

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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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.

## **2015 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	1/9	2/13	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/23	2/27	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

## **REPRODUCING OFFICIAL DOCUMENTS**

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

## **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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# 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/regsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4350		SR39-6	Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	5/13/15	South Carolina Criminal Justice Academy
4372		SR39-6	Certification	5/13/15	South Carolina Criminal Justice Academy
4466		SR39-6	Procedures for Contested Cases	5/13/15	Department of Health and Envir Control
4461		SR39-6	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/13/15	Department of Health and Envir Control
4468		SR39-6	Hypodermic Devices; and Drugs and Devices	5/13/15	Department of Health and Envir Control
4455		SR39-6	Proceedings	5/13/15	Public Service Commission
4459		SR39-6	Landplaster	5/13/15	Clemson University-State Crop Pest Comm.
4490		SR39-6	Plant Pests	5/13/15	Clemson University-State Crop Pest Comm.
4484		SR39-6	Standards for Licensing Community Residential Care Facilities	5/13/15	Department of Health and Envir Control
4485		SR39-6	Standards for Wastewater Facility Construction	5/13/15	Department of Health and Envir Control
4525		SR39-6	Securities	5/13/15	Office of the Attorney General
4482		SR39-6	Particle Accelerators (Title C)	5/13/15	Department of Health and Envir Control
4483		SR39-6	Shellfish	5/13/15	Department of Health and Envir Control
4481		SR39-6	Air Pollution Control Regulations and Standards	5/13/15	Department of Health and Envir Control
4345		SR39-6	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	5/14/15	South Carolina Criminal Justice Academy
4480		SR39-6	Insurance Holding Company Systems	5/14/15	Department of Insurance
4454		SR39-6	Commissioners	5/15/15	Public Service Commission
4498		SR39-6	Standards for Licensing Day Care Facilities for Adults	5/20/15	Department of Health and Envir Control
4542		SR39-6	Solid Waste Management: Waste Tires	5/20/15	Department of Health and Envir Control
4497		SR39-6	Pasteurized Milk and Milk Products	5/20/15	Department of Health and Envir Control
4496		SR39-6	Athletic Trainers	5/20/15	Department of Health and Envir Control
4541		SR39-6	Hazardous Waste Management Regulations	5/21/15	Department of Health and Envir Control
4499		SR39-6	Applications and Fees	5/22/15	LLR-Board of Architectural Examiners
4500		SR39-6	Fees	5/22/15	LLR-State Athletic Commission
4501		SR39-6	Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613	5/22/15	LLR-Building Codes Council
4503		SR39-6	Fees	5/22/15	LLR-Board of Registration for Professional Engineers and Surveyors
4508		SR39-6	Fees	5/22/15	LLR- Manufactured Housing Board
4507	R.11	SR39-4	Fees [and Fee Schedule]	5/23/15	LLR-Board of Long Term Health Care Administrators
4506		SR39-6	Fees	5/23/15	LLR-Board of Registration for Geologists
4505		SR39-6	Fees	5/23/15	LLR-Board of Funeral Service
4504		SR39-6	Fees	5/23/15	LLR-Environmental Certification Board
4509	R.12	SR39-4	Fees	5/23/15	LLR-Board of Medical Examiners
4511	R.13	SR39-4	Fees	5/23/15	LLR-Board of Examiners in Opticianry
4512		SR39-6	Fees	5/23/15	LLR-Board of Physical Therapy Examiners
4513	R.14	SR39-4	Fees	5/23/15	LLR-Board of Podiatry Examiners
4502	R.10	SR39-4	Fees	5/23/15	LLR-Board of Dentistry
4514		SR39-6	Fees	5/23/15	LLR-Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists
4515	R.15	SR39-4	Fees	5/23/15	LLR-Board of Examiners in Psychology
4516		SR39-6	Annual Fee Schedule	5/23/15	LLR-Real Estate Appraisers Board
4517		SR39-6	Fees	5/23/15	LLR- Real Estate Commission
4519		SR39-6	Fees	5/23/15	LLR-Soil Classifier Advisory Council
4535		SR39-6	Real Estate Commission	5/26/15	LLR
4520		SR39-6	Fees	5/26/15	LLR-Board of Veterinary Medical Examiners
4518		SR39-6	Initial Fees	5/26/15	LLR-Residential Builders Commission
4536		SR39-6	Professional Boxing, Wrestling, Kick Boxing, Off the Street Boxing, and Mixed Martial Arts	5/26/15	LLR-State Athletic Commission
4477		SR39-6	Defined Program, Grades 9-12 and Graduation Requirements	5/27/15	State Board of Education
4476		SR39-6	Defined Program 6-8	5/27/15	State Board of Education
4521		SR39-6	Administrative Citations and Penalties; and Fines	5/27/15	LLR-Board of Pharmacy
4464		SR39-6	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	5/27/15	Department of Health and Envir Control
4471		SR39-6	Standards for Licensing Ambulatory Surgical Facilities	5/27/15	Department of Health and Envir Control
4491		SR39-6	Adult Education	5/28/15	State Board of Education
4495		SR39-6	Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	5/28/15	State Board of Education



## 2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4548	SR39-6	Mortgage Lending	5/29/15	State Board of Financial Institutions- Consumer Finance Division
4557	SR39-6	Seals	5/29/15	LLR-Board of Registration for Geologists
4556	SR39-6	Application Fee for a Professional Geologist	5/29/15	LLR
4537	SR39-6	Fees	5/29/15	LLR-Building Codes Council
4554	SR39-6	Fees	5/29/15	LLR
4558	SR39-6	Recordkeeping	5/29/15	LLR-OSHA
4478	SR39-6	Requirements for Additional Areas of Certification	5/29/15	State Board of Education
4494	SR39-6	Procedures and Standards for Review of Charter School Applications	5/30/15	State Board of Education
4510	SR39-6	Fees	5/31/15	LLR-Board of Nursing
4530	SR39-6	End-of-Course Tests	6/02/15	State Board of Education
4532	SR39-6	Use and Dissemination of Test Results	6/02/15	State Board of Education
4523	SR39-6	Article 5, Adjudication of Misconduct Allegations	6/02/15	South Carolina Criminal Justice Academy
4555	SR39-6	Article 8, Office of State Fire Marshal	6/02/15	LLR-Office of State Fire Marshal
4474	SR39-6	Offers of Work	6/03/15	Department of Employment and Workforce
4475	SR39-6	Unemployment Trust Fund	6/03/15	Department of Employment and Workforce
4528	SR39-6	Prepaid Legal Services Certificate of Registration	6/04/15	Department of Consumer Affairs
4549	SR39-6	Licensing of Mortgage Brokers	6/04/15	Department of Consumer Affairs
4529	SR39-6	Assessment Program	6/04/15	State Board of Education
4531	SR39-6	Test Security	6/04/15	State Board of Education
4546	SR39-6	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6	6/04/15	Department of Natural Resources
4527		Consumer Credit Counseling Requirements	1/12/16	Department of Consumer Affairs
4533		South Carolina National Guard College Assistance Program	1/13/16	Commission on Higher Education
4534		South Carolina National Guard Student Loan Repayment Program	1/13/16	Commission on Higher Education
4524		Suspension of Certification Due to Criminal Charges and/or Indictment	1/14/16	South Carolina Criminal Justice Academy
4560	R.125 SR39-7	Regulations for Species or Subspecies of Non-game Wildlife	2/16/16	Department of Natural Resources
4543		Standards for Licensing Nursing Homes	2/28/16	Department of Health and Envir Control
4547	R.124 SR39-7	Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Department of Natural Resources	2/29/16	Department of Natural Resources
4552		Horse Meat and Kangaroo Meat; Fairs, Camp Meetings, and Other Gatherings; Camps; Mobile/Manufactured Home Park; Sanitation of Schools; and Nuisances	3/14/16	Department of Health and Envir Control
4553		Standards for Licensing Hospices	3/27/16	Department of Health and Envir Control
4562		Board of Long Term Health Care Administrators	3/28/16	LLR-Board of Long Term Health Care Administrators
4563		Local Emergency Preparedness Standards	4/05/16	Office of the Governor
4564		Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions	4/25/16	Department of Health and Envir Control
4565		Underground Storage Tank Control Regulations	4/25/16	Department of Health and Envir Control
<b>Committee Request Withdrawal</b>				
4539		Consumer Electronic Equipment Collection and Recovery	Tolled	Department of Health and Envir Control
<b>Resolution Introduced to Disapprove</b>				
4551		Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control
4538		Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control
<b>Permanently Withdrawn</b>				
4540		Emergency Medical Services		Department of Health and Envir Control

