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# SOUTH CAROLINA STATE REGISTER

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

# ***SOUTH CAROLINA STATE REGISTER***

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

## **STYLE AND FORMAT**

Documents are arranged within each issue of the *State Register* according to the type of document filed:

**Notices** are documents considered by the agency to have general public interest.

**Notices of Drafting Regulations** give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

**Proposed Regulations** are those regulations pending permanent adoption by an agency.

**Pending Regulations Submitted to the General Assembly** are regulations adopted by the agency pending approval by the General Assembly.

**Final Regulations** have been permanently adopted by the agency and approved by the General Assembly.

**Emergency Regulations** have been adopted on an emergency basis by the agency.

**Executive Orders** are actions issued and taken by the Governor.

## **2010 PUBLICATION SCHEDULE**

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

## **REPRODUCING OFFICIAL DOCUMENTS**

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## **PUBLIC INSPECTION OF DOCUMENTS**

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

## **EMERGENCY REGULATIONS**

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

## **EFFECTIVE DATE OF REGULATIONS**

**Final Regulations** take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

**Emergency Regulations** take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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**TABLE OF CONTENTS**

**REGULATIONS SUBMITTED TO GENERAL ASSEMBLY**

Status and Legislative Review Expiration Dates..... 1  
Committee List of Regulations Submitted to General Assembly..... 2

**EXECUTIVE ORDERS**

Executive Order No. 2010-01 Suspending Federal Regulations for Commercial Vehicles..... 3

**NOTICES**

**HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF**

Certification of Need ..... 4  
Underground Storage Tanks..... 5

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF**

**Fire Marshal, Office of State**

International Building Code, 2009 Edition ..... 6  
International Existing Building Code, 2009 Edition ..... 6  
International Fire Code, 2009 Edition ..... 7  
International Mechanical Code, 2009 Edition..... 7  
National Fire Protection Association 13, Standard for the Installation of Sprinkler Systems, 2010 Edition..... 8  
National Fire Protection Association 13D, Standard for the Installation of Sprinkler Systems in  
One- and Two-Family Dwellings and Manufactured Homes, 2010 Edition..... 8  
National Fire Protection Association 13R, Standard for the Installation of Sprinkler Systems in  
Residential Occupancies Up to and Including Four Stories in Height, 2010 Edition ..... 9  
National Fire Protection Association 1123, Code for Fireworks Display, 2010 Edition ..... 9

**DRAFTING NOTICES**

**CLEMSON UNIVERSITY**

**State Crop Pest Commission**

Pesticide Regulation ..... 10

**EMERGENCY REGULATIONS**

**NATURAL RESOURCES, DEPARTMENT OF**

Document No. 4124 Special Use Restrictions and Regulations Applicable to Real Property  
Owned and Leased by the Department ..... 11

# REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date  
 The history, status, and full text of these regulations are available on the  
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>

DOC. NO.	RAT. FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
4043		Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	1/13/10	Workers' Compensation Commission
4054		Registration of Immigration Assistance Services	2/22/10	LLR
4055		Illegal Aliens and Private Employment	2/22/10	LLR
4058		Insurance Holding Company Systems	3/08/10	Department of Insurance
4059		South Carolina Reinsurance Facility Recoupment	3/08/10	Department of Insurance
4060		Life Insurance Disclosure	3/08/10	Department of Insurance
4061		Valuation of Investments	3/08/10	Department of Insurance
4068		Funeral Service Practice Act	3/30/10	Board of Funeral Service
4066		Long Term Care Insurance	4/21/10	Department of Insurance
4067		Law Enforcement Officer and E-911 Officer Training & Certification	4/28/10	S.C. Criminal Justice Academy
4072		Central Fill Pharmacies	5/04/10	Board of Pharmacy
4063		Workers' Compensation Insurance and Use of Leased Vehicles	5/12/10	Public Service Commission
4075		Requirements of Licensure in the Field of Cosmetology	5/12/10	Board of Cosmetology
4070		Air Pollution Control Regulations and Standards	5/12/10	Department of Health and Envir Control
4083		Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities	5/12/10	Department of Insurance
4088		Annuity and Deposit Fund Disclosure	5/12/10	Department of Insurance
4080		Hazardous Waste Management	5/12/10	Department of Health and Envir Control
4081		Athletic Trainers	5/12/10	Department of Health and Envir Control
4069		Species or Subspecies of Non-game Wildlife	5/12/10	Department of Natural Resources
4085		Air Pollution Control Regulations and Standards	5/12/10	Department of Health and Envir Control
4090		Seasons, Limits, Methods of Take and Special Use Restrictions on WMA's; Turkey Hunting Rules and Seasons	5/12/10	Department of Natural Resources
4109		Child Support Guidelines	5/12/10	Department of Social Services
4091		Seeds	5/12/10	Department of Agriculture
4073		Definitions for Charter Bus, Equipped to Carry and Passenger	5/12/10	Public Service Commission
4078		Uniform Real Property Recording Act	5/12/10	Secretary of State
<b>Committee Requested Withdrawal</b>				
4022		Riverbanks Parks Commission	Tolled	Riverbanks Parks Commission
<b>Resolution Introduced to Disapprove</b>				
4014		Environmental Protection Fees	Tolled	Department of Health and Envir Control
4015		Environmental Protection Fees	Tolled	Department of Health and Envir Control

