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CHAPTER 13

Protection of Fish

ARTICLE 1

General Restrictions on Freshwater Fishing

**SECTION 50‑13‑5.** Omitted by 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑10.** Definitions.

 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). Except for bream (other than redbreast), no other game fish is allowed to be used as bait, provided, trout are allowed to be used as bait only on Lakes Hartwell, Russell, Thurmond, Tugaloo, Yonah, Stevens Creek Reservoir, and the Savannah River.

 (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.

HISTORY: 2008 Act No. 237, Section 1, eff May 21, 2008; 1976 Code Section 50‑13‑5; 2012 Act No. 113, Section 1, eff July 1, 2012; 2013 Act No. 6, Section 1, eff March 22, 2013.

**SECTIONS 50‑13‑11, 50‑13‑12.** Omitted by 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑20.** Scope of chapter.

 This chapter governs the freshwaters of this State.

HISTORY: 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑25.** Omitted by 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑30.** Penalties for violation of chapter.

 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.

HISTORY: 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑40.** Consent to inspection of creels.

 Fishing in the freshwaters constitutes consent to inspection of creels at any time by a law enforcement officer.

HISTORY: 1962 Code Section 28‑594.2; 1961 (52) 136; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑260; 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑50.** Unlawful use or possession of fishing devices or gear designed to take fish.

 (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.

HISTORY: 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑60.** Unlawful possession of fish; penalties.

 (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) Except as otherwise provided, 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.

HISTORY: 2012 Act No. 113, Section 1, eff July 1, 2012; 2013 Act No. 6, Section 2, eff March 22, 2013.

**SECTION 50‑13‑65.** Omitted by 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑70.** Closed season for the temporary protection of a species.

 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.

HISTORY: 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑80.** Taking fish by snagging.

 (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.

HISTORY: 2007 Act No. 87, Section 1, eff June 14, 2007; 1976 Code Section 50‑13‑12; 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑90.** Repealed by 2008 Act No. 286, Section 11, eff June 11, 2008.

**SECTIONS 50‑13‑100 to 50‑13‑120.** Omitted by 2012 Act No. 113, Section 1, eff July 1, 2012.

ARTICLE 2

Protection of Freshwater Game Fish

**SECTION 50‑13‑200.** Permissible numbers of game fishing devices.

 It is unlawful to take freshwater game fish except by game fish devices. A fisherman only may use 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 sixteen years and older have valid fishing licenses.

HISTORY: 1981 Act No. 83, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑11; 2012 Act No. 113, Section 2, eff July 1, 2012; 2013 Act No. 6, Section 3, eff March 22, 2013.

**SECTION 50‑13‑210.** Daily possession limits for game fish.

 (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. However, on the lower reach of the Saluda River, only one trout out of the five possessed may be more than sixteen inches in total length. 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.

HISTORY: 2012 Act No. 113, Section 2, eff July 1, 2012; 2013 Act No. 6, Section 4, eff March 22, 2013.

**SECTION 50‑13‑220.** Unlawful possession of crappie.

 It is unlawful to possess crappie less than eight inches in total length.

HISTORY: 2012 Act No. 113, Section 2, eff July 1, 2012.

**SECTIONS 50‑13‑221, 50‑30‑222.** Omitted by 2012 Act No. 113, Section 2, eff July 1, 2012.

**SECTION 50‑13‑230.** Striped bass limits.

 (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 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 May thirty‑first, it is unlawful to possess a striped bass less than twenty‑one inches in total length. From June 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.

HISTORY: 2008 Act No. 237, Section 2, eff May 21, 2008; 2010 Act No. 193, Section 2, eff May 28, 2010; 1976 Code 50‑13‑221; 2012 Act No. 113, Section 2, eff July 1, 2012.

**SECTION 50‑13‑235.** Repealed by 2008 Act No. 237, Section 5, eff May 21, 2008.

**SECTIONS 50‑13‑236 to 50‑13‑237.** Omitted by 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTION 50‑13‑240.** Unlawful possession of largemouth bass.

 (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.

HISTORY: 2012 Act No. 113, Section 2, eff July 1, 2012.

**SECTION 50‑13‑250.** Unlawful possession of smallmouth bass.

 It is unlawful to possess smallmouth bass less than twelve inches in total length, except on Lakes Hartwell, Russell (including the Lake Hartwell tail water), Thurmond, Tugaloo, Yonah, the Chattooga, and Savannah Rivers, and Steven Creek Reservoir where there is no length limit on smallmouth bass.

HISTORY: 2012 Act No. 113, Section 2, eff July 1, 2012; 2013 Act No. 6, Section 5, eff March 22, 2013.

**SECTION 50‑13‑260.** Season for possessing, taking, and retaining trout from specified waters in order to establish a catch and release fishery.

 (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 Creek 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.

HISTORY: 2012 Act No. 113, Section 2, eff July 1, 2012; 2013 Act No. 6, Section 6, eff March 22, 2013.

**SECTION 50‑13‑270.** Season for unlawful possession of lure or bait in certain waters.

 (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 Creek 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.

HISTORY: 2012 Act No. 113, Section 2, eff July 1, 2012; 2013 Act No. 6, Section 7, eff March 22, 2013.

**SECTION 50‑13‑271.** Trout size and limits in Lake Jocassee.

 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.

HISTORY: 2012 Act No. 113, Section 2, eff July 1, 2012.

**SECTION 50‑13‑272.** Regulations.

 The department may promulgate regulations for the protection and management of the trout fishery.

HISTORY: 2012 Act No. 113, Section 2, eff July 1, 2012.

**SECTIONS 50‑13‑280 to 50‑13‑285.** Omitted by 2012 Act No. 113, Section 1, eff July 1, 2012.

ARTICLE 3

Use of Nets, Seines, Traps, and Like Devices

**SECTION 50‑13‑310.** Game fish caught with nets or other nongame fishing devices must be returned to water.

 A game fish taken by net or other nongame fishing device, must be returned immediately to the water from whence it came. 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 two hundred dollars or imprisoned for not more than thirty days. Any equipment used in committing the offense must be seized and disposed of as provided by law.

HISTORY: 1962 Code Section 28‑639; 1952 Code Section 28‑639; 1942 Code Sections 1770‑3, 1770‑6; 1932 Code Sections 1797, 1808; Cr. C. ‘22 Sections 771, 778; Cr. C. ‘12 Sections 756, 761; 1910 (26) 576; 1911 (27) 126; 1988 Act No. 477, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑580; 2012 Act No. 114, Section 2, eff July 1, 2012.

**SECTION 50‑13‑315.** Traps; inspection.

 (A) A trap must not be:

 (1) placed within six hundred feet of a public boat launching area;

 (2) set so as to leave any part of the trap exposed at low water;

 (3) unattended for more than three days.

