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Indicates New Matter

COMMITTEE REPORT

April 13, 2011

**H. 3865**

Introduced by Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Ballentine, D.C. Moss, Mitchell, J.H. Neal, Hodges, G.M. Smith, Pinson, Herbkersman, Hiott, R.L. Brown, Whipper, Forrester, Toole, Hayes, Butler Garrick, Chumley, J.E. Smith and Atwater

S. Printed 4/13/11--H.

Read the first time March 8, 2011.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3865) to amend Article 1, Chapter 1, Title 50, Code of Laws of South Carolina, 1976, relating to general fish and game provisions, by adding Section 50‑-1-160, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 1, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GENERAL FISH AND GAME PROVISIONS, BY ADDING SECTION 50‑1‑160 SO AS TO PERMIT THE DEPARTMENT TO RELEASE A SEIZED VEHICLE, BOAT, MOTOR, OR FISHING DEVICE UNDER CERTAIN CONDITIONS; TO AMEND ARTICLE 3, CHAPTER 13, TITLE 50, RELATING TO USE OF SEINES, TRAPS, AND LIKE DEVICES, SO AS TO REVISE AND FURTHER PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEVICES MAY BE USED AND TO PROVIDE PENALTIES FOR VIOLATIONS; BY ADDING ARTICLE 5 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN UNLAWFUL FRESHWATER ACTIONS AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 6, CHAPTER 13, TITLE 50, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO FURTHER PROVIDE FOR THE USE OF NONGAME FISHING DEVICES AND THE TAKING OF NONGAME FISH IN THE FRESHWATERS OF THIS STATE, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS AND FOR SPECIFIED EXCEPTIONS TO THESE PROVISIONS; TO AMEND ARTICLE 11, CHAPTER 13, TITLE 50, RELATING TO THE SALE AND TRAFFIC IN FISH, SO AS TO REVISE CERTAIN PROVISIONS IN THE ARTICLE PERTAINING TO PROHIBITED PRACTICES IN REGARD TO THE SALE OR TRAFFICKING IN FISH AND ADD OTHER PROVISIONS WITH PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES AND PROPAGATION, SO AS TO REVISE AND FURTHER PROVIDE FOR ACTIONS THE DEPARTMENT MAY TAKE IN REGARD TO FISH HATCHERIES, SANCTUARIES, AND THE PROPAGATION OF FISH AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 50, RELATING TO THE HORRY COUNTY FISH AND GAME COMMISSION, SO AS TO DELETE THE PROVISIONS OF THE ARTICLE AND INSTEAD PROVIDE FOR THE PERMITTED USE OF NONGAME DEVICES ON THE LITTLE PEE DEE RIVER FOR A PERIOD OF THREE YEARS; AND TO REPEAL SECTIONS 50‑13‑1450 RELATING TO PRIMA FACIE EVIDENCE OF USING EXPLOSIVES TO TAKE FISH; 50‑13‑385 RELATING TO MINIMUM SIZE FOR LARGE MOUTH BASS IN LAKE WYLIE; 50‑13‑390 RELATING TO DAILY LIMIT ON ARKANSAS BLUE CATFISH; AND 50‑13‑400 RELATING TO LAKE MURRAY CRAPPIE CREEL AND SIZE LIMITS.

Be it enacted by the General Assembly of the State of South Carolina:

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

“Section 50‑1‑160. (A) Notwithstanding another provision of law, the department may release a vehicle, boat, motor, or fishing device seized from a person charged with a violation of this chapter to an innocent owner or lien holder of the property.

(B) Notwithstanding another provision of law, if an innocent owner or lienholder fails to recover property within thirty days from the date of the notice of release then the department may maintain or dispose of the property.

(C) Before seized property is released to an innocent owner or lienholder, he shall provide the department with proof of ownership or a lienholder interest in the property.”

SECTION 2. Article 3, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 3

Use of Nets, Seines, Traps, and Like Devices

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

~~Section 50‑13‑610.~~  ~~Fish in Game Zone No. 1 shall be caught only with rod and reel, rod and line or pole and line, with single bait or lure in the hands of the operator, or by throwing when not more than one lure and line is used by the person throwing. But when a pole and line is used, the fisherman may use not exceeding three poles provided they all be used in his view, and he is not required to have them in his hands all of the time, and it shall not be unlawful for a person fishing with pole and line to have in his possession and use at intervals a rod and reel or rod and line.~~

~~Section 50‑13‑620.~~  ~~Any violation of any of the provisions of Sections 50‑13‑600 or 50‑13‑610 shall be punishable by a fine of not more than one hundred dollars nor less than ten dollars or by imprisonment for not more than thirty days.~~

~~Section 50‑13‑650.~~  ~~It is unlawful to use nets and seines in the Savannah River from the New Savannah Bluff Lock and Dam to a point where Spirit Creek empties into the Savannah River.~~

~~Section 50‑13‑680.~~  ~~It is unlawful to take fish by any method in Red Bluff Pond in Marlboro County without a permit issued by Marlboro County American Legion Post Sixty, which owns the pond. Fishing in the pond is subject to the same laws governing fishing in Lake Paul A. Wallace in Marlboro County except that minnows may be used for bait in Red Bluff Pond. It is lawful to net nongame fish in Red Bluff Pond in Marlboro County during the months of December, January, and February, from sunrise on Wednesday until sunset on Saturday, after registering with the caretaker of the pond. Each net used must be clearly marked and no person netting fish may have any other fishing equipment in his boat.~~

~~Section 50‑13‑690.~~  ~~The owner of any private pond or lake, or any person with the written permission of the owner, may, from November fifteenth to February fifteenth of each year, take nongame fish by means of net, seine, trap or other device within the perimeter of the private pond or lake in Chesterfield County without regard to whether or not the pond or lake is fed by a public stream.~~

~~Section 50‑13‑730.~~  ~~Notwithstanding any other provision of law, the department is authorized to promulgate regulations establishing the open season for the taking of nongame fish with nets in the fresh waters of this State. Any regulations promulgated shall specify those waters in which nongame fish may be taken with nets, which species may be taken, the open season for such taking, any special schedules, and any necessary restrictions including specifications as to what types and mesh size nets shall be permissible.~~

~~The provisions of this section shall not affect shad, herring, or sturgeon.~~

Section 50‑13‑310. A game fish taken by net or other nongame fishing device, must be returned immediately to the water from whence it came. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for not more than thirty days. Any equipment used in committing the offense must be seized and disposed of as provided by law.

Section 50‑13‑315. (A) A trap must not be:

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

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

(3) unattended for more than three days.

(B) The department may inspect traps for compliance with this section at anytime. If the department finds any trap in violation of this chapter or contains only dead catch or excessive dead catch, the trap is contraband and must be seized and disposed of according to law.

Section 50‑13‑320. (A) A trap or eel pot may be suspended above the bottom of the body of water in which they are used at a depth that does not create a hazard to watercraft.

(B) There is no restriction on the type of bait permissible in a trap or eel pot, except that game fish or any part of a game fish must not be used for bait.

(C) There is no closed season for fishing with a trap or eel pot in the freshwaters of this State in which the use of a trap or eel pot is permitted except temporary closure by the department.

(D) A trap or eel pot must not be placed within one hundred feet of the mouth of a tributary stream and a trap or eel pot must not be placed anywhere in the Diversion Canal connecting Lakes Marion and Moultrie nor placed within two hundred yards of a manmade structure in Lakes Marion and Moultrie.

(E) A crab pot or trap of like design must not be used in the freshwaters of this State unless permitted by regulation.

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

(G) All minnow traps must be identified with the name and department customer identification number of the user. A minnow trap may be fished with a recreational license only with a limit of five for each person and must not be fished for commercial purposes.

Section 50‑13‑325. (A) The season for taking nongame fish other than American shad and herring in the freshwaters of this State with a gill net is from November first to March first inclusive. A gill net may be used or possessed in the freshwaters in which their use is authorized on Wednesdays, Thursdays, Fridays, and Saturdays only. A gill net used in the freshwaters must have a mesh size not less than four and one‑half inches stretch mesh. A gill net measuring more than one hundred yards in length must not be used in the freshwaters and a gill net, cable, line or other device used for support of a gill net may not extend more than halfway across any stream or body of water. A gill net may be placed in the freshwaters on a first come first served basis but a gill net must not be placed within two hundred yards of another gill net. Use or possession of a gill net at any place or time other than those prescribed in this subsection is unlawful.