## 2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date  
 The history, status, and full text of these regulations are available on the  
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4043	Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	Labor, Commerce and Industry	Judiciary
4054	Registration of Immigration Assistance Services	Labor, Commerce and Industry	Labor, Commerce and Industry
4055	Illegal Aliens and Private Employment	Judiciary	Labor, Commerce and Industry
4058	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4059	South Carolina Reinsurance Facility Recoupment	Labor, Commerce and Industry	Banking and Insurance
4060	Life Insurance Disclosure	Labor, Commerce and Industry	Banking and Insurance
4061	Valuation of Investments	Labor, Commerce and Industry	Banking and Insurance
4068	Funeral Service Practice Act	Labor, Commerce and Industry	Judiciary
4066	Long Term Care Insurance	Labor, Commerce and Industry	
4067	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	
4072	Central Fill Pharmacies	Medical, Military, Pub & Mun Affairs	
4063	Workers' Compensation Insurance and Use of Leased Vehicles		
4075	Requirements of Licensure in the Field of Cosmetology		
4070	Air Pollution Control Regulations and Standards		
4083	Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities		
4088	Annuity and Deposit Fund Disclosure		
4080	Hazardous Waste Management		
4081	Athletic Trainers		
4069	Species or Subspecies of Non-game Wildlife		
4085	Air Pollution Control Regulations and Standards		
4090	Seasons, Limits, Methods of Take and Special Use Restrictions on WMA's; Turkey Hunting Rules and Seasons		
4109	Child Support Guidelines		
4091	Seeds		
4073	Definitions for Charter Bus, Equipped to Carry and Passenger		
4078	Uniform Real Property Recording Act		
<b>Committee Requested Withdrawal</b>			
4022	Riverbanks Parks Commission	Agriculture and Natural Resources	Fish, Game and Forestry
<b>Resolution Introduced to Disapprove</b>			
4014	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs
4015	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs



**Executive Order No. 2010-01**

**WHEREAS**, the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, and liquid petroleum gas (LPG) to residential and commercial establishments is an essential need of the public during the wintertime and any interruption threatens the public welfare; and

**WHEREAS**, the continued period of cold weather has increased the demand for the above-referenced fuels, and threatened the uninterrupted delivery of those fuels to residential and commercial customers; and

**WHEREAS**, the Federal Motor Carrier Safety regulations, 49 CFR § 390 et seq., limit the hours operators of commercial motor vehicles may drive; and

**WHEREAS**, 49 CFR § 390.23 allows the Governor of a State to suspend these rules and regulations for up to 30 days if the Governor determines that an emergency condition exists.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby declare a State of Emergency for the limited purpose of suspending the federal rules and regulations that limit the hours operators of commercial vehicles may drive, in order to ensure the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, and LPG throughout South Carolina. This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations. The suspension shall remain in effect for 15 days or until the emergency condition ceases to exist, whichever is less.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR § 383, the financial requirements in 49 CFR § 387, or applicable federal size and weight limitations.

**BE IT FURTHER ORDERED** that this Order does not suspend the operation of any state or federal laws or regulations within the State of South Carolina except as specifically described in the Order. All other laws and regulations remain in full force and will be enforced.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 6th DAY OF JANUARY, 2010.**

**MARK SANFORD  
Governor**

## 4 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### PUBLIC NOTICE

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication January 22, 2010, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

##### Affecting Greenville County

Change in the licensure status of thirteen (13) existing institutional nursing home beds to community nursing home beds for a total of thirty (30) community nursing home beds that will not participate in the Medicaid (Title XIX) Program

The Arboretum at the Woodlands at Furman  
Greenville, South Carolina  
Project Cost: \$0

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning January 22, 2010. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

##### Affecting Florence County

Construction to the existing hospice care facility for the addition of twelve (12) inpatient beds for a total of twenty-four (24) beds; renovation of existing space for the addition of two (2) family rooms and five (5) administrative offices on the second (2<sup>nd</sup>) floor

McLeod Regional Medical Center-Hospice House  
Florence, South Carolina  
Project Cost: \$2,246,470

##### Affecting Richland County

Conversion of forty-seven (47) institutional nursing home beds to community nursing home beds for a total of one hundred seventy six (176) community nursing home beds

Heritage at Lowman Rehabilitation and Healthcare  
White Rock, South Carolina  
Project Cost: \$0

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL****PUBLIC NOTICE**

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than February 22, 2010 to:

Contractor Certification Program  
South Carolina Department of Health and Environmental Control  
Bureau of Land and Waste Management - Underground Storage Tank Program  
Attn: Michelle Dennison  
2600 Bull Street  
Columbia, SC 29201

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Hazclean Environmental Consultants, Inc.  
Contact: John Hill, III, PG  
10 Old Montgomery Hwy, Ste 200  
Birmingham, AL 35209

## 6 NOTICES

### DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

#### NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

1. International Building Code, 2009 Edition. The International Building Code, 2009 Edition, is the current successor code to the 2006 edition of the International Building Code.
2. The original promulgating authority for this code is:  
International Code Council  
900 Montclair Road  
Birmingham, Alabama 35213-1206
3. This code is referenced by:  
South Carolina Regulations 71-8300.2(A)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

#### NOTICE OF GENERAL PUBLIC INTEREST

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2. The original promulgating authority for this code is:  
International Code Council  
900 Montclair Road  
Birmingham, Alabama 35213-1206
3. This code is referenced by:  
South Carolina Regulation 71-8300.2(B)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
OFFICE OF STATE FIRE MARSHAL**

**NOTICE OF GENERAL PUBLIC INTEREST**

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Birmingham, Alabama 35213-1206
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South Carolina Regulation 71-8300.2(C)

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**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
OFFICE OF STATE FIRE MARSHAL**