 (B) The department may inspect traps for compliance with this section at anytime. If the department finds any trap in violation of this chapter or contains only dead catch or excessive dead catch, the trap is contraband and must be seized and disposed of according to law.

HISTORY: 2012 Act No. 114, Section 2, eff July 1, 2012.

**SECTION 50‑13‑320.** Traps and eel pots; crab pots; crayfish traps; minnow traps.

 (A) A trap or eel pot may be suspended above the bottom of the body of water in which they are used at a depth that does not create a hazard to watercraft.

 (B) There is no restriction on the type of bait permissible in a trap or eel pot, except that game fish or any part of a game fish must not be used for bait.

 (C) There is no closed season for fishing with a trap or eel pot in the freshwaters of this State in which the use of a trap or eel pot is permitted except temporary closure by the department.

 (D) A trap or eel pot must not be placed within one hundred feet of the mouth of a tributary stream and a trap or eel pot must not be placed anywhere in the Diversion Canal connecting Lakes Marion and Moultrie nor placed within two hundred yards of a manmade structure in Lakes Marion and Moultrie.

 (E) A crab pot or trap of like design must not be used in the freshwaters of this State unless permitted by regulation.

 (F) All crayfish traps must be identified with the name and department customer identification number of the user. These traps only may be used in those bodies of water permitted under this chapter. A commercial fisherman may fish up to fifty crayfish traps. A recreational fisherman may fish up to five crayfish traps.

 (G) All minnow traps must be identified with the name and department customer identification number of the user. A minnow trap may be fished with a recreational license only with a limit of five for each person and must not be fished for commercial purposes.

HISTORY: 1981 Act No. 170, Section 1; 1987 Act No. 68, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1165; 2012 Act No. 114, Section 2, eff July 1, 2012.

**SECTION 50‑13‑325.** Nongame gill nets; season; size and placement; sturgeon.

 (A) The season for taking nongame fish other than American shad and herring in the freshwaters of this State with a gill net is from November first to March first inclusive. A gill net may be used or possessed in the freshwaters in which their use is authorized on Wednesdays, Thursdays, Fridays, and Saturdays only. A gill net used in the freshwaters must have a mesh size not less than four and one‑half inches stretch mesh. A gill net measuring more than one hundred yards in length must not be used in the freshwaters and a gill net, cable, line or other device used for support of a gill net may not extend more than halfway across any stream or body of water. A gill net may be placed in the freshwaters on a first come first served basis but a gill net must not be placed within two hundred yards of another gill net. However, notwithstanding another provision of law, along the Little Pee Dee River upstream of Punch Bowl Landing, no net may be set within seventy‑five feet of a gill net previously set, or drifted within seventy‑five feet of another drifting net. Use or possession of a gill net at any place or time other than those prescribed in this subsection is unlawful.

 (B) Nongame fish taken in shad nets lawfully fished during the open season for taking shad may be kept. A sturgeon caught must be returned immediately to the waters from where it was taken.

HISTORY: 1981 Act No. 170, Section 1; 1985 Act No. 51, Section 2; 1986 Act No. 505; 1990 Act No. 353, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1170; 2012 Act No. 114, Section 2, eff July 1, 2012; 2013 Act No. 17, Section 1, eff April 23, 2013; 2014 Act No. 154 (H.4541), Section 1, eff April 7, 2014.

**SECTION 50‑13‑330.** Hoop nets.

 A hoop net may be used or possessed in the freshwaters where its use is authorized by this chapter. A hoop net must rest on the bottom of the body of water in which it is used and must not be suspended above the bottom. A hoop net must not be used within one hundred feet of the mouth of any tributary. Use or possession of a hoop net at any place or time other than those prescribed is unlawful.

HISTORY: 2012 Act No. 114, Section 2, eff July 1, 2012.

**SECTION 50‑13‑335.** Pump nets and skimbow nets.

 A pump net may be fished from the bank or a shore based structure only and only for recreation. A skimbow net may be fished from a boat but only for recreation. These devices may be used only in those waters where authorized in this chapter.

HISTORY: 2012 Act No. 114, Section 2, eff July 1, 2012.

**SECTION 50‑13‑340.** Minnow seine.

 It is unlawful to use or have in possession a minnow seine in the freshwaters of this State from ten o’clock p.m. to official sunrise.

HISTORY: 2012 Act No. 114, Section 2, eff July 1, 2012.

**SECTIONS 50‑13‑350 to 50‑13‑370.** Omitted by 2012 Act No. 113, Section 1, eff July 1, 2012.

**SECTIONS 50‑13‑385 to 50‑13‑400.** Omitted by 2012 Act No. 113, Section 1, eff July 1, 2012; repealed by 2012 Act No. 114, Section 8, eff July 1, 2012.

ARTICLE 5

Unlawful Freshwater Actions

**SECTION 50‑13‑510.** Unlawful taking of freshwater mussels.

 It is unlawful to take freshwater mussels (Bivalvia) without a permit from the department. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred nor more than five hundred dollars. Provided, Asian clams (Corbicula spp.) may be taken without permit.

HISTORY: 2012 Act No. 114, Section 3, eff July 1, 2012.

**SECTION 50‑13‑520.** Unlawful taking of saltwater crabs.

 Except as allowed by the department, it is unlawful to take saltwater crabs in the freshwaters of this State.

HISTORY: 2012 Act No. 114, Section 3, eff July 1, 2012.

**SECTION 50‑13‑580.** Omitted by 2012 Act No. 114, Section 2, eff July 1, 2012.

ARTICLE 6

Protection of Nongame Fish

**SECTION 50‑13‑610.** Application of article.

 The provisions of this article apply to the use of nongame fishing devices and the taking of nongame fish in the freshwaters of this State except herring and American shad.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1110; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑615.** Nongame fishing devices and methods which may be used for taking nongame fish in freshwaters.

 The following are the only lawful nongame fishing devices and methods that may be used for taking nongame fish in the freshwaters of this State and only in those waters in which these devices and methods are authorized:

 (1) archery equipment;

 (2) cast net;

 (3) crayfish trap;

 (4) eel pot;

 (5) elver fyke net;

 (6) gig;

 (7) gill net;

 (8) hand grabbing;

 (9) hoop net;

 (10) jug fishing device;

 (11) minnow seine;

 (12) minnow trap;

 (13) pump net;

 (14) seine;

 (15) set hook;

 (16) skimbow net;

 (17) spear;

 (18) trap;

 (19) trotline.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Sections 2, 3; 1984 Act No. 367, Section 2; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1115; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑620.** Floating markers for certain fishing devices; tags; penalty.

