

1 SECTION 1. Section 50-13-580 of the 1976 Code is amended to read:

2  
3 “SECTION 50-13-580. Should any game fish be taken by net or other nongame  
4 fishing device ~~while fishing for fish other than game fish~~, they must be  
5 immediately returned to the water from whence they came. Any person  
6 violating the provisions of this section is guilty of a misdemeanor and, upon  
7 conviction, must be fined not less than fifty dollars nor more than two hundred  
8 dollars or imprisoned for not more than thirty days. Any equipment ~~and~~  
9 ~~devices~~ used in committing the ~~violation-offense~~ must be seized and disposed  
10 of ~~as provided in Section 50-13-1196~~ according to law.”

11 *[Updates language]*

12  
13 SECTION 2. Chapter 13, Title 50 of the 1976 Code is amended by adding:

14  
15 “SECTION 50-13-590. (A) No trap may be:

16 (1) placed within six hundred feet of a public boat launching area.

17 (2) set so as to leave any part of the trap exposed at low water.

18 (3) unattended for more than three days

19 (B) The department may inspect traps for compliance with this section at  
20 anytime. If the department finds any trap:

21 (1) in violation of this chapter; or

22 (2) contains only dead catch or excessive dead catch , the trap is contraband  
23 and must be seized and disposed of according to law.

24 *[This is modeled on 50-5-555, applies only to traps, not eel pots]*

25  
26 SECTION 50-13-595. (1) Traps and eel pots may be suspended above the  
27 bottom of the body of water in which they are used at a depth which does not  
28 create a hazard to watercraft.

29 (2) There is no restriction on the type of bait permissible in traps or eel pots,  
30 except that no game fish or any part thereof shall be used for bait.

31 (3) There shall be no closed season for fishing with traps or eel pots in the  
32 freshwaters of this State in which the use of traps or eel pots is permitted except  
33 temporarily by regulation of the Department if low water conditions or any  
34 emergency situation develops.

35 (4) No trap or eel pot shall be placed within one hundred feet of the mouth of  
36 any tributary stream and no trap or pot shall be placed anywhere in the  
37 diversion canal connecting Lakes Marion and Moultrie nor placed within two  
38 hundred yards of a man-made structure in Lakes Marion and Moultrie.

39 (5) No crab pot or trap of like design shall be used in the freshwaters of this  
40 State unless permitted by regulation.

41 (6) All crayfish traps must be identified with the name and department  
42 customer identification number of the user. These traps may only be used in  
43 those bodies of water permitted under this chapter. A commercial fisherman  
44 may fish up to fifty crayfish traps. A recreational fisherman may fish up to five  
45 crayfish traps.

46 (7) All minnow traps must be identified with the name and department  
47 customer identification number of the user. Minnow traps may only be fished  
48 with a recreational license with a limit of five per person and may not be fished  
49 for commercial purposes.

50 *[From existing 50-13-1165, the description of the construction of the traps is*  
51 *now included in 50-13-10(A); adds fishing minnow and crayfish traps and*

1 *repeals local legislation and duplicated regulations (50-13-730 is covered by*  
2 *50-13-1192); will now allow crab pots to be fished in freshwaters by*  
3 *regulation]*

4  
5 SECTION 50-13-600. (A) The season for taking nongame fish other than  
6 American shad and herring in the freshwaters of this State with gill nets shall be  
7 from November first to March first inclusive. Gill nets may be used or  
8 possessed in the freshwaters in which their use is authorized on Wednesdays,  
9 Thursdays, Fridays and Saturdays only. Gill nets used in the freshwaters shall  
10 have a mesh size not less than four and one-half inches stretch mesh. No gill net  
11 measuring more than one hundred yards in length may be used in the  
12 freshwaters and no gill net, cable, line or any other device used for support of a  
13 gill net shall extend more than half way across any stream or body of water.  
14 Gill nets shall be placed in the freshwaters on a first come first served basis but  
15 no gill net shall be placed within two hundred yards of another gill net. Use or  
16 possession of gill nets at any place or time other than those prescribed above  
17 shall be unlawful.

18 (B) Nongame fish taken in shad nets lawfully fished during the open season for  
19 taking shad may be kept. Any sturgeon caught must be returned immediately to  
20 the waters from where it was taken

21 *[From existing 50-13-1170, definition in 50-13-10(A); Conforms this section*  
22 *to reduction in size of gill nets to one hundred yards; clarifies that American*  
23 *shad are the species excepted from this section; Deletes the provision*  
24 *allowing the take of Atlantic sturgeon]*

25  
26 SECTION 50-13-605. Hoop nets may be used or possessed in the freshwaters  
27 in which their use is authorized by this chapter. Hoop nets must rest on the  
28 bottom of the body of water in which they are used and must not be suspended  
29 above the bottom. Hoop nets must not be used within one hundred feet of the  
30 mouth of any tributary. Use or possession of hoop nets at any place or time  
31 other than those prescribed is unlawful.”

32 *[From existing 50-13-1175, definition of hoop net in 50-13-10(A)]*

33  
34 SECTION 3. Chapter 13, Title 50 of the 1976 Code is amended by adding:

35  
36 “SECTION 50-13-655. Pump nets may only be fished from the bank or a shore  
37 based structure and may only be used for recreation. Skimbow nets may be  
38 fished from boats but only for recreation. These devices may only be used in  
39 those waters where authorized in this chapter.”

40 *[Permits recreational use of skim bow nets from boats]*

41  
42 SECTION 4. Chapter 13, Title 50 of the 1976 Code is amended by adding:

43  
44 “SECTION 50-13-775. It shall be unlawful to use or have in possession a  
45 minnow seine, in the freshwaters of this State from ten p.m. to official sunrise.”

46 *[From existing 50-13-1188]*

1  
2 SECTION 5. Chapter 13, Title 50 of the 1976 Code is amended by adding:

3  
4 “ARTICLE 5.

5  
6 FRESHWATER SHELLFISH

7  
8 SECTION 50-13-900. It is unlawful to take freshwater mussels (Bivalvia)  
9 without a permit from the department. Anyone violating this section is guilty of  
10 a misdemeanor and must be fined not less than one hundred nor more than five  
11 hundred dollars. Provided, Asian clams (corbicula spp) may be taken without  
12 permit.

13  
14 SECTION 50-13-905. Except as allowed by the Department, it is unlawful to  
15 take saltwater crabs in the freshwaters of the state.”

16 *[Adds an Article to deal with freshwater taking of shellfish and crabs]*

17  
18 SECTION 6. Section 50-13-1110 of the 1976 Code is amended to read:

19  
20 “SECTION 50-13-1110. The provisions of this article shall apply to the use of  
21 nongame fishing devices and the taking of nongame fish in the freshwaters of  
22 this State, ~~which shall include all waters inland of the saltwater freshwater~~  
23 ~~dividing lines on the coastal rivers as established in Section 50-17-30.~~

24 ~~The provisions of this article shall not apply to shad or herring where otherwise~~  
25 ~~provided by law, except American shad and herring.”~~

26 *[Clarifies the applicability of this article as excluding American shad, deletes*  
27 *reference to non-existent section]*

28  
29 SECTION 7. Section 50-13-1115 of the 1976 Code is amended to read:

30  
31 “SECTION 50-13-1115. ~~(A) The following nongame fishing devices may be~~  
32 ~~used for the taking of nongame fish in the freshwaters of this State in which~~  
33 ~~such devices are authorized:~~

- 34 ~~(1) trotlines~~  
35 ~~(2) set hooks~~  
36 ~~(3) jug fishing devices~~  
37 ~~(4) traps~~  
38 ~~(5) eel pots~~  
39 ~~(6) gill nets~~  
40 ~~(7) hoop nets~~  
41 ~~(8) skimbow nets~~  
42 ~~(9) bows and arrows~~  
43 ~~(10) gigs~~  
44 ~~(11) spears~~  
45 ~~(12) tires~~  
46 ~~(13) minnow seines~~  
47 ~~(14) cast nets~~  
48 ~~(15) seines~~  
49 ~~(16) pump nets.~~

1 ~~(B) The possession or use on the freshwaters of this State of any device or gear~~  
2 ~~designed or used to catch nongame fish not authorized by this article is~~  
3 ~~unlawful.~~

4 ~~Nothing in this article shall be construed to prohibit the taking of nongame fish~~  
5 ~~with lawful game fishing devices designed to take game fish.~~

6 The following are the only lawful nongame fishing devices and methods that  
7 may be used for the taking of nongame fish in the freshwaters of this State and  
8 only in those waters in which such devices and methods are authorized:

9 (1) archery equipment

10 (2) cast nets

11 (3) crayfish traps

12 (4) eel pots

13 (5) elver fyke nets

14 (6) gigs

15 (7) gill nets

16 (7) hand grabbing

17 (8) hoop nets

18 (9) jug fishing devices

19 (10) minnow seines

20 (11) minnow traps

21 (12) pump nets

22 (13) seines

23 (14) set hooks

24 (15) skimbrow nets

25 (16) spears

26 (17) tires

27 (18) traps

28 (19) trotlines”

29 *[(A) Reordered alphabetically; “bows and arrows” is archery equipment.*  
30 *added crayfish traps, cast nets, Elver fyke nets, hand grabbing and minnow*  
31 *traps as lawful methods for taking; (B) covered in new 50-13-60]*

32  
33 SECTION 8. Section 50-13-1116 of the 1976 Code is amended to read:

34  
35 “SECTION 50-13-1116. Certain nongame fishing devices to be marked with  
36 certain information; composition and color of devices.

