

S.C. Code § 50-5-505. Net use requirements and restrictions; mariculture impoundment net use permit.

(A) A gill net used in the salt waters of this State must have at least one end buoy, international orange in color, which shows the name and license number of the owner. The operator of a gill net must be within five hundred feet of the net and have visual contact with the net at all times when deployed.

(B) A trotline used in the inshore salt waters of this State must have at least one end buoy, international orange in color, which shows the name and license number of the owner. Recreational trotlines must be marked by the name and address of the owner in lieu of a license number. Any trotline used in the territorial sea must be marked with a buoy not less than twenty inches in diameter at each end, international orange in color, which floats in a manner to be clearly visible at all times.

(C) A haul seine greater than one hundred feet in length must be marked with buoys, international orange in color, not less than twenty inches in diameter, which float in a manner to be clearly visible at all times.

(D) No haul seine may be set within five hundred yards of any public fishing pier.

(E) A buoy must be attached to the float line of any haul seine every three hundred feet, and a buoy must be attached to each end of any haul seine.

(F) No haul seine may be set, hauled, or both, for a period exceeding one and one-half hours without being fully returned to the beach.

(G) The department may grant a permit to the owner of a mariculture impoundment or his authorized agent, either of whom must be a licensed commercial saltwater fisherman, to attach a net on the downstream side or outside of the outlet to harvest fish exiting the impoundment. The department may place conditions on the permit as to season, type of equipment, and times.

S.C. Code § 50-5-510. Channel nets; season; observation of use by department; restrictions as to possession; requirements applicable to use of net and possession of license; penalties.

(A) The season for using channel nets shall be no longer than ninety days, and the department annually may set the channel net season between September 1 of any year and December 15 of the same year, inclusive.

(B) A person licensed to use a channel net must allow designated department personnel to board or accompany any vessel on or from which a channel net is used to observe fishing activities, fishing gear, catch, and discards.

(C) It is unlawful to possess a channel net aboard a boat during the closed channel net season.

(D) It is unlawful to possess an unlicensed channel net aboard a boat.

(E) The following requirements apply to channel nets used in the salt waters of this State:

(1) the width at the mouth measured across the float or head line must not exceed eighty feet;

(2) no channel net may be operated from a trawler;

(3) a channel net must be marked with three buoys, international orange in color, constructed of solid foam or polyvinylchloride and not less than forty inches in circumference so as to be clearly visible at all times above the water's surface, one attached to each staff and one having the name, address, and license number of the owner thereon attached outside of the tailbag or codend; and

(4) a channel net set at night must be marked by a white light clearly visible from a distance of one-quarter of a nautical mile.

(F) It is unlawful for a person to set, retrieve, or remove catch from a channel net unless the properly licensed owner of the net is present and has his license in his immediate possession.

(G) No channel net when set may be unattended for more than twenty-four hours. Any channel net not fished for more than twenty-four hours or which contains decomposed fish is contraband and must be seized and disposed of as provided in this chapter.

(H) Any person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days.

S.C. Code § 50-5-515. Channel nets to be used only in designated areas; Turtle Excluder Device requirements; penalties.

(A) It is unlawful to use channel nets in the salt waters of this State, except in areas designated by the department.

(B) The following apply to use of channel nets:

(1) A functional soft or hard Turtle Excluder Device (TED) must be correctly installed in any channel net used in the waters of this State, except in areas specifically exempted in this section.

(2) A soft TED must be constructed and installed so as to conform to the specifications of the National Marine Fisheries Service for soft TED's.

(3) A hard TED must conform to the following specifications:

- (a) the TED must be a single, rigid, oval deflector grid which is made of steel rod or pipe not less than one-third inch diameter, aluminum rod or pipe not less than one-half inch diameter, or fiberglass rod of comparable strength;
- (b) the TED must be installed so that it is at a thirty to forty-five degree angle from the horizontal when in use;
- (c) the minimum inside diameter may not be less than thirty inches;
- (d) the minimum (slit) escape opening is thirty-five inches;
- (e) the maximum spacing between the bars is four inches; there is no minimum spacing;
- (f) all "hard" TEDs must be top exiting only;
- (g) an optional, rectangular flap may be installed over the escape opening, provided it is attached only on its forward edge, does not extend more than four inches aft of the escape opening, is no wider than thirty-six inches, and the mesh size is no larger than two inches stretch.