**NOTICE OF GENERAL PUBLIC INTEREST**

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1. International Mechanical Code, 2009 Edition. The International Mechanical Code, 2009 Edition, is the current successor code to the 2006 edition of the International Code.
2. The original promulgating authority for this code is:  
International Code Council  
900 Montclair Road  
Birmingham, Alabama 35213-1206
3. This code is referenced by:  
South Carolina Regulation 71-8300.2(D)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

## 8 NOTICES

### DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

#### NOTICE OF GENERAL PUBLIC INTEREST

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1. National Fire Protection Association 13, Standard for the Installation of Sprinkler Systems, 2010 Edition
2. The original promulgating authority for this code is:  
National Fire Protection Association  
1 Batterymarch Park  
Quincy, Massachusetts 02269
3. This code is referenced by:  
South Carolina Code of Law, Section 40-10-240  
South Carolina Rules and Regulations 71-8300.2(G)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

#### NOTICE OF GENERAL PUBLIC INTEREST

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**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
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National Fire Protection Association  
1 Batterymarch Park  
Quincy, Massachusetts 02269
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**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
OFFICE OF STATE FIRE MARSHAL**

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2. The original promulgating authority for this code is:  
National Fire Protection Association  
1 Batterymarch Park  
Quincy, Massachusetts 02269
3. This code is referenced by:  
South Carolina Code of Law, Section 23-9-60  
South Carolina Rules and Regulations 71-8300.2(Y)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

## 10 DRAFTING NOTICES

**CLEMSON UNIVERSITY  
STATE CROP PEST COMMISSION  
CHAPTER 27**

Statutory Authority: 1976 Code Section 46-9-40

**Notice of Drafting:**

The State Crop Pest Commission is contemplating amending Regulations 27-1070, 27-1077, 27-1078, and 27-1079. The proposed amendments deal with defining the term “inactive license”, create a new license category for soil fumigation, and define and clarify certification and recertification requirements.

Interested parties should submit written comments to Joseph Krausz, Department of Pesticide Regulation, 511 Westinghouse Road, Pendleton, SC 29670.

**Synopsis:**

These amendments would: be more consistent with the recertification requirements of other states in the Southeast; improve the level of compliance with the regulations for pesticide use by further education; keep pesticide applicators better informed of changes in the industry; and increase the level of professionalism through education.

Legislative review of this proposal will be required.



Document No. 4124

**DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

123-200 through 123-208. Regulation of Real Property Owned and Leased by the Department

**Emergency Situation:**

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-200, 123-201, 123-202, 123-203, 123-204, 123-205, 123-206, 123-207 and 123-208. These regulations set use restrictions for DNR owned and leased property. Since DNR properties are open year-round, it is necessary to file these regulations as emergency to allow immediate public use.

**Text:**

ARTICLE 5.5

REGULATION OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT

(Statutory Authority: S.C. Code Sections 50-11-2200, 50-11-2210 and 50-11-2215)

123-200. Regulations Applicable to Wildlife Management Areas, Heritage Preserves and Other Lands Owned by the Department of Natural Resources.

Applicability and Scope.

A. The purpose of this regulation is to govern the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves and other lands owned or leased by the Department of Natural Resources. This regulation applies to all property owned or leased by the Department of Natural Resources, including but not limited to wildlife management areas, heritage preserves, boat landings, and game preserves or reserves. Consistent with the restriction in Section 50-11-2215, the application of this regulation shall not interfere with the use and management of lands by a state agency charged with the management of those lands as part of the functions of the agency authorized by law or with the management and use by a landowner of his lands within the Wildlife Management Area program. Application of this regulation to privately owned lands is limited to those matters, uses, profits, or activities which the Department has acquired through lease or other authorized means.

B. Regulations for the establishment of open and closed seasons, bag limits, and methods for hunting and taking wildlife on all Department owned wildlife management area lands, and for the protection, preservation, operation, maintenance, and use of wildlife management area lands not owned by the Department are stated in R.123-40. The regulations below will apply to wildlife management area lands in addition to R.123-40. In case of any conflict with R.123-40, this regulation will prevail.

123-201. Definitions.

For purposes of this regulation:

“All terrain vehicle” means a motorized vehicle, regardless of the number of wheels, designed or constructed primarily for use off of paved or improved roads.

“Boats” mean any watercraft, including but not limited to motorboats, sailboats, personal watercraft, canoes, kayaks, sailboards, rafts, inflatable boats, shells, and rowboats.

“Camping” means the overnight occupancy of land owned or leased by the Department.

“Department” means the South Carolina Department of Natural Resources.

## 12 EMERGENCY REGULATIONS

“Department land” means real property, including any buildings, structures, or improvements, owned by the Department in fee simple, including but not limited to game preserves or reserves, heritage preserves, boat landings, and Department land designated as wildlife management area land.

“Ecofacts” are carbonized plant remains, animal bones, and shells utilized as food by historic and prehistoric peoples.

“Fireworks” means any device for producing any display, such as light, noise, or smoke, by the combustion of explosive or flammable compositions.

“Fishing” means all activity and effort involved in taking or attempting to take fish.

“Hiking” means traversing the lands by foot for the purpose of pleasure or exercise, except traversing in connection with any other activity regulated by this regulation.

“Horse riding” means any equestrian activity.

“Hunting” means the act of trying to find, seek, obtain, pursue, or diligently search for wildlife for sport, regardless of whether wildlife is taken or not. The act of seeking wildlife or the pursuit of wildlife as sport, such as but not limited to raccoon hunting and training hunting dogs shall be deemed hunting. Any person accompanying a hunter or hunters and participating in a hunt in any regard shall be deemed to be hunting.

“Motorized vehicle” means a device incorporating a motor or an engine.