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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.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4466	Procedures for Contested Cases	Medical, Military, Pub & Mun Affairs	Medical Affairs
4461	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	Medical, Military, Pub & Mun Affairs	Medical Affairs
4468	Hypodermic Devices; and Drugs and Devices	Medical, Military, Pub & Mun Affairs	Medical Affairs
4455	Proceedings	Labor, Commerce and Industry	Judiciary
4459	Landplaster	Agriculture and Natural Resources	Agriculture and Natural Resources
4490	Plant Pests	Agriculture and Natural Resources	Agriculture and Natural Resources
4484	Standards for Licensing Community Residential Care Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4485	Standards for Wastewater Facility Construction	Agriculture and Natural Resources	Medical Affairs
4525	Securities	Judiciary	Banking and Insurance
4482	Particle Accelerators (Title C)	Medical, Military, Pub & Mun Affairs	Medical Affairs
4483	Shellfish	Agriculture and Natural Resources	Medical Affairs
4481	Air Pollution Control Regulations and Standards	Agriculture and Natural Resources	Medical Affairs
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4480	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4454	Commissioners	Labor, Commerce and Industry	Judiciary
4498	Standards for Licensing Day Care Facilities for Adults	Medical, Military, Pub & Mun Affairs	Medical Affairs
4542	Solid Waste Management: Waste Tires	Agriculture and Natural Resources	Medical Affairs
4497	Pasteurized Milk and Milk Products	Agriculture and Natural Resources	Medical Affairs
4496	Athletic Trainers	Medical, Military, Pub & Mun Affairs	Medical Affairs
4541	Hazardous Waste Management Regulations	Regulations and Admin. Procedures	Medical Affairs
4499	Applications and Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4500	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4501	Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613	Judiciary	Labor, Commerce and Industry
4503	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4508	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4507	Fees [and Fee Schedule]	Medical, Military, Pub & Mun Affairs	Medical Affairs
4506	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4505	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4504	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4509	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4511	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4512	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4513	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4502	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4514	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4515	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4516	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4517	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4519	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4535	Real Estate Commission	Labor, Commerce and Industry	Labor, Commerce and Industry
4520	Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
4518	Initial Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4536	Professional Boxing, Wrestling, Kick Boxing, Off the Street Boxing, and Mixed Martial Arts	Labor, Commerce and Industry	Labor, Commerce and Industry
4477	Defined Program, Grades 9-12 and Graduation Requirements	Education and Public Works	Education
4476	Defined Program 6-8	Education and Public Works	Education
4521	Administrative Citations and Penalties; and Fines	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4464	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	Medical, Military, Pub & Mun Affairs	Medical Affairs
4471	Standards for Licensing Ambulatory Surgical Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4491	Adult Education	Education and Public Works	Education
4495	Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	Education and Public Works	Education
4548	Mortgage Lending	Labor, Commerce and Industry	Banking and Insurance
4557	Seals	Labor, Commerce and Industry	Labor, Commerce and Industry
4556	Application Fee for a Professional Geologist	Labor, Commerce and Industry	Labor, Commerce and Industry
4537	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4554	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4558	Recordkeeping	Labor, Commerce and Industry	Labor, Commerce and Industry
4478	Requirements for Additional Areas of Certification	Education and Public Works	Education

## 4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4494	Procedures and Standards for Review of Charter School Applications	Education and Public Works	Education
4510	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4530	End-of-Course Tests	Education and Public Works	Education
4532	Use and Dissemination of Test Results	Education and Public Works	Education
4523	Article 5, Adjudication of Misconduct Allegations	Judiciary	Judiciary
4555	Article 8, Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4474	Offers of Work	Labor, Commerce and Industry	Labor, Commerce and Industry
4475	Unemployment Trust Fund	Labor, Commerce and Industry	Labor, Commerce and Industry
4528	Prepaid Legal Services Certificate of Registration	Labor, Commerce and Industry	Banking and Insurance
4549	Licensing of Mortgage Brokers	Labor, Commerce and Industry	Banking and Insurance
4529	Assessment Program	Education and Public Works	Education
4531	Test Security	Education and Public Works	Education
4546	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6	Regulations and Admin. Procedures	Fish, Game and Forestry
4527	Consumer Credit Counseling Requirements	Labor, Commerce and Industry	Banking and Insurance
4533	South Carolina National Guard College Assistance Program	Education and Public Works	Education
4534	South Carolina National Guard Student Loan Repayment Program	Education and Public Works	Education
4524	Suspension of Certification Due to Criminal Charges and/or Indictment	Judiciary	Judiciary
4560	Regulations for Species or Subspecies of Non-game Wildlife	Regulations and Admin. Procedures	Fish, Game and Forestry
4543	Standards for Licensing Nursing Homes	Regulations and Admin. Procedures	Medical Affairs
4547	Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Department of Natural Resources	Regulations and Admin. Procedures	Fish, Game and Forestry
4552	Horse Meat and Kangaroo Meat; Fairs, Camp Meetings, and Other Gatherings; Camps; Mobile/Manufactured Home Park; Sanitation of Schools; and Nuisances	Regulations and Admin. Procedures	Medical Affairs
4553	Standards for Licensing Hospices	Regulations and Admin. Procedures	Medical Affairs
4562	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4563	Local Emergency Preparedness Standards	Regulations and Admin. Procedures	General
4564	Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions	Regulations and Admin. Procedures	Medical Affairs
4565	Underground Storage Tank Control Regulations	Regulations and Admin. Procedures	Medical Affairs
<b>Committee Request Withdrawal</b>			
4539	Consumer Electronic Equipment Collection and Recovery	Labor, Commerce and Industry	Agriculture and Natural Resources
<b>Resolution Introduced to Disapprove</b>			
4551	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4538	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
<b>Permanently Withdrawn</b>			
4540	Emergency Medical Services	Regulations and Admin. Procedures	Medical Affairs

**Executive Order No. 2015-15**

**WHEREAS**, on May 27, 2015, the eastbound barrier wall, drainage system, controlled access fencing, and pavement of I-26 approximately 0.8 miles west of St. Andrews Road were severely damaged as a result of a traffic accident involving a petroleum tanker; and

**WHEREAS**, the repairs made thus far to the pavement are for the temporary purpose of reopening the eastbound lanes of traffic; and

**WHEREAS**, the damage sustained to the above-mentioned assets exposes the traveling public to potential safety hazards and subjects these assets to further deterioration if not removed and replaced; and

**WHEREAS**, these conditions constitute an emergency as is contemplated by the terms of Section 125 of Title 23 in the United States Code, which would allow the South Carolina Department of Transportation to seek Emergency Relief Funds from the Federal Highway Administration; and

**WHEREAS**, the only feasible means of meeting the requirements as articulated by the Federal Highway Administration would be under a declaration by this office that the event requires emergency action.

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby declare that an emergency exists as a result of the damage caused by a traffic accident on the eastbound lanes of I-26 0.8 miles west of St. Andrews Road and direct the South Carolina Department of Transportation to undertake actions to repair and replace the eastbound barrier wall, drainage system, controlled access fencing, and pavement. I further direct the S.C Department of Transportation to obtain federal approval of the Federal Highway Division Administrator to make Federal Highway Division Emergency Relief assistance available to the State.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 1<sup>st</sup> DAY OF JUNE, 2015.**

**NIKKI R. HALEY  
Governor**

**Executive Order No. 2015-16**

**WHEREAS**, South Carolina continues to identify more clearly the critical importance of strengthening resources for programs designed to serve the needs of our citizens with disabilities; and

**WHEREAS**, the State must make the most effective use of its resources to meet such needs by continuing to develop, implement, and evaluate realistic policies, plans, and programs; and

**WHEREAS**, the well-being of the citizens of South Carolina with substantial disabilities is a priority and responsibility of State government.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Laws of the State, I hereby reestablish the South Carolina Developmental Disabilities Council, which is the State's forum for developmental disabilities matters and will advocate for persons with those disabilities defined herein.

## 6 EXECUTIVE ORDERS

**FURTHER,** The Council is also established in accordance with the Federal Developmental Disabilities Act of 2000 (the Act) (Public Law 106-402). The Act defines the term developmental disability as a severe, chronic disability of an individual that is attributable to a mental or physical impairment or combination of mental and physical impairments; is manifested before the person attains age twenty-two; is likely to continue indefinitely; results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic sufficiency; and reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

### **Members:**

The Council shall at all times include in its membership representatives of the principal State governmental agencies that administer funds provided under Federal laws related to persons with developmental disabilities. The Governor hereby appoints to the Council the directors of the following public agencies and programs:

- (1) South Carolina Department of Education
- (2) South Carolina Department of Health and Environmental Control
- (3) South Carolina Department of Mental Health
- (4) South Carolina Department of Disabilities and Special Needs
- (5) South Carolina Vocational Rehabilitation Department
- (6) South Carolina Lt. Governor's Office on Aging
- (7) South Carolina Department of Health and Human Services

The directors referenced above may designate representatives to act on behalf of their respective agencies and programs in the Council's deliberations.