37  
38 ~~Notwithstanding other provisions of this title, nongame fishing devices~~  
39 ~~specified in Section 50-13-1115(A)(1), (4), (5), and (6), must be marked with a~~  
40 ~~floating marker with a minimum capacity of one pint and a maximum capacity~~  
41 ~~of one gallon or equivalent size and must be made of solid, buoyant material~~  
42 ~~which does not sink if punctured or cracked. The floating markers must be~~  
43 ~~constructed of plastic, PVC spongex, plastic foam, or cork. No hollow buoys~~  
44 ~~or floats including plastic, metal, or glass bottles or jugs may be used, except~~  
45 ~~manufactured buoys or floats specifically designed for use with nongame~~  
46 ~~fishing devices may be hollow if constructed of heavy duty plastic material and~~  
47 ~~approved by the department. The floating markers must be colored white when~~  
48 ~~used the first through the fifteenth each month and yellow when used the~~  
49 ~~remainder of the month. The owner’s name and address must be marked~~  
50 ~~clearly on each floating marker.~~

1 ~~Nongame fishing devices specified in Section 50-13-1115(A)(2) must have an~~  
2 ~~identification tag bearing the owner's name and address attached to it.~~

3  
4 (A) Trotlines, traps, eel pots, gill nets and hoop nets must be marked with a  
5 floating marker not less than a capacity of one pint and not more than a capacity  
6 of one gallon and must be made of solid, buoyant material which does not sink  
7 if punctured or cracked. The floating markers must be constructed of plastic,  
8 PVC sponges, plastic foam, or cork. No hollow buoys or floats including  
9 plastic, metal, or glass bottles or jugs may be used, except manufactured buoys  
10 or floats specifically designed for use with nongame fishing devices may be  
11 hollow if constructed of heavy duty plastic material and approved by the  
12 department. The floating markers used the first through the fifteenth inclusive  
13 of each month must be colored white only and yellow only for use the  
14 remainder of the month and there can be no other color marker attached to the  
15 device. The owner's name and department customer identification number  
16 must be legible on each floating marker. Both commercial and recreational  
17 fishermen must comply with provisions of this title pertaining to the marking  
18 and use of nongame fishing devices. Trotlines must be marked on both ends  
19 and at intervals of five hundred feet.

20 (B) Tags issued for non game devices must be attached to the device at all  
21 times. Permits and tag receipts must be kept on the person to whom issued  
22 while possessing or using non-game fishing devices.

23 (C) Each set hook must have an identification tag attached to it.

24 bearing the owner's name and department customer identification number

25 (D) A violation of this section is a misdemeanor and is punishable as prescribed  
26 in this chapter."

27 *[Makes clear the type of identification that is required on non-game fishing*  
28 *devices; requires additional marking of trotlines (replaces address with Dept*  
29 *customer ID number) and eliminates duplication found in existing 50-13-*  
30 *1192 (71) (e), includes hoop nets as devices that require the floats. From 50-*  
31 *13-1116; 50-13-1135 (A) (2)]*

32  
33  
34  
35  
36 SECTION 9. Section 50-13-1120 of the 1976 Code is amended to read:

37  
38 "SECTION 50-13-1120. ~~For the purposes of this article:~~

39 (a) ~~"Set hook" is defined as a single hook and line set in or along any of the~~  
40 ~~rivers, streams, lakes or waters of this State used to catch fish while attached to~~  
41 ~~bushes, limbs, vines, undergrowth or other parts of vegetation, set poles, pegs,~~  
42 ~~sticks or similar structures. "Set hooks" shall include all similar hook and line~~  
43 ~~devices by whatever name called.~~

44 (b) ~~"Jug fishing" is defined as fishing by use of a single hook and line attached~~  
45 ~~to a free floating device other than a flotation marker for trotlines, traps or other~~  
46 ~~devices.~~

47 (c) ~~"Trap" is defined as any device in which fish are taken in an enclosed~~  
48 ~~structure which conforms with the specifications contained in subsection (A) of~~  
49 ~~Section 50-13-1165, except eel pots and shall include fish traps, baskets and~~  
50 ~~like devices.~~

1 ~~(d) "Eel pot" is defined as an enclosed structure used to take eels only and~~  
2 ~~which conforms to the specifications provided in subsection (B) of Section~~  
3 ~~50-13-1165.~~

4 ~~(e) "Trotline" is defined as two or more hooks attached to a common line which~~  
5 ~~is rigged horizontally.~~

6 ~~(f) "Hoop net" is defined as a device in which fish are taken in an enclosed~~  
7 ~~structure which conforms with the specifications contained in Section~~  
8 ~~50-13-1175.~~

9 ~~(g) "Skimbow net" is defined as a hand-operated dip net with the bow~~  
10 ~~constructed of wood or metal with wire or textile netting with a mesh size not~~  
11 ~~greater than one and one half inches square. The bow shall not exceed six feet~~  
12 ~~in any direction.~~

13 ~~(h) "Minnow seine" is defined as a seine of a size not greater than four feet in~~  
14 ~~width by twenty feet in length with a mesh size of not more than one fourth~~  
15 ~~inch square mesh.~~

16 ~~(i) "Gig" is defined as a device consisting of a long staff on which two or more~~  
17 ~~hooks or similar type sharp points normally with barbs are attached.~~

18 ~~(j) "Spear" is defined as a device for thrusting or throwing consisting of a long~~  
19 ~~staff to which a sharp head is fixed.~~

20 ~~(k) "Bows and arrows" are defined as a strip of wood or other material bent by~~  
21 ~~a string stretched between its ends used for shooting arrows.~~

22 ~~(l) "Gill net" is defined as a device for the taking of nongame fish which~~  
23 ~~conforms to the specifications provided in subsection (1) of Section~~  
24 ~~50-13-1170.~~

25 ~~(m) "Yoyo" is a device to which "set hooks" are attached which is activated by~~  
26 ~~spring-like devices.~~

27 ~~(n) "Tires" are defined as truck or automobile tires not exceeding twenty inch~~  
28 ~~rim.~~

29 ~~(o) "Cast net" is a circular shaped net with a lead line running around the~~  
30 ~~outside edge. A cord line extends through a ring or horn in the center of the net~~  
31 ~~and from this end there radiates numerous smaller cords (tuck line) which are~~  
32 ~~fastened at regular intervals to the lead line.~~

33 ~~(p) "Seine" is a net having a stretch mesh of not less than one inch and not~~  
34 ~~more than one and one half inches which do not exceed seventy five feet in~~  
35 ~~length or six feet in depth.~~

36 ~~(q) "Pump net" is a net suspended from a pole placed in a forked stick or device~~  
37 ~~which may be lowered or raised manually in a seesaw type action.~~

38 Nongame fish may be taken with any lawful game fishing device. Fishermen  
39 fishing from the bank or a structure or wading may use only four game fishing  
40 devices. A fisherman fishing from a boat may use may use an unlimited number  
41 of game fishing devices if all persons in the boat older than sixteen years have  
42 valid fishing licenses."

43 **[From 50-13-1115; Establishes a limit for the number of game fishing**  
44 **devices allowed to take non-game fish]**

45  
46 SECTION 10. Section 50-13-1125 of the 1976 Code is amended to read:

47  
48 "SECTION 50-13-1125. No fishing device authorized by this article shall be  
49 used, placed, set or fished so as to constitute a hazard to boating or public  
50 safety."

1 SECTION 11. Chapter 13, Title 50 of the 1976 Code is amended by adding:

2

3 “SECTION 50-13- 1135. Recreational fishermen may use the following fishing  
4 devices and methods for taking non-game fish but only in those waters in which  
5 the type and quantity are allowed.

6 (1) archery equipment;

7 (2) cast nets

8 (3) not more than five crayfish traps

9 (4) not more than two eel pots;

10 (5) gigs;

11 (6) one gill net not more than one hundred yards in length or not more than  
12 three gill nets, none of which exceeds thirty yards in length;

13 (7) hand grabbing

14 (8) not more than one hoop net;

15 (9) not more than fifty jugs;

16 (10) minnow seines;

17 (11) not more than five minnow traps

18 (12) not more than one pump net

19 (13) not more than one seine.

20 (14) three to fifty set hooks;

21 (15) not more than one skim bow net;

22 (16) spears;

23 (17) not more than two traps;

24 (18) tires;

25 (19) up to three trotlines with not more than a combined total of one hundred  
26 fifty hooks on all lines.

27 (20) any lawful game fishing device

28

29 *[Makes clear what non-game gear can lawfully be used by a recreational*  
30 *licensee; reduces the gill net to one hundred yards of net from two hundred*  
31 *and the number from five to three; adds hand-grabbing as a method and cast*  
32 *nets]*

33 SECTION 12. Chapter 13, Title 50 of the 1976 Code is amended by adding:

34

35 “SECTION 50-13-1147. It is unlawful for a recreational fisherman to take  
36 more than fifty eels a day. Each eel must be at least six inches long.”

37 *[Establishes a recreational size and catch limit for eels]*

38

39

40 SECTION 13. Section 50-13-1170 of the 1976 Code is amended to read:

41

42 “SECTION 50-13-1170. Nongame gill nets; size and placement; season.

43

44 The season for taking nongame fish other than shad and herring in the  
45 freshwaters of this State with gill nets shall be from November first to March  
46 first inclusive. They may be used or possessed in the freshwaters in which their  
47 use is authorized on Wednesdays, Thursdays, Fridays and Saturdays only.  
48 Nongame gill nets used in the freshwaters shall have a mesh size of not less  
49 than four and one-half inches stretch mesh. No gill net measuring more than  
50 two hundred yards in length may be used in the freshwaters and no gill net,  
51 cable, line or any other device used for support of a gill net shall extend more

Nongame fishing devices  
authorized for  
noncommercial purposes.

1 than half way across any stream or body of water. Gill nets shall be placed in  
 2 the freshwaters on a first come first served basis but no gill net shall be placed  
 3 within two hundred yards of another gill net. Use or possession of gill nets at  
 4 any place or time other than those prescribed above shall be unlawful.

5 Nongame fish, ~~including Atlantic sturgeon of legal size and~~ caught during open  
 6 season ~~as established under Section 50-17-830~~, in licensed shad nets lawfully  
 7 fished during the open season for taking shad may be kept by the fisherman.  
 8 ~~Any Atlantic sturgeon caught during the closed season for Atlantic sturgeon~~  
 9 ~~must be returned immediately to the waters from whence it was taken.”~~

10  
 11  
 12 SECTION 14. Section 50-13-1180 of the 1976 Code is amended to read:

13  
 14 “SECTION 50-13-1180. (A) No more than five hundred hooks may be attached  
 15 to a single commercially fished trotline. A trotline must not be attached to  
 16 another trotline or to the support or float of another trotline. No trotline may be  
 17 longer than twenty five hundred feet.

18 (B) April first to October first a trotline is not permitted in waters in this State  
 19 one hour after official sunrise to one hour before official sunset unless the  
 20 trotline is sunk to the bottom or to a minimum depth of four feet below the  
 21 water surface. October second to March thirty-first trotlines may be left in the  
 22 water twenty-four hours a day at any depth.