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

Section 50‑13‑330. A hoop net may be used or possessed in the freshwaters where its use is authorized by this chapter. A hoop net must rest on the bottom of the body of water in which it is used and must not be suspended above the bottom. A hoop net must not be used within one hundred feet of the mouth of any tributary. Use or possession of a hoop net at any place or time other than those prescribed is unlawful.

Section 50‑13‑335. A pump net may be fished from the bank or a shore based structure only and only for recreation. A skimbow net may be fished from a boat but only for recreation. These devices may be used only in those waters where authorized in this chapter.

Section 50‑13‑340. It is unlawful to use or have in possession a minnow seine in the freshwaters of this State from ten o’clock p.m. to official sunrise.”

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

“Article 5

Unlawful Freshwater Actions

Section 50‑13‑510. It is unlawful to take freshwater mussels (Bivalvia) without a permit from the department. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred nor more than five hundred dollars. Provided, Asian clams (Corbicula spp.) may be taken without permit.

Section 50‑13‑520. Except as allowed by the department, it is unlawful to take saltwater crabs in the freshwaters of this State.”

SECTION 4. Article 6, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 6

Protection of Nongame Fish

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

~~The provisions of this article shall not apply to shad or herring where otherwise provided by law.~~

~~Section 50‑13‑1115.~~  ~~(A)~~ ~~The following nongame fishing devices may be used for the taking of nongame fish in the freshwaters of this State in which such devices are authorized:~~

~~(1)~~ ~~trotlines~~

~~(2)~~ ~~set hooks~~

~~(3)~~ ~~jug fishing devices~~

~~(4)~~ ~~traps~~

~~(5)~~ ~~eel pots~~

~~(6)~~ ~~gill nets~~

~~(7)~~ ~~hoop nets~~

~~(8)~~ ~~skimbow nets~~

~~(9)~~ ~~bows and arrows~~

~~(10)~~ ~~gigs~~

~~(11)~~ ~~spears~~

~~(12)~~ ~~tires~~

~~(13)~~ ~~minnow seines~~

~~(14)~~ ~~cast nets~~

~~(15)~~ ~~seines~~

~~(16)~~ ~~pump nets.~~

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

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

~~Section 50‑13‑1116.~~  ~~Notwithstanding other provisions of this title, nongame fishing devices specified in Section 50‑13‑1115(A)(1), (4), (5), and (6), must be marked with a floating marker with a minimum capacity of one pint and a maximum capacity of one gallon or equivalent size and must be made of solid, buoyant material which does not sink if punctured or cracked. The floating markers must be constructed of plastic, PVC spongex, plastic foam, or cork. No hollow buoys or floats including plastic, metal, or glass bottles or jugs may be used, except manufactured buoys or floats specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. The floating markers must be colored white when used the first through the fifteenth each month and yellow when used the remainder of the month. The owner’s name and address must be marked clearly on each floating marker.~~

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

~~Section 50‑13‑1120.~~  ~~For the purposes of this article:~~

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

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

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

~~(d)~~ ~~“Eel pot” is defined as an enclosed structure used to take eels only and which conforms to the specifications provided in subsection (b) of Section 50‑13‑1165.~~

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

~~(f)~~ ~~“Hoop net” is defined as a device in which fish are taken in an enclosed structure which conforms with the specifications contained in Section 50‑13‑1175.~~

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

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

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

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

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

~~(l)~~ ~~“Gill net” is defined as a device for the taking of nongame fish which conforms to the specifications provided in subsection (1)~~ ~~of Section 50‑13‑1170.~~

~~(m)~~ ~~“Yoyo” is a device to which “set hooks” are attached which is activated by spring‑like devices.~~

~~(n)~~ ~~“Tires” are defined as truck or automobile tires not exceeding twenty‑inch rim.~~

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

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

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

~~Section 50‑13‑1125. No fishing device authorized by this article shall be used, placed, set or fished so as to constitute a hazard to boating.~~

~~Section 50‑13‑1126.~~  ~~It shall be unlawful to anchor a seine and leave it unattended.~~

~~Section 50‑13‑1145.~~  ~~Exclusive of strictly private ponds, no person may fish in an individual freshwater lake or stream of this State with more than:~~

~~(1)~~ ~~fifty jugs;~~

~~(2)~~ ~~one skimbow net;~~

~~(3)~~ ~~fifty set hooks;~~

~~(4)~~ ~~fifty hoop nets;~~

~~(5)~~ ~~fifty traps;~~

~~(6)~~ ~~five hundred trotline hooks.~~

~~Section 50‑13‑1165.~~  ~~(A)~~ ~~Any trap used under authority of this article shall conform to one of the following specifications:~~

~~(1)~~ ~~the trap shall be made of wire or textile material and be cylindrical in shape of a length of not more than six feet and a width of not more than three feet.~~

~~(a)~~ ~~the mesh size shall not be smaller than one inch by one inch and there shall only be one application of exterior wire to the trap;~~

~~(b)~~ ~~the muzzle shall have one of the following designs:~~

~~(i)~~ ~~a trap door on the second muzzle or catch muzzle which remains in a closed position and which only opens for the entry of fish into the trap; the trap door shall be constructed of the same material as the trap;~~

~~(ii)~~ ~~construction of a netting so that the opening of the small end of the second muzzle or catch muzzle is held in the shape of a slit and the trap configuration constructed such that as the trap rests on the bottom the slit shall be oriented horizontally with the greatest vertical opening being no greater than one inch.~~

~~(2)~~ ~~the trap shall be made of wood strips or slats and be cylindrical or rectangular in shape. The length shall not exceed six feet and the width or diameter shall not exceed two feet.~~

~~(a)~~ ~~the throat opening of the catch muzzle in a resting position shall not exceed three inches measured in any direction.~~

~~(b)~~ ~~the sides, top and rear of the trap shall have a minimum of one inch openings between the slats to allow for the escape of small catfish. This shall apply only to the last twelve inches of the trap.~~

~~(B)~~ ~~Any eel pot used under authority of this article shall conform to the following specifications:~~

~~(1)~~ ~~pots shall be no larger than twenty‑four inches by forty‑eight inches;~~

~~(2)~~ ~~all eel pots shall be constructed of wire so that:~~

~~(a)~~ ~~the mesh size is no smaller than one‑half by one‑half inch, except for the throat or muzzle and the end opposite the throat or muzzle of cylindrical pots;~~

~~(b)~~ ~~a throat opening not to exceed two inches measured in any direction.~~

~~(C)(1)~~ ~~Traps and eel pots may be suspended above the bottom of the body of water in which they are used at a depth which does not create a hazard to watercraft passing over them.~~

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

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

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

~~(5)~~ ~~No crab pot or trap of like design shall be used in the freshwaters of this State.~~

~~Section 50‑13‑1170. The season for taking nongame fish other than shad and herring in the freshwaters of this State with gill nets shall be from November first to March first inclusive. They may be used or possessed in the freshwaters in which their use is authorized on Wednesdays, Thursdays, Fridays and Saturdays only. Nongame gill nets used in the freshwaters shall have a mesh size of not less than four and one‑half inches stretch mesh. No gill net measuring more than two hundred yards in length may be used in the freshwaters and no gill net, cable, line or any other device used for support of a gill net shall extend more than half way across any stream or body of water. Gill nets shall be placed in the freshwaters on a first come first served basis but no gill net shall be placed within two hundred yards of another gill net. Use or possession of gill nets at any place or time other than those prescribed above shall be unlawful.~~

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

~~Section 50‑13‑1175.~~  ~~Hoop nets may be used or possessed in the freshwaters in which their use is authorized by Section 50‑13‑1192. The maximum size of hoop nets shall be sixteen feet by five and one‑half feet. Hoop nets shall be made of a textile netting (no wire) of a mesh size not less than one inch square nor greater than two inches square enclosing a series of round hoops with two or more muzzle openings which shall be made of a netting material. One side of the hoop may be flat to hold the nets in place. Hoop nets shall rest on the bottom of the body of water in which they are used and shall not be suspended above the bottom. Hoop nets shall not be used within one hundred feet of the mouth of any tributary stream. The maximum number of hoop nets which may be used by one licensee shall be fifty. Use or possession of hoop nets at any place or time other than those prescribed above shall be unlawful.~~

~~Section 50‑13‑1180.~~  ~~(A)~~ ~~No more than five hundred hooks may be attached to a single trotline. A trotline must not be attached to another trotline or to the support or float of another trotline.~~

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

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

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

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

~~(F)~~ ~~Trotline hooks used in Lakes Marion and Moultrie must have a gap or clearance between point and shank no greater than seven‑sixteenths inch.~~