Additionally, in order to provide a continuum to its advocacy efforts, the Council shall include the University Center for Excellence in Developmental Disabilities Education Research and Service the Protection and Advocacy System and representation of non-governmental agencies concerned with individuals with a developmental disability. The chief administrative officer or his/her designated representative who acts on behalf of the organization in any deliberations of the Council shall represent these private organizations and programs.

No less than sixty percent of the total Council membership shall consist of consumer representatives who are not officers or have ownership or controlling interest of any entity, or who are not employees of any state agency that receives funds and provides services under the Developmental Disabilities Act. Of the consumer members, at least one-third shall be persons with developmental disabilities; one-third shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities with at least one of these having a family member in an institution; and the remaining one-third shall be representatives from any developmental disabilities consumer category. For purposes of appointment, consumer members may not be providers of services.

The consumer members of the Council shall be appointed by the Governor from the residents of the state to serve at his pleasure on a rotating basis. Terms of office shall be four years and no member shall serve more than two consecutive terms, unless the individual has been appointed to fill a vacant term less than 2 years in duration at initial appointment. They would then be able to fill two additional terms.

The active consumer members of the existing Council shall select the Chairperson. The Council membership shall elect all other officers of the Council and election shall not be limited to consumers.

All members of the Council serve at the pleasure of the Governor, who may remove members at-will.

**Organization:**

The Council shall promulgate bylaws for the orderly conduct of its business, and in discharging its responsibilities, consistent with Federal law, the Council shall:

- (1) Develop and approve a State Plan.
- (2) Monitor, review, and evaluate the implementation of such state plan.
- (3) Submit to the designated federal agency such periodic reports on its activities as may reasonably be requested, and keep such records and afford access thereto as necessary to verify such reports.

In support of the Council, the program shall be housed within the Department of Administration effective July 1, 2015, which shall act as the Designated State Agency as required in Federal law.

This Executive Order shall take effect July 1, 2015, and shall supersede Executive Order 2010-03.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 6th DAY OF JULY, 2015.**

**NIKKI R. HALEY**

## 8 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on July 27, 2015 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 Robert B. "Sam" Phillips, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-4200.

#### Affecting Spartanburg County

##### **Spartanburg Regional Health Services District, Inc. d/b/a Pelham Medical Center**

Renovation and addition to an existing facility for the clinical expansions of respiratory therapy, pharmacy, emergency services, imaging, lab, surgery, sterile processing and the addition of a nine bed observation unit adjacent to the emergency department, with no change in licensed beds at a total project cost of \$33,500,000.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from July 27, 2015. "Affected Persons" have 30 days from the above date to submit requests for a public hearing to Robert B. "Sam" Phillips, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

#### Affecting Beaufort County

##### **Beaufort County Memorial Hospital d/b/a Beaufort Memorial Hospital**

Renovation of an existing facility to modernize and expand portions of its Beaufort Memorial Birthing Center at a total project cost of \$6,105,022.

#### Affecting Charleston County

##### **Wellmore LLC d/b/a Wellmore of Daniel Island, LLC**

Construction of a non-institutional Nursing Facility (NF) with sixty (60) Long-Term Care beds at a total project cost of \$12,505,750.

#### Affecting Greenwood County

##### **Recovery Concepts of Greenwood Abbeville, LLC**

Establishment of a new Narcotic Treatment Program (NTP) in Greenwood County at a total project cost of \$65,582.

**Affecting Lexington County****Chapin Orthopedic Surgery Center, LLC**

Construction of a general Ambulatory Surgical Facility (ASF) with two (2) operating rooms at a total project cost of \$5,724,750.

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

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been withdrawn by Applicant, and consequently no review period will take place. For further information call (803) 545-4200.

**Affecting Charleston County****Advanced Recovery Systems, LLC d/b/a Charleston Harbor Recovery Center, LLC**

Construction of a Freestanding Medical Detoxification Facility with sixteen (16) treatment beds at a total project cost of \$2,852,633.

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

DHEC-Bureau of Land and Waste Management, File #413533  
Union Carbide Site

**NOTICE OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION,  
AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Voluntary Cleanup Contract (VCC) with Praxair, Inc. (Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Union Carbide facility located in Kershaw County, at 112 Lachicotte Road, Lugoff, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants from the facility property (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing: a Remedial Investigation (RI) to determine the source, nature, and extent of the release or threat of release of hazardous substances, pollutants, or contaminants and, if necessary, conduct a Feasibility Study (FS) to evaluate alternatives to clean-up the Site. Further, the Responsible Party will reimburse the Department's past costs of response of \$1,512.98 and the Department's future costs of overseeing the work performed by the Responsible Party and other Department costs of response pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. § 44-56-200 (as amended). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties via email or US mail. The VCC is available:



## 10 NOTICES

- (1) On-line at [www.scdhec.gov/Apps/Environment/PublicNotices](http://www.scdhec.gov/Apps/Environment/PublicNotices); or
- (2) By contacting David Wilkie at 803-898-0882 or [wilkietd@dhec.sc.gov](mailto:wilkietd@dhec.sc.gov).

Any comments to the proposed VCC must be submitted in writing, postmarked no later than August 24, 2015 and addressed to: David Wilkie, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the Contract and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. 9613(f)(2) and 9613(f)(3)(B), and under S.C. Code Ann. Section 44-56-200, for the response actions specifically covered in the Contract including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that the Responsible Party has successfully and completely complied with the VCC.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### ERRATA

##### State Register Document No. 4464

The Department promulgated amendments of R.61-93, *Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence*, which took effect as final regulations in the *State Register* June 26, 2015, as Document No. 4464.

This notice is to correct a section title within the table of contents. In the table of contents, Section 1404 "Inpatient/Outpatient Tuberculosis Screening" is corrected to "Client Tuberculosis Screening."

##### State Register Document No. 4471

The Department promulgated amendments of R.61-91, *Ambulatory Surgical Facilities*, which took effect as final regulations in the *State Register* June 26, 2015, as Document No. 4471.

This notice is to correct a grammatical error and codification error in Section 601.B. In the first sentence of Section 601.B, the word "of" after "next of kin" is removed. Additionally, the number five (5) is missing from the list and the number nine (9) is used twice in the list found at Section 601.B.1-15. Therefore, Section 601.B is corrected to read as follows:

B. The licensee shall report each accident and/or incident resulting in unexpected death or serious injury to the next of kin or party responsible for each affected individual at the earliest practicable hour, not exceeding twenty-four (24) hours. The licensee shall notify the Department immediately, not to exceed twenty-four (24) hours, via telephone, email or facsimile. The licensee shall submit a report of the licensee's investigation of the accident and/or incident to the Department within five (5) days. Accidents and/or incidents requiring reporting include, but are not limited to,:

1. Abuse, Neglect or Exploitation (Confirmed);
2. Abuse, Neglect or Exploitation (Suspected);
3. Criminal event against patient;
4. Death;

5. Fall resulting in fracture of bone or joint;
6. Hospitalization as a result of accident/incident;
7. Medication Error;
8. Procedures on wrong person;
9. Procedures on wrong site;
10. Severe burn;
11. Severe hematoma;
12. Severe laceration;
13. Attempted suicide; or
14. Anesthesia apparatus malfunction.

**State Register Document No. 4484**

The Department promulgated amendments of R.61-84, *Standards for Licensing Community Residential Care Facilities*, which took effect as final regulations in the *State Register* June 26, 2015, as Document No. 4484.

This notice is to correct a section reference in Section 1303.C. In the first sentence of Section 1303.C, the reference to Section 1304.A is corrected to Section 1303.A to read as follows:

C. A minimum of three nutritionally-adequate meals, in accordance with Section 1303.A above, in each 24-hour period, shall be provided for each resident unless otherwise directed by the resident's physician or other authorized healthcare provider. Not more than 14 hours shall elapse between the serving of the evening meal and breakfast the following day. (II)

## 12 DRAFTING NOTICES

### STATE BOARD OF EDUCATION

#### CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-25-110

#### **Notice of Drafting:**

The South Carolina Board of Education proposes to amend Regulation 43-51, Certification Requirements.