23 (C) A trotline must not be placed within one hundred feet of the mouth of a  
 24 tributary stream.

25 (D) A trotline may not remain in the waters of this State more than twenty-four  
 26 hours without inspection and removal of the fish taken on it.

27 (E) A trotline must not be placed within two hundred yards of a ~~permanent~~  
 28 man-made structure on Lakes Marion and Moultrie nor placed in the diversion  
 29 canal connecting Lakes Marion and Moultrie.

30 (F) Trotline hooks used in Lakes Marion and Moultrie and the upper reach of  
 31 the Santee River must have a gap or clearance between point and shank no  
 32 greater than seven sixteenths ~~inch~~ inches.

33 (G) Stainless steel hooks must not be used on a trotline.”

34 *[Makes clear that trotlines that have more than 150 hooks are commercial*  
 35 *and commercial lines are limited to 500 hooks per line, see 50-13-1135]*

36  
 37 SECTION 15. Section 50-13-1185 of the 1976 Code is amended to read:

38  
 39 “SECTION 50-13-1185. All set hooks ~~shall~~ must be removed from the water  
 40 and from the vegetation or structure to which they are attached not later than  
 41 one hour after sunrise each day and ~~shall~~ must not be ~~reattached~~ placed in the  
 42 water earlier than one hour before official sunset.” *[Clarification as to when*  
 43 *hooks may be set and removed]*

44  
 45  
 46  
 47  
 48 SECTION 16. Section 50-13-1186 of the 1976 Code is amended to read:

49  
 50 “SECTION 50-13-1186. All jugs used in fishing in freshwaters ~~shall range~~  
 51 between must be sizes that are between a minimum capacity of one pint and a

1 maximum capacity of one gallon inclusive with the licensee's name and  
2 ~~address~~ department customer identification number clearly marked on each jug.  
3 All jugs ~~shall~~ must be removed from the water not later than one hour after  
4 sunrise each day and may not be replaced before placed in the water earlier than  
5 one hour before official sunset. The attachment of more than one hook and line  
6 to a jug fishing device is prohibited."

7 *[clarifies that the jug capacity used in fishing is a liquid measure and*  
8 *substitutes Dept ID for address]*  
9

10 SECTION 17. Section 50-13-1187 of the 1976 Code is amended to read:

11  
12 "SECTION 50-13-1187. (A) Except as provided in subsections (B) and (C), no  
13 game fish, live bait, or other bait other than bait listed below may be used with  
14 trotlines, set hooks, and jugs:

- 15 (1) soap;
- 16 (2) dough balls;
- 17 (3) ~~cut fish which must be~~ nongame fish cut into at least three ~~two or more~~  
18 equal parts;
- 19 (4) shrimp;
- 20 (5) meat scraps which may not include insects, worms, or other invertebrates;
- 21 (6) grapes.

22 (B) Notwithstanding any other provisions of law, on the ~~Edisto~~, Black, Edisto,  
23 Sampit, Big Great Pee Dee (including the navigable oxbows and sloughs),  
24 Little Pee Dee (including the navigable oxbows and sloughs), Lumber, Lynches  
25 (including Clarks, Mill and Muddy Creeks), Sampit and Waccamaw Rivers,  
26 live nongame fish and live bream may be used with single barbed set hooks that  
27 have a shank-to-point gap of one and three sixteenths inches or greater.  
28 However, it is unlawful for any person to have in ~~his~~ possession more than  
29 thirty the lawful creel limit of bream while fishing with nongame tackle on  
30 these rivers.

31 (C) Live nongame fish and live bream may be used on trotlines having not  
32 more than twenty hooks that have a shank-to-point gap of one and  
33 three-sixteenths inches or greater on the Black, Big Great Pee Dee (including  
34 the navigable oxbows and sloughs), Little Pee Dee (including the navigable  
35 oxbows and sloughs), Lumber, Lynches (including Clarks, Mill and Muddy  
36 Creeks) and Waccamaw Rivers. However, it is unlawful for any person to have  
37 in ~~his~~ possession more than thirty the lawful creel limit of bream while fishing  
38 with nongame tackle on these rivers.

39 (D) Any person violating the provisions of this section is guilty of a  
40 misdemeanor and, upon conviction, must be fined not more than two hundred  
41 dollars or imprisoned for not more than thirty days."

42 *[Clarifies that live bream may be used for nongame bait in certain waters and*  
43 *adds Lynches River and Clarks, Mill and Muddy creeks to those waters]*  
44  
45  
46  
47

48 SECTION 18. Section 50-13-1189 of the 1976 Code is amended to read:

49  
50 "SECTION 50-13-1189. It is unlawful for any person to have in ~~his~~ possession  
51 game fish ~~or fishing tackle capable of catching game fish while fishing for~~

1 ~~nongame fish with nongame tackle authorized for use by this chapter , except~~  
2 ~~live bream on those water bodies where permitted as live bait, or game fish~~  
3 ~~devices while possessing or using nongame devices. The provisions of this~~  
4 ~~section do not apply to a person whose nongame tackle consists of bows and~~  
5 ~~arrows using archery equipment or cast nets.”~~

6 *[Clarifies that possession of live bream used for bait is lawful on those water*  
7 *bodies where allowed (see 50-13-1187) and uses the term “devices” instead of*  
8 *tackle]*

9  
10 SECTION 19. Section 50-13-1192 of the 1976 Code is amended to read:

11  
12 ~~“SECTION 50-13-1192. Type and number of nongame fishing devices which~~  
13 ~~may be used in certain bodies of freshwater.~~

14  
15 ~~Bows and arrows, gigs, spears, tires, cast nets, and minnow seines may be used~~  
16 ~~in freshwaters except in lakes owned or managed by the department.~~  
17 ~~Notwithstanding other provisions of this article, it is unlawful to use or possess~~  
18 ~~a nongame fishing device or gear or the number not authorized by this section~~  
19 ~~for a particular body of water. Nongame fishing devices, except as provided in~~  
20 ~~this section, must not be used in freshwater including tributaries of rivers or~~  
21 ~~creeks unless listed and regulated as indicated below:~~

22 ~~(1) Ashepoo River:~~

23 ~~(a) set hooks: fifty maximum for each license holder;~~

24 ~~(b) eel pots: no limit;~~

25 ~~(2) Ashley River:~~

26 ~~(a) set hooks: fifty maximum for each license holder;~~

27 ~~(b) eel pots: no limit;~~

28 ~~(3) Black Creek; Darlington, Florence, and Chesterfield counties including~~  
29 ~~Lakes Robinson and Prestwood:~~

30 ~~(a) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
31 ~~each license holder;~~

32 ~~(b) gill nets: nongame nets in season;~~

33 ~~(c) set hooks: fifty maximum for each license holder;~~

34 ~~(4) Black River:~~

35 ~~(a) gill nets: nongame nets in season;~~

36 ~~(b) set hooks: fifty maximum for each license holder;~~

37 ~~(c) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
38 ~~each license holder;~~

39 ~~(5) Broad River, includes the waters from the North Carolina line to the~~  
40 ~~confluence of the Broad and Saluda Rivers:~~

41 ~~(a) traps: five for each license holder;~~

42 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
43 ~~each license holder;~~

44 ~~(c) set hooks: fifty maximum for each license holder;~~

45 ~~(d) seines from Highway 34 Bridge up: one for each license holder;~~

46 ~~(6) Bull Creek; Horry and Georgetown counties:~~

47 ~~(a) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
48 ~~each license holder;~~

49 ~~(b) gill nets: nongame nets in season;~~

50 ~~(c) eel pots: no limit;~~

51 ~~(d) traps: fifty maximum with commercial license;~~

- 1 ~~(7) Buffalo Creek: seines: one for each license holder;~~
- 2 ~~(8) Bush River, Laurens County: seines: one for each license holder;~~
- 3 ~~(9) Combahee River:~~
- 4 ~~(a) set hooks: maximum fifty for each license holder;~~
- 5 ~~(b) eel pots: no limit;~~
- 6 ~~(10) Congaree River, includes the waters from the Gervais Street Bridge in~~
- 7 ~~Columbia to the Interstate 77 bridge in Columbia:~~
- 8 ~~(a) traps: fifty maximum with commercial license;~~
- 9 ~~(b) trotlines: two thousand hooks maximum with commercial license;~~
- 10 ~~(c) hoop nets: fifty maximum with commercial license;~~
- 11 ~~(11) Cooper River:~~
- 12 ~~(a) traps: fifty maximum with commercial license and not allowed upstream~~
- 13 ~~from Wadboo Creek;~~
- 14 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~
- 15 ~~each license holder. No trotlines permitted upstream from Wadboo Creek;~~
- 16 ~~(c) fyke nets: as allowed for eel fishing by regulation;~~
- 17 ~~(d) set hooks: fifty maximum for each license holder, and no set hooks~~
- 18 ~~permitted upstream from Wadboo Creek;~~
- 19 ~~(e) eel pots: no limit and not allowed upstream from Wadboo Creek;~~
- 20 ~~(f) pump nets: no limit;~~
- 21 ~~(12) Coosawhatchie and Tullifinny Rivers: set hooks: fifty maximum for each~~
- 22 ~~license holder;~~
- 23 ~~(13) Mallard's Lake, Dorchester County waters:~~
- 24 ~~(a) gill nets: nongame nets in season;~~
- 25 ~~(b) set hooks: fifty maximum for each license holder;~~
- 26 ~~(14) Mims Lake, Dorchester County waters:~~
- 27 ~~(a) gill nets: nongame nets in season;~~
- 28 ~~(b) set hooks: fifty maximum for each license holder;~~
- 29 ~~(15) Shuler Lake, Dorchester County waters:~~
- 30 ~~(a) gill nets: nongame nets in season;~~
- 31 ~~(b) set hooks: fifty maximum for each license holder;~~
- 32 ~~(16) Woods Lake, Dorchester County waters:~~
- 33 ~~(a) gill nets: nongame nets in season;~~
- 34 ~~(b) set hooks: fifty maximum for each license holder;~~
- 35 ~~(17) Bridge Lake, Dorchester County waters:~~
- 36 ~~(a) gill nets: nongame nets in season;~~
- 37 ~~(b) set hooks: fifty maximum for each license holder;~~
- 38 ~~(18) Little Pond Lake, Dorchester County waters;~~
- 39 ~~(a) gill nets: nongame nets in season;~~
- 40 ~~(b) set hooks: fifty maximum for each license holder;~~
- 41 ~~(19) Steed's Lake, Dorchester County waters:~~
- 42 ~~(a) gill nets: nongame nets in season;~~
- 43 ~~(b) set hooks: fifty maximum for each license holder;~~
- 44 ~~(20) John's Hole Lake, Dorchester County waters:~~
- 45 ~~(a) gill nets: nongame nets in season;~~
- 46 ~~(b) set hooks: fifty maximum for each license holder;~~
- 47 ~~(21) Rock's Lake, Dorchester County waters:~~
- 48 ~~(a) gill nets: nongame nets in season;~~
- 49 ~~(b) set hooks: fifty maximum for each license holder;~~
- 50 ~~(22) Mouth of Four Holes Lake, Dorchester County waters:~~
- 51 ~~(a) gill nets: nongame nets in season;~~