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

~~Section 50‑13‑1185.~~ ~~All set hooks shall be removed from the water and the vegetation or structure to which they are attached not later than one hour after sunrise each day and shall not be reattached earlier than one hour before official sunset.~~

~~Section 50‑13‑1186.~~  ~~All jugs used in fishing in freshwaters shall range between a minimum capacity of one pint and a maximum capacity of one gallon with the licensee’s name and address clearly marked on each jug. All jugs shall be removed from the water one hour after sunrise each day and not replaced before one hour before official sunset.~~

~~The attachment of more than one hook and line to a jug fishing device is prohibited.~~

~~Section 50‑13‑1187.~~  ~~(A)~~ ~~Except as provided in subsections (B) and (C), no game fish, live bait, or other bait other than bait listed below may be used with trotlines, set hooks, and jugs:~~

~~(1)~~ ~~soap;~~

~~(2)~~ ~~dough balls;~~

~~(3)~~ ~~cut fish which must be nongame fish cut into at least three equal parts;~~

~~(4)~~ ~~shrimp;~~

~~(5)~~ ~~meat scraps which may not include insects, worms, or other invertebrates;~~

~~(6)~~ ~~grapes.~~

~~(B)~~ ~~Notwithstanding any other provisions of law, on the Edisto, Black, Sampit, Big Pee Dee, Little Pee Dee, Lumber, and Waccamaw Rivers, live nongame fish and bream may be used with single‑barbed set hooks that have a shank‑to‑point gap of one and three‑sixteenths inches or greater. However, it is unlawful for any person to have in his possession more than thirty bream while fishing with nongame tackle on these rivers.~~

~~(C)~~ ~~Live nongame fish and bream may be used on trotlines having not more than twenty hooks that have a shank‑to‑point gap of one and three‑sixteenths inches or greater on the Black, Big Pee Dee, Little Pee Dee, Lumber, and Waccamaw Rivers. However, it is unlawful for any person to have in his possession more than thirty bream while fishing with nongame tackle on these rivers.~~

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

~~Section 50‑13‑1188.~~  ~~It shall be unlawful to use or have in possession a minnow seine, as defined by item (h)~~ ~~of Section 50‑13‑1120, in the freshwaters of this State from ten p.m. to official sunrise.~~

~~Section 50‑13‑1189.~~ ~~It is unlawful for any person to have in his possession game fish or fishing tackle capable of catching game fish while fishing for nongame fish with nongame tackle authorized for use by this chapter. The provisions of this section do not apply to a person whose nongame tackle consists of bows and arrows or cast nets.~~

~~Section 50‑13‑1190.~~  ~~It shall be unlawful to use yoyos as defined in item (m) of Section 50‑13‑1120 in the freshwaters of this State.~~

~~Section 50‑13‑1191. It shall be unlawful for any person to check, fish or use in any manner the nongame fishing device or gear owned and tagged by another person or to take from any such device or gear any fish caught thereon.~~

~~Section 50‑13‑1192.~~ ~~Bows and arrows, gigs, spears, tires, cast nets, and minnow seines may be used in freshwaters except in lakes owned or managed by the department. Notwithstanding other provisions of this article, it is unlawful to use or possess a nongame fishing device or gear or the number not authorized by this section for a particular body of water. Nongame fishing devices, except as provided in this section, must not be used in freshwater including tributaries of rivers or creeks unless listed and regulated as indicated below:~~

~~(1)~~ ~~Ashepoo River:~~

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

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

~~(2)~~ ~~Ashley River:~~

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

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

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

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

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

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

~~(4)~~ ~~Black River:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(7)~~ ~~Buffalo Creek: seines: one for each license holder;~~

~~(8)~~ ~~Bush River, Laurens County: seines: one for each license holder;~~

~~(9)~~ ~~Combahee River:~~

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

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

~~(10)~~ ~~Congaree River, includes the waters from the Gervais Street Bridge in Columbia to the Interstate 77 bridge in Columbia:~~

~~(a)~~ ~~traps: fifty maximum with commercial license;~~

~~(b)~~ ~~trotlines: two thousand hooks maximum with commercial license;~~

~~(c)~~ ~~hoop nets: fifty maximum with commercial license;~~

~~(11)~~ ~~Cooper River:~~

~~(a)~~ ~~traps: fifty maximum with commercial license and not allowed upstream from Wadboo Creek;~~

~~(b)~~ ~~trotlines: one hundred fifty hooks maximum and three‑line maximum for each license holder. No trotlines permitted upstream from Wadboo Creek;~~

~~(c)~~ ~~fyke nets: as allowed for eel fishing by regulation;~~

~~(d)~~ ~~set hooks: fifty maximum for each license holder, and no set hooks permitted upstream from Wadboo Creek;~~

~~(e)~~ ~~eel pots: no limit and not allowed upstream from Wadboo Creek;~~

~~(f)~~ ~~pump nets: no limit;~~

~~(12)~~ ~~Coosawhatchie and Tullifinny Rivers: set hooks: fifty maximum for each license holder;~~

~~(13)~~ ~~Mallard’s Lake, Dorchester County waters:~~

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

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

~~(14)~~ ~~Mims Lake, Dorchester County waters:~~

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

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

~~(15)~~ ~~Shuler Lake, Dorchester County waters:~~

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

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

~~(16)~~ ~~Woods Lake, Dorchester County waters:~~

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

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

~~(17)~~ ~~Bridge Lake, Dorchester County waters:~~

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

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

~~(18)~~ ~~Little Pond Lake, Dorchester County waters;~~

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

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

~~(19)~~ ~~Steed’s Lake, Dorchester County waters:~~

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

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

~~(20)~~ ~~John’s Hole Lake, Dorchester County waters:~~

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

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

~~(21)~~ ~~Rock’s Lake, Dorchester County waters:~~

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

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

~~(22)~~ ~~Mouth of Four Holes Lake, Dorchester County waters:~~

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

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

~~(23)~~ ~~Durbin Creek: seines: one for each license holder;~~

~~(24)~~ ~~Edisto River:~~

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

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

~~(25)~~ ~~Enoree River:~~

~~(a)~~ ~~traps: two for each license holder;~~

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

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

~~(d)~~ ~~seines: one for each license holder from Southern Railroad in Greenville County down;~~

~~(26)~~ ~~Great Pee Dee River, includes the waters from I‑95 to the North Carolina line;~~

~~(a)~~ ~~traps: fifty maximum allowed with commercial license;~~

~~(b)~~ ~~trotlines: two thousand maximum hooks with commercial license;~~

~~(c)~~ ~~gill nets: nongame nets allowed in season;~~

~~fifty maximum for each license holder;~~

~~(e)~~ ~~hoop nets: fifty maximum with commercial license north of S.C. 34 only;~~

~~(27)~~ ~~Great Pee Dee River, includes the water from I‑95 to the saltwater‑freshwater line:~~

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

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

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

~~(d)~~ ~~eel pots: below Highway 701 bridge only, no limit;~~

~~(e)~~ ~~traps: fifty maximum allowed with commercial license;~~

~~(28)~~ ~~Jefferies Creek, Florence County:~~

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

~~(b)~~ ~~trotlines: one hundred fifty hooks maximum and three‑lines maximum for each license holder;~~

~~(29)~~ ~~Lake J. Strom Thurmond and Stevens Creek:~~

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

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

~~(c)~~ ~~jugs: fifty maximum for each license holder;~~

~~(30)~~ ~~Lake Greenwood:~~

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

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

~~(c)~~ ~~jugs: fifty maximum for each license holder;~~

~~(31)~~ ~~Lake Hartwell:~~

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

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

~~(32)~~ ~~Lake Jocassee: nongame devices prohibited;~~

~~(33)~~ ~~Lake Keowee:~~

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

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

~~(34)~~ ~~Lakes Marion and Moultrie, the waters lying between the confluence of the Wateree and Congaree Rivers, and the backwaters of Lake Marion are considered a part of Lake Marion:~~

~~(a)~~ ~~traps: fifty maximum with commercial license;~~

~~(b)~~ ~~trotlines: two thousand hooks maximum with commercial license. Hooks must have a gap or clearance between point and shank no greater than seven‑sixteenths inch;~~

