The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

September 21, 1995

Buford S. Mabry, Jr., Chief Counsel
South Carolina Department of Natural Resources
Post Office Box 167
Columbia, South Carolina 29202

Dear Buford:

Thank you for your recent letter concerning the Department of Natural Resources' (the Department) interpretation of S.C. Code Ann. § 27-16-120(E) (1994 Supp.).

Based on your letter to Jay Bender dated November 3, 1994, it is my understanding that the Department reads § 27-16-120(E) as only entitling members of the Catawba Nation to recreational state hunting and fishing licenses free of charge. It does not further entitle Catawba Nation members to utilize Wildlife Management Area (WMA) lands without a WMA permit. I concur with your opinion that § 27-16-120(E) is not artfully drafted and, thus, is susceptible to various interpretations. Moreover, I note that the Department is charged by law with the duty of issuing state hunting and fishing licenses and that the Department's administrative interpretation is reasonably supported by the statutory language. Thus, as the courts and this Office have often stated, the construction of a statute by the agency charged with its administration will be accorded the most respectful consideration and should not be overruled without compelling and cogent reasons. Dunton v. S.C. Bd. of Examiners in Optometry, 291 S.C. 221, 353 S.E.2d 132 (1987); Emerson Electric Co. v. Wasson, 287 S.C. 394, 339 S.E.2d 118 (1986); Faile v. S.C. Employment Security Commission, 267 S.C. 536, 230 S.E.2d 219 (1976). Accordingly, cognizance and recognition of the Department's interpretation would be absolutely crucial in any construction of the statute.

Again, thank you for your letter. I trust the foregoing is responsive to your inquiry and that you will advise if clarification or additional assistance should be necessary.

Yours very truly,

Zeb C. Williams, III
Deputy Attorney General

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