“Nonmotorized vehicle” means a device not incorporating a motor or an engine of any type for propulsion, and with wheels, tracks, skids, skis, air cushion, or other contrivance for traveling on or adjacent to land. It shall include such vehicles as bicycles, skates, and in-line skates.

“Off road vehicle” means a motorized vehicle that includes stock enhancements to improve its ability for use off of paved or improved roads or a vehicle that has been modified from its stock condition to enhance its ability for use off of paved or improved roads.

“Pack animal” means any beast, including but not limited to horses, mules, donkeys, and llamas, used for the purpose of transporting equipment, gear, or other articles.

“Pets” mean any domesticated animal which is kept for the pleasure of the owner; however, for purposes of this regulation, pets may not include dangerous or venomous animals or any animal classified as threatened, endangered, or in need of management by any state or the federal government. A raptor, permitted as provided under R.123-170, Code of Laws of South Carolina, 1976, as amended, will be deemed a pet.

“Pollution” or “polluting” means the direct or indirect act of throwing, draining, depositing, or otherwise discharging organic or inorganic matter in or on land.

“Primitive Camping” means the overnight occupancy of land, utilizing nothing more than temporary shelter such as a tent or tarp transported to the camping site by backpacking or by watercraft.

“Rock climbing” means the sport of ascending or descending rock faces of such vertical angle that the climber must use technical climbing techniques to safely negotiate the climb. This includes all free, aided, and friction climbing where ropes, pitons, nuts, chocks, screws, carabiners, snap links, chalk, ropes, fixed or removable anchors, or other similar climbing equipment is used.

“Rocks, artifacts, or ecofacts” shall include but not be limited to arrowheads, spear points, scrapers, drills, soapstone and soapstone objects, pottery sherds and vessels, bottles, beads, brick, tabby, metal objects (such as buttons, buckles, ordnance, insignia), charcoal, shells, plant remains, animal remains, and bone tools.

“Shells” mean the hard rigid, usually calcareous, covering of an animal.

“Specialty animals” mean all animals other than domestic pets; those native and imported animals which have been removed from the wild and are being bred, raised or kept for research, food, fur or skins, or for the production of income. Reptiles and amphibians are included in this category. “Service animals” are not considered “Specialty animals”.

“Taking” means to shoot, wound, kill, trap, capture, or collect, or attempt to shoot, wound, kill, trap, capture, or collect any wildlife.

“Weapon” means an instrument of offensive or defensive combat, including firearms, capable of injuring human beings or animals; provided, however, implements such as small pocket or kitchen knives normally will not be considered as weapons.

“Wildlife” means all wild birds, wild game, fish, and any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this State as a game species.

“Wildlife management area land” means those lands leased or otherwise established by the Department for the protection, propagation, and promotion of fish and wildlife and for public hunting and fishing.

123-202. Hazard of Outdoor Activities and Liability.

Department land is made available to the general public for reasonable uses not prohibited by statute or regulation. These lands are held and maintained in a natural condition, except for uses requiring modification. Outdoor activities are not risk free. All members of the public using Department land and wildlife management area land must exercise due care in planning and carrying out any activities. Any person making use of Department land and wildlife management area land for any purpose does so at his own risk, and the Department shall not be liable in any respect for any loss, damage, or injury to person or property caused or occasioned thereby.

123-203. General Regulation.

This section shall apply to all Wildlife Management Areas, Heritage Preserves and other lands owned by the Department.

A. Hunting, fishing, and taking game animals, birds, fish, or other wildlife is allowed on Wildlife Management Areas that have been designated as part of the Wildlife Management Area program. Hunting, fishing, and taking shall be subject to all applicable statutes and regulations, specifically including R.123-40.

B. All firearms must be unloaded and secured in a weapons case except while legally hunting, unless otherwise legally permitted. Target, skeet, trap, plinking, or any other type of shooting with any firearm or weapon is allowed on designated shooting ranges. Except as otherwise specifically authorized by South Carolina statute or this regulation, weapons and firearms are not allowed on any heritage preserve. Possession of a weapon or firearm is allowed on any heritage preserve designated by the Department as a wildlife management area subject to the regulations.

C. Hiking is allowed subject to the following restrictions or conditions:

- (1) Hiking is allowed. The Department may post or place signs declaring any area closed to hiking;
- (2) The use of all designated hiking trails, except for posted multi-use trails is restricted solely to foot travel and the legitimate activities associated with the pursuit of hiking.

D. Operation of motorized, nonmotorized vehicles, all terrain vehicles, and off road vehicles.

The operation of motorized vehicles is allowed subject to the following restrictions or conditions:

(1) Motorized vehicles, all terrain vehicles, and off road vehicles may be operated only on open maintained roads and parking areas except as otherwise established by posted notice or as approved by the Department. All terrain vehicles are not allowed on any heritage preserve.

(2) Motorized vehicles, all terrain vehicles, and off road vehicles shall not exceed speed limits posted on Department signs.

(3) No person may operate any motorized, all terrain vehicle, off road vehicle or non-motorized vehicle in a reckless or negligent manner. The operation of any vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property shall be deemed to be operating in a reckless manner.

(4) The operation of motorized vehicles, all terrain vehicles, and off road vehicles must comply with any posting or signs. Obstructing vehicular traffic is not allowed.

(5) All motorized vehicles, all terrain vehicles, and off road vehicles must be equipped with properly working mufflers, brakes, mirrors and spark arresters (if the vehicle was originally factory equipped with spark arresters).

(6) Charter buses or other vehicles engaged in transporting persons for compensation are only allowed by permit.

(7) The numbers of motorized vehicles, nonmotorized vehicles, horses, or boats allowed on any area at one time may be limited by the Department through a permitting system.