(4) Turtle Excluder Devices are not required in channel nets used east of a line in Winyah Bay from the front range on Big Marsh Island, running southeast to day marker No. 18, thence running south southeast to red Nun Buoy No. 16. Any channel net used west of this line must use an approved Turtle Excluder Device. Turtle Excluder Devices are not required in channel nets used in North Santee Bay. However, the department may require TEDs in additional or all open areas if a significant threat to sea turtles is determined.

(5) A sea turtle accidentally taken must be released immediately unless it is apparent that resuscitation is required. If resuscitation is required, the fisherman must retain the turtle until the turtle has recovered sufficiently and is capable of swimming.

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

S.C. Code § 50-5-545. Commercial blue crab traps; escape vent requirements; peeler trap exemption.

(A) Except as provided in this section, from June 1 through March 14, a trap used for taking blue crab used for commercial purposes must have at least two unobstructed, circular escape vents (rings) which must be two and three-eighths inches or greater in inside diameter and located on vertical surfaces. At least one vent (ring) must be in the upper chamber. All vents (rings) must be within two inches of the horizontal partition or the base of the trap.

(B) A trap used for taking blue crab constructed of a single chamber must have at least one two and three-eighths inch or larger inside diameter escape vent (ring) located on a vertical surface within two inches of the base of the trap. Peeler traps are exempt year round.

S.C. Code § 50-5-550. Trap buoy size, material, catch release feature and identification tag or other identifying information requirements; seizure of unmarked traps.

(A) Other than minnow traps not used for a commercial purpose, and traps with lines attached to a shore based structure and not used for a commercial purpose, each trap set in the waters of this State must have attached to it a buoy made of solid, buoyant material which does not sink if punctured or if cracked. A spherical or nonspherical primary buoy must be attached to each trap. A nonspherical buoy must be at least ten inches in length and five inches in diameter or width. A spherical buoy must be at least six inches in diameter. No plastic, metal, or glass bottles or jugs may be used as a buoy, and no buoy attached may be made of a material which could sink if punctured or cracked. No floating line or rope may be used. Minnow traps used for commercial purposes must utilize floats no smaller than five inches marked with the operator's name.

(B) The department may require that each trap set in the salt waters of this State have catch release features and identification tags designated by the department.

(C) Each licensed commercial saltwater fisherman licensed to fish traps must acquire an identification number assigned by the department. No person may acquire or attempt to acquire more than one identification number. The assigned identification number must be burned or branded on each primary trap buoy in numerals of at least two inches in height, must be clearly legible, must be in a color contrasting that of the buoy, and must be unobstructed and visible when the buoy is at rest in the water.

(D) The buoy of traps used by individuals for personal use as provided by law in lieu of the identification number required on commercial traps must bear the owner's name and current address and must be yellow in color.

(E) A trap not marked in accordance with this section is contraband and must be seized and disposed of as provided in this chapter.

S.C. Code § 50-5-770. Shrimp trawl requirements; penalties.

(A) A shrimp trawl made in part or in whole of any webbing less than two and one-half inches stretched mesh and exceeding a head rope length of sixteen feet used in the waters of this State must contain one or more department-approved, properly installed bycatch reduction devices.

(B) It is unlawful to have on board a vessel or to trawl with any trawl or trawls having a total foot rope length greater than two hundred twenty feet, not including the foot rope length of:

- (1) a single trawl not greater than sixteen feet when used as a try net, or

(2) any trawl bundled and stored below deck or secured in a locked bin or container on deck.

(C) When a vessel is underway, this section applies to trawls attached to trawl doors.

(D) When a vessel is moored at a dock or anchored, this section applies to trawls attached to trawl doors or hung in the vessel's rigging.

(E) The department may exempt trawls utilized by persons holding a valid scientific collection permit granted by the department.

(F) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days, and any such trawl may be seized.

(G) A person who violates subsection (B) is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than two thousand five hundred dollars or imprisoned not more than thirty days, and any trawl on board may be seized.

