~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 19, 2011

**H. 3864**

Introduced by Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Herbkersman, Hiott, Hodges, G.M. Smith, Pinson, Ballentine, D.C. Moss, Mitchell, J.H. Neal, R.L. Brown, Whipper, Toole, Forrester, Butler Garrick, Hayes, Chumley, J.E. Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J.R. Smith, Knight, Long, Huggins, Ott and Weeks

S. Printed 5/19/11--S.

Read the first time May 3, 2011.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (H. 3864) to amend Article 1, Chapter 13, Title 50, Code of Laws of South Carolina, 1976, relating to restrictions on fishing generally, so as to revise the provisions, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, Section 50‑13‑230(E) and (F), as contained in SECTION 2, page 17, by deleting Section 50‑13‑230(E) and (F) and inserting:

/ (E) On Lake Murray and the middle reach of the Saluda River it is unlawful to possess more than five striped bass a day. From ~~July~~ June first through September thirtieth, it is unlawful to take, attempt to take, or possess more than five striped bass a day. (F) On Lake Murray and the middle reach of the Saluda River from October first through ~~June thirtieth~~ May thirty‑first, it is unlawful to possess a striped bass less than twenty‑one inches in total length. From ~~July~~ June first to September thirtieth there is no minimum length. /

Renumber sections to conform.

Amend title to conform.

RONNIE W. CROMER for Committee.

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 13, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FISHING GENERALLY, SO AS TO REVISE THE PROVISIONS OF THE ARTICLE TO GOVERN CERTAIN FISHING ACTIVITIES IN THE FRESHWATERS OF THIS STATE AND TO PROVIDE PENALTIES FOR SPECIFIC VIOLATIONS; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN REGULATION OF AND THE PROTECTION FOR FRESHWATER GAME FISH; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES, BY ADDING SECTION 50‑13‑1995 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PERMIT THE FEDERAL GOVERNMENT TO CONDUCT FISH AND SCIENTIFIC INVESTIGATIONS IN THE WATERS OF THIS STATE IN CONNECTION WITH HATCHERY OPERATIONS OR MANAGEMENT OF THOSE SPECIES UNDER FEDERAL JURISDICTION; AND TO REPEAL SECTIONS 50‑13‑610 RELATING TO LAWFUL TAKING OF FISH IN GAME ZONE NO. 1; 50‑13‑620 RELATING TO PENALTIES APPLICABLE TO FISHING VIOLATIONS IN GAME ZONE NO. 1; 50‑13‑680 RELATING TO PERMITS REQUIRED FOR TAKING FISH IN CERTAIN PONDS IN MARLBORO COUNTY; 50‑13‑690 RELATING TO THE USE OF NETS OR OTHER DEVICES TO TAKE NONGAME FISH FROM PRIVATE PONDS IN CHESTERFIELD COUNTY; 50‑13‑730 RELATING TO THE USE OF NETS TO TAKE NONGAME FISH IN THE FRESHWATERS OF THIS STATE; AND 50‑13‑2010 RELATING TO THE SHELLEY LAKE FISH SANCTUARY IN MARION COUNTY.

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

SECTION 1. Article 1, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 1

General Restrictions on Freshwater Fishing ~~Generally~~

~~Section 50‑13‑5.~~ ~~For the purposes of this chapter:~~

~~(1) ‘Day’ means the period from official sunrise of one day, to official sunrise of the next day.~~

~~(2)~~ ~~‘Landed’ means to take and bring a fish ashore.~~

~~(3)~~ ~~‘Striped bass’ or ‘rockfish’ is the species Morone saxatilis.~~

~~(4)~~ ~~The ‘Lower Santee River system’ includes all waters and tributaries seaward of the Lake Murray Dam, the Columbia Canal Diversion Dam, and the Lake Wateree Dam to the freshwater/saltwater dividing line on the North Santee River and the South Santee River.~~

~~(5)~~ ~~The ‘Cooper River system’ includes all waters and tributaries, including the Tailrace Canal, of the Cooper River from its point of origin seaward to the freshwater/saltwater dividing line.~~

~~Section 50‑13‑10.~~  ~~The catching of game fish in all waters of the State shall be only with hook and line, fly rod, casting rod, pole and line and hand line. Not more than two of the above‑mentioned devices may be used by any one individual while fishing.~~

~~Section 50‑13‑11.~~  ~~Notwithstanding the provisions of Section 50‑13‑10, any person fishing in a boat may use an unlimited number of lawful fishing devices so long as every other occupant of the boat who, if fishing would be required by law to have a fishing license, has in his possession a valid fishing license.~~