(8) The operation of nonmotorized vehicles are allowed subject to the following restrictions or conditions:

(a) Bicycles may be ridden on roads open to motorized vehicles, established roadbeds and designated bicycle trails unless otherwise posted.

## 14 EMERGENCY REGULATIONS

(b) Using roller skates, in-line skates, skateboards, roller skis, coasting vehicles, or similar devices is allowed only in designated areas.

### E. Swimming.

Swimming is allowed only in designated areas. The prohibition against swimming will not apply to any State or federal navigable waterway abutting or flowing through Department land.

### F. Camping.

(1) Camping is allowed only within areas designated as campsites by the Department. The Department will designate campsites by placement of signs or by other means such as maps or brochures.

(2) Camping in one location for more than four nights is prohibited except under permit.

(3) All camping supplies must be removed from camping sites.

(4) No organized group of ten or more individuals may camp at a single designated camp site at any time except under permit.

(5) Permanent structures must not be erected.

### G. Horse riding.

(1) Horse riding is allowed, except during any open hunting periods.

(2) The riding of horses is allowed on roads open to motorized vehicular traffic, unless posted as closed to horseback riding.

(3) Horse riding is allowed on firebreaks or trails if specifically posted as open to horseback riding.

(4) The Department may restrict the number of horses and horse trailers and may require permits on specific areas. Restrictions shall be posted at the offices and/or entrances to Department lands or in published brochures.

(5) The owner of any horse brought onto Department property is responsible for the payment of any expense for the removal of injured or dead horses.

(6) Horses must be attended.

(7) Only pelletized feed may be used, no hay.

(8) Access to a Department property by horseback is limited to a designated public entrance. A public entrance is a day-use parking area. For ride-on users (without vehicles or trailers) only, entrance is allowed where a road open to motorized vehicular traffic or firebreak designated for horseback riding intersects a public or private road.

(9) When not being ridden, horses must be led by halter or reins, confined in a trailer, or tied to a trailer tie or hitching rail. Horses may not be confined using portable corrals or electric fences.

(10) Within a day-use parking area, horses must be kept at a flat walk.

(11) The Department may require a person with an unruly horse, which is causing a disturbance or safety hazard, to remove the horse from Department property.

### H. Operation of boats.

(1) Boats may be used on Department land only on a watercourse or water body which has been designated by the Department for the use of boats. The Department may restrict the type, size, or number of boats and motors or the use of motors. Any restrictions shall be posted at the entrances to Department land. This restriction shall not apply to any State or federal navigable waterway.

(2) Motorized boats may only be launched at launch sites designated by the Department.

### I. Possession of pets or specialty animals.

(1) Pets may enter Department land and accompany an individual on allowed activities if each pet is under the actual control of the owner or possessor.

(2) Neither dangerous pets nor pets with a propensity toward aggressive behavior are allowed.

(3) The requirements of this subsection do not apply to dogs while being used during and as a part of any of the following activities:

(a) Hunting when use of dogs is authorized by statute or regulation.

(b) The training of dogs to hunt is deemed hunting; training of dogs to hunt on lands and waters may be undertaken only during periods when hunting with dogs is authorized by statute or regulation.

(c) Authorized field trial events.

(d) Special events or activities as authorized by the Department.

(4) Raptors are allowed on Department land in compliance with R.123-170.

**J. Consumption of alcohol.**

Alcoholic beverages may be consumed by a person of lawful age only at a designated campsite, designated facility or residence.

**K. Gathering, damaging, or destroying rocks, minerals, fossils, artifacts, geological formations or ecofacts.**

(1) The Department may authorize the collection of certain material upon issuance of a permit.

**L. Gathering, damaging, or destroying plants, fallen vegetation, animals and fungi.**

(1) The Department may authorize the collection of certain material upon issuance of a permit.

(2) Shed antlers at ground surface may be collected.

**M. Use of fire, fireworks, or explosives.**

(1) Open fires may only be started at campsites designated by the Department. Gas grills, gas lanterns, and portable charcoal grills may be operated at designated campsites.

(2) No fire may be left unattended. Prior to leaving the site, any fire must be completely extinguished, leaving neither flames nor embers.

(3) No wood, except from dead and down trees or from supplies as may be furnished by the Department shall be used for fuel.

(4) On any land where camp fires are permitted, the Department may prohibit the use of fires for any purpose by posting a notice at entrances to individual parcels of land.

(5) No person may deposit lighted matches, cigars, cigarettes or other burning tobacco where they will cause fire.

**N. Hours of operation.**

(1) The Department may restrict the hours of operation on any Department land by publication in Department brochures and pamphlets or by posting on site specific hours of operation.

(2) Heritage preserves are open for public use from one hour before sunrise to one hour after sunset. On any preserve that is designated as a wildlife management area, the hours of operation shall be the same as are authorized for hunting as stated in 123-40.

**O. Shooting onto or across WMA areas closed to hunting.**

(1) Shooting onto or across WMA areas closed to hunting is allowed provided the shooter and the game being shot at are physically outside the boundary of the WMA. The airspace above the WMA is considered within the boundary of the WMA.

**123-204. Additional Regulations Applicable to Specific Properties.**

**A. Aiken County Gopher Tortoise Heritage Preserve.**

(1) Bicycles may be ridden on hiking trails. Bicyclists may ride in groups no larger than five (5).

**B. Bay Point Heritage Preserve.**

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

**C. Bear Branch Heritage Preserve.**

Public visitation is by permit only. The preserve is closed to use except by permit.

**D. Bear Island.**

(1) Except when closed for scheduled hunts, the area is open from ½ hour before sunrise to ½ hour after sunset.