- 1 ~~(b) set hooks: fifty maximum for each license holder;~~  
2 ~~(23) Durbin Creek: seines: one for each license holder;~~  
3 ~~(24) Edisto River:~~  
4 ~~(a) set hooks: fifty maximum for each license holder;~~  
5 ~~(b) eel pots: no limit;~~  
6 ~~(25) Enoree River:~~  
7 ~~(a) traps: two for each license holder;~~  
8 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
9 ~~each license holder;~~  
10 ~~(c) set hooks: fifty for each license holder;~~  
11 ~~(d) seines: one for each license holder from Southern Railroad in Greenville~~  
12 ~~County down;~~  
13 ~~(26) Great Pee Dee River, includes the waters from I 95 to the North Carolina~~  
14 ~~line;~~  
15 ~~(a) traps: fifty maximum allowed with commercial license;~~  
16 ~~(b) trotlines: two thousand maximum hooks with commercial license;~~  
17 ~~(c) gill nets: nongame nets allowed in season;~~  
18 ~~(d) set hooks: fifty maximum for each license holder;~~  
19 ~~(e) hoop nets: fifty maximum with commercial license north of S.C. 34 only;~~  
20 ~~(27) Great Pee Dee River, includes the water from I 95 to the~~  
21 ~~saltwater freshwater line:~~  
22 ~~(a) gill nets: nongame nets in season;~~  
23 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
24 ~~each license holder;~~  
25 ~~(c) set hooks: fifty maximum for each license holder;~~  
26 ~~(d) eel pots: below Highway 701 bridge only, no limit;~~  
27 ~~(e) traps: fifty maximum allowed with commercial license;~~  
28 ~~(28) Jefferies Creek, Florence County:~~  
29 ~~(a) gill nets: nongame nets in season;~~  
30 ~~(b) trotlines: one hundred fifty hooks maximum and three lines maximum for~~  
31 ~~each license holder;~~  
32 ~~(29) Lake J. Strom Thurmond and Stevens Creek:~~  
33 ~~(a) traps: five maximum for each license holder;~~  
34 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
35 ~~each license holder;~~  
36 ~~(c) jugs: fifty maximum for each license holder;~~  
37 ~~(30) Lake Greenwood:~~  
38 ~~(a) traps: five maximum for each license holder;~~  
39 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
40 ~~each license holder;~~  
41 ~~(c) jugs: fifty maximum for each license holder;~~  
42 ~~(31) Lake Hartwell:~~  
43 ~~(a) traps: five maximum for each license holder;~~  
44 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
45 ~~each license holder;~~  
46 ~~(32) Lake Jocassee: nongame devices prohibited;~~  
47 ~~(33) Lake Keowee:~~  
48 ~~(a) traps: five maximum for each license holder;~~  
49 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
50 ~~each license holder;~~

- 1 ~~(34) Lakes Marion and Moultrie, the waters lying between the confluence of the~~  
2 ~~Wateree and Congaree Rivers, and the backwaters of Lake Marion are~~  
3 ~~considered a part of Lake Marion:~~  
4 ~~(a) traps: fifty maximum with commercial license;~~  
5 ~~(b) trotlines: two thousand hooks maximum with commercial license. Hooks~~  
6 ~~must have a gap or clearance between point and shank no greater than~~  
7 ~~seven sixteenths inch;~~  
8 ~~(35) Lake Murray:~~  
9 ~~(a) traps: five maximum for each license holder;~~  
10 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
11 ~~each license holder;~~  
12 ~~(36) Lake Richard B. Russell:~~  
13 ~~(a) traps: five maximum for each license holder;~~  
14 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
15 ~~each license holder;~~  
16 ~~(c) jugs: fifty maximum for each license holder;~~  
17 ~~(37) Lake Secession:~~  
18 ~~(a) traps: two maximum for each license holder;~~  
19 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
20 ~~each license holder;~~  
21 ~~(c) jugs: fifty maximum for each license holder;~~  
22 ~~(38) Lake Wateree:~~  
23 ~~(a) traps: five maximum for each license holder;~~  
24 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
25 ~~each license holder;~~  
26 ~~(39) Catawba River, includes the waters from the Lake Wylie Dam to the~~  
27 ~~backwaters of Lake Wateree, including reservoirs:~~  
28 ~~(a) traps: two maximum for each license holder;~~  
29 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
30 ~~each license holder;~~  
31 ~~(c) set hooks: fifty maximum for each license holder;~~  
32 ~~(d) seines: one for each license holder, York County only;~~  
33 ~~(40) Lake Wylie:~~  
34 ~~(a) traps: five maximum for each license holder;~~  
35 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
36 ~~each license holder;~~  
37 ~~(41) Little River: seines: one for each license holder from Mars Bridge in~~  
38 ~~McCormick County up;~~  
39 ~~(42) Little Pee Dee River:~~  
40 ~~(a) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
41 ~~each license holder;~~  
42 ~~(b) gill nets: nongame nets allowed in season;~~  
43 ~~(c) set hooks: fifty maximum for each license holder;~~  
44 ~~(43) Log Creek, Edgefield County: seines: one for each license holder;~~  
45 ~~(44) Long Cane Creek, above Patterson Bridge: seines: one for each license~~  
46 ~~holder;~~  
47 ~~(45) Louder's Lake, Darlington County:~~  
48 ~~(a) gill nets: nongame nets in season;~~  
49 ~~(b) set hooks: fifty maximum for each license holder;~~  
50 ~~(46) Lumber River:~~

- 1 ~~(a) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
2 ~~each license holder;~~  
3 ~~(b) gill nets: nongame nets in season;~~  
4 ~~(c) set hooks: fifty maximum for each license holder;~~  
5 ~~(47) Lynches River:~~  
6 ~~(a) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
7 ~~each license holder;~~  
8 ~~(b) gill nets: nongame nets allowed in season;~~  
9 ~~(c) set hooks: fifty maximum for each license holder;~~  
10 ~~(48) Mulberry Creek, Greenwood County: seines: one for each license holder;~~  
11 ~~(49) New River: set hooks: fifty maximum for each license holder;~~  
12 ~~(50) Old River:~~  
13 ~~(a) set hooks: fifty maximum for each license holder;~~  
14 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
15 ~~each license holder;~~  
16 ~~(51) Paolet River:~~  
17 ~~(a) traps: two for each license holder;~~  
18 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
19 ~~each license holder;~~  
20 ~~(c) set hooks: fifty maximum for each license holder;~~  
21 ~~(d) seines: one for each license holder;~~  
22 ~~(52) Rabon Creek, Laurens County: seines: one for each license holder;~~  
23 ~~(53) Redbank Creek, Saluda County west of Highway 121: seines: one for~~  
24 ~~each license holder;~~  
25 ~~(54) Reedy River:~~  
26 ~~(a) traps: two for each license holder;~~  
27 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
28 ~~each license holder;~~  
29 ~~(c) set hooks: fifty maximum for each license holder;~~  
30 ~~(d) seines: one for each license holder from Southern Railroad in Greenville~~  
31 ~~County down;~~  
32 ~~(55) Rocky River, Anderson County: seines: one for each license holder;~~  
33 ~~(56) Salkehatchie River: set hooks: fifty maximum for each license holder;~~  
34 ~~(57) Saluda River, includes the waters from the Southern Railroad Trestle in~~  
35 ~~Greenville County to the backwaters of Lake Greenwood and the waters from~~  
36 ~~the Lake Greenwood Dam to the backwaters of Lake Murray:~~  
37 ~~(a) traps: two for each license holder;~~  
38 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
39 ~~each license holder;~~  
40 ~~(c) set hooks: fifty maximum for each license holder;~~  
41 ~~(d) seines: one for each license holder, in Anderson, Laurens, and Greenville~~  
42 ~~counties only, except in Anderson County seines may be used in the river~~  
43 ~~tributaries;~~  
44 ~~(58) Saluda River, includes the waters from the Lake Murray Dam to the~~  
45 ~~Gervais Street Bridge in Columbia:~~  
46 ~~(a) traps: two for each license holder;~~  
47 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
48 ~~each license holder;~~  
49 ~~(59) Sampit River:~~  
50 ~~(a) gill nets: nongame nets in season;~~  
51 ~~(b) traps: fifty maximum with commercial license;~~