~~(35)~~ ~~Lake Murray:~~

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

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

~~(36)~~ ~~Lake Richard B. Russell:~~

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

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

~~(c)~~ ~~jugs: fifty maximum for each license holder;~~

~~(37)~~ ~~Lake Secession:~~

~~(a)~~ ~~traps: two maximum for each license holder;~~

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

~~(c)~~ ~~jugs: fifty maximum for each license holder;~~

~~(38)~~ ~~Lake Wateree:~~

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

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

~~(39)~~ ~~Catawba River, includes the waters from the Lake Wylie Dam to the backwaters of Lake Wateree, including reservoirs:~~

~~(a)~~ ~~traps: two maximum for each license holder;~~

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

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

~~(d)~~ ~~seines: one for each license holder, York County only;~~

~~(40)~~ ~~Lake Wylie:~~

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

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

~~(41)~~ ~~Little River: seines: one for each license holder from Mars Bridge in McCormick County up;~~

~~(42)~~ ~~Little Pee Dee River:~~

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

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

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

~~(43)~~ ~~Log Creek, Edgefield County: seines: one for each license holder;~~

~~(44)~~ ~~Long Cane Creek, above Patterson Bridge: seines: one for each license holder;~~

~~(45)~~ ~~Louder’s Lake, Darlington County:~~

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

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

~~(46)~~ ~~Lumber River:~~

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

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

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

~~(47)~~ ~~Lynches River:~~

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

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

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

~~(48)~~ ~~Mulberry Creek, Greenwood County: seines: one for each license holder;~~

~~(49)~~ ~~New River: set hooks: fifty maximum for each license holder;~~

~~(50)~~ ~~Old River:~~

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

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

~~(51)~~ ~~Pacolet River:~~

~~(a)~~ ~~traps: two for each license holder;~~

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

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

~~(d)~~ ~~seines: one for each license holder;~~

~~(52)~~ ~~Rabon Creek, Laurens County: seines: one for each license holder;~~

~~(53)~~ ~~Redbank Creek, Saluda County west of Highway 121: seines: one for each license holder;~~

~~(54)~~ ~~Reedy River:~~

~~(a)~~ ~~traps: two for each license holder;~~

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

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

~~(d)~~ ~~seines: one for each license holder from Southern Railroad in Greenville County down;~~

~~(55)~~ ~~Rocky River, Anderson County: seines: one for each license holder;~~

~~(56)~~ ~~Salkehatchie River: set hooks: fifty maximum for each license holder;~~

~~(57)~~ ~~Saluda River, includes the waters from the Southern Railroad Trestle in Greenville County to the backwaters of Lake Greenwood and the waters from the Lake Greenwood Dam to the backwaters of Lake Murray:~~

~~(a)~~ ~~traps: two for each license holder;~~

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

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

~~(d)~~ ~~seines: one for each license holder, in Anderson, Laurens, and Greenville counties only, except in Anderson County seines may be used in the river tributaries;~~

~~(58)~~ ~~Saluda River, includes the waters from the Lake Murray Dam to the Gervais Street Bridge in Columbia:~~

~~(a)~~ ~~traps: two for each license holder;~~

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

~~(59)~~ ~~Sampit River:~~

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

~~(b)~~ ~~traps: fifty maximum with commercial license;~~

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

~~(60)~~ ~~Santee River, downstream from Wilson Dam on Lake Marion, and the waters lying between the confluence of the Wateree and Congaree Rivers and Lake Marion are considered a part of Lake Marion:~~

~~(a)~~ ~~traps: fifty maximum with commercial license;~~

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

~~(c)~~ ~~nongame gear: not allowed, except skimbow nets allowed upstream of U.S. Geological Survey Gauging Station No. 1715 which is approximately 2.4 miles below Santee Dam;~~

~~(d)~~ ~~eel pots: no limit;~~

~~(61)~~ ~~Savannah River below Stevens Creek Dam:~~

~~(a)~~ ~~traps: fifty maximum with commercial license;~~

~~(b)~~ ~~hoop nets: fifty maximum with commercial license;~~

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

~~(d)~~ ~~gill nets: nongame nets in season;~~

~~(e)~~ ~~trotlines: two thousand maximum hooks with commercial license;~~

~~(f)~~ ~~eel pots: no limit;~~

~~(62)~~ ~~Stevens Creek, above Clark’s Hill Bridge: seines: one for each license holder;~~

~~(63)~~ ~~Thickly Creek, Cherokee County: seines: one for each license holder;~~

~~(64)~~ ~~Turkey Creek, Edgefield and Greenwood counties: seines: one for each license holder;~~

~~(65)~~ ~~Twelve Mile Creek:~~

~~(a)~~ ~~traps: two maximum for each license holder;~~

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

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

~~(66)~~ ~~Tyger River:~~

~~(a)~~ ~~traps: two maximum for each license holder;~~

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

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

~~(d)~~ ~~seines: one for each license holder;~~

~~(67)~~ ~~Waccamaw River:~~

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

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

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

~~(d)~~ ~~eel pots, below the junction of Big Bull Creek: no limit;~~

~~(68)~~ ~~Warrior Creek, Laurens County: seines: one for each license holder;~~

~~(69)~~ ~~Wateree River:~~

~~(a)~~ ~~traps: fifty maximum with commercial license;~~

~~(b)~~ ~~trotlines: two thousand hooks maximum with commercial license;~~

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

~~(d)~~ ~~hoop nets: fifty maximum with commercial license;~~

~~(70)~~ ~~Wilson Creek, Greenwood County: seines: one for each license holder one mile above the backwaters of Greenwood up.~~

~~(71)~~ ~~Congaree River, includes the waters from the Interstate 77 bridge in Columbia to the confluence of the Congaree and Wateree Rivers:~~

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

~~(b)~~ ~~trotline: two thousand hooks maximum with commercial license;~~

~~(c)~~ ~~traps: ten maximum with commercial license;~~

~~(d)~~ ~~hoop nets: ten maximum with commercial license;~~

~~(e)~~ ~~Notwithstanding other provisions of this title, for the Congaree River from I‑77 bridge in Columbia to the confluence of the Wateree and Congaree Rivers where the number of hoop nets used is restricted to ten, these devices must be marked with a floating marker with a minimum capacity of one pint and a maximum capacity of one gallon or equivalent size and must be made of solid, buoyant material which does not sink if punctured or cracked. The floating markers must be constructed of plastic, PVC spongex, plastic foam, or cork. No hollow buoys or floats including plastic, metal, or glass bottles or jugs may be used, except manufactured buoys or floats specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. The floating markers must be colored white when used the first through the fifteenth of each month and yellow when used the remainder of the month. The owner’s name and address must be marked clearly on each floating marker.~~

~~Section 50‑13‑1193.~~  ~~All enforcement officers and any other employee of the department designated by the board may, at any and all reasonable hours, inspect the vehicles, boats, processing houses and wholesale businesses which are connected with nongame commercial fishing activity and the records of any person required to be licensed by this article to ensure compliance. Upon request of the department the buyers (fish houses) of nongame fish~~ s~~hall report quarterly the volume of sales.~~

~~Section 50‑13‑1194. The department may adopt and promulgate regulations for the management, control and enforcement of nongame fishing in the freshwaters of the State, not contrary to or inconsistent with the laws of the State.~~

~~Section 50‑13‑1195. A person violating this article or regulations adopted and promulgated under its authority is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than two hundred dollars or imprisoned not more than thirty days. In addition to that penalty, the court may require the person to forfeit for one year tags and permits purchased pursuant to Section 50‑13‑1155 and may provide for his ineligibility for other tags and permits for that year.~~

~~Section 50‑13‑1196.~~  ~~(A)~~ ~~In addition to any specific penalty provided in this article, any fish or fishing device taken or found to be in possession of any person charged with a violation of this article shall be confiscated. The fish shall be sold in the same manner as provided by law for the sale of perishable items. If the person charged is convicted, the money received from such sale shall be forwarded to the Department and placed to the account of the Fish and Wildlife Protection Fund of the State Treasury. After conviction the fishing devices shall be sold at public auction. The sale of the fish and fishing devices shall be conducted using the procedures as provided by law. If such person is acquitted the devices shall be returned to him along with any money that may have come from the sale of the confiscated fish.~~

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

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

~~Section 50‑13‑1197. Any person who shall take and carry away any nongame fishing device or any fish caught and being in such device with intent to steal the device or the fish, or any person who shall tamper with a nongame fishing device with intent to damage or to make it ineffective for the purpose of taking fish, is guilty of a misdemeanor and, upon conviction, (1) for tampering with a device be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days, and (2)~~ ~~for stealing a device or fish caught in the device be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than six months or both.~~

~~Section 50‑13‑1198. Herring fishing is prohibited within one hundred feet of the fish lift exit channel at St. Stevens Powerhouse except with hook and line from March first through April fifteenth.~~

~~Section 50‑13‑1199.~~  ~~(A)~~ ~~Notwithstanding another provision of law, the Department of Natural Resources may administratively release any vehicle, boat, motor, or fishing device confiscated from a person charged with a violation of this chapter to an innocent owner or lienholder of the property.~~

~~(B)~~ ~~Notwithstanding another provision of law, if an innocent owner or lienholder of property contained in subsection~~  ~~(a)~~ ~~fails to recover property contained in that subsection, then the Department of Natural Resources may maintain or dispose of the property.~~

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

~~(1)~~ ~~proof of ownership or a lienholder interest in the confiscated property;~~

~~(2)~~ ~~certification that he will not release the property to a person who has been charged with a violation of this chapter which resulted in the confiscation of the property to be released.~~

Section 50‑13‑610. The provisions of this article apply to the use of nongame fishing devices and the taking of nongame fish in the freshwaters of this State except herring and American shad.