~~Section 50‑13‑12.~~  ~~It is unlawful to take fish by snagging, pulling, or jerking a device equipped with one or more hooks through the water for the purpose of impaling fish within one thousand feet downstream of a hydroelectric dam. Nothing in this section prohibits the use of lures or baited hooks for the purpose of catching fish.~~

~~Section 50‑13‑25.~~  ~~(A)~~ ~~Notwithstanding any other provision of law, it is unlawful to catch and carry away from Slade Lake in Edgefield County any bass not meeting the minimum size limitation of twelve inches in length. The lawful catch limit for bass in Slade Lake is two per day, and the lawful catch limit for all other fish is fifteen per day.~~

~~(B)~~ ~~There is hereby established an open season for fishing on Slade Lake, beginning on the first day of April and terminating on the first day of November. During the open season, fishing is only allowed on Wednesdays, Saturdays, and Sundays, opening one‑half hour before sunrise and closing one‑half hour after sundown. A valid fishing license is required for a person sixteen years of age or older.~~

~~(C)~~ ~~It is unlawful to take any fish of any kind from Slade Lake except by hook and line, which includes poles, rod and reel, and natural or artificial bait, excluding minnows, and no person may use more than two poles at the same time. Nongame fishing devices may not be used including, but not limited to, traps, trotlines, or jugs.~~

~~(D)~~ ~~It is unlawful on Slade Lake or the recreational area of Slade Lake to:~~

~~(1)~~ ~~use watercraft of any kind on Slade Lake unless the watercraft is operated using oars or an electric trolling motor;~~

~~(2)~~ ~~have rifles, shotguns, or other firearms in one’s possession;~~

~~(3)~~ ~~litter, as defined in Section 44‑96‑40;~~

~~(4)~~ ~~have a glass container in one’s possession;~~

~~(5)~~ ~~have beer, wine, or other alcoholic beverages in one’s possession;~~

~~(6)~~ ~~operate a motor vehicle off designated roadways or park a vehicle outside of designated parking areas.~~

~~(E)~~ ~~A person violating a provision of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars or more than one hundred dollars or imprisoned not less than ten days or more than thirty days, or both.~~

~~Section 50‑13‑60.~~  ~~The department shall declare a closed season for a period of not more than sixty days at any one time on fish in any stream in this State on the written recommendation of the Senator and at least one half of the representatives from any county in which such stream may be situated. Any person who shall take fish from any such stream in this State during any such closed season shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for not less than thirty days.~~

~~Section 50‑13‑65.~~  ~~Notwithstanding the provisions of Section 50‑13‑60, in Game Zone 1 only, a stream may be closed for a period of one hundred fifty days under the same procedure as provided in Section 50‑13‑60 and any person convicted of unlawfully fishing during such closed season shall be fined as provided in Section 50‑13‑60.~~

~~Section 50‑13‑70.~~  ~~The department shall give notice of the closed season so declared by publication in at least two daily newspapers, including a newspaper in the county or counties in which the closed season is declared, if such counties have newspapers therein, stating the length of the period of such closed season.~~

~~Section 50‑13‑80.~~  ~~Any person found fishing with hook and line or in any other manner whatsoever within the restricted territory during a closed season so declared shall be prima facie guilty of violating the provisions of Section 50‑13‑60, regardless of whether he shall have caught any fish or not.~~

~~Section 50‑13‑100.~~  ~~It shall be unlawful for any person during a closed season declared pursuant to Section 50‑13‑60 to have in his possession any trout taken from the fresh waters of this State. Any person found in possession of fresh‑water trout during a closed season shall be presumed to have taken such trout from the fresh‑water streams of this State.~~

~~Section 50‑13‑110.~~  ~~It shall be lawful for any person to fish for and catch trout in Game Zone No. 1 at any time except during the closed season therefor.~~

~~Section 50‑13‑120.~~ ~~(A)~~ ~~As used in this section:~~

~~(1)~~ ~~‘Lake Marion’ means all waters of the Santee River and its tributaries impounded by the Lake Marion Dam, including the flooded backwater areas in Calhoun and Sumter Counties.~~

~~(2)~~ ~~‘Lake Moultrie’ means all waters impounded by the Pinopolis Dam and the Saint Stephen Dam, including the diversion canal and those waters of the rediversion canal upstream of the Saint Stephen Dam.~~

~~(3)~~ ~~‘Upper reach of the Santee River’ means all waters of the Santee River from the backwaters of Lake Marion at the railroad trestle bridge near Rimini upstream to the confluence of the Congaree and Wateree Rivers.~~