Interested persons may submit their comments in writing to Dr. Angela Bain, Deputy Superintendent, Division of Educator Effectiveness, 1429 Senate Street, Room 505-A, Columbia, South Carolina 29201 or by e-mail to [abain@ed.sc.gov](mailto:abain@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on August 24, 2015.

#### **Synopsis:**

State Board of Education Regulation 43-51 governs the requirements for granting educator certification. Amendments to Regulation 43-51 will modify language within the regulation. Current language is specific to a particular educator preparation accrediting body (the National Council for Accreditation of Teacher Education (NCATE)) and offices within the South Carolina Department of Education (SCDE). The purpose of this amendment is to remove specific organizational names as these names often change. The new educator preparation accrediting body is the Council for the Accreditation of Educator Preparation (CAEP); however, a new accrediting body may be formed in the future. This change would eliminate the need for a regulation change any time an accrediting body or SCDE office changes.

Legislative review is required.

### STATE BOARD OF EDUCATION

#### CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-25-110, and 59-26-20

#### **Notice of Drafting:**

The South Carolina Board of Education proposes to amend Regulation 43-90, Program Approval Standards for South Carolina Teacher Education Institutions.

Interested persons may submit their comments in writing to Dr. Angela Bain, Deputy Superintendent, Division of Educator Effectiveness, 1429 Senate Street, Room 505-A, Columbia, South Carolina 29201 or by e-mail to [abain@ed.sc.gov](mailto:abain@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on August 24, 2015.

#### **Synopsis:**

State Board of Education Regulation 43-90 governs the accreditation requirements for public and private educator preparation programs. Amendments to Regulation 43-90 will modify language within the regulation. Current language is specific to a particular educator preparation accrediting body (the National Council for Accreditation of Teacher Education (NCATE)). The purpose of this amendment is to remove specific organizational names as these names often change. The new educator preparation accrediting body is the Council for the Accreditation of Educator Preparation (CAEP); however, a new accrediting body may be formed in the future. This change would eliminate the need for a regulation change any time an accrediting body changes.

Legislative review is required.

**STATE BOARD OF EDUCATION**

## CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-21-510, 59-21-580, 59-33-10 et seq., 59-36-10 et seq., and 20 U.S.C. 1400 et seq.

**Notice of Drafting:**

The South Carolina Board of Education proposes to amend Regulation 43-243 (R.43-243), Special Education, Education of Students with Disabilities, last revised on July 26, 2013.

Interested persons may submit their comments in writing to John Payne, Director, Office of Special Education Services, 1429 Senate Street, Suite 808, Columbia, South Carolina 29201 or by e-mail to [jrpayne@ed.sc.gov](mailto:jrpayne@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on August 24, 2015.

**Synopsis:**

State Board of Education R.43-243 outlines the requirements for educational programs serving students with disabilities, as covered by the Individuals with Disabilities Education Improvement Act, 2004 (IDEA). The current regulation is largely duplicative of federal regulations, which are found in the Code of Federal Regulations, Title 34 Part 300. Amendments to R.43-243 will 1) delete duplicative language and requirements that already exist in the Code of Federal Regulations governing educational programs for students with disabilities; 2) promulgate amendments to the current regulation; and 3) add and clarify state-specific language to the regulation that will allow Districts and the Department to ensure compliance of educational programs for students with disabilities.

Legislative review of this proposal is not required.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

## CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-110, 44-1-140 and 44-29-10 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-20, *Communicable Diseases*. This Notice of Drafting of July 24, 2015, replaces and supersedes the Notice of Drafting published in the *State Register* on April 24, 2015. Interested persons may submit written comments to Dana Giurgutiu, Director, Division of Acute Disease Epidemiology, Bureau of Disease Control, South Carolina Department of Health and Environmental Control, 2100 Bull St., Columbia, South Carolina 29201 or via email at [giurgid@dhec.sc.gov](mailto:giurgid@dhec.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on August 24, 2015, the close of the drafting comment period. Comments received from the Notice of Drafting published in the *State Register* on April 24, 2015, as well as from this current noticing of July 24, 2015, will be considered.

**Synopsis:**

The Department of Health and Environmental Control proposes to amend Regulation 61-20. Specifically, the amendments will remove obsolete sections, add pertinent definitions, provide for consistency with most recent scientific information, address disease investigation and methods to prevent the spread of communicable disease, and bring the regulation into conformity with changes in the South Carolina Code of Laws.

## **14 DRAFTING NOTICES**

The Department may also include stylistic changes, including corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review of this amendment will be required.

Document No. 4573  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF DENTISTRY**  
CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-70 and 40-15-40

39-5. Registration of Licenses or Certificates

39-10. Sanitary Standards

**Preamble:**

The South Carolina Board of Dentistry amends Regulations 39-5 and 39-10 to comport with federal infection control standards.

Section-by-Section Discussion:

39-5. Registration of Licenses or Certificates.

A.-E. No changes.

F.(1) Adds (a) and (b) requiring licensees to have at least two hours of their mandatory continuing education in sterilization and infection control, and that auxiliary staff also meet the requirements for two hours biennially of continuing education on sterilization and infection control. Records of such training must be maintained.

(2)-(8) No changes.

39-10. Sanitary Standards.

A. Adds that all dental practices shall conform to and comply with the current recommendations and guidelines of the Centers for Disease Control and Prevention (C.D.C.) relating to infection control practices for dentistry and/or dental offices and that it is the responsibility of all dentists and dental hygienists licensed by the State and all other personnel who are utilized by a licensed dentist and who assist in a dental practice and may be exposed to body fluids such as blood or saliva to maintain familiarity with these recommendations and guidelines.

A.(1)-(4) renumbered.

A Notice of Drafting was published on May 22, 2015 in the *State Register*.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on September 10, 2015. Written comments may be directed to Kate K. Cox, Administrator, Board of Dentistry, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., August 24, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

**Statement of Need and Reasonableness:**

These regulations are amended to comport with S.C. Code Ann. §§ 40-1-70 and 40-15-40.

## 16 PROPOSED REGULATIONS

### DESCRIPTION OF REGULATION:

Purpose: The Board is amending the regulations to comport with federal standards regarding infection control.

Legal Authority: 1976 Code Sections 40-1-70 and 40-15-40.

Plan for Implementation: The proposed regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the regulations and post the regulations on the agency's web site.

### DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will add provision for infection control to comport with federal standards.

### DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning the promulgation of these regulations.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

### DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be detrimental effect on the environment and public health of this State if these regulations are not implemented since these regulations protect public health to comport with federal standards regarding infection control.

### Statement of Rationale:

These regulations are amended to comport with federal infection control standards.

### Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4574

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

**CHAPTER 136**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140

136-030. Pilot Registration

136-730. Pilot Registration

**Preamble:**

The South Carolina Commissioners on Pilotage propose to amend Regulation 136-030 for the Lower Coastal Area and amend Regulation 136-730 for the Upper Coastal Area regarding the physical examination requirements for pilots.

Section-by-Section Discussion

136-030(A)-(C) No changes.

136-030(D) Changes requirement for physical examination.

136-730(A) No changes.

136-730(B) Changes requirement for physical examination.

136-730(C) Delete.

A Notice of Drafting was published in the *State Register* on May 22, 2015.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on September 30, 2015. Written comments may be directed to Kate K. Cox, Administrator, Commissioners of Pilotage, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., August 24, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

These regulations are amended to change the requirements for physical examinations.

**DESCRIPTION OF REGULATION:**

**Purpose:** The Commissioners of Pilotage are revising their regulations to change the requirements for physical examinations.

**Legal Authority:** 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulations and post the revised regulations on the agency's website.



## **18 PROPOSED REGULATIONS**

### **DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The proposed regulations will change the requirements for physical examinations.

### **DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

### **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### **Statement of Rationale:**

The updated regulations will change the requirements for physical examinations.

### **Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

**Filed: July 1, 2015 3:43pm**

Document No. 4572  
**DEPARTMENT OF NATURAL RESOURCES**  
 CHAPTER 123  
 Statutory Authority: 1976 Code Section 50-11-2200

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources

**Emergency Situation:**

The repeal of 1976 Code Section 50-13-2011 has rendered the existing regulations defining the terms and conditions for the public's use of state lakes and ponds leased by the department unenforceable. Revised regulations for state lakes and ponds owned and leased by the department were approved by the General Assembly in June 2015. However these new regulations will not take effect until they are published in the State Register at the end of July 2015. Emergency regulations are need to allow for public use and resource protection on state lakes and ponds owned and leased by the department until the permit regulations become effective.

