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- 01/24/2017 Received by Lt. Gov & Speaker 01/21/2018

S 01/24/2017 Referred to Committee

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Document No. 4727

**DEPARTMENT OF NATURAL RESOURCES**

CHAPTER 123

Statutory Authority: 1976 Code Section 50-13-2011

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 establish revised 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. No Change.

 a. Draper WMA State Lakes in York County – no change.

 b. Lake Cherokee in Cherokee County – no change

 c. Lake Edgar Brown in Barnwell County – no change.

 d. Lake George Warren in Hampton County – no change.

 e. Lake John D. Long in Union County – no change.

 f. Mountain Lakes in Chester County – no change.

 g. Lake Paul Wallace in Marlboro County – allow for permitting of a swimming area and permitting the use of fireworks..

 h. Lake Thicketty in Cherokee County – no change.

 i. Webb Center Lakes in Hampton County – no change.

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

 A. No change

 a. Lake Ashwood in Lee County – provide for closure of lake for flood related repairs.

 b. Dargan’s Pond in Darlington County – provide for closure of lake for flood related repairs.

 c. Lake Edwin Johnson in Spartanburg County – no change.

 d. Jonesville Reservoir in Union County – no change.

 e. Lancaster Reservoir in Lancaster County - no change.

 f. Lake Oliphant in Chester County – no change.

 g. Star Fort Pond in Greenwood County – no change.

 h. Sunrise Lake in Lancaster County – extend closure period for 12 months

The Notice of Drafting regarding these regulations was published on October 28, 2016 in the *South Carolina State Register*, Volume 40, Issue No. 10.

**Instructions:**

Replace Regulations 123-209 and 123-210 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.

 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.

 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. The department may issue to the Lake Paul Wallace Authority (the Authority) permits with conditions whereby the Authority may provide for fireworks shows and/or designate a public swimming area on the Lake Paul Wallace property provided that the Authority ensures that such actions comply with all local and state laws, regulations and ordinances applicable to fireworks displays and/or public swimming areas.

 xi. 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.

 xii. 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

 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 of less.

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

 ix. Lake Ashwood is closed to fishing until July 1, 2019. The Department may reopen Lake Ashwood prior to July 1, 2019 if conditions allow.

 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.

 viii. Dargan’s Pond is closed for repairs. Dargan’s Pond will reopen for public use July 1, 2019. The Department may reopen Dargan’s Pond prior to July 1, 2019 if conditions allow.

 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.

 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.

 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, 2018. Sunrise Lake will reopen July 1, 2018. The Department may reopen Sunrise Lake prior to July 1, 2018 if conditions allow.

**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.