Section 50‑13‑615. The following are the only lawful nongame fishing devices and methods that may be used for taking nongame fish in the freshwaters of this State and only in those waters in which these devices and methods are authorized:

(1) archery equipment;

(2) cast net;

(3) crayfish trap;

(4) eel pot;

(5) elver fyke net;

(6) gig;

(7) gill net;

(8) hand grabbing;

(9) hoop net;

(10) jug fishing device;

(11) minnow seine;

(12) minnow trap;

(13) pump net;

(14) seine;

(15) set hook;

(16**)** skimbow net;

(17) spear;

(18) trap;

(19) trotline.

Section 50‑13‑620. (A) A trotline, trap, eel pot, gill net, and hoop net must be marked with a floating marker not less than a capacity of one quart and not more than a capacity of one gallon and must be made of solid, buoyant material that does not sink if punctured or cracked. A floating marker must be constructed of plastic, PVC spongex, plastic foam, or cork. A hollow buoy or float, including plastic, metal, or glass bottles or jugs, must not be used, except that a manufactured buoy or float specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. A floating marker used the first through the fifteenth inclusive of each month must be colored white only; for the remainder of the month markers must be yellow only and, except for a trotline, there must not be any other color marker attached to the device. The owner’s name and department customer identification number must be legible on each of the white or yellow floating markers. Both commercial and recreational fishermen shall comply with provisions of this title pertaining to the marking and use of a nongame fishing device. A trotline must be marked on both ends. A commercial trotline must be marked at intervals of every fifty hooks. A recreational trotline must be marked at intervals of every twenty‑five hooks. An end marker must conform to the white and yellow marking scheme. Each interval float must be ‘International Orange’ in color.

(B) A tag issued for a nongame device must be attached to the device at all times. A permit and tag receipt must be kept on the person to whom issued while possessing or using a nongame fishing device.

(C) Each set hook must have an identification tag attached to it bearing the owner’s name and department customer identification number.

(D) A device or part of it improperly marked, tagged, or identified is in violation and is contraband.

(E) A violation of this section is a misdemeanor and, upon conviction, is punishable as prescribed in this chapter.

Section 50‑13‑625. Nongame fish may be taken with any lawful game fishing device. A fisherman may use only four game fishing devices. A fisherman fishing from a boat may use an unlimited number of game fishing devices if all persons in the boat older than sixteen years have valid fishing licenses.

Section 50‑13‑630. A fishing device authorized by this article must not be used, placed, set, or fished so as to constitute a hazard to boating or public safety.

Section 50‑13‑635. A recreational fisherman may use the following fishing devices and methods for taking nongame fish but only in those waters in which the type and quantity are allowed:

(1) archery equipment;

(2) cast net;

(3) not more than five crayfish traps;

(4) not more than two eel pots;

(5) gig;

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

(7) hand grabbing;

(8) not more than one hoop net;

(9) not more than fifty jugs;

(10) minnow seine;

(11) not more than five minnow traps;

(12) not more than one pump net;

(13) not more than one seine;

(14) three to fifty set hooks;

(15) not more than one skimbow net;

(16) spear;

(17) not more than two traps;

(18) not more than one trotline with fifty hooks maximum;

(19) any lawful game fishing device.

Section 50‑13‑640. (A) It is unlawful to possess more than one blue catfish (Ictalurus furcatus) greater than thirty‑six inches in length in any one day in Lake Marion, Lake Moultrie, or the upper reach of the Santee, and the Congaree and Wateree Rivers.

(B) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned not more than thirty days, or both.

Section 50‑13‑645. It is unlawful for a recreational fisherman to take more than fifty eels a day. Each eel must be at least six inches long.

Section 50‑13‑650. (A) No more than four hundred hooks may be attached to a single commercially fished trotline. A trotline must not be attached to another trotline or to the support or float of another trotline. A trotline must not be longer than two thousand feet.

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

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

(D) A trotline, cable, line, or any other device used for support may not extend more than halfway across a stream or body of water.

(E) A trotline or any part of it may not remain in the waters of this State more than twenty‑four hours without inspection and removal of the fish taken on it.

(F) A trotline must not be placed within two hundred yards of a manmade structure on Lakes Marion and Moultrie nor placed in the Diversion Canal connecting Lakes Marion and Moultrie.

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

(H) Stainless steel hooks must not be used on a trotline.

Section 50‑13‑655. All set hooks must be removed from the water and from the vegetation or structure to which they are attached not later than one hour after sunrise each day and must not be placed in the water earlier than one hour before official sunset.

Section 50‑13‑660. All jugs used in fishing in freshwaters must be sizes that are between a minimum capacity of one pint and a maximum capacity of one gallon with the licensee’s name and department customer identification number clearly marked on each jug. All jugs must be removed from the water not later than one hour after sunrise each day and must not be placed in the water earlier than one hour before official sunset.

The attachment of more than one hook and line to a jug fishing device is prohibited.

Section 50‑13‑665. (A) Except as provided in subsections (B) and (C), and the bait listed below, no other bait may be used with trotlines, set hooks, and jugs:

(1) soap;

(2) dough balls;

(3) nongame fish or bream cut into two or more equal parts;

(4) shrimp;

(5) meat scraps which may not include insects, worms, or other invertebrates;

(6) grapes.

(B) Notwithstanding another provision of law, on the Black, Edisto, Great Pee Dee (including the navigable oxbows and sloughs), Little Pee Dee (including the navigable oxbows and sloughs), Lumber, Lynches (including Clarks, Mill, and Muddy Creeks), Sampit, and Waccamaw Rivers, live nongame fish and live bream may be used with single‑barbed set hooks that have a shank‑to‑point gap of one and three‑sixteenths inches or greater. However, it is unlawful for a person to have in possession more than the lawful creel limit of bream while fishing with nongame devices on these rivers.

(C) Live nongame fish and live bream may be used on a trotline having not more than twenty hooks that have a shank‑to‑point gap of one and three‑sixteenths inches or greater on the Black, Great Pee Dee (including the navigable oxbows and sloughs), Little Pee Dee (including the navigable oxbows and sloughs), Lumber, Lynches (including Clarks, Mill, and Muddy Creeks) and Waccamaw Rivers. However, it is unlawful for a person to have in possession more than the lawful creel limit of bream while fishing with nongame devices on these rivers.

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

Section 50‑13‑670. It is unlawful for a person to have in possession game fish, except live bream on those water bodies where permitted as live bait, or game fish devices while possessing or using nongame devices. The provisions of this section do not apply to a person using a cast net.