(2) The property is closed to all public access from November 1 – February 8, except for scheduled hunts.

(3) All terrain vehicles are prohibited.

(4) Camping is allowed only at designated sites and only during scheduled big game hunts.

(5) The area is closed to general public access during scheduled hunts.

(6) Fishing is allowed in designated areas from April 1 – September 30.

**E. Bird-Key Stono Heritage Preserve.**

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

(3) March 15 – October 15 the area is closed to all access including the intertidal zone between low and high tide waterlines.

## 16 EMERGENCY REGULATIONS

(4) October 16 – March 14 access is allowed only in the intertidal zone between low and high tide waterlines.

(5) No motorized vehicles, bicycles or horses.

### F. Caper's Island Heritage Preserve.

(1) Overnight Camping on Capers Island is by permit only. Permit may be obtained from the DNR Charleston office. No more than 80 people will be allowed to camp per night. These 80 people may be divided into no more than 20 different groups.

(2) Permits will be issued on a first come first served basis.

(3) Campsites will be occupied on a first come first served basis.

(4) Permits are not required for day use.

(5) Persons without permits must be off the island by one hour after sunset.

(6) No trash is to be placed in any fire or buried.

(7) Department maintenance facilities on the island are not open to the public.

(8) No crab or fish pots or traps are allowed in impoundments.

(9) No motorized vehicles, nonmotorized vehicles, off road vehicles, or all-terrain vehicles are allowed on Capers Island.

(10) No fishing is allowed from the impoundment tide gate.

### G. Crab Bank Heritage Preserve.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

(3) March 15 – October 15 the area is closed to all access including the intertidal zone between low and high tide waterlines.

(4) October 16 – March 14 access is allowed only in the intertidal zone between low and high tide waterlines.

(5) No motorized vehicles, bicycles or horses.

### H. Daws Island Heritage Preserve.

Camping is allowed only by permit issued by the Department. Primitive camping only is allowed. Daws Island camping is limited to two groups of no more than eight people in each group.

### I. Deveaux Bank.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

(3) Closed all year above the high tide line (no seasonal closure) except in the recreation area.

(4) No motorized vehicles, bicycles or horses.

### J. Donnelley WMA.

(1) Horseback riders must obtain a permit from the Donnelley WMA office prior to riding.

(2) All terrain vehicles are prohibited.

(3) Camping is prohibited.

### K. Dungannon Plantation Heritage Preserve.

(1) No person may enter any area of the preserve designated as a nesting area for birds.

(2) Entrance to the preserve is through a designated parking area. Each person must sign in and out of the preserve at a designated entrance/exit.

### L. Gopher Branch Heritage Preserve.

Public visitation is by permit only.

### M. Great Pee Dee River Heritage Preserve.

(1) Primitive camping only is allowed. Camping may occur only along riverbanks and on sandbars, which may be approached only by backpacking or boat.

(2) Each person entering the preserve other than by boat must sign in and out at a designated entrance/exit.

### N. Jim Timmerman Natural Resources Area at Jocassee Gorges.

This subsection shall apply to all Department owned land within the boundaries of the Jim Timmerman Natural Resources Area at Jocassee Gorges (hereinafter referred to as Jocassee Gorges).

(1) Camping.

(a) Backcountry camping by permit will be allowed at any time during the year that the main roads allowing access to the Jocassee Gorges are not opened in connection with big game hunting. Backcountry camping is allowed by permit only at any location within the Jocassee Gorges, except for any area closed for camping by the Department. Backcountry camping is defined as minimal impact camping. No fires are allowed and each permitted camper is responsible for camping in a manner that results in no trace of the camping activity being left after breaking camp. Backcountry campers must apply for camping permits over the Department internet site. No camping is permitted within twenty-five (25) feet of a stream, lake, or as posted by the Department.

(b) The Foothills Trail passes through portions of the Jocassee Gorges. Use of the Foothills Trail shall be limited to hiking and primitive camping. Camping is allowed at any point along the trail and within one hundred feet of either side of the trail. Camping along the Foothills Trail is restricted to hikers while engaged in backpacking.

(2) Operation of motorized, non-motorized vehicles, all terrain vehicles, and off road vehicles. Motorized and non-motorized vehicle access to the Jocassee Gorges is limited. Highway 178 and Cleo Chapman Road (county road 143) are the only paved roads that access the property. Access by the general public to the Jocassee Gorges by motorized vehicles will follow a seasonal schedule. Road opening and closing schedules written below are given as general information. The Department may open and close any road at any time and for such duration as deemed necessary by the Department to manage the property.

(a) The operation of a motorized vehicle behind any closed gate is prohibited.

(b) Roads open to year-round public access include a section of Horsepasture to Laurel Fork Gap (from Highway 178 only).

(c) All roads with Green gates are seasonally open. All roads with red gates are closed to vehicular traffic. This information will be posted at all major entrances.

(d) Motorized vehicles, all terrain vehicles, and off road vehicles may be operated only on open maintained roads and parking areas except as otherwise established by posted notice or as approved by the Department.

(e) Motorized vehicles, all terrain vehicles, and off road vehicles shall not exceed speed limits posted on Department signs. On any land where no speed limit signs are posted the speed limit shall be 15 miles per hour.

(f) Subject to the authority in subsection (d) above, the operation of all terrain vehicles is restricted as follows: Operation of all terrain vehicles is restricted to one hour before sunrise to one hour after sunset each day beginning on Monday and continuing through the following Friday. A person may use an all terrain vehicle while actually engaged in hunting at any time hunting is allowed; provided, however, the operation of an all terrain vehicle is restricted to one hour before sunrise to one hour after sunset with the exception of game retrieval, and an all terrain vehicle may be used only on open roads.