~~(B)~~ ~~It is unlawful to possess any black bass (largemouth) in Lakes Marion or Moultrie or the upper Santee River less than fourteen inches in total length. It is unlawful to land black bass without the head and tail fin intact.~~

~~(C)~~ ~~The lawful catch limit for black bass (largemouth) or a combination of them in Lakes Marion or Moultrie or the upper Santee River is five per day.~~

~~Section 50‑13‑200.~~  ~~Fishing in the nighttime is hereby prohibited in that portion of Four‑Hole Swamp known as Bridge Lake, in Dorchester County, except during the season fixed by law for shad fishing. Anyone violating the provisions of this section shall be subject to a fine of not more than one hundred dollars or to a term of imprisonment of not more than thirty days.~~

~~Section 50‑13‑210. It is unlawful for a person in any one day to catch more than forty game fish; however, of the total creel limit:~~

~~(1)~~ ~~not more than ten of the total may be striped bass (rockfish) or hybrid bass (striped bass‑white bass) or a combination of them unless regulations promulgated by the department and adopted by the General Assembly by authority of Section 50‑13‑236 reflect otherwise;~~

~~(2)~~ ~~not more than ten of the total may be black bass (large mouth, small mouth, coosae) or a combination of them unless regulations promulgated by the department and adopted by the General Assembly by authority of Section 50‑13‑236 reflect otherwise;~~

~~(3)~~ ~~not more than ten of the total may be trout; provided, not more than five trout may be taken in any one day from that portion of the lower Saluda River between the Lake Murray Dam and the confluence of the Broad River;~~

~~(4)~~ ~~not more than eight of the total may be walleye or sauger or a combination of them;~~

~~(5)~~ ~~not more than thirty of the total may be any game fish not specified.~~

~~Section 50‑13‑221.~~  ~~(A)~~ ~~In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Lower Santee River system; Tulifinny; Thoroughfare Creek; and Waccamaw River from June first to September thirtieth, it is unlawful to take, attempt to take, or to possess any striped bass. Any striped bass taken must be returned immediately to the waters from where it came.~~

~~(B)~~ ~~In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Lower Santee River system; Tulifinny; Thoroughfare Creek; and Waccamaw River from October first through May thirty‑first, it is unlawful to take or possess more than three striped bass per day.~~

~~(C)~~ ~~In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Lower Santee River system; Tulifinny; Thoroughfare Creek; and Waccamaw River from October first through May thirty‑first, it is unlawful to take or possess a striped bass less than twenty‑six inches in total length.~~

~~(D)~~ ~~Striped bass must be landed with head and tail fin intact.~~

~~(E)~~ ~~The Department of Natural Resources for the Lower Santee and Cooper River systems shall make recommendations, after study, on any needed modification to the restrictions in this section before January 1, 2015.~~

~~Section 50-13-222.~~ ~~(A)~~ ~~It is unlawful to take or possess more than two striped bass on all waters of Lake Russell from Lake Hartwell Dam and Lake Secession Dam, including all tributaries of Lake Russell.~~

~~(B)~~ ~~It is unlawful to take and retain from all waters of Lake Russell from Lake Hartwell Dam and Lake Secession Dam, including its tributaries, more than one striped bass greater than thirty‑four inches in length.~~

~~Section 50‑13‑236.~~  ~~(A)~~ ~~The department may establish the daily creel limits and size limits on Lake Murray and on all waters of the Saluda River lying between the Lake Greenwood Dam (Buzzard’s Roost Dam) and Lake Murray for striped bass (rockfish) and black bass by regulations promulgated and adopted in accordance with Article 1, Chapter 23 of Title 1. No creel or size limits may be set by emergency regulations. A person taking striped bass or black bass exceeding the limits set by the department is guilty of a misdemeanor and, upon conviction, must be punished as provided in Section 50‑13‑285.~~

~~(B)~~ ~~Notwithstanding the provisions of subsection (A), during July and August it is lawful to take and retain from Lake Murray not more than two striped bass (rockfish) per day that are less than the legal size limit.~~

~~Section 50‑13‑237.~~  ~~It is unlawful to possess more than two striped bass, striped bass hybrids, white bass, or any combination of these species in the Savannah River and its tributaries and distributaries and the lands immediately adjacent to them from the J. Strom Thurmond Lake dam downstream to the mouth of the Savannah River defined by a line from Jones Island, S.C. (also known as Oysterbed Island) point at N. 32? 02” W. 80? 53”; across Cockspur Island, Georgia, point at N. 32? 01” W. 80? 52” to Lazaretto Creek, Georgia, point at 32? 01” W. 80? 52”. Any lawfully possessed fish of each of these species must be a minimum of twenty‑seven inches in total length.~~