Section 50‑13‑675. Archery equipment, cast nets, crayfish traps, gigs, hand grabbing, minnow seines, minnow traps, and spears, may be used in freshwaters, except in lakes owned or managed by the department, to take nongame fish. Where permitted, a recreational fisherman may fish one gill net not more than one hundred yards in length or not more than three gill nets, none of which exceeds thirty yards in length; a commercial fisherman may fish four or more gill nets.Notwithstanding other provisions of this chapter, it is unlawful to use or possess any nongame fishing device or gear or the number not authorized by this section on the particular body of water. Nongame fishing devices, except as provided in this section, must not be used in freshwater including tributaries of rivers or creeks unless listed and regulated in this section:

(1) Ashepoo River:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(2) Ashley River:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

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

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(4) Black River:

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps ‑ only from Pea House landing downstream:

(i) recreational license ‑ two;

(ii) commercial license ‑ ten;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license‑ five lines with two hundred fifty hooks maximum;

(5) Broad River:

(a) seines upstream from S.C. State Highway 34 Bridge to the North Carolina/South Carolina State line only:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(6) Bush River, Laurens County:

(a) seines:

(i) recreational license only ‑ one;

(7) Catawba River from the Lake Wylie Dam to the Cedar Creek Dam including the in‑stream reservoirs:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(8) Combahee River:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license‑ seventy five;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(9) Congaree River:

(a) hoop nets:

(i) commercial license‑ ten;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license‑ ten;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(10) Cooper River (Berkley and Charleston Counties):

(a) eel pots: not allowed upstream from Wadboo Creek;

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) elver fyke nets: allowed on all tributaries and on the main branch from the saltwater/freshwater dividing line upstream to the CSX railroad trestle on the Tail Race Canal:

(i) commercial license only ‑ ten nets;

(c) pump nets:

(i) recreational license only ‑ one;

(d) set hooks: not allowed upstream from Wadboo Creek:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(e) skimbow nets:

(i) recreational license only ‑ one;

(f) traps: not allowed upstream from Wadboo Creek:

(i) recreational license ‑ two;

(ii) commercial license ‑ twenty five;

(g) trotlines: not allowed upstream from Wadboo Creek:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(11) Coosawhatchie River:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(12) Durbin Creek: (Greenville and Laurens Counties):

(a) seines:

(i) recreational license only ‑ one;

(13) Edisto River, including the North and South Forks:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(14) Enoree River:

(a) seines: from the Norfolk‑Southern Railroad in Greenville County downstream to the confluence with the Broad River:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(15) Four Holes Lakes system in Dorchester County which includes Bridge Lake, John’s Hole Lake, Little Pond Lake, Mallard’s Lake, Mims Lake, Mouth of Four Holes Lake, Rock’s Lake, Shuler Lake, Steed’s Lake and Woods Lake:

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(16) Great Pee Dee River: the waters from U.S. Interstate Highway 95 to the saltwater/freshwater dividing lineincluding the navigable oxbows and sloughs and Bull Creek:

(a) eel pots: downstream from U.S. Highway 701 to the saltwater/freshwater dividing line;

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) gill nets: nongame nets in season;

(c) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(d) skimbow nets:

(i) recreational license ‑ one;

(e) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ fifty;

(f) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(17) Great Pee Dee River, the waters from U.S. Interstate Highway 95 to the North Carolina/South Carolina State Line including the navigable oxbows and sloughs:

(a) gill nets: nongame nets allowed in season;

(b) hoop nets: upstream from S.C. State Highway 34 to the North Carolina/ South Carolina state line:

(i) commercial license only‑ fifty;

(c) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(d) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ fifty;

(e) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(18) Jefferies Creek (Florence County):

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(19) Lake Greenwood:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(20) Lake Hartwell:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(21) Lake J. Strom Thurmond and Stevens CreekReservoir:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(22) Lake Keowee:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(23) Lakes Marion and Moultrie, and the upper reach of the Santee River:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ twenty five;

(b) trotlines: Hooks must have a gap or clearance between point and shank no greater than seven sixteenths inch:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with not more than four hundred hooks on each line;

(24) Lake Monticello:

(a) trotlines:

(i) recreational license only ‑ one line with fifty hooks maximum;

(25) Lake Murray:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(26) Lake Richard B. Russell:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(27) Lake Secession:

(a) jugs:

(i) recreational license only ‑ fifty;

(b) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(28) Lake Wateree:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(29) Lake Wylie:

(a) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ five;

(b) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(30) Little Pee Dee River including Russ’s Creek and other navigable oxbows and sloughs:

(a) gill nets: nongame nets allowed in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(31) Little River: from Mars Bridge in McCormick County up to the confluence of Barkers Creek (Long Branch) and Corner Creek in Anderson County:

(a) seines:

(i) recreational license only ‑ one;

(32) Log Creek (Edgefield County):

(a) seines:

(i) recreational license only ‑ one;

(33) Long Cane Creek, (McCormick County) from above Patterson Bridge on S.C. State Highway S‑33‑117 upstream to SC State Highway S‑1‑75 in Abbeville County:

(a) seines:

(i) recreational license only ‑ one;

(34) Louther’s Lake (Darlington County):

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(35) Lumber River:

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(36) Lynches River (includes Clarks Creek, Mill Creek and Muddy Creek):

(a) gill nets: nongame nets allowed in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(37) Mulberry Creek (Greenwood County):

(a) seines:

(i) recreational license only ‑ one;

(38) New River:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(39) Pacolet River:

(a) seines:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(40) Rabon Creek (Laurens County):

(a) seines:

(i) recreational license only ‑ one;

(41) Reedy River:

(a) seines: from the Norfolk‑Southern Railroad in Greenville County downstream to the backwaters of Lake Greenwood:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(42) Rocky River (Anderson County):

(a) seines:

(i) recreational license only ‑ one;

(43) Salkehatchie River:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(44) Saluda River‑ from S.C. State Highway 183 in Greenville County to the backwaters of Lake Greenwood and on the Middle Reach of the Saluda River:

(a) seines:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(45) Saluda River ‑ Lower reach:

(a) traps:

(i) recreational license only ‑ two;

(b) trotlines:

(i) recreational license only ‑ one line with fifty hooks maximum;

(46) Sampit River:

(a) gill nets: nongame nets in season;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) skimbow nets:

(i) recreational license only ‑ one;

(d) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ twenty five;

(47) Santee River, from USGS gauging station 1715 about 2.4 miles below Santee Dam downstream to the saltwater/freshwater dividing line including the North and South Santee Rivers:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) skimbow nets:

(i) recreational license only ‑ one;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ fifty;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(48) Savannah River ‑ Lower Reach to the saltwater/freshwater dividing line:

(a) eel pots:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) gill nets: nongame nets in season;

(c) hoop nets:

(i) commercial license only ‑ ten;

(d) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(e) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ forty;

(f) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(49) Stevens Creek from SC State Highway S‑19‑53 upstream to the confluence of Hard Labor and Cuffytown Creeks:

(a) seines:

(i) recreational license only ‑ one;

(50) Thicketty Creek, (Cherokee County):

(a) seines:

(i) recreational license only ‑ one;

(51) Tulifinny River:

(a) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(52) Turkey Creek (Edgefield and Greenwood Counties):

(a) seines:

(i) recreational license only ‑ one;

(53) Tyger River:

(a) seines:

(i) recreational license only ‑ one;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ two;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(54) Waccamaw River:

(a) eel pots: downstream of the junction of Bull Creek to the saltwater/freshwater dividing line:

(i) recreational license ‑ two;

(ii) commercial license ‑ seventy five;

(b) gill nets: nongame nets in season;

(c) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑ fifty;

(d) skimbow nets:

(i) recreational license only ‑ one;

(e) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

(55) Warrior Creek, Laurens County:

(a) seines:

(i) recreational license only ‑ one;

(56) Wateree River:

(a) hoop nets:

(i) commercial license only ‑ ten;

(b) set hooks:

(i) recreational license ‑ fifty;

(ii) commercial license ‑fifty;

(c) traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ forty;

(d) trotlines:

(i) recreational license ‑ one line with fifty hooks maximum;

(ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

(57) Wilson Creek, Greenwood County: from the confluence of Wilson Creek and Ninety ‑ Six Creek upstream to U.S. Highway 25/U.S. Highway 178 in Greenwood County:

(a) seines:

(i) recreational license only ‑ one.

Section 50‑13‑680. An enforcement officer or department employee acting in their official capacity may inspect, at any reasonable hour, the vehicle, boat, processing house, and wholesale business which is connected with nongame commercial fishing activities and the records of a person required to be licensed by this title to ensure compliance. Upon request of the department, the buyers (fish houses) of nongame fish shall report quarterly the volume of sales and other information as required by the department. An enforcement officer or department employee acting in their official capacity may check any game or nongame fishing device and, if unlawful, may seize the device as contraband and dispose of it and any catch provided by law.

Section 50‑13‑685. Except as otherwise provided, a person violating this article is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to that penalty, the court may order the department to suspend the fishing license and any tags or permits for up to one year.

Section 50‑13‑690. (A) In addition to any specific penalty provided in this article, any fish or fishing device taken or found to be in possession of a person charged with a violation of this article must be seized. The fish must be sold in the same manner as provided by law for the sale of perishable items. If the person charged is convicted, the money received from the sale must be forwarded to the department and placed to the account of the ‘Fish and Wildlife Protection Fund’ of the State Treasury. After conviction, the fishing devices must be sold at public auction. The sale of the fish and fishing devices must be conducted using the procedures as provided by law. If the person is acquitted, the devices must be returned to him along with any money that may have come from the sale of the fish.