- 1 ~~(c) set hooks: fifty maximum for each license holder;~~  
2 ~~(60) Santee River, downstream from Wilson Dam on Lake Marion, and the~~  
3 ~~waters lying between the confluence of the Wateree and Congaree Rivers and~~  
4 ~~Lake Marion are considered a part of Lake Marion:~~  
5 ~~(a) traps: fifty maximum with commercial license;~~  
6 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
7 ~~each license holder;~~  
8 ~~(c) nongame gear: not allowed, except skimbrow nets allowed upstream of U.S.~~  
9 ~~Geological Survey Gauging Station No. 1715 which is approximately 2.4 miles~~  
10 ~~below Santee Dam;~~  
11 ~~(d) eel pots: no limit;~~  
12 ~~(61) Savannah River below Stevens Creek Dam:~~  
13 ~~(a) traps: fifty maximum with commercial license;~~  
14 ~~(b) hoop nets: fifty maximum with commercial license;~~  
15 ~~(c) set hooks: fifty maximum for each license holder;~~  
16 ~~(d) gill nets: nongame nets in season;~~  
17 ~~(e) trotlines: two thousand maximum hooks with commercial license;~~  
18 ~~(f) eel pots: no limit;~~  
19 ~~(62) Stevens Creek, above Clark's Hill Bridge: seines: one for each license~~  
20 ~~holder;~~  
21 ~~(63) Thickly Creek, Cherokee County: seines: one for each license holder;~~  
22 ~~(64) Turkey Creek, Edgefield and Greenwood counties: seines: one for each~~  
23 ~~license holder;~~  
24 ~~(65) Twelve Mile Creek:~~  
25 ~~(a) traps: two maximum for each license holder;~~  
26 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
27 ~~each license holder;~~  
28 ~~(c) set hooks: fifty maximum for each license holder;~~  
29 ~~(66) Tyger River:~~  
30 ~~(a) traps: two maximum for each license holder;~~  
31 ~~(b) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
32 ~~each license holder;~~  
33 ~~(c) set hooks: fifty maximum for each license holder;~~  
34 ~~(d) seines: one for each license holder;~~  
35 ~~(67) Waccamaw River:~~  
36 ~~(a) trotlines: one hundred fifty hooks maximum and three line maximum for~~  
37 ~~each license holder;~~  
38 ~~(b) gill nets: nongame nets in season;~~  
39 ~~(c) set hooks: fifty maximum for each license holder;~~  
40 ~~(d) eel pots, below the junction of Big Bull Creek: no limit;~~  
41 ~~(68) Warrior Creek, Laurens County: seines: one for each license holder;~~  
42 ~~(69) Wateree River:~~  
43 ~~(a) traps: fifty maximum with commercial license;~~  
44 ~~(b) trotlines: two thousand hooks maximum with commercial license;~~  
45 ~~(c) set hooks: fifty maximum for each license holder;~~  
46 ~~(d) hoop nets: fifty maximum with commercial license;~~  
47 ~~(70) Wilson Creek, Greenwood County: seines: one for each license holder~~  
48 ~~one mile above the backwaters of Greenwood up.~~  
49 ~~(71) Congaree River, includes the waters from the Interstate 77 bridge in~~  
50 ~~Columbia to the confluence of the Congaree and Wateree Rivers:~~  
51 ~~(a) set hooks: fifty maximum for each license holder;~~

- 1 ~~(b) trotline: two thousand hooks maximum with commercial license;~~  
 2 ~~(c) traps: ten maximum with commercial license;~~  
 3 ~~(d) hoop nets: ten maximum with commercial license;~~  
 4 ~~(e) Notwithstanding other provisions of this title, for the Congaree River from~~  
 5 ~~I-77 bridge in Columbia to the confluence of the Wateree and Congaree Rivers~~  
 6 ~~where the number of hoop nets used is restricted to ten, these devices must be~~  
 7 ~~marked with a floating marker with a minimum capacity of one pint and a~~  
 8 ~~maximum capacity of one gallon or equivalent size and must be made of solid,~~  
 9 ~~buoyant material which does not sink if punctured or cracked. The floating~~  
 10 ~~markers must be constructed of plastic, PVC sponges, plastic foam, or cork.~~  
 11 ~~No hollow buoys or floats including plastic, metal, or glass bottles or jugs may~~  
 12 ~~be used, except manufactured buoys or floats specifically designed for use with~~  
 13 ~~nongame fishing devices may be hollow if constructed of heavy duty plastic~~  
 14 ~~material and approved by the department. The floating markers must be~~  
 15 ~~colored white when used the first through the fifteenth of each month and~~  
 16 ~~yellow when used the remainder of the month. The owner's name and address~~  
 17 ~~must be marked clearly on each floating marker.~~

18 Type and number of nongame fishing devices and methods which may be used  
 19 in certain bodies of freshwater.  
 20

21 Archery equipment, gigs, spears, tires, cast nets, crayfish traps, minnow seines,  
 22 minnow traps and hand grabbing may be used in freshwaters, except in lakes  
 23 owned or managed by the department, to take nongame fish. Where permitted,  
 24 a recreational fisherman may fish one nongame gill net not more than one  
 25 hundred yards in length or not more than three gill nets, none of which exceeds  
 26 thirty yards in length; a commercial fisherman may fish four or more nongame  
 27 gill nets. Notwithstanding other provisions of this article, it is unlawful to use  
 28 or possess any nongame fishing device or gear or the number not authorized by  
 29 this section for a particular body of water. Nongame fishing devices, except as  
 30 provided in this section, must not be used in freshwater including tributaries of  
 31 rivers or creeks unless listed and regulated as indicated below:  
 32

33 (1) Ashepoo River:

- 34 (a) eel pots:  
 35 (i) recreational license – two;  
 36 (ii) commercial license- seventy five;  
 37 (b) set hooks:  
 38 (i) recreational license only– fifty;

39 (2) Ashley River:

- 40 (a) eel pots:  
 41 (i) recreational license – two;  
 42 (ii) commercial license- seventy five;  
 43 (b) set hooks:  
 44 (i) recreational license only– fifty;

45 (3) Black Creek; Darlington, Florence, and Chesterfield Counties including  
 46 Lakes Robinson and Prestwood:

- 47 (a) gill nets: nongame nets in season;  
 48 (b) set hooks:  
 49 (i) recreational license only – fifty;  
 50 (c) trotlines:

- 1 (i) recreational license – three lines with one hundred fifty hooks  
2 maximum;  
3 (ii) commercial license- three lines with one hundred fifty hooks  
4 maximum;  
5 (4) Black River:  
6 (a) gill nets: nongame nets in season;  
7 (b) set hooks:  
8 (i) recreational license only– fifty;  
9 (c) traps- only from Pea House landing downstream  
10 (i) recreational license-two;  
11 (ii) commercial license-ten;  
12 (d) trotlines:  
13 (i) recreational license – three lines with one hundred fifty hooks  
14 maximum;  
15 (ii) commercial license- three lines with one hundred fifty hooks  
16 maximum;  
17 (5) Broad River:  
18 (a) seines upstream from S.C. State Highway 34 Bridge to the North  
19 Carolina/South Carolina State line only.  
20 (i) recreational license only – one;  
21 (b) set hooks:  
22 (i) recreational license only– fifty;  
23 (c) traps:  
24 (i) recreational license – two;  
25 (ii) commercial license- five;  
26 (d) trotlines:  
27 (i) recreational license – three lines with one hundred fifty hooks  
28 maximum;  
29 (ii) commercial license- three lines with one hundred fifty hooks  
30 maximum;  
31 (6) Buffalo Creek (Newberry County):  
32 (a) seines:  
33 (i) recreational license only – one;  
34 (7) Bush River, Laurens County:  
35 (a) seines:  
36 (i) recreational license only – one;  
37  
38 (8) Catawba River from the Lake Wylie Dam to the Cedar Creek Dam  
39 including the in-stream reservoirs:  
40 (a) set hooks:  
41 (i) recreational license only– fifty;  
42 (b) traps:  
43 (i) recreational license – two;  
44 (ii) commercial license- two;  
45 (c) trotlines:  
46 (i) recreational license – three lines with one hundred fifty hooks  
47 maximum;  
48 (ii) commercial license- three lines with one hundred fifty hooks  
49 maximum;  
50 (9) Combahee River:  
51 (a) eel pots:

- 1 (i) recreational license – two;  
2 (ii) commercial license- seventy five;  
3 (b) set hooks:  
4 (i) recreational license only– fifty;  
5 (10) Congaree River:  
6 (a) hoop nets:  
7 (i) commercial license- ten;  
8 (b) set hooks:  
9 (i) recreational license only– fifty;  
10 (c) traps:  
11 (i) recreational license – two;  
12 (ii) commercial license- ten;  
13 (d) trotlines:  
14 (i) recreational license – three lines with one hundred fifty hooks  
15 maximum;  
16 (ii) commercial license- three lines with one hundred fifty hooks  
17 maximum;  
18 (11) Cooper River (Berkley and Charleston Counties):  
19 (a) eel pots: not allowed upstream from Wadboo Creek;  
20 (i) recreational license – two;  
21 (ii) commercial license- five;  
22 (b) elver fyke nets: allowed on all tributaries and on the main branch from  
23 the saltwater/freshwater dividing line upstream to the CSX railroad trestle on  
24 the Tail Race Canal.  
25 (i) commercial license only - ten nets;  
26 (c) pump nets  
27 (i) recreational license only –one;  
28 (d) set hooks: not allowed upstream from Wadboo Creek;  
29 (i) recreational license only– fifty;  
30 (e) skimbrow nets  
31 (i) recreational license only-one;  
32 (f) traps: not allowed upstream from Wadboo Creek;  
33 (i) recreational license – two;  
34 (ii) commercial license- twenty five;  
35 (g) trotlines: not allowed upstream from Wadboo Creek;  
36 (i) recreational license – three lines with one hundred fifty hooks  
37 maximum;;  
38 (ii) commercial license- three lines with one hundred fifty hooks  
39 maximum;  
40 (12) Coosawhatchie River:  
41 (a) set hooks:  
42 (i) recreational license only – fifty;  
43 (13) Durbin Creek: (Greenville and Laurens Counties)  
44 (a) seines:  
45 (i) recreational license only – one;  
46 (14) Edisto River, including the North and South Forks  
47 (a) eel pots:  
48 (i) recreational license – two;  
49 (ii) commercial license- seventy five;  
50 (b) set hooks:  
51 (i) recreational license only – fifty;