~~Section 50‑13‑240. Whenever the limits provided in Section 50‑13‑210 is in conflict with a reciprocal agreement with another state, such limits shall not apply.~~

~~Section 50‑13‑250.~~  ~~Not more than ten trout may be taken from the freshwater streams of the State in any one day except for that portion of Matthews Creek and Middle Saluda River which lies in Greenville County, Eastatoe River in Pickens County, Whitewater River in Oconee County, and Lake Jocassee in Oconee and Pickens Counties. The department may promulgate regulations to establish creel and possession limits, bait limitations, and for any other purposes to protect the trout fishery. As used in this section the word “trout” means rainbow, brook, brown, or other species of cold‑water trout and does not mean freshwater bass.~~

~~Section 50‑13‑260. It shall be lawful for any enforcement officer to search any creel.~~

~~Section 50‑13‑270.~~ ~~When fishing in private ponds entirely segregated from other waters, creel limits shall not apply, if permission shall have been given by the owner of such pond to exceed statutory limits.~~

~~Section 50‑13‑280.~~  ~~It is unlawful for any person to have in his immediate possession or control more than the number of game fish authorized to be caught by one person in any one day; provided, that the provisions of this section do not apply to a person traveling in a vehicle with not more than the number of game fish authorized to be caught by one person in any two days nor to a person who has fish stored in a freezer in a residence which is not used as or connected with a store, service station, eating establishment, or any such similar commercial establishment. This section does not apply to aquaculture produced fish as permitted in this title.~~

~~Section 50‑13‑285.~~  ~~Unless otherwise provided, a person violating the provisions of this article, upon conviction for a first offense, must be fined not less than thirty dollars nor more than two hundred dollars or imprisoned for not more than thirty days and for a subsequent offense of any of the sections be fined not less than three hundred dollars nor more than five hundred dollars or imprisoned for not more than sixty days, or both.~~

~~Section 50‑13‑350.~~  ~~A person who makes or creates an artificial pond on his land for the purpose of breeding and cultivating fish or oysters, shall place a written or printed notice of the breeding or cultivating fish or oysters in public places near the pond. It is unlawful for a person to enter in or about the pond to fish, catch, or take away any fish or oysters, or destroy or injure the fish or oysters or break the dam for the purpose of permitting the fish or oysters to escape.~~

~~A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than three years.~~

~~A fine, if imposed, shall go one‑half to the informer and the other half to the person whose property has been injured. Nothing in this section applies to ponds used as water power for manufacturing purposes.~~

~~Section 50‑13‑370.~~  ~~Nothing contained in the laws of this State for the protection of fish or which provide for a closed time in the creeks, streams and inland waters shall be construed to restrict or interfere in any manner with the United States Commissioner of Fish and Wildlife or his agents when fishing for fish of any kind in connection with the operations of any fish hatcheries, but the United States Commissioner of Fish and Wildlife and his duly authorized agents are accorded full and free right to conduct fish cultural operations and scientific investigations in the waters of this State and all fishing and other operations necessary therefor, in such manner and at such times as are considered necessary and proper by such Commissioner or his agents.~~

~~Section 50‑13‑385.~~  ~~It is unlawful to take or possess largemouth bass less than twelve inches in length in Lake Wylie. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed one hundred dollars or imprisoned for a term not to exceed thirty days.~~

~~Section 50‑13‑390.~~  ~~Notwithstanding any other provision of law, no more than one Arkansas blue catfish over thirty‑six inches may be taken from the waters of Lakes Marion and Moultrie by any one person in one day. The provisions of this section apply to commercial, as well as, recreational fishermen.~~

~~Section 50‑13‑400.~~  ~~(A)~~ ~~In Lake Murray it is unlawful to take or possess more than twenty crappie (Pomoxis spp.) per day.~~

~~(B)~~ ~~In Lake Murray it is unlawful to take or possess crappie (Pomoxis spp. ) less than eight inches in total length.~~

Section 50‑13‑10. The following definitions apply in this chapter as applicable:

(A) Equipment definitions:

(1) ‘Archery equipment’ means a bow and arrow, long bow, recurve bow, compound bow, or crossbow.

(2) ‘Artificial lure’ means manufactured or handmade flies, spinners, plugs, spoons, and reproductions of live animals, which are made completely of natural or colored wood, cork, feathers, hair, rubber, metal, plastic, tinsel, styrofoam, sponge, or string, or any combination of these materials, in imitation of or as substitute for natural bait. Lures or fish eggs enhanced with scents or salts are not artificial lures. Artificially produced organic baits are not artificial lures.