 (A) A trotline, trap, eel pot, gill net, and hoop net must be marked with a white floating marker not less than a capacity of one quart and not more than a capacity of one gallon and must be made of solid, buoyant material that does not sink if punctured or cracked. A floating marker must be constructed of plastic, PVC spongex, plastic foam, or cork. A hollow buoy or float, including plastic, metal, or glass bottles or jugs, must not be used, except that a manufactured buoy or float specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. The owner’s name and department customer identification number must be legible on each of the white floating markers. Both commercial and recreational fishermen shall comply with provisions of this title pertaining to the marking and use of a nongame fishing device. A trotline must be marked on both ends. A commercial trotline must be marked at intervals of every fifty hooks. A commercial trotline which uses fifty or fewer hooks must be marked at intervals of twenty‑five hooks. A recreational trotline must be marked at intervals of every twenty‑five hooks. Each interval float must be “International Orange” in color.

 (B) A tag issued for a nongame device must be attached to the device at all times. A permit and tag receipt must be kept on the person to whom issued while possessing or using a nongame fishing device.

 (C) Each set hook must have an identification tag attached to it bearing the owner’s name and department customer identification number.

 (D) A device or part of it improperly marked, tagged, or identified is in violation and is contraband.

 (E) A violation of this section is a misdemeanor and, upon conviction, is punishable as prescribed in this chapter.

HISTORY: 1988 Act No. 477, Section 2; 1992 Act No. 316, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1116; 2012 Act No. 114, Section 4, eff July 1, 2012; 2013 Act No. 6, Section 8, eff March 22, 2013.

**SECTION 50‑13‑625.** Taking nongame fish with lawful devices.

 Nongame fish may be taken with any lawful game fishing device. A fisherman only may use 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 sixteen years and older have valid fishing licenses.

HISTORY: 2012 Act No. 114, Section 4, eff July 1, 2012; 2013 Act No. 6, Section 9, eff March 22, 2013.

**SECTION 50‑13‑630.** Fishing devices prohibited from being used, placed, set, or fished constituting hazard to boating or public safety.

 A fishing device authorized by this article must not be used, placed, set, or fished so as to constitute a hazard to boating or public safety.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1125; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑635.** Permissible fishing devices and methods for recreational fisherman of nongame fish.

 A recreational fisherman may use the following fishing devices and methods for taking nongame fish but only in those waters in which the type and quantity are allowed:

 (1) archery equipment;

 (2) cast net;

 (3) not more than five crayfish traps;

 (4) not more than two eel pots;

 (5) gig;

 (6) one gill net not more than one hundred yards in length or not more than three gill nets, none of which exceeds thirty yards in length;

 (7) hand grabbing;

 (8) not more than one hoop net;

 (9) not more than fifty jugs;

 (10) minnow seine;

 (11) not more than five minnow traps;

 (12) not more than one pump net;

 (13) not more than one seine;

 (14) not more than fifty set hooks;

 (15) not more than one skimbow net;

 (16) spear;

 (17) not more than two traps;

 (18) not more than one trotline with fifty hooks maximum;

 (19) any lawful game fishing device.

HISTORY: 2012 Act No. 114, Section 4, eff July 1, 2012; 2013 Act No. 6, Section 10, eff March 22, 2013.

**SECTION 50‑13‑640.** Possession of blue catfish.

 (A) It is unlawful to possess more than one blue catfish (Ictalurus furcatus) greater than thirty‑six inches in length in any one day in Lake Marion, Lake Moultrie, or the upper reach of the Santee, and the Congaree and Wateree Rivers.

 (B) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned not more than thirty days, or both.

HISTORY: 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑640.** Possession of blue catfish; penalties.

 (A) It is unlawful to possess more than two blue catfish (Ictalurus furcatus) greater than thirty‑two inches in length in any one day in Lake Marion, Lake Moultrie, or the upper reach of the Santee River, and the Congaree and Wateree Rivers.

 (B) The daily possession limit for blue catfish (Ictalurus furcatus) is not more than twenty‑five in Lake Marion, Lake Moultrie, and the upper reach of the Santee River.

 (C) The department shall make a study of the blue catfish fishery on the Santee and Cooper River systems and make recommendations on any needed modifications of this section on or before January 2020.

 (D) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned not more than thirty days, or both.

HISTORY: 2012 Act No. 114, Section 4, eff July 1, 2012; 2014 Act No. 254 (H.4543), Section 1, eff April 1, 2015.

**SECTION 50‑13‑645.** Taking limits of eels for recreational fisherman.

 It is unlawful for a recreational fisherman to take more than fifty eels a day. Each eel must be at least six inches long.

HISTORY: 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑650.** Commercial trotlines.

 (A) No more than four hundred hooks may be attached to a single commercially fished trotline. A trotline must not be attached to another trotline or to the support or float of another trotline. A trotline must not be longer than two thousand feet.

 (B) April first to October first a trotline is not permitted in waters in this State one hour after official sunrise to one hour before official sunset unless the trotline is sunk to the bottom or to a minimum depth of four feet below the water surface. October second to March thirty‑first trotlines may be left in the water twenty‑four hours a day at any depth.

 (C) A trotline must not be placed within one hundred feet of the mouth of a tributary stream.

 (D) A trotline, cable, line, or any other device used for support may not extend more than halfway across a stream or body of water.

 (E) A trotline or any part of it may not remain in the waters of this State more than twenty‑four hours without inspection and removal of the fish taken on it.

 (F) A trotline must not be placed within two hundred yards of a manmade structure on Lakes Marion and Moultrie nor placed in the Diversion Canal connecting Lakes Marion and Moultrie.

 (G) Trotline hooks used in Lakes Marion and Moultrie and the upper reach of the Santee River must have a gap or clearance between point and shank no greater than seven‑sixteenths inch.

 (H) Stainless steel hooks must not be used on a trotline.

HISTORY: 1962 Code Section 28‑616.1; 1967 (55) 342; 1981 Act No. 170, Section 1; 1992 Act No. 316, Section 6; 1993 Act No. 181, Section 1263; 2000 Act No. 245, Section 17; 1976 Code Section 50‑13‑1180; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑655.** Set hooks placement and removal.

 All set hooks must be removed from the water and from the vegetation or structure to which they are attached not later than one hour after sunrise each day and must not be placed in the water earlier than one hour before official sunset.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1185; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑660.** Jug fishing devices.

 All jugs used in fishing in freshwaters must be sizes that are between a minimum capacity of one pint and a maximum capacity of one gallon with the licensee’s name and department customer identification number clearly marked on each jug. All jugs must be removed from the water not later than one hour after sunrise each day and must not be placed in the water earlier than one hour before official sunset.

 The attachment of more than one hook and line to a jug fishing device is prohibited.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1186; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑665.** Bait which may be used with trotlines, set hooks, and jugs; penalties.