(g) All terrain vehicles having three (3) wheels and motorcycles constructed or intended primarily for off road use, such as dirt bikes and motocross bikes, are prohibited within the Jim Timmerman Natural Resources Area at all times.

(h) Bicycles may be ridden on any road or area that is not posted as closed to bicycles.

(3) The use of hang gliders, parachutes, or similar devices is not allowed and may be deemed abuse of Department land.

O. Joiner Bank Heritage Preserve.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

P. Little Pee Dee Heritage Preserve.

(1) Primitive camping only is allowed. Camping may occur only along riverbanks and on sandbars, which may be approached only by backpacking or boat.

Q. Nipper Creek Heritage Preserve.

Public visitation is by permit only. The preserve is closed to use except by permit.

R. North Santee Bar Heritage Preserve.

(1) No dogs are allowed.

## 18 EMERGENCY REGULATIONS

(2) No person may enter any area of the preserve designated as a nesting area for birds.

S. St. Helena Sound Heritage Preserve (Ashe Island, Beet Island, Big Island, Warren Island, and South Williman).

Camping is restricted to primitive camping in designated areas only.

T. St. Helena Sound Heritage Preserve (Otter Island).

(1) No dogs are allowed.

(2) Primitive camping only is allowed by permit issued by the Department. Primitive camping is restricted to designated areas and will be allowed only between November 1 and April 30.

U. Samworth WMA.

(1) Managed wetlands will be open for wildlife observation, bird watching, photography or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 – October 31 each year. Between November 1 and February 8 these activities will be restricted to designated areas on Butler Creek and the Big Pee Dee River. All public use of this type will be by foot travel only after arriving by watercraft.

(2) The mainland nature trail will be open without day or time restriction to foot traffic only.

(3) All terrain vehicles, bicycles, and horses are prohibited.

(4) Temporary primitive camping will be available to organized groups by permit. No camping will be allowed that may conflict with organized hunts.

(5) Dirleton grounds are open to the public from 8:30 a.m. until 5:00 p.m., Monday through Friday.

V. Santee Coastal Reserve.

(1) The Santee Coastal Reserve is open during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) for limited public use year round except during annually scheduled hunts. Notice of the hunts will be issued annually.

(2) Managed wetlands will be open for wildlife observation, bird watching, photography, or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 – October 31 each year except during special hunts and events regulated by DNR.

(3) The dikes around the waterfowl impoundments and the canoe trail will be closed, except by prior arrangement, during the period of November 1 – February 8 of the next year.

(4) Prior arrangements must be made with the Reserve manager to use observation blinds for waterfowl.

(5) The upland nature trail will be available during open periods stated above.

(6) The hiking/biking trail will also be available during open periods, however, it will be closed between the dates of November 1 – February 8.

(7) The beaches on Cedar and Murphy Islands will be open year round, seven days a week.

(8) Bicycles may be ridden on nature trails.

(9) Fishing is permitted from the Santee River dock and the Hog Pen impoundment except during scheduled hunts. Fishing will be allowed during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) Fishing is permitted on Murphy and Cedar Island beaches at any time on a year round basis.

(10) A permit is required for all camping. Primitive camping is available on Cedar and Murphy Islands beaches year round which requires no prior arrangement. All arrangements for camping should be made with the supervisor of the Santee Coastal Reserve.

W. Santee-Delta WMA.

(1) Managed wetlands will be open for wildlife observation, bird watching, photography or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 through October 31 each year except during special hunts and events regulated by DNR. Area closed to all public access from Nov. 1 through Feb. 8 except for special hunts and events regulated by DNR. All public use of this type will be by foot travel only.

(2) All terrain vehicles, bicycles, and horses are prohibited.

(3) Camping is prohibited.

X. Shealy's Pond Heritage Preserve.

Gasoline powered motors on boats are prohibited.

Y. Tillman Sand Ridge Heritage Preserve.

(1) Camping is allowed in designated campsites during designated hunts only.



Z. Tom Yawkey Wildlife Center.

The center is a wildlife sanctuary.

(1) The public may visit the Yawkey Center on a limited basis. Visitation is by pre-scheduled field trip only. Individual trips cannot be scheduled. Group field trip may be arranged by contacting the manager for the center. The public is advised that scheduling of field trips is entirely at the discretion of the manager in order to accommodate the basic responsibilities of the sanctuary.

(2) Camping is allowed only by permit issued by mail no less than two weeks in advance by the Department. Camping is allowed only on the beaches along the ocean front, which are accessible by boat only, between September 16 and May 14. Primitive camping only is allowed for a period of no more than four consecutive nights per individual permittee.

AA. Victoria Bluff heritage Preserve.

(1) Camping is allowed only during Department designated archery hunts. Gas lanterns and gas grills only may be used by campers.

(2) No campfires or any other use of fire shall be allowed.

BB. Waccamaw River Heritage Preserve.

Primitive camping only is allowed. Camping is allowed only along riverbanks and on sandbars; campers may approach only by backpacking or boat.

CC. Watson Cooper Heritage Preserve.

Camping is restricted to primitive camping. No live plants may be cut or cleared to improve or expand a campsite. No campsites or campfires within 25 feet of a stream or creek.

DD. Webb WMA.

(1) Webb WMA is closed to the general public from one hour after official sunset to one hour before official sunrise.

(2) Overnight visitors to the Webb Center are not restricted in hours of access.

(3) No camping without a permit except for deer, turkey, and hog hunters on nights before a designated hunt.