(3) ‘Cast net’ means a nonbaited circular webbing having a weighted peripheral line that is thrown by hand and retrieved by a central line connected to radiating tuck lines attached to the peripheral line.

(4) ‘Crayfish trap’ means a device constructed of coated wire with the opening of the throat or flues not exceeding two and one‑quarter inches with a minimum mesh size of one‑quarter inch bar mesh.

(5) ‘Creel’ means anything used to hold or keep fish while afloat or afield.

(6) ‘Device’ means an appliance or equipment or combination designed or used for taking or attempting to take fish.

(7) ‘Eel pot’ means an enclosed structure used to take eels only and which conforms to the following specifications:

(a) no larger than twenty‑four inches by forty‑eight inches; and

(b) must be constructed of wire so that:

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

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

(8) ‘Elver fyke net’ means a net with wings not exceeding ten feet in length and fourteen feet in depth; the distance from throat to cod end does not exceed twenty feet. The maximum bar mesh for any part of the net does not exceed one‑eighth inch square.

(9) ‘Game fishing device’ means a hook and line, pole or artificial pole, or rod and reel.

(10) ‘Gig’ means a device consisting of a staff with a sharp point or points designed for thrusting and used to take fish by hand; to take fish by hand by use of a spear, prong, or similar device.

(11) ‘Gill net’ means a net designed to hang vertically and capture fish by entanglement usually of the head, gill covers, or preopercles.

(12) ‘Hoop net’ means a device in which fish are taken in an enclosed structure which conforms to the following specifications: the maximum size of hoop nets must be sixteen feet in length by five and one‑half feet in diameter. Hoop nets must be made of a textile netting (no wire) of a mesh size not less than one inch square nor greater than two inches square enclosing a series of round hoops with two or more muzzle openings which must be made of a netting material. One side of the hoop must be flat to hold the nets in place.

(13) ‘Jug fishing’ means fishing by use of a single hook and line attached to a floating device other than a flotation marker for trotlines, traps, or other devices.

(14) ‘Minnow seine’ means a seine of a size not greater than four feet in depth by twenty feet in length with a mesh size of not more than one‑fourth inch square mesh.

(15) ‘Minnow trap’ means a cylindrical device not longer than twenty‑four inches and no more than thirty inches in circumference or a rectangular device not larger than twenty‑four inches long, eight inches high, and nine inches wide. The mesh must be no smaller than one‑quarter inch bar mesh. The throat opening of the funnel of the trap may not exceed one inch in diameter.

(16) ‘Net’ means an open work fabric or fiber woven or knotted at regular intervals; to catch or ensnare.

(17) ‘Pump net’ means a manually operated dip‑type net with webbing hung from rigid cross members that form an ‘X’ which are attached to a pole. The pole utilizes a fulcrum to raise and lower the net. The ‘X’ cross members may not exceed twenty feet. The net must be no smaller than one inch stretched mesh.

(18) ‘Seine’ means a net having a stretch mesh of not less than one inch and not more than one and one‑half inches which do not exceed seventy‑five feet in length or six feet in depth.

(19) ‘Set hook’ means a single hook and line set in or along any of the waters of this State used to catch fish while attached to bushes, limbs, vines, undergrowth, or other parts of vegetation, set poles, pegs, sticks, or similar structures. ‘Set hooks’ include all similar hook and line devices by whatever name called.

(20) ‘Skimbow net’ means a hand operated dip net constructed of wood with wire or textile netting with a mesh size not greater than one and one‑half inches square hung within a frame formed by a length of wood looped and attached to itself to form a bow. The bow may not exceed fourteen feet in any direction

(21) ‘Single‑hook artificial lure’ means an artificial lure with a single point. A multiple number of single‑hook lures (such as dropper flies) fished in a series is considered a single‑hook artificial lure.

(22) ‘Spear’ means a device for thrusting or throwing consisting of a long staff with a sharpened point or to which a sharp head is fixed.

(23) ‘Trap’ means a device in which fish are taken in an enclosed structure which conforms to the following specifications and includes fish traps, baskets, and like devices:

(a) a trap must be made of:

(i) wire or textile material and be cylindrical in shape not more than six feet in length and not more than three feet in diameter or width;

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

(iii) the muzzle must have one of the following designs:

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

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

(b) a trap must be made of:

(i) wood strips or slats and be cylindrical or rectangular in shape. The length may not exceed six feet and the width or diameter may not exceed two feet;

(ii) the throat opening of the catch muzzle in a resting position may not exceed three inches measured in any direction; and

(iii) the sides, top, and rear of the trap must have a minimum of one inch openings between the slats;

(c) eel pots, minnow traps, and crayfish traps are not included in this definition.