**Text:**

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50-11-2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes owned by the Department are as follows:

- a. Draper WMA State Lakes in York County
  - i. The lakes are open for fishing from one-half hour before official sunrise to one-half hour after official sunset, every day except Tuesday. The ponds are closed to fishing on Tuesdays.
  - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
  - iii. No minnows allowed for bait.
  - iv. Combined daily fish limits from all ponds are 3 largemouth bass, 15 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.
  - v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
  - vi. Pets must be on leashes or under the control of their owner at all times.
  - vii. No boats are allowed in ponds.
  - viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
- b. Lake Cherokee in Cherokee County
  - i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
  - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

## 20 EMERGENCY REGULATIONS

iii. Daily fish limits are 3 largemouth bass, 20 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### c. Lake Edgar Brown in Barnwell County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass 16 inches or longer, 20 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only. No motorized vehicles of any type allowed on dikes.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Motor powered boats are allowed. Only outboard motors rated at 10 horsepower or less are allowed north of Wellington Road.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### d. Lake George Warren in Hampton County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass, 20 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### e. Lake John D. Long in Union County

i. The lake is open from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

- vii. No minnows allowed for bait.
- viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
- x. Lake Long will be closed at all times for renovation and restocking from July 1, 2013 through June 30, 2015. Lake Long will reopen on July 1, 2015.

f. Mountain Lakes in Chester County

- i. The lakes are open on Tuesday, Thursday, Saturday, and Sunday from one-half hour before official sunrise to one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. Daily fish limits are 1 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.
- iv. Vehicles are restricted to roads and designated access areas only.
- v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. No minnows allowed for bait.
- viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

g. Lake Paul Wallace in Marlboro County

- i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. Daily limits are 20 bream and 3 catfish. No harvesting of largemouth bass (catch and release only). Statewide limits apply for all other fish species, except no size limit for crappie.
- iv. No minnows allowed for bait.
- v. Vehicles are restricted to roads and designated access areas only.
- vi. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vii. Pets must be on leashes or under the control of their owner at all times.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
- ix. Lake may be closed for special use activities by special permit of the department.
- x. Lake Wallace Fishing Side (East of the earthen dike that separates the two lake portions)
  - 1. Boats are allowed, but may only be propelled by paddle, electric trolling motors, or outboard motors rated at 10 horsepower or less.
- xi. Lake Wallace Boating Side (West of the earthen dike which separates the two lake portions)
  - 1. Boats and water skiing are allowed and must follow a counter-clockwise route of travel.
  - 2. Jet Ski or personal watercraft are allowed but not within 200 feet of boats.
  - 3. All other South Carolina watercraft rules and regulations apply.

h. Lake Thicketty in Cherokee County

- i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. Daily fish limits are 3 largemouth bass, 20 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

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iv. Vehicles are restricted to roads and designated access areas only.  
v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### i. Webb Center Lakes in Hampton County

i. The lakes are open for fishing Monday through Saturday from one-half hour before official sunrise until one-half hour after official sunset except for Monday afternoons, Tuesday mornings, Friday afternoon, and Saturday morning during scheduled deer hunts (October 1 – January 1).

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 10 largemouth bass, and 30 bream. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50-11-2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes leased by the Department are as follows:

### a. Lake Ashwood in Lee County

i. The lake is open for fishing from one-half hour before official sunrise to one-half hour after official sunset, every day except Tuesday. The ponds are closed to fishing on Tuesdays.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 3 largemouth bass, 15 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors, or outboard motors rated 10 horsepower or less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### b. Dargan's Pond in Darlington County

i. The lake is open on Wednesday and Saturday only from March 1 through September 30 from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass with only one being 16 inches or longer, 20 bream, and 3 catfish. Statewide limits apply for all other fish species.

iv. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

v. Pets must be on leashes or under the control of their owner at all times.

vi. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

vii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

c. Lake Edwin Johnson in Spartanburg County

i. Lake is open for fishing from one-half hour before official sunrise to one-half hour after official sunset seven days a week.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

d. Jonesville Reservoir in Union County

i. Lake is open on Monday, Wednesday and Saturday only, from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

ix. Jonesville Reservoir will be closed at all times for renovation and restocking from July 1, 2016 through June 30, 2018. Jonesville Reservoir will reopen July 1, 2018.

e. Lancaster Reservoir in Lancaster County

i. Lake is open on Thursday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 2 largemouth bass 16 inches or longer, 20 bream, and 3 catfish. Statewide limits apply for all other fish species.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

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- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### f. Lake Oliphant in Chester County

- i. Lake is open Monday, Wednesday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. No minnows allowed for bait.
- iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.
- v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
- ix. Lake Oliphant will be closed at all times for renovation and restocking from July 1, 2015 through June 30, 2017. Lake Oliphant will reopen July 1 2017.

### g. Star Fort Pond in Greenwood County

- i. Lake is open for fishing on Wednesday, Friday and Saturday between April 1 and November 1, from one-half hour before official sunrise to one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. No minnows allowed for bait.
- iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.
- v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### h. Sunrise Lake in Lancaster County

- i. Lake is open for fishing on Monday, Wednesday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. No minnows allowed for bait.
- iv. Daily fish limits are 2 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.
- v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
- ix. Sunrise Lake will be closed at all times for renovation and restocking from July 1, 2015 through June 30, 2017. Sunrise Lake will reopen July 1, 2017.

Document No. 4560

**DEPARTMENT OF NATURAL RESOURCES****CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-15-20(A), 50-15-60, and 50-15-430(A)

## 123-151. Regulations for Species or Subspecies of Non-game Wildlife

**Synopsis:**

The South Carolina Department of Natural Resources proposes to amend Regulation 123-151, Regulations for Species or Subspecies of Non-game Wildlife. The following is a section-by-section summary of the proposed changes and additions.

## 123-151. Regulations for Species or Subspecies of Non-game Wildlife

## A. Alligator Harvest

4. wording added to also allow labels on packages of alligator meat.
6. wording added to also allow labels on alligator parts.

## B. Depredation Program

- 3.b. wording added for clarification and to allow a label on packages of meat.

## C. Private Lands Program

1. Changes the season dates to conform to the statute. Allows the tagging of incidentally taken alligators smaller than four feet, but prohibits commercialization.
2. Rewords section to specify when applications are due for the upcoming season, allows the Department discretion to restrict or deny late applications based on remaining available tags, and adds a requirement to report previous seasons' harvest before a new application will be processed.
5. Specifies set snares to be a legal means of capture under this program.
7. Changes wording to allow possession of tags from more than one property and to change the reporting deadline to conform to changes in statute.
8. Reworded to clarify that the Department may allow the sale or possession of parts by permit.

## D. Alligator Hunting Season

1. Changes the wording for Game Zone numbering to conform to changes in statute going from six to four Game Zones beginning this year.
3. Changes the reporting deadline to one month earlier.

## E. Sale of Alligator Meat

- 2.b. Adds wording to allow alligator meat from other states to be labeled with any agency charged with food inspection, instead of only the state wildlife agency, when meeting the requirement to officially mark packages of meat.

## F. Sale, Barter or Transfer of Alligator Hides or Other Parts

1. Rewords section to allow for temporary marking of alligator parts until processing is completed and allows the sale of parts, other than hides or skulls, without individual pieces being marked.
2. Specifies other parts may be sold if documented with harvester's name, until such time as the item is finished or discarded.
3. Removes the prohibition against possessing an untagged or unmarked alligator part, other than a skull or a hide.

## G. Sale of Finished Alligator Products

1. Rewords section for clarity for the sale of legally acquired crocodylian parts.
2. This section is added to state end user of finished products do not have to maintain labeling requirements.

## H. This new section is added for Alligator Propagation.

1. This section and subsections are added detailing the permit application process.
2. This section and subsections are added describing facilities locations, construction, and operation.
3. This section and subsections are added detailing alligator harvest and processing at an alligator propagation facility to also include tagging and labeling requirements.



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4. This section and subsections are added to specify reporting and record keeping as well as requirements for following permit conditions for all alligator propagation facilities.

A Notice of Drafting was published in the *State Register* on December 26, 2014.

### **Instructions:**

Replace the regulation as shown below.

### **Text:**

123-151. Regulations for Species or Subspecies of Non-game Wildlife.

#### A. Alligator Harvest

1. The size and number of all alligators to be taken will be specified by the Department on permits provided with harvest tags. A permit holder may only take and/or possess alligators identified by the Department and only in the manner specified by the Department.

2. All who take or attempt to take an alligator must have a copy of the harvest permit along with an unused harvest tag with them while afield.

3. Once an alligator is killed and before it is transported, a harvest tag must be attached and locked within six inches of the tip of the tail. In the event that an alligator harvest tag is defective and is not usable for the purpose intended, or becomes detached from the alligator hide, the Department must be notified immediately. The Department will be responsible for the replacement of defective, but not lost, tags. The alteration of harvest tags is strictly prohibited.