 (A) Except as provided in subsections (B) and (C), and the bait listed below, no other bait may be used with trotlines, set hooks, and jugs:

 (1) soap;

 (2) dough balls;

 (3) nongame fish or bream cut into two or more equal parts;

 (4) shrimp;

 (5) meat scraps which may not include insects, worms, or other invertebrates;

 (6) grapes.

 (B) Notwithstanding another provision of law, on the Black, Edisto, Great Pee Dee (including the navigable oxbows and sloughs), Little Pee Dee (including the navigable oxbows and sloughs), Lumber, Lynches (including Clarks, Mill, and Muddy Creeks), Sampit, and Waccamaw Rivers, live nongame fish and live bream may be used with single‑barbed set hooks that have a shank‑to‑point gap of fifteen‑sixteenths inches or greater. However, it is unlawful for a person to have in possession more than the lawful creel limit of bream while fishing with nongame devices on these rivers.

 (C) Live nongame fish and live bream may be used on a trotline having not more than twenty hooks that have a shank‑to‑point gap of fifteen‑sixteenths inches or greater on the Black, Great Pee Dee (including the navigable oxbows and sloughs), Little Pee Dee (including the navigable oxbows and sloughs), Lumber, Lynches (including Clarks, Mill, and Muddy Creeks) and Waccamaw Rivers. However, it is unlawful for a person to have in possession more than the lawful creel limit of bream while fishing with nongame devices on these rivers.

 (D) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Section 7; 1993 Act No. 181, Section 1263; 1995 Act No. 24, Section 1; 1998 Act No. 314, Section 1; 1999 Act No. 53, Section 1; 2001 Act No. 31, Section 1; 1976 Code Section 50‑13‑1187; 2012 Act No. 114, Section 4, eff July 1, 2012; 2013 Act No. 16, Section 1, eff April 23, 2013.

**SECTION 50‑13‑670.** Possession of game fish or game fish devices while possessing or using nongame devices prohibited.

 It is unlawful for a person to have in possession game fish, except live bream on those water bodies where permitted as live bait, or game fish devices while possessing or using nongame devices. The provisions of this section do not apply to a person using a cast net.

HISTORY: 1981 Act No. 170, Section 1; 1986 Act No. 333, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1189 ;2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑675.** Nongame fishing devices or gear permitted in certain bodies of freshwater.

 Archery equipment, cast nets, crayfish traps, gigs, hand grabbing, minnow seines, minnow traps, and spears, may be used in freshwaters, except in lakes owned or managed by the department, to take nongame fish. Where permitted, a recreational fisherman may fish one gill net not more than one hundred yards in length or not more than three gill nets, none of which exceeds thirty yards in length; a commercial fisherman may fish four or more gill nets. Notwithstanding other provisions of this chapter, it is unlawful to use or possess any nongame fishing device or gear or the number not authorized by this section on the particular body of water. Nongame fishing devices, except as provided in this section, must not be used in freshwater including tributaries of rivers or creeks unless listed and regulated in this section:

 (1) Ashepoo River:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy‑five;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (2) Ashley River:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy‑five;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (3) Black Creek; (Darlington, Florence, and Chesterfield Counties) including Lakes Robinson and Prestwood:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (4) Black River:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps ‑ only from Pea House landing downstream:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ ten;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (5) Broad River:

 (a) seines upstream from S.C. State Highway 34 Bridge to the North Carolina/South Carolina State line only:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (6) Bush River, Laurens County:

 (a) seines:

 (i) recreational license only ‑ one;

 (7) Catawba River from the Lake Wylie Dam to the Cedar Creek Dam including the in‑stream reservoirs:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (8) Combahee River:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy‑five;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (9) Congaree River:

 (a) hoop nets:

 (i) commercial license‑ ten;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ ten;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (10) Cooper River (Berkley and Charleston Counties):

 (a) eel pots: not allowed upstream from Wadboo Creek:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) elver fyke nets: allowed on all tributaries and on the main branch from the saltwater/freshwater dividing line upstream to the CSX railroad trestle on the Tail Race Canal:

 (i) commercial license only ‑ ten nets;

 (c) pump nets:

 (i) recreational license only ‑ one;

 (d) set hooks: not allowed upstream from Wadboo Creek:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (e) skimbow nets:

 (i) recreational license only ‑ one;

 (f) traps: not allowed upstream from Wadboo Creek:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ twenty‑five;

 (g) trotlines: not allowed upstream from Wadboo Creek:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (11) Coosawhatchie River:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (12) Durbin Creek: (Greenville and Laurens Counties):

 (a) seines:

 (i) recreational license only ‑ one;

 (13) Edisto River, including the North and South Forks:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy‑five;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (14) Enoree River:

 (a) seines: from the Norfolk‑Southern Railroad in Greenville County downstream to the confluence with the Broad River:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (15) Four Holes Lakes system in Dorchester County which includes Bridge Lake, John’s Hole Lake, Little Pond Lake, Mallard’s Lake, Mims Lake, Mouth of Four Holes Lake, Rock’s Lake, Shuler Lake, Steed’s Lake and Woods Lake:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (16) Great Pee Dee River: the waters from U.S. Interstate Highway 95 to the saltwater/freshwater dividing line including the navigable oxbows and sloughs and Bull Creek:

 (a) eel pots: downstream from U.S. Highway 701 to the saltwater/freshwater dividing line:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy‑five;

 (b) gill nets: nongame nets in season;

 (c) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (d) skimbow nets:

 (i) recreational license ‑ one;

 (e) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ fifty;

 (f) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (17) Great Pee Dee River, the waters from U.S. Interstate Highway 95 to the North Carolina/South Carolina State Line including the navigable oxbows and sloughs:

 (a) gill nets: nongame nets allowed in season;

 (b) hoop nets: upstream from S.C. State Highway 34 to the North Carolina/ South Carolina state line:

 (i) commercial license only ‑ fifty;

 (c) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (d) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ fifty;

 (e) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (18) Jefferies Creek (Florence County):

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (19) Lake Greenwood:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (20) Lake Hartwell:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (21) Lake J. Strom Thurmond and Stevens Creek Reservoir:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (22) Lake Keowee:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (23) Lakes Marion and Moultrie, and the upper reach of the Santee River:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ twenty‑five;

 (b) trotlines: Hooks must have a gap or clearance between point and shank no greater than seven‑sixteenths inch:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with not more than four hundred hooks on each line;

 (24) Lake Murray:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (25) Lake Richard B. Russell:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (26) Lake Secession:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (27) Lake Wateree:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (28) Lake Wylie:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (29) Little Pee Dee River including Russ’s Creek and other navigable oxbows and sloughs:

 (a) gill nets: nongame nets allowed in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (30) Little River: from Mars Bridge in McCormick County up to the confluence of Barkers Creek (Long Branch) and Corner Creek in Anderson County:

 (a) seines:

 (i) recreational license only ‑ one;

 (31) Log Creek (Edgefield County):

 (a) seines:

 (i) recreational license only ‑ one;

 (32) Long Cane Creek, (McCormick County) from above Patterson Bridge on S. C. State Highway S‑33‑117 upstream to S.C. State Highway S‑1‑75 in Abbeville County:

 (a) seines:

 (i) recreational license only ‑ one;

 (33) Louther’s Lake (Darlington County):

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (34) Lumber River:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (35) Lynches River (includes Clarks Creek, Mill Creek and Muddy Creek):

 (a) gill nets: nongame nets allowed in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (36) Mulberry Creek (Greenwood County):

 (a) seines:

 (i) recreational license only ‑ one;

 (37) New River:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (38) Pacolet River:

 (a) seines:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (39) Rabon Creek (Laurens County):

 (a) seines:

 (i) recreational license only ‑ one;

 (40) Reedy River:

 (a) seines: from the Norfolk‑Southern Railroad in Greenville County downstream to the backwaters of Lake Greenwood:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (41) Rocky River (Anderson County):

 (a) seines:

 (i) recreational license only ‑ one;

 (42) Salkehatchie River:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (43) Saluda River ‑ from S.C. State Highway 183 in Greenville County to the backwaters of Lake Greenwood and on the Middle Reach of the Saluda River:

 (a) seines:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (44) Saluda River ‑ Lower reach:

 (a) traps:

 (i) recreational license only ‑ two;

 (b) trotlines:

 (i) recreational license only ‑ one line with fifty hooks maximum;

 (45) Sampit River:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) skimbow nets:

 (i) recreational license only ‑ one;

 (d) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ twenty‑five;

 (46) Santee River, from USGS gauging station 1715 about 2.4 miles below Santee Dam downstream to the saltwater/freshwater dividing line including the North and South Santee Rivers:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy‑five;

 (b) skimbow nets:

 (i) recreational license only ‑ one;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ fifty;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (47) Savannah River ‑ Lower Reach to the saltwater/freshwater dividing line:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy‑five;

 (b) gill nets: nongame nets in season;

 (c) hoop nets:

 (i) commercial license only ‑ ten;

 (d) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (e) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ forty;

 (f) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (48) Stevens Creek from S.C. State Highway S‑19‑53 upstream to the confluence of Hard Labor and Cuffytown Creeks:

 (a) seines:

 (i) recreational license only ‑ one;

 (49) Thicketty Creek, (Cherokee County):

 (a) seines:

 (i) recreational license only ‑ one;

 (50) Tulifinny River:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (51) Turkey Creek (Edgefield and Greenwood Counties):

 (a) seines:

 (i) recreational license only ‑ one;

 (52) Tyger River:

 (a) seines:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (53) Waccamaw River:

 (a) eel pots: downstream of the junction of Bull Creek to the saltwater/freshwater dividing line:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy‑five;

 (b) gill nets: nongame nets in season;

 (c) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (d) skimbow nets:

 (i) recreational license only ‑ one;

 (e) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (54) Warrior Creek (Laurens County):

 (a) seines:

 (i) recreational license only ‑ one;

 (55) Wateree River:

 (a) hoop nets:

 (i) commercial license only ‑ ten;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ forty;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (56) Wilson Creek (Greenwood County): from the confluence of Wilson Creek and Ninety ‑ Six Creek upstream to U.S. Highway 25/U.S. Highway 178 in Greenwood County:

 (a) seines:

 (i) recreational license only ‑ one.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Section 9; 1983 Act No. 107, Section 1; 1983 Act No. 131, Section 2; 1984 Act No. 320, Section 1; 1984 Act No. 364, Section 1; 1984 Act No. 367, Section 3; 1984 Act No. 430, Section 1; 1985 Act No. 61, Section 1; 1986 Act No. 454, Section 1; 1992 Act No. 316, Section 7; 1993 Act No. 181, Section 1263; 1994 Act No. 350, Section 2; 2000 Act No. 350, Sections 1, 2; 1976 Code Section 50‑13‑1192; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑680.** Inspection; reports of sales volume; seizure.

 An enforcement officer or department employee acting in their official capacity may inspect, at any reasonable hour, the vehicle, boat, processing house, and wholesale business which is connected with nongame commercial fishing activities and the records of a person required to be licensed by this title to ensure compliance. Upon request of the department, the buyers (fish houses) of nongame fish shall report quarterly the volume of sales and other information as required by the department. An enforcement officer or department employee acting in their official capacity may check any game or nongame fishing device and, if unlawful, may seize the device as contraband and dispose of it and any catch provided by law.

HISTORY: 1962 Code Section 28‑621.01; 1965 (54) 507; 1981 Act No. 170, Section 1; 1983 Act No. 120, Section 1; 1988 Act No. 383, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1193; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑685.** Penalties for violation of article; suspension of license, tags, or permits.

 Except as otherwise provided, a person violating this article is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to that penalty, the court may order the department to suspend the fishing license and any tags or permits for up to one year.

HISTORY: 1981 Act No. 170, Section 1; 1992 Act No. 316, Section 8; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1195; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑690.** Seizure and sale of fish or fishing devices; confiscation and sale of items of persons charged with unlawful use or possession of gill net or hoop net; suspension of licenses.

 (A) In addition to any specific penalty provided in this article, any fish or fishing device taken or found to be in possession of a person charged with a violation of this article must be seized. The fish must be sold in the same manner as provided by law for the sale of perishable items. If the person charged is convicted, the money received from the sale must be forwarded to the department and placed to the account of the “Fish and Wildlife Protection Fund” of the State Treasury. After conviction, the fishing devices must be sold at public auction. The sale of the fish and fishing devices must be conducted using the procedures as provided by law. If the person is acquitted, the devices must be returned to him along with any money that may have come from the sale of the fish.

 (B) In addition to the specific penalties provided in this article and the penalties provided in subsection (A), the boat, motor, and fishing gear of a person who is charged with unlawfully using or having in possession a gill net or hoop net on any freshwater lake or reservoir of this State must be confiscated and sold at auction within this State after conviction using the procedure as provided by law. The money received from the sale must be forwarded to the department and placed in the account of the “Fish and Wildlife Protection Fund” of the State Treasury. If the person is acquitted, the boat, motor, and fishing gear must be returned to him. Upon conviction, the department shall suspend the person’s license or privilege to fish in this State for a period of one year from the date of conviction.

 (C) In addition to the specific penalties provided in this article, upon the conviction of a commercial freshwater fisherman of illegal possession of game fish or the sale or trafficking in game fish, the department shall suspend the person’s license or privilege to fish in this State for a period of one year from the date of conviction.