(24) ‘Trotline’ means a device consisting of a horizontal common line with two or more hooks suspended from it.

(25) ‘Yoyo’ means a device to which ‘set hooks’ are attached which is activated by spring‑like devices.

(B) Miscellaneous definitions:

(1) ‘Bait fish’ means a fish allowed to be used as bait in the freshwaters including: Asian clams (Corbicula spp.), crayfish, eels, herring, shad, and fathead minnows (Pimephales promelas), golden shiners (Notemigonus crysoleucas), and goldfish, including ‘black salties’ (Carassius auratus).

(2) ‘Commercial purpose’ means:

(a) being engaged in selling fish; or

(b) taking or attempting to take fish in order to derive income or other consideration; or

(c) fishing more devices than allowed for recreation.

(3) ‘Day’ means the twenty‑four hour period from one‑half hour before official sunrise of one day to one‑half hour before official sunrise the following day.

(4) ‘Freshwaters’ or ‘freshwaters of this State’ means all waters of this State from the saltwater/freshwater dividing line inland to the jurisdictional limits of this State and those naturally occurring freshwaters seaward of the saltwater/freshwater line, but does not include private lakes or ponds which are entirely segregated from other freshwaters.

(5) ‘Fish’ means finfish and shellfish, including mollusks and crustaceans.

(6) ‘Fishing’ means all activity and effort involved in taking or attempting to take fish.

(7) ‘Hand grabbing’ (noodling) means taking nongame fish by hand without the aid of hook, snare, or artificial breathing device. A stick, pole, rod, or PVC pipe must be used to dislodge the fish.

(8) ‘Land’ means take and retain possession while afloat or take and bring ashore.

(9) ‘Limit’ means the number or size of fish one person lawfully may possess in any one day while afloat or afield.

(10) ‘Night’ means one‑half hour after official sunset of one day to one‑half hour before official sunrise the following day.

(11) ‘Possess’ or ‘possession’ means to take and retain.

(12) ‘Striker’ means a person other than a licensed freshwater commercial fisherman, who under immediate supervision assists a licensed commercial freshwater fisherman, but does not use separate nongame fishing devices from the vessel engaged in commercial fishing. A striker is not required to have a commercial freshwater fishing license.

(13) ‘Snagging’ means pulling a device equipped with one or more hooks through the water in an attempt to impale fish. ‘Snagging’ does not include using lures or baited hooks designed to catch fish in or about the mouth.

(14) ‘Take’ means to catch, capture, gather, wound, kill, harvest, or remove, but does not include a catch and immediate release.

(15) ‘Total length’ means the length of a fish laid flat and measured from the closed mouth (snout) to the tip of the tail fin when pinched together. It is a straight line measure, not over the curvature of the body.

(16) ‘Unattended’ means the device operator is not in the immediate vicinity.

(C) Species definitions:

(1) ‘Black bass’ means largemouth (Micropterus salmoides), smallmouth (Micropterus dolomieu), redeye (Micropterus coosae), and spotted bass (Micropterus punctulatus).

(2) ‘Hybrid bass’ means those fish produced by crossing striped bass (Morone saxatilis) with white bass (Morone chrysops).

(3) ‘Striped bass’ or ‘rockfish’ means the species Morone saxatilis.

(4) ‘Trout’ means rainbow, brook, brown, or other species of cold‑water trout of the family Salmonidae.

Section 50‑13‑20. This chapter governs the freshwaters of this State.

Section 50‑13‑30. Unless otherwise provided, a person convicted of a violation of this chapter 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 up to thirty days, or both. The magistrates court retains jurisdiction of offenses in this chapter.

Section 50‑13‑40. Fishing in the freshwaters constitutes consent to inspection of creels at any time by a law enforcement officer.

Section 50‑13‑50. (A) The possession or use on the freshwaters of this State of any device or gear designed or used to take fish not authorized by this chapter is unlawful.

(B) Taking species not authorized by this chapter is unlawful.

(C) Taking by any method not authorized by this chapter is unlawful.

(D) It is unlawful to leave a game fishing device unattended. A game fishing device left unattended is contraband.

(E) It is unlawful to use, place, set, or fish a device so as to constitute a hazard to boating or public safety.

(F) It is unlawful to anchor a seine and leave it unattended.

Section 50‑13‑60. (A) It is unlawful for a person to possess more than the legal limit of fish in any one day on the freshwaters of this State.