4. Alligator meat may be used by the harvester but cannot be bought, sold or bartered except as provided in this regulation. All packages of meat not to be sold must have a tag or label with the name of the harvester and the harvest tag number attached.

5. Before shipping or transporting outside of the USA, carcasses or hides must have CITES tags attached. Anyone desiring to ship or transport such items from the country must contact select Department offices for CITES validation and tagging.

6. Any alligator carcass, hide or part that is not tagged, labeled or marked as required in this regulation is declared contraband and must be confiscated.

#### B. Depredation Program

1. Depredation permits for alligator removal will be issued to property owners or control agents. There is no fee for participation in this program.

2. Qualifications and liability of Control Agents:

a. Control agents must possess the experience and ability to handle alligators.

b. Control agents must supply all equipment necessary to take alligators.

c. Control agents assume personal liability for their health, safety and welfare and that of their assistants.

d. Control agents are not employees of the Department, they are independent contractors.

e. Applications for selection as control agents will be reviewed by the Department. The number of appointed control agents will be based upon the need as determined by the Department.

3. Operation of Department designated alligator control agents:

a. Alligators may be skinned only at designated sites and in accordance with specific instructions provided by the Department.

b. The meat of alligators may be used by the control agents or his/her immediate family and may also be given to others, but must not be bought, sold or transferred except as provided in this regulation. All packages of meat not to be sold, transferred or bartered must have a label attached that includes the name of the person who harvested the alligator and the harvest tag number.

c. Each control agent may be assisted by not more than two assistant control agents approved by the Department, provided that no such assistant shall operate or conduct any alligator trapping or transportation activity except under supervision of the control agent.

d. Alligator harvest tags issued to control agents are the property of the Department and shall remain the property of the Department.

e. Designation as an alligator control agent is discretionary with the Department and such designation may be revoked at any time.

### C. Private Lands Alligator Program

1. Alligators may be taken from lands that are in the Private Lands Alligator Program. The season for taking alligators under this program is from September 1 until May 31. The Department will establish a quota and issue tags for each specific application. Alligators taken under this program must be at least 4 feet in length. Alligators less than 4 feet taken incidentally must be tagged with a harvest tag, but cannot be disposed of commercially.

2. Applications for participation in the Private Lands Program are due August 1 of each year for the subsequent September 1 to May 31 season. Applications received by the Department after August 1<sup>st</sup> of that year may be denied participation based on the number of harvest tags available or at the discretion of the Department. All participants must report all harvested alligators and harvest information to the Department not later than the following July 1<sup>st</sup>. No renewal application for a property previously enrolled in the Private Lands Alligator Program will be processed until such time as an accurate and complete harvest report is submitted to the Department.

3. If the application is approved by the Department for participation in the Private Lands Alligator Program and a permit is issued, alligators may be taken only from that area and only by a licensed hunter. In order to participate in the Private Lands Alligator Program, an alligator control agent as defined in Section B must also be a licensed hunter. Participants in the Private Lands Alligator Program must maintain accurate records for inspection by Department personnel and the records must be made available for immediate inspection at any and all reasonable hours at the request of the Department.

4. All areas identified in the Private Lands Alligator Program and facilities used for processing alligators must be open to Department personnel for inspection to determine compliance with the program and laws and regulations protecting alligators and to allow collection of biological information.

5. During the designated private lands season, alligators may only be taken by firearms, hand-held snares, set snares, hand-held harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. If devices other than firearms are used, a line must be securely attached to the hook, arrow or head of the device in such a manner to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or be attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Rimfire firearms and shotguns are prohibited for taking alligators except that these firearms can be used to dispatch an alligator secured by a line. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any device used to induce an alligator to move from a den prior to taking. All alligators taken under this program must be killed prior to transport off of the property named on the permit.

6. No person may use alligator harvest tags issued for privately-owned habitat on publicly-owned property.

7. A Department-supplied alligator harvest report form must be updated by the applicant or the person taking alligators on the property within 24 hours of the taking of each alligator. Alligator hunters, while on property designated under the Private Lands Alligator Program, must possess tags for that property. Completed harvest forms must be returned to the Department by July 1<sup>st</sup> of each year. A participant who does not report is not eligible to participate in the program the following season.

8. Unless otherwise specifically allowed by Department permit, alligator hides, parts or products may be retained and sold only in accordance with this regulation.

### D. Alligator Hunting Season

1. The Department may issue a prescribed number of Alligator Hunting Season permits for the harvest of alligators. Those applicants randomly selected shall be issued instructions along with harvest tag(s). Alligators may be taken pursuant to permits from public and private areas where the person has legal access for the taking of alligators. Alligators taken under this program must be at least 4 feet in length. The season for hunting alligators under this program is from 12:00 noon on the 2<sup>nd</sup> Saturday in September until 12:00 noon on the 2<sup>nd</sup> Saturday in October and is open in Game Zones 3 and 4. These harvest permits cannot be used on property

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approved under the Private Lands Alligator Program. The Department may close, extend, delay or reopen the season if biological needs warrant.

2. During the designated season, alligators may only be taken by hand-held snares, hand-held harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. Any device may only be used when a line is securely attached to the hook or head of the device in such a manner as to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Only a handgun, a bangstick or sharp instrument used to sever the spine may be used for dispatch and only if a restraining line is attached to the alligator. A hand-held snare must be used to hold the alligator boatside or on land before it can be dispatched. Firearms may not be used to take free-swimming or basking alligators. The possession of a rifle or shotgun while taking or attempting to take alligators under this program is prohibited. All alligators taken under this program must be killed prior to transport by boat or vehicle. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any devices used to induce an alligator to move from a den prior to taking.

3. A Department-supplied alligator harvest report form must be updated by the person taking alligators within twenty-four (24) hours of taking each alligator and prior to transporting the alligator carcass to a processing facility. Completed harvest forms must be returned to the Department by November 1<sup>st</sup> of each season.

4. A person who does not report is not eligible to participate in the program or hunt alligators the following season.

5. Alligator meat may be retained by the harvester but cannot be bartered or sold. Alligator hides may be retained and sold only in accordance with this regulation.

### E. Sale of Alligator Meat

1. The sale or barter of alligator meat taken under the alligator hunting season program is prohibited.

2. Meat taken from alligators harvested under the authority of depredation tags and the private lands program tags may be sold only under the following conditions:

a. Each package must be labeled to indicate the state, the number of pounds of meat enclosed, the date of packaging, the name of harvester, the processor, the State Food Inspection Department's inspection number, and the tag number corresponding to the alligator hide from which the meat was taken.

b. All cartons of alligator meat imported from other states shall bear an official marking from that state's wildlife agency or other agency charged with food inspection.

c. Persons handling alligator meat for human consumption must comply with the sanitation requirements of all applicable federal, state and local authorities.

d. Those who harvest alligators must maintain accurate records of all alligator meat sales on standard forms supplied by the Department and such records shall be open to inspection by Department personnel.

3. No person may bring any alligator meat into this State, or possess alligator meat unless authorized by this regulation.

4. Alligator meat transported into the State must bear evidence of having been legally taken.

5. Restaurants, canneries, nonfood meat processors and alligator meat wholesalers shall retain all alligator meat purchased in the original packages until the meat is prepared for consumption or processing. Such businesses and/or individual shall detach the original label with the accompanying data from each package when all meat from that carton has been prepared or processed and retain that label for the period of at least six months from the date of sale indicated on the label.

### F. Sale, Barter or Transfer of Alligator Hides and Other Parts

1. Alligator skulls not discarded must be permanently marked with the alligator harvest tag number under which it was taken. Skulls not yet processed into a finished product may be marked with a temporary label denoting tag number under which it was taken. Possession of any skull without the tag number is prohibited. Skulls that are found may be retained, sold, bartered or transferred but the finder must contact the Department to obtain a tag number to permanently tag or mark the part. Parts other than skulls or hides may be sold, bartered or transferred, but records must be kept indicating to whom the parts were sold, bartered or transferred

2. Hides or alligators taken with Department issued permits may be sold but must be properly tagged and reported as provided in this regulation. Alligator hides and parts transported into this state for sale or processing must bear evidence of having been legally taken. Parts of hides taken from a legally tagged alligator hide, must be tagged or packaged with a label, receipt, or other document indicating harvester's name, date, and the harvest tag number and this documentation retained until such time as the partial hide is tanned or otherwise processed into other finished goods or discarded.