- 1 (15) Enoree River:  
2 (a) seines: from the Norfolk-Southern Railroad in Greenville County  
3 downstream to the confluence with the Broad River;  
4 (i) recreational license only – one;  
5 (b) set hooks:  
6 (i) recreational license only – fifty;  
7 (c) traps:  
8 (i) recreational license – two;  
9 (ii) commercial license- two;  
10 (d) trotlines:  
11 (i) recreational license – three lines with one hundred fifty hooks  
12 maximum;  
13 (ii) commercial license- three lines with one hundred fifty hooks  
14 maximum;  
15 (16) Four Holes Lakes system in Dorchester County which includes Bridge  
16 Lake, John’s Hole Lake, Little Pond Lake, Mallard’s Lake, Mims Lake, Mouth  
17 of Four Holes Lake, Rock’s Lake, Shuler Lake, Steed’s Lake and Woods Lake:  
18 (a) gill nets: nongame nets in season;  
19 (b) set hooks:  
20 (i) recreational license only – fifty;  
21 (17) Great Pee Dee River: the waters from U.S. Interstate Highway 95 to the  
22 saltwater/freshwater dividing line including the navigable oxbows and sloughs  
23 and Bull Creek:  
24 (a) eel pots: downstream from U.S. Highway 701 to the saltwater/freshwater  
25 dividing line;  
26 (i) recreational license – two;  
27 (ii) commercial license- seventy five;  
28 (b) gill nets: nongame nets in season;  
29 (c) set hooks:  
30 (i) recreational license only – fifty;  
31 (d) skimbrow nets:  
32 (i) recreational license –one;  
33 (e) traps:  
34 (i) recreational license – two;  
35 (ii) commercial license- fifty;  
36 (f) trotlines:  
37 (i) recreational license – three lines with one hundred fifty hooks  
38 maximum;  
39 (ii) commercial license- three lines with one hundred fifty hooks  
40 maximum;  
41 (18) Great Pee Dee River, the waters from U.S. Interstate Highway 95 to the  
42 North Carolina/South Carolina State Line including the navigable oxbows and  
43 sloughs;  
44 (a) gill nets: nongame nets allowed in season;  
45 (b) hoop nets: upstream from S.C. State Highway 34 to the North Carolina/  
46 South Carolina state line;  
47 (i) commercial license only- fifty;  
48 (c) set hooks:  
49 (i) recreational license only – fifty;  
50 (d) traps:  
51 (i) recreational license – two;

- 1 (ii) commercial license- fifty;  
2 (e) trotlines:  
3 (i) recreational license – three lines with one hundred fifty hooks  
4 maximum;  
5 (ii) commercial license- three lines with one hundred fifty hooks  
6 maximum;  
7 (19) Jefferies Creek (Florence County):  
8 (a) gill nets: nongame nets in season;  
9 (b) set hooks:  
10 (i) recreational license only – fifty;  
11 (c) trotlines:  
12 (i) recreational license – three lines with one hundred fifty hooks  
13 maximum;  
14 (ii) commercial license- three lines with one hundred fifty hooks  
15 maximum;  
16 (20) Lake Greenwood:  
17 (a) jugs:  
18 (i) recreational license only – fifty;  
19 (b) traps:  
20 (i) recreational license – two;  
21 (ii) commercial license- five;  
22 (c) trotlines:  
23 (i) recreational license – three lines with one hundred fifty hooks  
24 maximum;  
25 (ii) commercial license- three lines with one hundred fifty hooks  
26 maximum;  
27 (21) Lake Hartwell:  
28 (a) jugs:  
29 (i) recreational license only– fifty;  
30 (b) traps:  
31 (i) recreational license – two;  
32 (ii) commercial license- five;  
33 (c) trotlines:  
34 (i) recreational license – three lines with one hundred fifty hooks  
35 maximum;  
36 (ii) commercial license- three lines with one hundred fifty hooks  
37 maximum;  
38 (22) Lake J. Strom Thurmond and Stevens Creek Reservoir:  
39 (a) jugs;  
40 (i) recreational license only – fifty;  
41 (b) traps:  
42 (i) recreational license – two;  
43 (ii) commercial license- five;  
44 (c) trotlines:  
45 (i) recreational license – three lines with one hundred fifty hooks  
46 maximum;  
47 (ii) commercial license- three lines with one hundred fifty hooks  
48 maximum;  
49 (23) Lake Keowee:  
50 (a) traps:  
51 (i) recreational license – two;

- 1 (ii) commercial license- five;  
2 (b) trotlines:  
3 (i) recreational license – three lines with one hundred fifty hooks  
4 maximum;  
5 (ii) commercial license- three lines with one hundred fifty hooks  
6 maximum;  
7 (24) Lakes Marion and Moultrie, and the upper reach of the Santee River:  
8 (a) traps:  
9 (i) recreational license – two;  
10 (ii) commercial license- twenty five;  
11 (b) trotlines: Hooks must have a gap or clearance between point and shank no  
12 greater than seven-sixteenths inch;  
13 (i) recreational license – three lines with one hundred fifty hooks  
14 maximum;  
15 (ii) commercial license- three lines with not more than five hundred hooks  
16 per line;  
17 (25) Lake Murray:  
18 (a) traps:  
19 (i) recreational license – two;  
20 (ii) commercial license- five;  
21 (b) trotlines:  
22 (i) recreational license – three lines with one hundred fifty hooks  
23 maximum;  
24 (ii) commercial license- three lines with one hundred fifty hooks  
25 maximum;  
26 (26) Lake Richard B. Russell:  
27 (a) jugs:  
28 (i) recreational license only – fifty ;  
29 (b) traps:  
30 (i) recreational license – two;  
31 (ii) commercial license- five;  
32 (c) trotlines:  
33 (i) recreational license – three lines with one hundred fifty hooks  
34 maximum;  
35 (ii) commercial license- three lines with one hundred fifty hooks  
36 maximum;  
37 (27) Lake Secession:  
38 (a) jugs:  
39 (i) recreational license only – fifty;  
40 (b) traps:  
41 (i) recreational license – two;  
42 (ii) commercial license- five;  
43 (c) trotlines:  
44 (i) recreational license – three lines with one hundred fifty hooks  
45 maximum;  
46 (ii) commercial license- three lines with one hundred fifty hooks  
47 maximum;  
48 (28) Lake Wateree:  
49 (a) traps:  
50 (i) recreational license – two;  
51 (ii) commercial license- five;

- 1 (b) trotlines:  
2 (i) recreational license – three lines with one hundred fifty hooks  
3 maximum;  
4 (ii) commercial license- three lines with one hundred fifty hooks  
5 maximum;  
6 (29) Lake Wylie:  
7 (a) traps:  
8 (i) recreational license – two;  
9 (ii) commercial license- five;  
10 (b) trotlines:  
11 (i) recreational license – three lines with one hundred fifty hooks  
12 maximum;  
13 (ii) commercial license- three lines with one hundred fifty hooks  
14 maximum;  
15 (30) Little Pee Dee River including Russ’s Creek and other navigable oxbows  
16 and sloughs:  
17 (a) gill nets: nongame nets allowed in season;  
18 (b) set hooks:  
19 (i) recreational license only – fifty;  
20 (c) trotlines:  
21 (i) recreational license – three lines with one hundred fifty hooks  
22 maximum;  
23 (ii) commercial license- three lines with one hundred fifty hooks  
24 maximum;  
25 (31) Little River: from Mars Bridge in McCormick County up to the confluence  
26 of Barkers Creek (Long Branch) and Corner Creek in Anderson County;  
27 (a) seines:  
28 (i) recreational license only – one;  
29 (32) Log Creek (Edgefield County):  
30 (a) seines:  
31 (i) recreational license only– one;  
32 (33) Long Cane Creek, McCormick County from above Patterson Bridge on  
33 S.C. State Highway S-33-117 upstream to SC State Highway S-1-75 in  
34 Abbeville County  
35 (a) seines:  
36 (i) recreational license only – one;  
37 (34) Louther’s Lake (Darlington County):  
38 (a) gill nets: nongame nets in season;  
39 (b) set hooks:  
40 (i) recreational license only – fifty;  
41 (35) Lumber River:  
42 (a) gill nets: nongame nets in season;  
43 (b) set hooks:  
44 (i) recreational license only – fifty;  
45 (c) trotlines:  
46 (i) recreational license – three lines with one hundred fifty hooks  
47 maximum;  
48 (ii) commercial license- three lines with one hundred fifty hooks  
49 maximum;  
50 (36) Lynches River (includes Clarks Creek, Mill Creek and Muddy Creek):  
51 (a) gill nets: nongame nets allowed in season;

- 1 (b) set hooks:  
2 (i) recreational license only – fifty;  
3 (c) trotlines:  
4 (i) recreational license – three lines with one hundred fifty hooks  
5 maximum;  
6 (ii) commercial license- three lines with one hundred fifty hooks  
7 maximum;  
8 (37) Mulberry Creek (Greenwood County):  
9 (a) seines:  
10 (i) recreational license only – one;  
11 (38) New River:  
12 (a) set hooks:  
13 (i) recreational license only – fifty;  
14 (39) Pacolet River:  
15 (a) seines:  
16 (i) recreational license only – one;  
17 (b) set hooks:  
18 (i) recreational license only – fifty;  
19 (c) traps:  
20 (i) recreational license – two;  
21 (ii) commercial license- two;  
22 (d) trotlines:  
23 (i) recreational license – three lines with one hundred fifty hooks  
24 maximum;  
25 (ii) commercial license- three lines with one hundred fifty hooks  
26 maximum;  
27 (40) Rabon Creek (Laurens County):  
28 (a) seines:  
29 (i) recreational license only – one;  
30 (41) Reedy River:  
31 (a) seines: from the Norfolk-Southern Railroad in Greenville County  
32 downstream to the backwaters of Lake Greenwood;  
33 (i) recreational license only – one;  
34 (b) set hooks:  
35 (i) recreational license only– fifty;  
36 (c) traps:  
37 (i) recreational license – two;  
38 (ii) commercial license-two;  
39 (d) trotlines:  
40 (i) recreational license – three lines with one hundred fifty hooks  
41 maximum;  
42 (ii) commercial license- three lines with one hundred fifty hooks  
43 maximum;  
44 (42) Rocky River (Anderson County):  
45 (a) seines:  
46 (i) recreational license only – one;  
47 (43) Salkehatchie River:  
48 (a) set hooks:  
49 (i) recreational license only – fifty;  
50 (44) Saluda River- from S.C. State Highway 183 in Greenville County to the  
51 backwaters of Lake Greenwood and on the Middle Reach of the Saluda River:

- 1 (a) seines:  
2 (i) recreational license only– one;  
3 (b) set hooks:  
4 (i) recreational license only – fifty;  
5 (c) traps:  
6 (i) recreational license – two;  
7 (ii) commercial license-two;  
8 (d) trotlines:  
9 (i) recreational license – three lines with one hundred fifty hooks  
10 maximum;  
11 (ii) commercial license- three lines with one hundred fifty hooks  
12 maximum;  
13 (45) Saluda River-Lower reach:  
14 (a) traps:  
15 (i) recreational license only – two;  
16 (b) trotlines:  
17 (i) recreational license only – three lines with one hundred fifty hooks  
18 maximum;  
19 (46) Sampit River:  
20 (a) gill nets: nongame nets in season;  
21 (b) set hooks:  
22 (i) recreational license only – fifty;  
23 (c) skimbow nets:  
24 (i) recreational license only -one;  
25 (d) traps:  
26 (i) recreational license – two;  
27 (ii) commercial license- twenty five;  
28 (47) Santee River, from USGS gauging station 1715 about 2.4 miles below  
29 Santee Dam downstream to the saltwater/freshwater dividing line including the  
30 North and South Santee Rivers:  
31 (a) eel pots:  
32 (i) recreational license – two;  
33 (ii) commercial license- seventy five;  
34 (b) skimbow nets  
35 (i) recreational license only -one  
36 (c) traps:  
37 (i) recreational license – two;  
38 (ii) commercial license- fifty;  
39 (d) trotlines:  
40 (i) recreational license – three lines with one hundred fifty hooks  
41 maximum;  
42 (ii) commercial license- three lines with one hundred fifty hooks  
43 maximum;  
44 (48) Savannah River- Lower Reach to the saltwater/freshwater dividing line.  
45 (a) eel pots:  
46 (i) recreational license – two;  
47 (ii) commercial license - seventy five;  
48 (b) gill nets: nongame nets in season;  
49 (c) hoop nets:  
50 (i) commercial license only - ten;  
51 (d) set hooks:

- 1 (i) recreational license only– fifty;  
2 (e) traps:  
3 (i) recreational license – two;  
4 (ii) commercial license- forty;  
5 (f) trotlines:  
6 (i) recreational license – three lines with one hundred fifty hooks  
7 maximum;  
8 (ii) commercial license- three lines with one hundred fifty hooks  
9 maximum or two lines with not more than five hundred hooks per line;  
10 (49) Stevens Creek from SC State Highway S-19-53 upstream to the confluence  
11 of Hard Labor and Cuffytown Creeks:  
12 (a) seines:  
13 (i) recreational license only– one;  
14 (50) Thicketty Creek, (Cherokee County):  
15 (a) seines:  
16 (i) recreational license only– one;  
17 (51) Tulifinny River:  
18 (a) set hooks:  
19 (i) recreational license only – fifty;  
20 (52) Turkey Creek (Edgefield and Greenwood counties):  
21 (a) seines:  
22 (i) recreational license only– one;  
23 (53) Tyger River:  
24 (a) seines:  
25 (i) recreational license only – one;  
26 (b) set hooks:  
27 (i) recreational license only– fifty;  
28 (c) traps:  
29 (i) recreational license – two;  
30 (ii) commercial license –two;  
31 (d) trotlines:  
32 (i) recreational license – three lines with one hundred fifty hooks  
33 maximum;  
34 (ii) commercial license- three lines with one hundred fifty hooks  
35 maximum;  
36 (54) Waccamaw River:  
37 (a) eel pots, downstream of the junction of Bull Creek to the  
38 saltwater/freshwater dividing line:  
39 (i) recreational license – two;  
40 (ii) commercial license- seventy five;  
41 (b) gill nets: nongame nets in season;  
42 (c) set hooks:  
43 (i) recreational license only – fifty;  
44  
45 (d) skimbrow nets:  
46 (i) recreational license only-one  
47 (e) trotlines:  
48 (i) recreational license – three lines with one hundred fifty hooks  
49 maximum;  
50 (ii) commercial license- three lines with one hundred fifty hooks  
51 maximum;

- 1 (55) Warrior Creek, Laurens County:  
 2 (a) seines:  
 3 (i) recreational license only– one;  
 4 (56) Wateree River:  
 5 (a) hoop nets:  
 6 (i) commercial license- ten;  
 7 (b) set hooks:  
 8 (i) recreational license only– fifty;  
 9 (c) traps:  
 10 (i) recreational license – two;  
 11 (ii) commercial license- forty;  
 12 (d) trotlines:  
 13 (i) recreational license – three lines with one hundred fifty hooks  
 14 maximum;  
 15 (ii) commercial license- three lines with one hundred fifty hooks  
 16 maximum;  
 17 (57) Wilson Creek, Greenwood County: from the confluence of Wilson Creek  
 18 and Ninety- Six Creek upstream to U.S. Highway 25/U.S. Highway 178 in  
 19 Greenwood County;  
 20 (a) seines:  
 21 (i) recreational license only– one;”  
 22

23 *[Clarifies what type license is necessary to fish non-game devices in the listed*  
 24 *water bodies; reduces some numbers of devices in specific bodies ; Reduces*  
 25 *commercial trotlines from 2000 hooks to 150 hooks in Congaree, Wateree*  
 26 *and upper Great Pee Dee to conform with other bodies of water; Reduces*  
 27 *commercial trotline hooks from 2000 to 1500 in L. Marion, Moultrie and*  
 28 *upper Santee; eliminates Red Bank Creek and Twelve Mile Creek for non-*  
 29 *game fishing devices; adds some other water bodies for non-game fishing*  
 30 *devices e.g. Lynches R., includes oxbows and sloughs on Pee Dee Rivers;*  
 31 *regulates Bull Creek as part of the Pee Dee; corrects the spelling of Thicketty*  
 32 *Creek; eliminates duplicated section dealing with marking of fish floats; see*  
 33 *50-13-1116. See separate matrices by water body for non-game device*  
 34 *changes]*  
 35

36 SECTION 20. Section 50-13-1193 of the 1976 Code is amended to read:  
 37

38 “SECTION 50-13-1193. All enforcement officers and any other ~~employee of~~  
 39 ~~the department~~ employee designated by the board acting in their official  
 40 capacity may, at any and all reasonable hours, inspect the vehicles, boats,  
 41 processing houses and wholesale businesses which are connected with  
 42 nongame commercial fishing activity and the records of any person required to  
 43 be licensed by this ~~article~~ title to ensure compliance. Upon request of the  
 44 department the buyers (fish houses) of nongame fish shall report quarterly the  
 45 volume of sales and other information as required by the department. Any  
 46 enforcement officer or department employee acting in their official capacity  
 47 may check any game or nongame fishing devices and if unlawfully fished may  
 48 seize the devices as contraband and dispose of them and any catch according to  
 49 law.”  
 50

51 SECTION 21. Section 50-13-1196 of the 1976 Code is amended to read:

1  
2 “SECTION 50-13-1196. (A) In addition to any specific penalty provided in this  
3 article, any fish or fishing device taken or found to be in possession of any  
4 person charged with a violation of this article shall be ~~confiscated~~ seized. The  
5 fish shall be sold in the same manner as provided by law for the sale of  
6 perishable items. If the person charged is convicted, the money received from  
7 such sale shall be forwarded to the Department and placed to the account of the  
8 ~~game protection fund~~ Fish and Wildlife Protection Fund of the State Treasury.  
9 After conviction the fishing devices shall be sold at public auction. The sale of  
10 the fish and fishing devices shall be conducted using the procedures as provided  
11 by law. If such person is acquitted the devices shall be returned along with any  
12 money that may have come from the sale of the ~~confiscated~~ fish.

13 (B) In addition to the specific penalties provided in this article and the penalties  
14 provided in subsection (A) of this section, the boat, motor and fishing gear of  
15 any person who is charged with unlawfully using or having in possession a gill  
16 net or hoop net on any freshwater lake or reservoir of the State shall be  
17 ~~confiscated~~ seized and sold at auction within the State after conviction using the  
18 procedure as provided by law. The money received from such sale shall be  
19 forwarded to the Department and placed to the account of the ~~game protection~~  
20 ~~fund~~ Fish and Wildlife Protection Fund of the State Treasury. If such person is  
21 acquitted the boat, motor and fishing gear shall be returned to him. Upon  
22 conviction, the Department shall suspend such person’s license or privilege to  
23 fish in this State for a period of one year from the date of conviction.

24 (C) In addition to the specific penalties provided in this article ~~or the general~~  
25 ~~provisions of Sections 50-13-1610 and 50-13-1650~~, upon the conviction of any  
26 commercial freshwater fisherman of illegal possession of game fish or the sale  
27 or traffic in game fish, the Department ~~shall~~ must suspend such person’s license  
28 or privilege to fish in this State for a period of one year ~~from the date of~~  
29 ~~conviction.~~”

30 *[Updates language, deletes reference to specific sections]*

31  
32 SECTION 22. Section 50-13-1197 of the 1976 Code is amended to read:

33  
34 “SECTION 50-13-1197.(A) Except Department personnel in their official  
35 capacity, it shall be unlawful for any person to fish or use in any manner or to  
36 check, nongame fishing devices or gear owned and tagged by another person or  
37 to remove any fish from any such device or gear. Any person found guilty of a  
38 violation of this subsection is guilty of a misdemeanor and must be fined not  
39 more than five hundred dollars or imprisoned for up to thirty days or both.

40 (B)Any person who shall take and carry away steals any nongame fishing  
41 device or any fish caught and being in such device with intent to steal the  
42 device or the fish, or any person who shall tamper with a nongame fishing  
43 device with intent to damage or to make it ineffective for the purpose of taking  
44 fish, is guilty of a misdemeanor and, upon conviction, (1) for tampering with a  
45 device be fined not less than one hundred dollars nor more than five hundred  
46 dollars or imprisoned for not more than thirty days, and (2) for stealing a device  
47 or fish caught in the device be fined not less than five hundred dollars nor more  
48 than one thousand dollars or imprisoned for not more than six months or both.”

49 *[Consolidates 50-13-1191 with this section and makes clear that department*  
50 *personnel can check these devices; see 50-13-1193]*  
51

1 SECTION 23. Section 50-13-1199 of the 1976 Code is amended to read:

2  
3 “SECTION 50-13-1199. (A) Notwithstanding another provision of law, the  
4 ~~Department of Natural Resources~~ department may ~~administratively~~ release any  
5 vehicle, boat, motor, or fishing device ~~confiscated~~ seized from a person charged  
6 with a violation of this chapter to an innocent owner or lienholder of the  
7 property.