(B) It is unlawful to possess any fish not of legal size.

(C) It is unlawful to possess any game fish without head and tail fin intact and where a length limit is imposed on any species it is unlawful to possess that species without head and tail fin intact.

(D) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for up to thirty days, or both. Each fish illegally possessed is a separate offense.

Section 50‑13‑70. Except as otherwise provided, there is no closed season for taking fish, however, when because of natural or other conditions fish are vulnerable to predation or are in distress and in the professional judgment of the department need temporary protection or in order to protect the public safety, the department may declare a closed season for taking any species until the condition has abated but the closed season may not be longer than ninety days. The department shall give notice of the closure by the most expeditious means. It is unlawful to take or possess the affected species during the closed season.

Section 50‑13‑80. (A) It is unlawful to take fish by snagging within one thousand feet downstream of a hydroelectric facility. Nothing in this section prohibits the use of lures or baited hooks.

(B) It is unlawful to take trout by snagging.”

SECTION 2. Chapter 13, Title 50 of the 1976 Code is amended to by adding:

“Article 2

Protection of Freshwater Game Fish

Section 50‑13‑200. It is unlawful to take freshwater game fish except by game fish devices. A fisherman may use only four game fishing devices. A fisherman fishing from a boat may use an unlimited number of game fishing devices if all persons in the boat older than sixteen years have valid fishing licenses.

Section 50‑13‑210. (A) Except as otherwise provided, the daily possession limit for game fish is an aggregate of forty of which:

(1) not more than five may be largemouth, redeye (coosae), or smallmouth bass or their hybrids or any combination;

(2) not more than fifteen may be spotted bass;

(3) not more than ten may be hybrid bass or striped bass or a combination;

(4) not more than ten may be white bass;

(5) not more than eight may be walleye or sauger or a combination;

(6) not more than five may be trout, except on Lake Jocassee not more than three trout may be taken;

(7) not more than twenty may be crappie;

(8) not more than fifteen may be redbreast; and

(9) not more than thirty may be other freshwater game fish species not listed in this section.

(B) On Lakes Hartwell, Keowee, Russell, (including the Lake Hartwell tail water), Thurmond, Tugaloo, Yonah, the Chattooga and Savannah Rivers and Stevens Creek Reservoir the daily possession limit for black bass is an aggregate of ten.

Section 50‑13‑220. It is unlawful to possess crappie less than eight inches in total length.

Section 50‑13‑230. (A) In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo River in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Santee River system except the lower reach of the Saluda River; Tulifinny River; Thoroughfare Creek; and Waccamaw River from June first to September thirtieth, it is unlawful to take, attempt to take, or to possess striped bass. Striped bass taken must be returned immediately to the waters from where it came.

(B) On the lower reach of the Saluda River from June first to September thirtieth, it is unlawful to take or possess striped bass. Striped bass taken must be returned immediately to the waters from where it came.

(C) In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo River in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Santee River system; Tulifinny River; Thoroughfare Creek; and Waccamaw River from October first through May thirty‑first, it is unlawful to take or possess more than three striped bass a day.

(D) In the following freshwater bodies: the Ashepoo River; Ashley River; Back River in Jasper County and the Back River in Berkeley County; Black River; Black Mingo Creek; Bull Creek and Little Bull Creek; Combahee River; Cooper River system; Coosawhatchie River; Cuckholds Creek; Edisto River; Horseshoe Creek; Lumber River; Lynches River; Great Pee Dee and Little Pee Dee Rivers; Pocotaligo River in Beaufort, Jasper, and Hampton Counties; Salkehatchie and Little Salkehatchie Rivers; Sampit River; Santee River system; Tulifinny River; Thoroughfare Creek; and Waccamaw River from October first through May thirty‑first, it is unlawful to take or possess a striped bass less than twenty‑six inches in total length.

(E) On Lake Murray and the middle reach of the Saluda River it is unlawful to possess more than five striped bass a day. From July first through September thirtieth, it is unlawful to take, attempt to take, or possess more than five striped bass a day. (F) On Lake Murray and the middle reach of the Saluda River from October first through June thirtieth, it is unlawful to possess a striped bass less than twenty‑one inches in total length. From July first to September thirtieth there is no minimum length.

(G) On Lakes Hartwell and Thurmond it is unlawful to possess more than ten striped bass or hybrid bass or a combination of those a day and only three may be over twenty‑six inches in total length.

(H) On Lake Richard B. Russell and the Lake Hartwell tail water it is unlawful to possess more than two striped bass or hybrid bass or a combination of those a day, and only one may be over thirty‑four inches total length.