S.C. Code § 50-5-1305. Blue crabs; commercial taking at night prohibited; penalties.

(A) Except as provided in this section, it is unlawful for a commercial saltwater fisherman licensed to set, move, fish, retrieve, or remove catch from traps which may be used to take blue crabs; or to transport aboard a vessel more than twenty-four blue crabs or parts or products thereof, during the following times:

(1) from 9:00 p.m. until 5:00 a.m. the following day, local time, from April 1 through September 15 inclusive; and

(2) from 7:00 p.m. until 6:00 a.m. the following day, local time, from September 16 through March 31 inclusive.

This prohibition does not apply to recreational fishermen using properly marked personal traps.

A vessel rigged to use a licensed trawl may have blue crabs aboard at night if taken during lawful trawling activity; however, no vessel rigged for trawling may be used to set, move, retrieve, or remove catch from crab traps.

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

S.C. Code § 50-5-1515. Shad hook and line catch limits.

(A) Except as provided in this section, a person taking or attempting to take shad by cast net, skim-bow net, or by hook and line including rod and reel may take or possess no more than an aggregate of ten American and hickory shad in any one day.

(B) A person taking or attempting to take shad by hook and line including rod and reel in the Santee River may take or possess no more than an aggregate of twenty American and hickory shad in any one day.

(C) No shad taken by cast net, skim-bow net, or by hook and line including rod and reel may be sold, offered for sale, or purchased. In freshwaters, a person must hold a freshwater fishing license.

S.C. Code § 50-5-1540. Net placement.

(A) No shad, herring, or sturgeon net, including its cables, lines, or attached devices, either set, drift, or fished in the waters of this State may be of a length greater than one-half the normal width of the water body at the place where used, regardless of the stage of the tide, river stage, water level, or method of net deployment.

(B) No net may be:

- (1) set within six hundred feet of any gill net previously set;
- (2) drifted within six hundred feet of another drifting net; or
- (3) placed or set within seventy-five feet of the confluence of any tributary.

(C) Nothing in this section prevents a lawfully drifted gill net from passing within six hundred feet of a lawfully anchored gill net.

S.C. Code § 50-5-1545. Removal of nets during off times and periods; penalties.

(A) During times and periods when taking of shad by net is not allowed, any net which could be used for taking shad must be removed from the waters.

(B) During times and periods when taking of herring by net is not allowed, any net which could be used for taking herring must be removed from the waters.

(C) During times and periods when taking of sturgeon by net is not allowed, any net which could be used for taking sturgeon must be removed from the waters.

(D) Any nonmesh, net-related fishing apparatus, including leads, cables, anchors, signs, and buoys must be removed from the waters and banks of the streams or water courses no later than three days after the close of the respective season. Any net or part thereof, including leads,

cables, anchors, signs, and buoys found in violation of this section is contraband and must be seized and disposed of as provided by law.

(E) Anchors with attached line and buoys may remain in lawful waters during weekly closed periods of the open season.

(F) A person leaving a net or any part thereof, including any cables, leads, or anchors, in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned for not more than thirty days.

S.C. Regs § 123-20. Fishing With a Channel Net.

The following requirements shall apply to all fixed or stationary nets having a mesh size of less than two and one-half inches stretch mesh used in coastal waters and shall include, but not be limited to, shrimp channel or set nets (defined as conical bag-shaped nets similar in design to a trawl net, which is attached to poles, stakes, buoys or other fixed objects and which is not pulled by a boat), butterfly nets, frame nets, bag nets, trawl nets and any other conical or bag-shaped nets which are attached to poles, stakes, buoys anchored vessels or other fixed objects; provided, however, that shrimp or crab drop nets, and elver fyke nets, shall not be subject to these regulations:

1. Any person using a channel net as defined by S. C. Wildlife and Marine Resources Department Regulation 123-20 or other fixed or stationary net described above in any of the saltwaters of this State shall first obtain and have in possession a valid permit issued by the Marine Resources Division;
2. Each net used under the provisions of this rule and regulation must have a valid license ...
3. The width and mesh size of any channel net or other stationary net included under this rule and regulation must conform to [S.C. net specifications]...
4. No channel or set net may be operated from a shrimp trawler or any other boat under a duly issued channel net permit;
5. No channel net or other stationary net used under authority of this rule and regulation may be set within two hundred (200) feet of a net previously set ...
6. Any channel net or other stationary net included under this rule and regulation left unattended must be marked with a sign or buoy having the name, address and permit number of the owner thereon;
7. Any channel net set at night must be marked by a white light clearly visible from a distance of one quarter of a mile.