HISTORY: 1981 Act No. 170, Section 1; 1982 Act No. 461, Sections 10, 11; 1993 Act No. 181, Section 1263; 1976 Code Section 50‑13‑1196; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑695.** Unlawful use of nongame fishing devices owned and tagged by another person; penalties for stealing or tampering with nongame fishing device.

 (A) Except for department personnel in their official capacity, it is unlawful for a person to fish, inspect, or use in any manner nongame fishing devices owned and tagged by another person or to remove any fish from a device unless under the immediate supervision of the owner. A person found guilty of a violation of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for up to thirty days, or both.

 (B) A person who steals any nongame fishing device or any fish in a device or who tampers with or damages a nongame fishing device or makes it ineffective for the purpose of taking fish is guilty of a misdemeanor and, upon conviction:

 (1) for tampering with or damaging or making ineffective a device, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days; and

 (2) for stealing a device or fish caught in the device, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than six months, or both.

HISTORY: 1981 Act No. 170, Section 1; 1993 Act No. 181, Section 1263; 1976 Code Sections 50‑13‑1191, 50‑13‑1197; 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTION 50‑13‑730.** Repealed by 2012 Act No. 113, Section 4, eff July 1, 2012; Omitted by 2012 Act No. 114, Section 2, eff July 1, 2012.

**SECTIONS 50‑13‑980 to 50‑13‑1020.** Repealed by 2008 Act No. 286, Section 11, eff June 11, 2008.

**SECTIONS 50‑13‑1110 to 50‑13‑1126.** Omitted by 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTIONS 50‑13‑1130, 50‑13‑1135.** Repealed by 2010 Act No. 200, Section 15, eff May 28, 2010.

**SECTION 50‑13‑1145.** Omitted by 2012 Act No. 114, Section 4, eff July 1, 2012.

**SECTIONS 50‑13‑1150 to 50‑13‑1160.** Repealed by 2010 Act No. 200, Section 15, eff May 28, 2010.

**SECTIONS 50‑13‑1165 to 50‑13‑1199.** Omitted by 2012 Act No. 114, Section 4, eff July 1, 2012.

ARTICLE 7

Permanent Obstructions in Waters; Fishways and Fish Sluices

**SECTION 50‑13‑1210.** Permanent obstruction to migration of fish prohibited; destruction of obstruction.

 No permanent obstruction of any kind or nature whatever, other than a dam for manufacturing purposes, shall be placed in any of the inland creeks, streams or waters of the State so as to obstruct the free migration of fish. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof before any court of competent jurisdiction, shall be fined in the sum of two hundred dollars or be imprisoned for a period of not less than three nor more than six months, or both, in the discretion of the court trying the case. Whenever any such permanent obstruction shall be found, any enforcement officer or any law enforcement officer may, in the name of the State, destroy or take down such obstruction or so much of it as is necessary to again permit the free migration of fish.

HISTORY: 1962 Code Section 28‑647; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1220.** Fishways in dams.

 No navigable stream of this State shall be obstructed by a dam or otherwise unless there be provided a fishway in such dam or other obstruction. For violation of this section a person shall be fined not less than twenty‑five dollars for each day that such obstruction shall exist without such fishway after such person shall have been notified in writing by any person that such obstruction exists.

HISTORY: 1962 Code Section 28‑648; 1952 Code Section 28‑648; 1942 Code Section 1770‑2; 1932 Code Section 1805; Cr. C. ‘22 Section 776; Cr. C. ‘12 Section 759; 1910 (26) 576; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1230.** Construction of certain fishways or ladders.

 All persons who have erected or may hereafter erect artificial dams across the inland creeks, rivers, streams or waterways of this State which prevent migratory fish from ascending the same, unless excused by the governing body of the county, shall construct proper fishways or ladders over the same, to be approved by the governing body of the county in which such dam is situated and should such persons refuse or fail so to do within thirty days after notice from the governing body of the county they shall be liable to a fine or penalty of five thousand dollars, recoverable by the county in which such dam has been or may be erected in a court of competent jurisdiction.

HISTORY: 1962 Code Section 28‑653; 1952 Code Section 28‑653; 1942 Code Section 1772‑6; 1932 Code Sections 1818, 3415; Civ. C. ‘22 Section 1031; Cr. C. ‘22 Section 788; Civ. C. ‘12 Section 3433; Cr. C. ‘12 Section 771; Civ. C. ‘02 Section 2347; Cr. C. ‘02 Section 518; G. S. 1670; R. S. 404, 1848; 1871 (15) 661; 1908 (25) 1036; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1240.** Designation of fish sluices; obstruction of sluices constitutes public nuisance.

 It shall be the duty of the governing body of the county to designate the fish sluices on the several rivers so as to leave one or more passages for fish up such rivers. Such sluices shall be sixty feet wide or, where there are two or more such sluices, they shall be, together, sixty feet wide. When they shall be so designated, it shall be lawful for any person to open such sluices. If any person shall obstruct any such sluice, when once opened, so as to prevent the free passage of fish up such sluice, and every part thereof, he shall be guilty of a public nuisance and, on conviction thereof in the court of general sessions, shall be fined one hundred dollars and shall stand committed until such fine be paid for a time not exceeding ten days, at the discretion of the court before which such conviction may take place. Whenever a fish sluice in any of such rivers shall have been designated as provided in this section, any stoppage of such sluice shall be regarded as a public nuisance and may be abated as such.

HISTORY: 1962 Code Section 28‑654; 1952 Code Section 28‑654; 1942 Code Section 1772‑8; 1932 Code Sections 1821, 3416; Civ. C. ‘22 Section 1032; Cr. C. ‘22 Section 790; Civ. C. ‘12 Section 3434; Cr. C. ‘12 Section 773; Civ. C. ‘02 Section 2348; Cr. C. ‘02 Section 520; G. S. 1672; R. S. 406, 1849; 1827 (6) 340; 1837 (6) 569; 1879 (17) 74; 1890 (20) 705; 1934 (38) 1415; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1250.** Fish sluices designated not more than once yearly.

 The governing bodies of the several counties shall designate and lay out the fish sluices but once a year and shall execute this duty on or before the first day of October whenever they shall determine to change them in any year.

HISTORY: 1962 Code Section 28‑655; 1952 Code Section 28‑655; 1942 Code Section 1772‑9; 1932 Code Section 3417; Civ. C. ‘22 Section 1033; Civ. C. ‘12 Section 3435; Civ. C. ‘02 Section 2349; G. S. 1673; R. S. 1850; 1838 (15) 599; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1260.** Fish sluices not to be designated through certain dams.

 Nothing herein contained shall be construed to give authority to the governing bodies of the several counties to designate any fish sluice through any dam erected by public authority for the improvement of the navigation of any of the rivers or to designate any fish sluice through any dam erected by individuals for the purpose of propelling any machinery when the owner of such dam shall leave open a part of the river sixty feet wide or, where the dam extends entirely across the river, shall construct therein a sufficient fish sluice sixty feet wide and shall keep the same open for and during the months of February, March and April in each year.