(4) Bicycles may be ridden on any area that is not marked or posted as restricted to bicycles. No bicycle may be operated in any manner or place that will damage or degrade any feature or habitat. During scheduled big game hunts, bicycles and all terrain vehicles are prohibited except as used by legal hunters and anglers.

EE. Laurel Fork Heritage Preserve.

(1) All terrain vehicles may be ridden on the portions of Cane Break and Horsepasture roads on the Preserve subject to the same rules as the Jim Timmerman Natural Resources Area at Jocassee Gorges.

FF. Botany Bay Plantation WMA.

(1) No camping is allowed.

(2) All terrain vehicles are prohibited except those permitted by SCDNR for special management activities.

(3) The Fig Island shell rings are closed to all public access except organized scientific, management or educational activities permitted by the SCDNR.

(4) Access to the beach is by foot, bicycle or boat; no horses allowed on the beach. No dogs allowed on the beach. No collection, removal or possession of shells, fossils, driftwood or cultural artifacts is permitted.

(5) Sea Cloud Landing on Ocella Creek and all other designated access points are restricted to non-trailer watercraft.

(6) All hunters, fishermen and visitors must obtain and complete a day use pass upon entering the area and follow instructions on the pass.

(7) Botany Bay Plantation WMA is closed to public access 1/2 hour after sunset until 1/2 hour before sunrise except for special events regulated by DNR.

(8) No person may gather, collect, deface, remove, damage, disturb, destroy, or otherwise injure in any manner whatsoever the plants, animals (except lawful hunting), fungi, rocks, minerals, fossils, artifacts, or ecofacts including but not limited to any tree, flower, shrub, fern, moss, charcoal, plant remains, or animal remains. The Department may authorize the collection of certain material upon issuance of a permit as provided in 123-206.

## 20 EMERGENCY REGULATIONS

(9) Shorebased fishing, shrimping, and crabbing, is allowed only on the front beach and in designated areas only.

(10) SCDNR reserves the right to close specific areas as needed for management purposes.

(11) Alcoholic beverages are prohibited on the area.

GG. McBee WMA.

(1) All terrain vehicles are prohibited.

HH. Cambells Crossroads and Angelus Tract.

(1) All terrain vehicles are prohibited.

II. Pee Dee Station WMA.

(1) All terrain vehicles are prohibited.

### 123-205. Special Events, Permit Requirements and Procedures, and Exceptions.

A. A special event permit is required for all events occurring on Department land if one of the following conditions exists:

(1) the exclusive use of a facility or a specified land or water area is required;

(2) an organized or advertised competition will be conducted;

(3) sound will be amplified which may disrupt area users; or

(4) temporary structures, other than blinds or common camping equipment, will be erected.

B. Permits may not be issued for events that are commercial in nature, where entrance or similar fees are charged, or where vendors are present for the purpose of selling any items.

C. An event sponsored in part or in total by the Department shall not require a special event permit.

D. Permit procedures:

(1) Each application for a special event permit must be submitted to the Department not less than 30 weekdays before the event is to be held;

(2) A performance deposit may be required as a condition of special event permit issuance;

(3) The deposit will be returned by the Department, provided the special event permittee has performed all permit conditions;

(4) The permittee is responsible for cleaning and safekeeping the land during and following any event, and the permittee is responsible for any damage and for clean-up costs incurred by the Department in connection with the event;

(5) Permit holders may tag or mark wildlife only as allowed under permit conditions.

E. The Department may refuse to issue a special event permit if the proposed event would:

(1) not be compatible with intended uses of the area;

(2) result in misuse or damage to facilities, structures or the natural environment; or

(3) pose a threat to public health, safety or welfare.

F. In addition to other penalties prescribed by law, failure to comply with all rules and regulations and permit conditions is grounds for revocation of a special event permit or refusal to issue a special event permit.

### 123-206. Permits to Collect Plants, Animals, or Minerals or to Undertake Archeological Activities.

A. The Department may issue permits to collect plants, animals, or minerals or to undertake research, survey, or archeological activities on Department land. Permits may be issued only for activities relating to educational or scientific purposes. Permits may be issued subject to the following conditions:

(1) Each application for a permit must be submitted to the Department not less than 30 weekdays before the proposed activity is to commence;

(2) A performance deposit may be required as a condition of permit issuance;

(3) The deposit will be returned by the Department, provided the permittee has performed all permit conditions;

(4) The permittee is responsible for cleaning and safekeeping the land during and following the activity, and the permittee will be responsible for any damage and for clean-up costs incurred by the Department in connection with the activity;

(5) Permit holders may tag or mark wildlife only as allowed under permit conditions.

B. The Department may refuse to issue a permit if the activity would:

- (1) not be compatible with intended uses of the area;
- (2) result in misuse or damage to facilities, structures or the natural environment; or
- (3) pose a threat to public health, safety or welfare.

123-207. Exception for Non-Public Use Properties.

This regulation shall not be applicable to Department owned land used for such purposes as fish hatcheries, maintenance facilities, storage facilities, offices, residences, or similar facilities which are not open generally for public use or recreational purposes.

123-208. Law Enforcement, Fire Fighting, and Emergency Activities.

This regulation shall not be construed or applied to prevent any authorized law enforcement, fire fighting, emergency, or rescue personnel from carrying out their official responsibilities.

**Statement of Need and Reasonableness:**

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife and general public use on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because public use is year round on Department WMAs it is necessary to file these regulations as emergency so they take effect immediately.

**Fiscal Impact Statement:**

This amendment of Regulations 123-200, 123-201, 123-202, 123-203, 123-204, 123-205, 123-206, 123-207 and 123-208 will result in increased public use opportunities that should generate additional State revenue through local expenditures by the public. The local economy should benefit from sales of supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.