8 (B) Notwithstanding another provision of law, if an innocent owner or  
9 lienholder ~~of property contained in subsection (A)~~ fails to recover property  
10 ~~contained in that subsection,~~ within thirty days then the ~~Department of Natural~~  
11 ~~Resources~~ department may maintain or dispose of the property.

12 (C) Before ~~confiscated~~ seized property is released to an innocent owner or  
13 lienholder, he shall provide the department with:

14 ~~(1) proof of ownership or a lienholder interest in the confiscated property;~~  
15 ~~(2) certification that he will not release the property to a person who has been~~  
16 ~~charged with a violation of this chapter which resulted in the confiscation of the~~  
17 ~~property to be released.”~~

18 *[Updates language]*

19  
20 SECTION 24. Section 50-13-1630 of the 1976 Code is amended to read:

21  
22 “SECTION 50-13-1630. (A) A person may not possess, sell, offer for sale,  
23 import, bring, or cause to be brought or imported into this State or release ~~into~~  
24 ~~the waters of~~ anywhere in this State the following ~~fish or eggs of the fish~~  
25 ~~species at any stage of its life cycle:~~

- 26 (1) carnero or candiru catfish (*Vandellia cirrhosa*);  
27 (2) freshwater electric eel (*Electrophorus electricus*);  
28 (3) white amur or grass carp (*Ctenopharyngodon idella*);  
29 (4) walking catfish or a member of the clariidae family (*Clarias*,  
30 *Heteropneustea*, *Gymnallabes*, *Channallabes*, or *Heterobranchus* genera);  
31 (5) piranha (all members of *Serrasalmus*, *Rooseveltiella*, and *Pygocentrus*  
32 genera);  
33 (6) stickleback;  
34 (7) Mexican banded tetra;  
35 (8) sea lamprey;  
36 (9) rudd (*Scardinius erythrophthalmu-Linnaeus*); ~~and~~  
37 (10) snakehead (all members of family *Channidae*);  
38 (11) rusty crayfish (*Orconectes rusticus*): and  
39 (12) other non-indigenous species not established, except by permit, exclusive  
40 of the recognized pet trade species.

41 (B) The department may issue special import permits to qualified persons for  
42 research and education only.

43 (C)(1) The department may issue special permits for the stocking of sterile  
44 white amur or grass carp hybrids in the waters of this State. The special  
45 permits must certify that the permittee’s white amur or grass carp hybrids have  
46 been tested and determined to be sterile. The department may charge a fee of  
47 one dollar for each white amur or grass carp hybrid that measures five inches or  
48 longer or twenty-five cents for each white amur or grass carp hybrid that  
49 measures less than five inches. The fee collected for sterility testing must be  
50 retained by the department and used to offset the costs of the testing.

1 (2) The department is authorized to promulgate regulations to establish a fee  
2 schedule to replace the fee schedule contained in item (1) of this subsection.  
3 Upon these regulations taking effect, the fee schedule contained in item (1) of  
4 this subsection no longer applies.

5 (D) The department may issue special permits for the importation, breeding,  
6 and possession of nonsterile white amur or grass carp hybrids. The permits  
7 must be issued pursuant to the requirements contained in Chapter 18 of this  
8 title. Provided, however, that no white amur or grass carp hybrids imported,  
9 bred, or possessed pursuant to a special permit issued pursuant to this section  
10 may be stocked in the waters of this State except as provided in subsection (C)  
11 of this section.

12 (E) It is unlawful to take grass carp from public waters stocked as permitted by  
13 this section. ~~Grass~~ Any grass carp caught taken must be returned to the water  
14 from which it was taken immediately.

15 (F) The department must prescribe the qualifications, methods, controls, and  
16 restrictions required of a person or his agent to whom a special permit is issued.  
17 The department must condition all permits issued under this section to  
18 safeguard public safety and welfare and prevent the introduction into the wild  
19 or release of nonnative species of fish or other organisms into the waters of this  
20 State. The department may promulgate regulations necessary to effectuate this  
21 section and specifically to prohibit additional species of fish from being  
22 imported, possessed, or sold in this State when the department determines the  
23 species of fish are potentially dangerous. A violation of the terms of the permit  
24 may result in revocation and a civil penalty of up to five thousand dollars. Any  
25 appeal is through the Administrative Procedures Act.

26 (G) Any person who violates the provisions of this section is guilty of a  
27 misdemeanor and upon conviction must be fined not less than five hundred nor  
28 more than two thousand five hundred dollars or imprisoned for thirty days or  
29 both.”

30 *[Makes clear that the listed species cannot be released anywhere in the state*  
31 *at any stage of its life cycle; adds rusty crayfish to the list of prohibited*  
32 *species; and makes clear that the prohibition against taking grass carp*  
33 *applies to the public waters of the state Increases the penalty and creates a*  
34 *civil penalty for a violation of a permit.]*

35  
36 SECTION 25. Chapter 13, Title 50 of the 1976 Code is amended by adding:

37  
38 “SECTION 50-13-1635. Except bait lost incidental to fishing and those fish  
39 released into the waters from which they were taken, it is unlawful to  
40 intentionally release any aquatic species, regardless of life stage, into the waters  
41 of the state without a permit from the department. Any person who violates this  
42 section is guilty of a misdemeanor and, upon conviction, must be fined not less  
43 than five hundred dollars nor more than one thousand dollars or up to thirty  
44 days in jail or both. In addition to the criminal penalties the court may order a  
45 civil penalty sufficient to cover any costs for eradication.

46 It is unlawful to use any non indigenous fish not established in the waters  
47 being fished as bait except the following minnows: fathead minnows  
48 (*Pimephales promelas*) golden shiners (*Notemigonus crysoleucas*) and goldfish,  
49 including “black salties”(Carassius auratus). The magistrate’s court retains  
50 concurrent jurisdiction of this offense.”

1 *[Makes unlawful the intrastate release of aquatic species in the public waters*  
 2 *except bait and those fish released immediately in the normal process of*  
 3 *fishing. Defines “minnows” that are allowed]*

4  
 5 SECTION 26. Section 50-13-1930 of the 1976 Code is amended to read:

6  
 7 “SECTION 50-13-1930. The department may lease or purchase a suitable  
 8 number of acres of land in this State for the purpose of allowing the United  
 9 States Fish and Wildlife Service to establish thereon fish hatcheries. The  
 10 expense of leasing or buying such lands and the protection and distribution  
 11 shall be paid out of the ~~game protection fund~~ Fish and Wildlife Protection  
 12 Fund.” [Updates language]

13  
 14 SECTION 27. Section 50-13-1935 of the 1976 Code is amended to read:

15  
 16 “SECTION 50-13-1935. The department ~~shall~~ must charge fees ~~a fee to~~  
 17 ~~applicants for the stocking of fish in private ponds, lakes, or other nonnavigable~~  
 18 ~~water bodies and non-navigable~~ waters sufficient to cover all costs of ~~operating~~  
 19 ~~the Cheraw Fish Hatchery Private Pond Fish Stocking Programs.~~ producing and  
 20 stocking the fish.” [Updates language]

21  
 22 SECTION 28. Section 50-13-1940 of the 1976 Code is amended to read:

23  
 24 “SECTION 50-13-1940. ~~The distribution of fish raised in the hatchery on the~~  
 25 ~~lands donated in Greenville County by J. Harvey Cleveland shall be under the~~  
 26 ~~direction and supervision of the department.~~  
 27 The department may grant permits to collect freshwater fish for scientific  
 28 purposes during any time of the year and on any area including sanctuaries  
 29 without further review. The application must be accompanied by the requisite  
 30 fee. The department must investigate the applicant and the need for the permit.  
 31 Permits are valid until December thirty first in the year in which issued. Permits  
 32 may be extended for one year with payment of the fee. Permits are not  
 33 transferable but any student assistant working under the direct supervision of  
 34 the permittee is covered by the permit. All collecting must be done in  
 35 accordance with recognized scientific methods. Data and results must be made  
 36 available to the department upon request. The conditions of the permit must be  
 37 adhered to. The department may suspend or cancel the permit at its discretion.  
 38 Any person violating this section is guilty of a misdemeanor and, upon  
 39 conviction must be fined not less than two hundred dollars nor more than five  
 40 hundred dollars or imprisoned for up to thirty days or both.”

41 *[No longer produce fish in Greenville. Modeled on 50-11-1180 creates a*  
 42 *scientific collection permit for freshwater fish]*

43  
 44 SECTION 29. Section 50-13-2010 of the 1976 Code is amended to read:

45  
 46 “SECTION 50-13-2010. ~~There is created a fish sanctuary in Marion County to~~  
 47 ~~be known as Shelley Lake.~~  
 48 ~~It is unlawful for any person to fish, seine, net, or otherwise enter upon Shelley~~  
 49 ~~Lake in Marion County, located one half mile south of Red Bluff Landing on~~  
 50 ~~the west side of the Little Pee Dee River and surrounded by land owned by the~~  
 51 ~~Palmetto Hardwood Company. Any person violating the provisions of this~~

1 ~~section is guilty of a misdemeanor and upon conviction must be punished by a~~  
2 ~~fine of not less than twenty five dollars nor more than one hundred dollars or~~  
3 ~~imprisonment of not less than fifteen nor more than thirty days.~~

4 The department has management authority over the lakes and ponds which it  
5 owns or leases. It may establish terms and conditions under which the public  
6 may use the lakes and ponds pursuant to the Administrative Procedures Act.”

7 *[Shelly Lake now in 50-19-1190; from 50-13-2020 to make the procedure for*  
8 *regulations on state lakes conform to the APA]*

9  
10 SECTION 30. Chapter 13, Title 50 of the 1976 Code is amended by adding:

11  
12 “SECTION 50-13-2016 Herring fishing is prohibited within one hundred feet  
13 of the fish lift exit channel at St. Stephens Powerhouse.”

14 *[From 50-13-1198, deleted provision allowing taking of herring w/hook &*  
15 *line between 3/1 - 4/15]*

16  
17 SECTION 31. Sections 50-13-1145, 50-13-1165, 50-13-1170, 50-13-1175, 50-  
18 13-1188, 50-13-1190, 50-13-1191, 50-13-1198, 50-13-1450, 50-13-1660, 50-  
19 13-1670, 50-13-1760, and 50-13-2020 of the 1976 Code are repealed.

20  
21 SECTION 32. This act takes effect July 1, 2011.

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