in court. Has the department ever asked the General Assembly to change current law so they could use this tool?

7. [Consider an aggressive anti impairment public campaign throughout the state.](#)

The SCDNR has partnered with the SC Highway Patrol for over 15 years in an aggressive anti-impairment campaign known as the "100 deadliest Days of Summer". This campaign has included billboards, TV ads, and radio ads that remind the public of the importance of alcohol safety on the roads and waterways from Memorial Day through Labor Day. In addition, the SCDNR was recently recognized by the National Association of State Boating Law Administrators (NASBLA) for our year-round Boating Under the influence efforts.

OUR RESPONSE

Several years ago, we remember watching and hearing PSAs on TV and radio yet, for the past few years, we recall but just a very few. We would like to know how much of the department's budget is spent on Boating Safety PSAs?

8. [Require mandatory boating safety training for all boaters with a renewable license requirement.](#)

Under 50-21-870, Boaters under 16 years of age are required by law to pass an approved boater education course before operating, without supervision, a personal watercraft (jet ski) or a boat powered by 15 hp motor or more. Once a person is 16 years of age, there is no restriction on what type boat they can operate unsupervised.

In 2015, the SCDNR conducted six public boating forums across the state in an effort to determine what the people of SC wanted to see as far as boating enforcement and reform. Public input was clear. **The top two priorities from these forums were mandatory boater education and an increased number of officers on the water.** We support mandatory boater education; however, this would require a change in the current law.

OUR RESPONSE

In the [six public hearings](#) conducted in 2015, the top two priorities from the public in these forums were ...*"mandatory boater education and an increased number of officers on the water."* We are asking what the department has done to facilitate mandatory boater education in the five years since the forums. As to increased number of officers, we already have more officers than our neighboring states surveyed.

9. *Create a Citizens' Boating Safety Committee to advise the Department. Randall is assembling some names and contacts for your consideration. We suggest no more than 16 representing the entire state. One such member may be your victim advocate.*

This is a committee that we would support involvement with and would include SCDNR Legal Counsel, Captain Steve Simpson-Boating Education Coordinator, and our Victim's Advocate as members.

OUR RESPONSE

We appreciate the support for a Citizens' Boating Safety Committee. However, it would be inappropriate to include SCDNR Legal Counsel as part of the group. The whole purpose of the committee is to make it independent.

10. *Maintain an open dialogue with crime victims and boat owners to access their needs*

The above-mentioned Citizens Committee could assist with allowing an open dialogue with boat owners. We have a victim's advocate program for immediate assistance for families. Generally, in felony cases, the solicitor's office victim's advocate takes over the role of following up with the victims.

OUR RESPONSE

No problem with SCDNR answer.

11. *Discuss liability with landowners when allowing "drunk fests" on their property.*

The SCDNR does not have enforcement authority or the ability to advise on civil liability to landowners regarding how they use privately owned property. The SCDNR continues to use media campaigns during the "100 Deadliest Days of Summer" to highlight the importance of responsible drinking. Examples of these campaigns are available through YouTube and other social media outlets.

OUR RESPONSE

Although, SCDNR may "feel" they have no authority or ability to advise on civil liability to landowners, the SC Supreme Court has published a series of opinions as to the liability of a host/hostess should an injury or death occur after a person under the age of 21 has been served alcohol on that private property. Should an injury or death of an underage person occur on the waterways under DNR authority, SCDNR would certainly be involved in any investigation as to the location of the business or private property host/hostess responsible for the illegal service to an underage person. Therefore, it seems prudent to "advise" through media campaigns or written notice of the Supreme Court opinions.

12. *Crack down on permits for gatherings and apply the permit requirements uniformly.*

The statute for Marine Permits states: The Department may regulate the holding of regattas, races, marine parades, tournaments or exhibitions which, by their nature, circumstance or location will introduce extra or unusual hazards to the safety of life on any waters of this State...

The purpose of the Marine Permit is to give the SCDNR the ability to regulate marine events for congestion, access routes for emergency personnel and boating flow safety.

OUR RESPONSE

We would like to see a list of the requirements, if any, in order to get a permit.

13. *Enforce the display of ``party" lights that interfere with navigational lighting.*

There is nothing in state or federal statute that prohibits use of alternative lighting such as ``party" lights. In fact, newer boats include alternative lighting from the factory.

The only requirement in law is the requirement for navigation lights per the federal code. Any additional enforcement of ``party" lights would require State or Federal legislation.

OUR RESPONSE

SCDNR states, *“There is nothing in state or federal statute that prohibits use of alternative lighting such as party lights.”*

This is just not true. SC boating laws incorporate the Coast Guard Navigation Rules as law as stated in section [**50-21-170. Relationship between state and federal regulations; effect of changes in federal law or regulations.**](#)

“The statutes and regulations, including the United States Coast Guard Navigational Rules that pertain to watercraft and watercraft safety, associated marine equipment, performance and operation of watercraft, standard numbering and registration of watercraft, and boating accident reporting as enacted by the Congress of the United States or as promulgated by the appropriate department of the United States government, are the law of the State of South Carolina. Any person violating the provisions of the statutes or regulations, upon conviction, must be punished as provided in Section 50-21-150.”

[The Coast Guard Rule states;](#)

PART C—LIGHTS AND SHAPES RULE 20 Application

(b)The Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out

USCG Marine Safety Alert 10-15 dated 11-4-2015

“The U.S. Coast Guard is concerned about the sale and availability of unapproved recreational and commercial vessel navigation lights. Purchasers of such lighting should be aware replacement lighting may be improper for its application due to the failure by manufacturers to meet technical certification requirements. Furthermore, technical advances in marine lighting, such as the use of Light Emitting Diodes (LEDs), rope lighting, underwater lighting, and other various types of decorative lighting, may violate navigation light provisions of the Nautical Rules of the Road.”

“Boaters should be concerned about installing “decorative” lighting on their boats in various places, including underwater, on the rubrail, or just above the waterline. Care must be taken that these lights:

- cannot be mistaken for navigation lights,*
- do not impair the visibility or distinctive character of approved and properly placed navigation lights, and*
- do not interfere with the operator’s ability to maintain a proper lookout. Such circumstances may represent a violation of Rule 20.”*

For additional information, read the full article USCG Marine Safety Alert 10-15 dated 11-4-2015