HISTORY: 1962 Code Section 28‑656; 1952 Code Section 28‑656; 1942 Code Section 1772‑10; 1932 Code Section 3418; Civ. C. ‘22 Section 1034; Civ. C. ‘12 Section 3436; Civ. C. ‘02 Section 2350; G. S. 1674; R. S. 1851; 1827 (6) 341; 1993 Act No. 181, Section 1263.

ARTICLE 9

Pollution and Poisoning of Waters; Use of Explosives

**SECTION 50‑13‑1410.** Pollution of waters injuring fish and shellfish unlawful; enforcement.

 It shall be unlawful for any person to throw, run, drain or deposit any dyestuffs, coal tar, oil, sawdust, poison or other deleterious substance in any of the waters, either fresh or salt, which are frequented by game fish within the territorial jurisdiction of this State in quantities sufficient to injure, stupefy or kill any fish or shellfish or be destructive to their spawn which may inhabit such waters, and the master or captain in charge of any boat, ship or vessel shall be responsible for the discharge of any of such substances from his vessel. Any person convicted of violating this section shall be fined not less than three hundred dollars nor more than one thousand dollars or imprisoned not less than three months nor more than one year, or both fined and imprisoned in the discretion of the court. The department shall diligently enforce this section.

HISTORY: 1962 Code Section 28‑671; 1952 Code Section 28‑671; 1942 Code Section 1769‑5; 1932 Code Section 1820; 1925 (34) 92; 1952 (47) 2890; 1972 (57) 2431; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1415.** Importation, possession, or placing water hyacinth and hydrilla in waters of State.

 No person shall possess, sell, offer for sale, import, bring, or cause to be brought or imported into this State, or release or place into any waters of this State any of the following plants:

 (1) Water Hyacinth

 (2) Hydrilla Provided, however, that the department may issue special import permits to qualified persons for research purposes only.

 The department shall prescribe the methods, control, and restrictions which are to be adhered to by any person or his agent to whom a special permit under the provisions of this section is issued. The department is authorized to promulgate such regulations as may be necessary to effectuate the provisions of this section and the department, by regulation, is specifically authorized to prohibit additional species of plants from being imported, possessed, or sold in this State when, in the discretion of the department, such species of plants are potentially dangerous.

HISTORY: 1983 Act No. 10, Section 1; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1420.** Poisoning waters, or producing electric currents or physical shocks to catch fish unlawful.

 It is unlawful to poison the streams or waters of the State in any manner whatsoever for the purpose of taking fish or to introduce, produce or set up electrical currents or physical shocks, pressures or disturbances therein for the purpose of taking fish. The muddying of streams or ponds or the introduction of any substance which results in making the fish sick, so that they may be caught, is hereby declared to be “poisoning” in the sense of this section. No sawdust, acid or other injurious substance shall be discharged into any of the streams of the State where fish breed or abound. For a violation of this section the person so violating it shall be fined not less than twenty‑five dollars nor more than three hundred dollars or be imprisoned for not less than one day nor more than thirty days.

HISTORY: 1962 Code Section 28‑672; 1952 Code Section 28‑672; 1951 (47) 408; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1430.** Casting impurities in waters prohibited.

 Should any person cause to flow into or be cast into any of the creeks, streams or inland waters of this State any impurities that are poisonous to fish or destructive to their spawn, such person shall, upon conviction thereof, be punished with a fine of not less than five hundred dollars or imprisonment of not less than six months in the county jail.

HISTORY: 1962 Code Section 28‑673; 1952 Code Section 28‑673; 1942 Code Section 1772‑7; 1932 Code Section 1819; Cr. C. ‘22 Section 789; Cr. C. ‘12 Section 772; Cr. C. ‘02 Section 519; G. S. 1671; R. S. 405; 1726 (3) 270; 1871 (15) 661; 1934 (38) 1415; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1440.** Using explosives to take fish unlawful.

 It shall be unlawful for any person to use dynamite, gun powder, lime or any other explosive in or about any of the streams or waters in this State to take or secure fish, to cause or to procure the same to be done, to aid, assist or abet anyone in so doing or to have in his possession dynamite or any other explosive or explosive device in any paddling boat, sailboat, motorboat, raft or barge usually used for fresh‑water fishing in any of the rivers, lakes, streams or waters within this State. Any person using explosives for the taking of fish or having in his possession explosives in a paddling boat, motorboat, sailboat, raft or barge commonly used for fresh‑water fishing in any of the rivers, lakes, streams or waters within this State shall be guilty of a misdemeanor and, upon his conviction, shall be sentenced to serve a term at hard labor on the chain gang or in the Penitentiary or to pay a fine as follows, to wit: For the first offense a period of not more than three months or a fine of not more than five hundred dollars; for the second offense a period of one year or a fine of one thousand dollars; and for the third offense a period of two years or a fine of two thousand five hundred dollars.

HISTORY: 1962 Code Section 28‑674; 1952 Code Section 28‑674; 1951 (47) 251; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1450.** Repealed by 2012 Act No. 114, Section 8, eff July 1, 2012.

**SECTION 50‑13‑1460.** Penalty for conviction of use of explosives to take fish.

 A person convicted of violating any of the provisions of Section 50‑13‑1440 is prohibited from hunting or fishing within the State for five years, and both his hunting and fishing license, if either has been issued to him, must be immediately revoked upon his conviction. A person who fishes or hunts within the State after he has been convicted of violating the provisions of Section 50‑13‑1440 within the five‑year period is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years.

HISTORY: 1962 Code Section 28‑675; 1952 Code Section 28‑675; 1951 (47) 251; 1952 (47) 2179; 1993 Act No. 184, Section 247; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1470.** Failure to report use of explosives to take fish.

 A person who sees another person violating the provisions of Section 50‑13‑1440 and fails, within two weeks, to report the violation to an enforcement officer, sheriff, or some other law enforcement officer within the county in which the violation occurred is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years.

HISTORY: 1962 Code Section 28‑676; 1952 Code Section 28‑676; 1948 (45) 1759; 1951 (47) 251; 1952 (47) 2179; 1993 Act No. 184, Section 248; 1993 Act No. 181, Section 1263.

**SECTION 50‑13‑1480.** Informers not subject to criminal prosecution or civil suit.

 Any person who shall swear out a warrant, give information or testify as a witness against anyone for violating Section 50‑13‑1440 shall not be subject to a criminal prosecution for slander or malicious prosecution, neither shall he be subject to a civil action for damages in any court of competent jurisdiction for any alleged damages to the person so accused growing out of or in connection with such use of explosives.