3. No person shall accept or possess an untagged alligator hide or unmarked or untagged alligator skull for any purpose.

#### G. Sale of Finished Alligator Products

1. Products made from legally acquired crocodylians may be offered for sale in the State in accordance with the following:

- a. Products made from the American alligator must be visibly labeled American alligator.
- b. Products made from Caiman must be visibly labeled Caiman.
- c. Products made from other crocodylians must be visibly labeled Crocodile.

2. Final end users of these finished products are not required to maintain this labeling requirement.

#### H. Alligator Propagation

1. Alligator Propagators Permit Applications.

a. Only persons who are at least 18 years old at the time of application are eligible for an Alligator Propagators Permit.

b. All applicants must submit a copy of a deed or leaseholder agreement along with a detailed map of the property on where the alligator propagation facility will be located. Map must show the boundaries of the facility, and the locations of every structure, pond, or other property feature used to hold, house, and or process alligators.

c. The permit application must state the source and approximate number of alligators to be held at the facility. Applicant must notify the Department of any changes to the source stock and numbers.

Alligator propagation facilities must meet the standards herein in order to procure or maintain an Alligator Propagator's Permit. The Department has 15 business days from receipt of a new alligator propagator permit application to inspect the facility for initial compliance.

d. The Department will notify the applicant in writing of any inspection deficiencies and the work needed to remedy the listed deficiencies.

e. Any applicant who does not meet initial facility standards must notify the Department after remedying the listed deficiencies on the inspection report.

f. The Department has 15 business days from receiving notification of these remedies to re-inspect the facility for compliance.

2. Alligator Propagation Facilities

a. The minimum setback separation distance required between an outdoor alligator holding tank, pen, or pond, and real property owned by another person is 1,000 feet. The minimum setback separation distance required between an indoor alligator holding tank or pen is 500 feet. Setbacks from property lines may be waived with written consent of the adjacent affected property owners.

b. The minimum separation distance between an alligator facility and a public or private drinking water well is 500 feet.

c. The minimum separation distance required between an alligator holding tank, pen, or pond and waters of the State is 1,320 feet or 1/4 mile. If the waters of the State are designated Outstanding Resource Waters, Critical Habitat Waters of Federally Endangered Species, or Shellfish Harvesting Waters, the minimum separation distance required between an alligator holding tank, pen, or pond, and waters of the State is 2,640 feet or 1/2 mile.

d. The premises must be secure and have adequate barriers to prevent escape of enclosed alligators, entry onto the premises from alligators outside of the facility, and to deter theft of enclosed alligators.

e. There must be an adequate supply of fresh water at each permitted facility, including each enclosure, or each holding area on the property.

f. Except for outside pens or ponds, all holding tanks and pens shall have smooth walls.

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g. All areas where alligators are housed must contain enough water for every animal to completely submerge and enough area for each animal to completely exit the water.

h. Outdoor pens, tanks, or ponds must be constructed with a fence a minimum of five feet in height utilizing 11 ½ gauge chain-link fence with a minimum of 11 ½ gauge ties secured to posts, rails, or other structural parts to prevent escape.

i. All enclosures must be constructed to prevent alligators from going under or over the enclosure.

j. Provisions must be made to protect alligators held outside from freezing cold temperatures with adequate denning space.

k. Outside holding facilities must provide adequate covering or natural vegetation for shade as well as direct sunlight areas for basking to allow temperature regulation.

l. Indoor pens and tanks.

i. Alligator eggs located outside of a nest must be kept in an incubator with air and water temperature ranges between 85 and 91 degrees Fahrenheit.

ii. Alligators less than 48" in total length must be kept inside in a controlled environment with a minimum temperature of 80 degrees Fahrenheit.

iii. Alligators less than 48" in total length must be kept in rearing tanks constructed in such a manner to allow complete submersion or exit from the water.

iv. All indoor facilities must have temperature monitors and a backup power system in order to maintain correct water and air temperatures.

v. All rearing tanks must be constructed of fiberglass, plastic, metal, or other material approved by the Department to ensure secure and humane confinement. Tanks and pens must allow water to be readily drained to allow water changes or cleaning.

m. Alligators must be kept segregated from other alligators by the following size classes:

i. Less than 2 feet.

ii. 2 to 4 feet.

iii. 4-6 feet.

iv. Greater than 6 feet.

n. Minimum pen, tank, pond, or other holding area space requirements.

i. One half (0.5) square feet of space for every alligator less than 24 inches in total length.

ii. One and a half (1.5) square feet of space for every alligator 24 to 48 inches in total length.

iii. Three (3) square feet of space for every alligator greater than 48 inches in total length.

iv. For all alligator sizes, the pen, tank, or pond must allow at least the largest animal to orient in any direction without touching the sides of the pen, tank, or pond.

3. Harvest and processing of alligators at a propagation facility.

a. Any alligator killed under the authority of an alligator propagation permit or that dies at a permitted alligator propagation facility must be tagged with a Department supplied harvest tag within 24 hours or properly disposed of in accordance with local waste disposal requirements.

b. An alligator propagation facility may process alligators reared on the facility or purchased from any other legal source provided:

i. The building or structure where alligators are processed for human consumption meets and maintains all applicable state and federal food handling and storage requirements and are licensed or certified to process alligator meat.

ii. All meat processed for consumption must be packaged in suitable containers which clearly identifies the package as alligator meat, and marked with the facility permit number, and as required by any other federal or state food labeling laws or regulations.

iii. Records are maintained on forms provided by SCDNR in regards to the origin of the alligators and the associated harvest tag numbers.

iv. A tag or label affixed to any package or container of alligators or alligator parts must specify the contents, quantity contained, and applicable license and permit numbers.

c. Tagged, unskinned alligator carcasses may be sold or otherwise disposed of.

d. All tags issued to an alligator propagation facility remain the property of the Department and may be revoked for violations of these regulations.

e. Requests for CITES tags must be made to the Department at least 10 business days in advance.

f. Alligators taken under the authority of the public hunting program cannot be sold or given to an alligator propagation facility.

g. Alligator carcasses taken under the authority of the Private Lands Alligator Program may be sold or given to a propagation facility for the purpose of processing provided that the animals are tagged as required by the Private Lands Program.

h. No live alligators taken under any of the State's other alligator harvest programs can be sold or given to an alligator propagation facility except with a separate permit issued by the Department.

#### 4. Reporting Requirements.

a. All alligator propagation facilities must submit an annual report on Department issued forms with the following information:

i. The number of eggs purchased and their origin.

ii. The number of alligators hatched.

iii. The number of live alligators purchased by size class and origin.

iv. The number of live alligators currently in possession.

v. The number of alligators that died.

vi. The number of alligators killed.

vii. The disposition of alligator parts and meat sold during the year.

viii. Names of persons or companies to whom alligators, alligator meat, or alligator parts were sold or otherwise transacted.

ix. A completed record for each tag used.

x. A record of the number of alligator carcasses purchased from others and the complete tag numbers from those alligator carcasses.

b. Any tags issued and not used and accounted for on harvest reports must be returned with the annual report.

c. No live alligators may be transported off of the alligator propagator facilities without a permit issued by the Department.

d. Alligator propagators must follow all permit conditions printed on or accompanying the alligator propagator's permit. This permit must be prominently displayed on site at the alligator propagation facility.

#### **Fiscal Impact Statement:**

The amendment of Regulations 123-151 will result in allowing individuals to enter into the business of alligator propagation. This will generate additional State revenue through propagation permit sales as well as potentially result in opportunities for local economies to benefit through the cost of construction and maintenance of these facilities, and any potential hiring of employees to work at these operations. In addition, changes to current regulations will relax the current marking requirements related to selling small alligator parts, thus reducing the burden on individuals selling small alligator items. Sales taxes on these items will also directly benefit government.

#### **Statement of Rationale:**

Regulation 123-151 is amended to reflect statutory changes, to establish a means to construct and operate an alligator propagation facility, to clarify conditions for reporting alligator harvest, and to remove the marking requirements of individual small alligator parts.

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Document No. 4547  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Section 50-11-2200

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources

### **Synopsis:**

The Department of Natural Resources (the department) proposes to amend Regulation 123-209 setting the terms and conditions for the public use of lakes and ponds owned the department for the purpose of providing public fishing and Regulation 123-210 setting terms and conditions for the public's use of lakes and ponds leased by the department for the purpose of providing public fishing.

The following is a section-by-section summary of the proposed changes and revisions:

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources.