(B) In addition to the specific penalties provided in this article and the penalties provided in subsection (A), the boat, motor, and fishing gear of a person who is charged with unlawfully using or having in possession a gill net or hoop net on any freshwater lake or reservoir of this State must be confiscated and sold at auction within this State after conviction using the procedure as provided by law. The money received from the sale must be forwarded to the department and placed in the account of the ‘Fish and Wildlife Protection Fund’ of the State Treasury. If the person is acquitted the boat, motor, and fishing gear must be returned to him. Upon conviction, the department shall suspend the person’s license or privilege to fish in this State for a period of one year from the date of conviction.

(C) In addition to the specific penalties provided in this article, upon the conviction of a commercial freshwater fisherman of illegal possession of game fish or the sale or traffic in game fish, the department shall suspend the person’s license or privilege to fish in this State for a period of one year from the date of conviction.

Section 50‑13‑695. (A) Except for department personnel in their official capacity, it is unlawful for a person to fish, inspect, or use in any manner nongame fishing devices owned and tagged by another person or to remove any fish from a device unless under the immediate supervision of the owner. A person found guilty of a violation of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for up to thirty days, or both.

(B) A person who steals any nongame fishing device or any fish in a device or who tampers with or damages a nongame fishing device or makes it ineffective for the purpose of taking fish is guilty of a misdemeanor and, upon conviction:

(1) for tampering with or damaging or making ineffective a device, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days; and

(2) for stealing a device or fish caught in the device, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than six months, or both.”

SECTION 5. Article 11, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 11

Sale and Traffic in Fish

Section 50‑13‑1610. It is unlawful to sell, offer for sale, barter, traffic in, or purchase any fish classified as a game fish under the provisions of this title except as allowed by this title regardless of where caught. A person violating this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(1) for a first offense, by a fine of not more than five hundred dollars or imprisonment for not more than thirty days;

(2) for a second offense within three years of a first offense, by a fine of not less than three hundred dollars nor more than five hundred dollars or imprisonment for not more than thirty days;

(3) for a third or subsequent offense within three years of a second or subsequent offense, by a fine of not more than one thousand dollars or imprisonment for not more than thirty days;

(4) for a fourth and subsequent offense within five years of the date of conviction for the first offense must be punished as provided for a third offense.

Section 50‑13‑1615. A person selling, offering for sale, or possessing for sale freshwater nongame fish must have in possession dated invoices, bills of sale, or other documentation verifying the origin of the fish and from whom procured.

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

(1) carnero or candiru catfish (Vandellia cirrhosa);

(2) freshwater electric eel (Electrophorus electricus);

(3) white amur or grass carp (Ctenopharyngodon idella);

(4) walking catfish or a member of the clariidae family (Clarias, Heteropneustea, Gymnallabes, Channallabes, or Heterobranchus genera);

(5) piranha (all members of Serrasalmus, Rooseveltiella, and Pygocentrus genera);

(6) stickleback;

(7) Mexican banded tetra;

(8) sea lamprey;

(9) rudd (Scardinius erythrophtalmu‑Linneaus); ~~and~~

(10) snakehead (all members of family Channidae)~~.~~;

(11) rusty crayfish (Orconectes rusticus); and

(12) other nonindigenous species not established, except by permit, exclusive of the recognized pet trade species.

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

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

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

(D) The department may issue ~~special~~ permits for the importation, breeding, and possession of nonsterile white amur or grass carp hybrids. The permits must be issued pursuant to the ~~requirements contained in~~ provisions of the Aquaculture Enabling Act in Article 2, Chapter 18 of this title. Provided, however, that no white amur or grass carp hybrids imported, bred, or possessed ~~pursuant to a special permit issued~~ pursuant to this ~~section~~ subsection may be stocked in the waters of this State except as provided in subsection (C) of this section.

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

(F) The department ~~must~~ shall prescribe the qualifications, methods, controls, and restrictions required of a person or his agent to whom a ~~special~~ permit is issued. The department ~~must~~ shall condition all permits issued under this section to safeguard public safety and welfare and prevent the introduction into the wild or release of nonnative species of fish or other organisms into the waters of this State. The department may promulgate regulations necessary to effectuate this section and specifically to prohibit additional species of fish from being imported, possessed, or sold in this State when the department determines the species of fish are potentially dangerous. A violation of the terms of the permit may result in revocation and a civil penalty of up to five thousand dollars. An appeal is pursuant to the provisions of Article 2, Chapter 23, Title 1 (the Administrative Procedures Act).

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

Section 50‑13‑1635. (A) Except bait lost incidental to fishing or fish released into the waters from which they were taken, it is unlawful to intentionally release any aquatic species, regardless of the stage of its life cycle, into the waters of this State without a permit from the department.

(B) It is unlawful to use any nonindigenous fish as bait that is not already established in the water body being fished except the following minnows: fathead minnows (Pimephales promelas), golden shiners (Notemigonus crysoleucas), and goldfish, including ‘black salties’ (Carassius auratus). Magistrates court retains concurrent jurisdiction of this offense.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or up to thirty days in jail, or both. In addition to the criminal penalties, the court may order a civil penalty sufficient to cover costs for eradication.

~~Section 50‑13‑1660.~~ ~~It shall be lawful for any enforcement officer or other officer of the law to search, upon reasonable information, any package or container containing fish and to seize and hold such fish as evidence and declare such fish forfeited, upon conviction of the offender, and sell them to the highest bidder.~~

~~Section 50‑13‑1670.~~ ~~Nothing in Section 50‑13‑1630 shall be construed to prevent the shipment in interstate commerce of live fish and fish eggs for breeding or stocking purposes when such shipment shall originate outside of this State and terminate outside of this State.~~

~~Section 50‑13‑1760.~~ ~~(A)~~ ~~It is illegal to sell white perch (Marone Americana)~~  ~~caught in this State. Only those fish imported into the State from another state may be sold, and documentation which indicates the date of purchase and where the fish were purchased showing the origin and the number or poundage must accompany the transporting vehicle. This documentation must be retained at the market or place of retail sale.~~

~~(B)~~ ~~If a shipment of fish or portion of a shipment is sold to another dealer within a state, a copy of the original documentation must accompany the fish during the transportation and at the market place. In addition a new documentation notice must accompany the fish showing them as a portion of the fish bought under the original sale from out‑of‑state with the original documentation included.~~

~~(C)~~ ~~A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.~~”

SECTION 6. Article 13, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 13

Fish Hatcheries and Sanctuaries; Propagation

Section 50‑13‑1910. ~~The~~ This State hereby assents to the provisions of the act of Congress entitled ‘An Act to Provide that the United States Shall Aid the States in Fish Restoration and Management Projects, and for Other Purposes,’ approved August 9, 1950 (Public Law No. 681, 81st Congress), and the department shall perform ~~such~~ acts as ~~may be~~ necessary to the conduct and establishment of cooperative fish restoration projects, as defined in ~~such~~ this act of Congress, in compliance with the act and rules and regulations promulgated by the Secretary of the Interior ~~thereunder~~. The amounts necessary for ~~the~~ this State to provide, in order to receive the benefits of ~~such~~ the act, ~~shall~~ must be paid from the fees collected by the department from the sale of resident fishing licenses and a separate fund for this purpose ~~shall~~ must be set up.

Section 50‑13‑1920. The department may acquire a sufficient number of acres of land in close proximity to any dam, artificial lake, impounded water, or stream for the purpose of establishing fish hatcheries or fish nurseries. The board may exercise the power of eminent domain if necessary to accomplish this purpose.

~~Section 50‑13‑1930.~~ ~~The department may lease or purchase a suitable number of acres of land in this State for the purpose of allowing the United States Fish and Wildlife Service to establish thereon fish hatcheries. The expense of leasing or buying such lands and the protection and distribution shall be paid out of the Fish and Wildlife Protection Fund.~~

Section 50‑13‑1935. The department shall charge ~~fees~~ a fee ~~to applicants~~ for ~~the~~ stocking ~~of~~ fish in private ~~ponds, lakes, or other nonnavigable~~ water bodies and nonnavigable waters sufficient to cover all costs of ~~operating the Cheraw Fish Hatchery Private Pond Fish Stocking Programs~~ producing and stocking the fish.