8. Any person who obtains a permit under the provisions of this rule and regulation is required to keep a daily catch record on forms prescribed and provided by the Division.
9. The issuance of channel net or other stationary net permits hereunder is subject to the regulations of the S. C. Department of Highways and Public Transportation, U. S. Coast Guard and U. S. Army Corps of Engineers.
10. Channel nets or other stationary nets may be used only in those areas and at those times prescribed by the Marine Resources Division and the operation of such nets in any area or at any time not so authorized is illegal.
11. The penalty for violation of the provisions of this rule and regulation or the statutes upon which it was promulgated shall be as prescribed as in [S. C. law], and in addition the permit issued said violation may be suspended or revoked by the Marine Resources Division.
12. Except as specifically modified or changed hereby, all prevailing laws, rules and regulations concerning fishing and boating in South Carolina shall remain in full force and effect.

S.C. Regs § 123-35 Turtle Excluder Devices Required in Channel Nets.

A. The following regulations apply to fishing gears known as channel (set) nets as defined:

- (1) Functional "soft" or "hard" **Turtle Excluder Devices** (TEDs) must be correctly installed in all channel (set) nets used in the state waters of South Carolina, except in areas specifically exempted by these regulations.
- (2) "Soft" TEDs must conform to the following specifications:
 - (a) Webbing must be polypropylene or polyethylene
 - (b) Stretched mesh size may not exceed 6 inches
 - (c) Horizontal, taut length of the panel may not exceed 120 inches (10 feet)
 - (d) Panel width at the leading edge may not exceed 229 inches (19 feet)
 - (e) The escape opening may not be less than 72 inches (6 feet)
 - (f) The TED panel must form a complete barrier inside the net forward of the codend
 - (g) The TED must slope upwards with the escape opening being on the top of the net just forward of the panel's attachment to the top of the net

(h) An optional, rectangular flap may be installed over the escape opening, provided it is attached only on its forward edge, does not extend more than 4 inches aft of the escape opening, is no wider than 36 inches (3 feet), and the mesh size is no larger than 2 inches stretch.

(3) "Hard" TEDs must conform to the following specifications:

(a) The TED must be a single, rigid, oval deflector grid which is made of steel rod or pipe not less than 1/3 inch diameter, aluminum rod or pipe not less than 1/2 inch diameter, or fiberglass rod of comparable strength

(b) The TED must be installed such that it is at a 30 degree to 45 degree angle from the horizontal when in use

(c) The minimum inside diameter may not be less than 30 inches

(d) The minimum (slit) escape opening is 35 inches

(e) The maximum spacing between the bars is 4 inches; there is no minimum spacing

(f) All "hard" TEDs must be top exiting only

(g) An optional, rectangular flap may be installed over the escape opening, provided it is attached only on its forward edge, does not extend more than 4 inches aft of the escape opening, is no wider than 36 inches (3 feet), and the mesh size is no larger than 2 inches stretch.

(4) Channel (set) nets will not require **Turtle Excluder Devices** if they are fished east of a line in Winyah Bay from the front range on Big Marsh Island, running southeast to Day Marker No. 18, thence running south southeast to red Nun Buoy No.16. All channel nets west of this line must use approved **Turtle Excluder Devices**. Channel nets in North Santee Bay will not be required to have **Turtle Excluder Devices**. However, the Department may require TEDs in additional or all open areas if a significant threat to sea turtles is determined.

(5) Any sea turtle accidentally taken must be immediately released unless it is apparent that resuscitation is required. If resuscitation is required, the fisherman must retain the turtle until such time that the turtle has sufficiently recovered and is capable of swimming. At that time, the turtle must be released.