- A. This section is deleted.
- B. This section is changed to Section A.
  - a. Draper WMA State Lakes in York County – removes size limit for largemouth bass and crappie.
  - b. Lake Cherokee in Cherokee County – reworded and removes size limit for largemouth bass and crappie.
  - c. Lake Edgar Brown in Barnwell County – reworded and removes size limit for crappie.
  - d. Lake George Warren in Hampton County – reworded and removes size limit for crappie.
  - e. Lake John D. Long in Union County - reworded and removes size limit for crappie.
  - f. Mountain Lakes in Chester County - reworded and removes size limit for largemouth bass and crappie.
  - g. Lake Paul Wallace in Marlboro County - reworded and removes size limit for crappie.
  - h. Lake Thicketty in Cherokee County - reworded and removes size limit for crappie.
  - i. Webb Center Lakes in Hampton County - reworded and removes size limit for crappie.

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

- A. This section is deleted.
- B. This section is changed to Section A.
  - a. Lake Ashwood in Lee County – Reworded to comply with statutory change and removes size limit on crappie.
  - b. Dargan's Pond in Darlington County - Reworded to comply with statutory change and changes largemouth bass size limit.
  - c. Lake Edwin Johnson in Spartanburg County - Reworded to comply with statutory change and removes size limit on largemouth bass and crappie.
  - d. Jonesville Reservoir in Union County - Reworded to comply with statutory change, removes size limit on crappie and schedules a pond closure for renovation.
  - e. Lancaster Reservoir in Lancaster County - Reworded to comply with statutory change and reduces the crappie possession limit to comply with the statewide limit.
  - f. Lake Oliphant in Chester County - Reworded to comply with statutory change, removes the size limit on largemouth bass and crappie and schedules a pond closure for renovation.
  - g. Star Fort Pond in Greenwood County - Reworded to comply with statutory change and removes the size limit on largemouth bass and crappie.

h. Sunrise Lake in Lancaster County - Reworded to comply with statutory change, reduces the possession limit for bream, removes the size limit for largemouth bass and crappie and schedules a pond closure for renovation.

The Notice of Drafting regarding these regulations was published on November 28, 2014 in the South Carolina State Register, Volume 38, Issue No. 11.

**Instructions:**

Replace existing regulations as shown below.

**Text:**

123-209. Term and Conditions for the Public’s Use of State Lakes and Ponds Owned by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50-11-2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes owned by the Department are as follows:

- a. Draper WMA State Lakes in York County
  - i. The lakes are open for fishing from one-half hour before official sunrise to one-half hour after official sunset, every day except Tuesday. The ponds are closed to fishing on Tuesdays.
  - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
  - iii. No minnows allowed for bait.
  - iv. Combined daily fish limits from all ponds are 3 largemouth bass, 15 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.
  - v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
  - vi. Pets must be on leashes or under the control of their owner at all times.
  - vii. No boats are allowed in ponds.
  - viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
  
- b. Lake Cherokee in Cherokee County
  - i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
  - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
  - iii. Daily fish limits are 3 largemouth bass, 20 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.
  - iv. Vehicles are restricted to roads and designated access areas only.
  - v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
  - vi. Pets must be on leashes or under the control of their owner at all times.
  - vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
  - viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
  
- c. Lake Edgar Brown in Barnwell County
  - i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.



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ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass 16 inches or longer, 20 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only. No motorized vehicles of any type allowed on dikes.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Motor powered boats are allowed. Only outboard motors rated at 10 horsepower or less are allowed north of Wellington Road.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### d. Lake George Warren in Hampton County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass, 20 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### e. Lake John D. Long in Union County

i. The lake is open from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

x. Lake Long will be closed at all times for renovation and restocking from July 1, 2013 through June 30, 2015. Lake Long will reopen on July 1, 2015.

### f. Mountain Lakes in Chester County

i. The lakes are open on Tuesday, Thursday, Saturday, and Sunday from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

- iii. Daily fish limits are 1 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.
- iv. Vehicles are restricted to roads and designated access areas only.
- v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. No minnows allowed for bait.
- viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

g. Lake Paul Wallace in Marlboro County

- i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. Daily limits are 20 bream and 3 catfish. No harvesting of largemouth bass (catch and release only). Statewide limits apply for all other fish species, except no size limit for crappie.
- iv. No minnows allowed for bait.
- v. Vehicles are restricted to roads and designated access areas only.
- vi. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vii. Pets must be on leashes or under the control of their owner at all times.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
- ix. Lake may be closed for special use activities by special permit of the department.
- x. Lake Wallace Fishing Side (East of the earthen dike that separates the two lake portions)
  - 1. Boats are allowed, but may only be propelled by paddle, electric trolling motors, or outboard motors rated at 10 horsepower or less.
- xi. Lake Wallace Boating Side (West of the earthen dike which separates the two lake portions)
  - 1. Boats and water skiing are allowed and must follow a counter-clockwise route of travel.
  - 2. Jet Ski or personal watercraft are allowed but not within 200 feet of boats.
  - 3. All other South Carolina watercraft rules and regulations apply.

h. Lake Thicketty in Cherokee County

- i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. Daily fish limits are 3 largemouth bass, 20 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.
- iv. Vehicles are restricted to roads and designated access areas only.
- v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

i. Webb Center Lakes in Hampton County

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i. The lakes are open for fishing Monday through Saturday from one-half hour before official sunrise until one-half hour after official sunset except for Monday afternoons, Tuesday mornings, Friday afternoon, and Saturday morning during scheduled deer hunts (October 1 – January 1).

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 10 largemouth bass, and 30 bream. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50-11-2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes leased by the Department are as follows:

a. Lake Ashwood in Lee County

i. The lake is open for fishing from one-half hour before official sunrise to one-half hour after official sunset, every day except Tuesday. The ponds are closed to fishing on Tuesdays.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 3 largemouth bass, 15 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors, or outboard motors rated 10 horsepower or less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

b. Dargan's Pond in Darlington County

i. The lake is open on Wednesday and Saturday only from March 1 through September 30 from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass with only one being 16 inches or longer, 20 bream, and 3 catfish. Statewide limits apply for all other fish species.

iv. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

v. Pets must be on leashes or under the control of their owner at all times.

vi. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

vii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

- c. Lake Edwin Johnson in Spartanburg County
  - i. Lake is open for fishing from one-half hour before official sunrise to one-half hour after official sunset seven days a week.
  - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
  - iii. No minnows allowed for bait.
  - iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species except no size limit on crappie.
  - v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
  - vi. Pets must be on leashes or under the control of their owner at all times.
  - vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
  - viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
  
- d. Jonesville Reservoir in Union County
  - i. Lake is open on Monday, Wednesday and Saturday only, from one-half hour before official sunrise to one-half hour after official sunset.
  - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
  - iii. No minnows allowed for bait.
  - iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.
  - v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
  - vi. Pets must be on leashes or under the control of their owner at all times.
  - vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
  - viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
  - ix. Jonesville Reservoir will be closed at all times for renovation and restocking from July 1, 2016 through June 30, 2018. Jonesville Reservoir will reopen July 1, 2018.
  
- e. Lancaster Reservoir in Lancaster County
  - i. Lake is open on Thursday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.
  - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
  - iii. No minnows allowed for bait.
  - iv. Daily fish limits are 2 largemouth bass 16 inches or longer, 20 bream, and 3 catfish. Statewide limits apply for all other fish species.
  - v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
  - vi. Pets must be on leashes or under the control of their owner at all times.
  - vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
  - viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
  
- f. Lake Oliphant in Chester County
  - i. Lake is open Monday, Wednesday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.
  - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
  - iii. No minnows allowed for bait.

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iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

ix. Lake Oliphant will be closed at all times for renovation and restocking from July 1, 2015 through June 30, 2017. Lake Oliphant will reopen July 1 2017.

### g. Star Fort Pond in Greenwood County

i. Lake is open for fishing on Wednesday, Friday and Saturday between April 1 and November 1, from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

### h. Sunrise Lake in Lancaster County

i. Lake is open for fishing on Monday, Wednesday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 2 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

ix. Sunrise Lake will be closed at all times for renovation and restocking from July 1, 2015 through June 30, 2017. Sunrise Lake will reopen July 1, 2017.

### **Fiscal Impact Statement:**

The amendment of regulations 123-109 and 123-110 will not result in any additional costs to the State. The State and local communities will continue to benefit economically from the activities of the public accessing and utilizing the lakes and ponds for recreational fishing and outdoor recreation.

**Statement of Rationale:**

Regulation 123-209 is amended to reflect statutory changes and to clarify and up-date the terms and conditions to provide for the public's use of state lakes and ponds owned by the department for the purpose of providing public fishing.

Regulation 123-210 is amended to comply with statutory changes in order to establish the terms and conditions to provide for the public's use of state lakes and ponds leased by the department for the purpose of providing public fishing.