Section 50‑13‑1936. ~~In the event~~ If the federal government ceases to operate the Walhalla Fish Hatchery, the department may accept and maintain operations of the facility by charging a fee that is sufficient to cover the cost of operating the facility.

Section 50‑13‑1940. (A) ~~The distribution of fish raised in the hatchery on the lands donated in Greenville County by J. Harvey Cleveland shall be under the direction and supervision of the department.~~ The department may grant permits to collect freshwater fish for scientific purposes during any time of the year and on any area including sanctuaries without further review. The application must be accompanied by the requisite fee. The department shall investigate the applicant and the need for the permit. A permit is valid until December thirty‑first in the year in which issued. A permit must be extended for one year with payment of the fee. A permit is not transferable but a student assistant working under the direct supervision of the permittee is covered by the permit. All collecting must be done in accordance with recognized scientific methods. Data and results must be made available to the department upon request. The conditions of the permit must be adhered to. The department may suspend or cancel the permit at its discretion.

(B) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for up to thirty days, or both.

Section 50‑13‑1950. The department ~~shall~~, without ~~any~~ cost to ~~the~~ this State ~~whatsoever~~, shall designate and establish sanctuaries where fish may breed unmolested, in the manner and subject to the provisions in this article.

Section 50‑13‑1960. The department may select any place upon any river or stream within this State as a fish sanctuary. Upon making ~~such~~ this selection, the board, upon approval in writing of a majority of the members of the county legislative delegation from the county in which ~~such~~ this proposed fish sanctuary is to be located, may designate and set apart ~~such~~ the place as a fish sanctuary. ~~No one~~ A sanctuary ~~shall~~ may not exceed two miles in length along any river or stream. When ~~such~~ a sanctuary ~~shall be~~ is so designated and set apart, the board shall have it adequately and conspicuously marked and shall designate the limits ~~thereof~~ of it in all directions.

~~Section 50‑13‑1970.~~ ~~Such sanctuaries may be set apart in any lake or pond upon condition that the landowner shall enter into an agreement with the department to set aside and turn over to the State for such purpose any such lake or pond.~~

~~Section 50‑13‑1980.~~ ~~When a fish sanctuary is established, it continues as a fish sanctuary until it is directed to be closed by the owner of the land in the case of private property or in the case of public property by a majority of the legislative delegation of the county in which it is located and there may be no fishing or trespassing upon any waters established as a sanctuary. The department may post signs within the sanctuary to identify it as a sanctuary and may prosecute a person fishing or trespassing on the sanctuary.~~

Section 50‑13‑1990. ~~Any~~ A person fishing or trespassing upon any property or waters so established as a sanctuary by the department is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be ~~punished by a fine~~ fined not exceeding two hundred dollars or ~~imprisonment~~ imprisoned not more than thirty days. In cases where magistrates have countywide territorial jurisdiction, the magistrate closest to the sanctuary where the offense occurred shall have jurisdiction of the case. In counties where magistrates are given separate and exclusive territorial jurisdiction the case ~~shall~~ must be tried as provided in Section 22‑3‑530.

Section 50‑13‑1995. The department may permit the federal government to conduct fish culture and scientific investigations in the waters of this State in connection with hatchery operations or management of those species under federal jurisdiction.

~~Section 50‑13‑2010.~~ ~~There is created a fish sanctuary in Marion County to be known as Shelley Lake.~~

~~It is unlawful for any person to fish, seine, net, or otherwise enter upon Shelley Lake in Marion County, located one‑half mile south of Red Bluff Landing on the west side of the Little Pee Dee River and surrounded by land owned by the Palmetto Hardwood Company. Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction must be punished by a fine of not less than twenty‑five dollars nor more than one hundred dollars or imprisonment of not less than fifteen nor more than thirty days.~~

Section 50‑13‑2011. The department has management authority over the lakes and ponds that it owns or leases. It may establish terms and conditions under which the public may use the lakes and ponds pursuant to the provisions of Article 3, Chapter 23, Title 1 (the Administrative Procedures Act).

Section 50‑13‑2015. (A) A fish sanctuary is established in the St. Stephen Rediversion Canal between the Corps of Engineers’ powerhouse and the Atlantic Coastline Railroad Bridge. It is unlawful for a person to fish in the sanctuary except as provided in this section.

(B) From March first to May first each year, fishing for nongame fish is allowed from the Atlantic Coastline Bridge upstream to a point marked by signs or buoys, or both. This location must be marked by the department after consultation with and with the permission of the United States Army Corps of Engineers. Fishing is allowed from six p.m. to twelve midnight. The area otherwise is closed to all fishing and boating activities.

(C) The catch limit is five hundred pounds of fish or one hundred dozen fish a boat a day. Game fish taken must be returned immediately to the water. All fish, except those used for live bait, must be packed in boxes with a one hundred pound capacity before crossing back under the railroad bridge.

(D) ~~No~~ Fishing devices ~~may~~ must not be used except cast nets, dip nets, or drop nets. The diameter of the dip or drop nets used may not exceed six feet. ~~No~~ Nets ~~may~~ must not be operated by the use of mechanical devices such as winches, cranes, or pulleys.

(E) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five nor more than one hundred dollars or imprisoned not less than fifteen nor more than thirty days.

Section 50‑13‑2016. Herring fishing is prohibited within one hundred feet of the fish lift exit channel at St. Stephens Powerhouse.

~~Section 50‑13‑2020.~~ ~~The department has management control over the lakes and ponds which it owns or leases. It may establish the terms and conditions under which the public may use the lakes and ponds for fishing, boating, picnicking, and other related activities. Before taking effect, the conditions and terms must be approved by the board and a majority of the county legislative delegation of the county where the lake or pond is located and published in a newspaper of general circulation in the county.~~

~~Any person violating the terms and conditions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.~~”

SECTION 7. Article 13, Chapter 19, Title 50 of the 1976 Code is amended to read:

“Article 13

~~Horry County~~ Devices on Little Pee Dee River

Section 50‑19‑710. ~~The Horry County Fish and Game Commission shall be composed of seven members who shall reside, respectively, in the following territories: One from the county at large; one from Conway township; one from Bucks and Dog Bluff townships; one from Gallivant’s Ferry and Bayboro townships; one from Floyds and Green Sea townships; one from Simpson Creek and Little River townships; and one from Dogwood Neck and Socastee townships. The members shall be appointed by the Senator and a majority of the representatives in the Horry County legislative delegation.~~ Beginning on the July 1, 2011, and for three years thereafter on the Little Pee Dee River, the following nongame devices are permitted:

(1) Hoop nets:

(i) recreational license ‑ one;

(ii) commercial license ‑ twenty five;

(2) Traps:

(i) recreational license ‑ two;

(ii) commercial license ‑ twenty five.

To fish these devices only in the Little Pee Dee River the department will issue special tags valid for three years at no cost.

~~Section 50‑19‑720.~~  ~~One of the commissioners having been appointed for a term of one year, three for a term of two years and three for a term of three years, their successors have been and shall be appointed for terms of three years. They shall organize by electing one of their members chairman and one of their members secretary. In case of a vacancy, the vacancy shall be filled in the manner above provided.~~

~~Section 50‑19‑730. The Commission shall meet at least once each quarter at such time and place as may be designated by the chairman and also at such special meetings as emergencies may necessitate.~~

~~Section 50‑19‑740.~~  ~~The members of the Commission shall each receive compensation payable quarterly by the treasurer of Horry County out of funds provided for such purpose in the county appropriation act.~~

~~Section 50‑19‑750. The commission shall recommend to the department the salaries to be paid to the enforcement officers from funds apportioned or allotted to Horry County for enforcement of the game and fish laws.~~

~~Section 50‑19‑760. The commission shall report to the department the actions of any enforcement officer in Horry County and recommend suspension or discharge of any enforcement officer.~~

~~Section 50‑19‑770. The commission shall cooperate with the department in supervision over the opening and closing of all fish and game seasons in Horry County, regulations in connection therewith and control thereof, in so far as is consistent with the statutory laws of the State.~~

~~Section 50‑19‑780. It shall be unlawful for anyone to bathe, fish or otherwise trespass in the waters under or within fifty feet on either side or beyond the end of any ocean fishing pier on the Atlantic coast in Horry County. Anyone violating any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than fifty dollars or be imprisoned for not less than two days nor more than ten days.~~”

SECTION 8. Sections 50‑13‑385, 50‑13‑390, 50‑13‑400, and 50‑13‑1450 of the 1976 Code are repealed.

SECTION 9. Upon approval by the Governor, this act takes effect July 1, 2011.

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