(I) On the lower reach of the Savannah River it is unlawful to possess more than two striped bass, hybrid bass, white bass, or a combination of these. Any of these fish taken from the lower reach of the Savannah River must be at least twenty‑seven inches in total length.

(J) It is unlawful to land striped bass unless the head and tail fin are intact.

(K) The department shall establish the daily possession and size limits for striped bass on all other waters of this State, provided, limits must not be set by emergency regulation.

(L) The department shall make a study of the striped bass fishery on the Santee and Cooper River systems and make recommendations on any needed modifications of this section before January, 2015.

Section 50‑13‑240. (A) It is unlawful to possess largemouth bass on Lakes Blalock, Greenwood, Jocassee, Marion, Monticello, Moultrie, Murray, Secession, Wateree, Wylie, and the middle reach of the Saluda River and the upper reach of the Santee River less than fourteen inches in total length.

(B) It is unlawful to possess largemouth bass on Lakes Hartwell, Keowee, Russell (including the Lake Hartwell tail water), Robinson (Greenville County), Thurmond, Tugaloo, Yonah, Stevens Creek Reservoir, the Chattooga, and Savannah Rivers less than twelve inches in total length.

Section 50‑13‑250. It is unlawful to possess smallmouth bass less than twelve inches in total length.

Section 50‑13‑260. (A) In order to establish a ‘catch and release’ fishery for trout it is unlawful to possess, take, and retain trout from November first of each year through May fourteenth of the following year inclusive on the following waters:

(1) that portion of the Chattooga River beginning at S.C. State Highway 28 upstream to its confluence with Reed Creek (Rabun County, GA);

(2) that portion of Cheohee Creek that runs through the Piedmont Forestry Center;

(3) Devils Fork Creek; Howard Creek from its confluence with Corbin Creek upstream to its confluence with Limberpole Creek; and Corbin Creek upstream from its confluence with Howard Creek to S.C. State Highway S‑37‑130 (Whitewater Road) in Oconee County;

(4) Chauga River from S.C. State Highway S‑37‑290 (Cassidy Bridge Road) upstream to its confluence with Bone Camp Creek in Oconee County; and

(5) Eastatoe River from the backwaters of Lake Keowee upstream to S.C. State Highway S‑39‑143 (Roy Jones Road) in Pickens County.

(B) Trout taken must be released immediately.

Section 50‑13‑270. (A) From November first through May fourteenth inclusive, it is unlawful to use or possess any lure or bait except single hook artificial lures in the following waters;

(1) that portion of the Chattooga River beginning at S.C. State Highway 28 upstream to its confluence with Reed Creek (Rabun County, GA );

(2) that portion of Cheohee Creek that runs through the Piedmont Forestry Center;

(3) Devils Fork Creek; Howard Creek from its confluence with Corbin Creek upstream to its confluence with Limberpole Creek; and Corbin Creek upstream from its confluence with Howard Creek to S.C. State Highway S‑37‑130 (Whitewater Road) in Oconee County;

(4) Chauga River from S.C. State Highway S‑37‑290 (Cassidy Bridge Road) upstream to its confluence with Bone Camp Creek in Oconee County; and

(5) Eastatoe River from the backwaters of Lake Keowee upstream to S.C. State Highway S‑39‑143 (Roy Jones Road) in Pickens County.

(B) It is unlawful to use or possess any lure or bait except artificial lures in the following waters:

(1) Whitewater River;

(2) Matthews Creek from Asbury Drive Bridge at Asbury Methodist Camp upstream including all tributaries and headwaters;

(3) Middle Saluda River from the foot bridge at Jones Gap Natural Area Office upstream to U.S. Highway 176 in Greenville County; and

(4) Eastatoe River on Eastatoe Heritage Preserve in Pickens County.

(C) It is unlawful to use or possess corn, cheese, fish eggs, or imitations of them on Lake Jocassee.

Section 50‑13‑271. On Lake Jocassee it is unlawful to possess more than three trout. It is unlawful to possess trout less than fifteen inches in total length or possess more than one trout greater than twenty inches in total length. Provided, from June first through September thirtieth, there is no length limit but it is unlawful to take, attempt to take, or possess more than three trout.

Section 50‑13‑272. The department may promulgate regulations for the protection and management of the trout fishery.”

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

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

SECTION 4. Sections 50‑13‑610, 50‑13‑620, 50‑13‑680, 50‑13‑690, 50‑13‑730, and 50‑13‑2010 of the 1976 Code are repealed.

SECTION 5. Upon approval by the Governor, this act takes effect July 1, 2012.

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