HISTORY: 1962 Code Section 28‑677; 1952 Code Section 28‑677; 1948 (45) 1759; 1951 (47) 21; 1952 (47) 2179; 1993 Act No. 181, Section 1263.

ARTICLE 11

Sale and Trafficking in Fish

**SECTION 50‑13‑1610.** Sale or traffic in certain game fish unlawful; penalties.

 It is unlawful to sell, offer for sale, barter, trafficking in, or purchase any fish classified as a game fish under the provisions of this title except as allowed by this title regardless of where caught. A person violating this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

 (1) for a first offense, by a fine of not more than five hundred dollars or imprisonment for not more than thirty days;

 (2) for a second offense within three years of a first offense, by a fine of not less than three hundred dollars nor more than five hundred dollars or imprisonment for not more than thirty days;

 (3) for a third or subsequent offense within three years of a second or subsequent offense, by a fine of not more than one thousand dollars or imprisonment for not more than thirty days;

 (4) for a fourth and subsequent offense within five years of the date of conviction for the first offense must be punished as provided for a third offense.

HISTORY: 1962 Code Section 28‑691; 1952 Code Section 28‑691; 1942 Code Section 1773‑2; 1939 (41) 353; 1952 (47) 2179; 1955 (49) 478; 1959 (51) 346; 1974 (58) 2800; 1993 Act No. 181, Section 1263; 2003 Act No. 60, Section 5; 2012 Act No. 114, Section 5, eff July 1, 2012.

**SECTION 50‑13‑1615.** Freshwater nongame fish sale requirements.

 A person selling, offering for sale, or possessing for sale freshwater nongame fish must have in possession dated invoices, bills of sale, or other documentation verifying the origin of the fish and from whom procured.

HISTORY: 2010 Act No. 200, Section 11, eff May 28, 2010; 2012 Act No. 114, Section 5, eff July 1, 2012.

**SECTION 50‑13‑1630.** Importing, possessing, or selling certain fish unlawful; special permits for research; Department to issue rules and regulations; penalties.

 (A) A person may not possess, sell, offer for sale, import, bring, or cause to be brought or imported into this State or release anywhere in this State the following species at any stage of its life cycle:

 (1) carnero or candiru catfish (Vandellia cirrhosa);

 (2) freshwater electric eel (Electrophorus electricus);

 (3) white amur or grass carp (Ctenopharyngodon idella);

 (4) walking catfish or a member of the clariidae family (Clarias, Heteropneustea, Gymnallabes, Channallabes, or Heterobranchus genera);

 (5) piranha (all members of Serrasalmus, Rooseveltiella, and Pygocentrus genera);

 (6) stickleback;

 (7) Mexican banded tetra;

 (8) sea lamprey;

 (9) rudd (Scardinius erythrophtalmu‑Linneaus);

 (10) snakehead (all members of family Channidae);

 (11) rusty crayfish (Orconectes rusticus); and

 (12) other nonindigenous species not established, except by permit, exclusive of the recognized pet trade species.

 (B) The department may issue special import permits to qualified persons for research and education only.

 (C)(1) The department may issue permits for stocking sterile white amur or grass carp hybrids in the waters of this State. The permits must certify that the permittee’s white amur or grass carp hybrids have been tested and determined to be sterile. The department may charge a fee of one dollar for each white amur or grass carp hybrid that measures five inches or longer or twenty‑five cents for each white amur or grass carp hybrid that measures less than five inches. The fee collected for sterility testing must be retained by the department and used to offset the costs of the testing.

 (2) The department is authorized to promulgate regulations to establish a fee schedule to replace the fee schedule contained in item (1) of this subsection. Upon these regulations taking effect, the fee schedule contained in item (1) of this subsection no longer applies.

 (D) The department may issue permits for the importation, breeding, and possession of nonsterile white amur or grass carp hybrids. The permits must be issued pursuant to the provisions of the Aquaculture Enabling Act in Article 2, Chapter 18 of this title. Provided, however, that no white amur or grass carp hybrids imported, bred, or possessed pursuant to this subsection may be stocked in the waters of this State except as provided in subsection (C) of this section.

 (E) It is unlawful to take, harm, or kill grass carp from public waters. Any grass carp taken must be returned immediately to the water from which it was taken.

 (F) The department shall prescribe the qualifications, methods, controls, and restrictions required of a person or his agent to whom a permit is issued. The department shall condition all permits issued under this section to safeguard public safety and welfare and prevent the introduction into the wild or release of nonnative species of fish or other organisms into the waters of this State. The department may promulgate regulations necessary to effectuate this section and specifically to prohibit additional species of fish from being imported, possessed, or sold in this State when the department determines the species of fish are potentially dangerous. A violation of the terms of the permit may result in revocation and a civil penalty of up to five thousand dollars. An appeal is pursuant to the provisions of Article 2, Chapter 23, Title 1 (the Administrative Procedures Act).

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

HISTORY: 1962 Code Section 28‑704; 1970 (56) 1999; 1973 (58) 403; 1984 Act No. 365, Section 1; 1988 Act No. 481, Section 1; 1990 Act No. 462, Section 1; 1993 Act No. 54, Section 1; 1993 Act No. 181, Section 1263; 2001 Act No. 42, Section 1; 2003 Act No. 15, Section 1; 2008 Act No. 301, Section 1, eff June 11, 2008; 2012 Act No. 114, Section 5, eff July 1, 2012.

**SECTION 50‑13‑1635.** Release of aquatic species and nonindigenous fish into waters.

 (A) Except bait lost incidental to fishing or fish released into the waters from which they were taken, it is unlawful to intentionally release any aquatic species, regardless of the stage of its life cycle, into the waters of this State without a permit from the department.

 (B) It is unlawful to use any nonindigenous fish as bait that is not already established in the water body being fished except the following minnows: fathead minnows (Pimephales promelas), golden shiners (Notemigonus crysoleucas), and goldfish, including “black salties” (Carassius auratus). Magistrates court retains concurrent jurisdiction of this offense.

 (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or up to thirty days in jail, or both. In addition to the criminal penalties, the court may order a civil penalty sufficient to cover costs for eradication.

HISTORY: 2012 Act No. 114, Section 5, eff July 1, 2012.

**SECTIONS 50‑13‑1660 to 50‑13‑1760.** Omitted by 2012 Act No. 114, Section 5, eff July 1, 2012.

ARTICLE 13

Fish Hatcheries and Sanctuaries; Propagation

**SECTION 50‑13‑1910.** State assent to act of Congress providing aid in fish restoration and management projects; funding.

 This State hereby assents to the provisions of the act of Congress entitled “An Act to Provide that the United States Shall Aid the States in Fish Restoration and Management Projects, and for Other Purposes,” approved August 9, 1950 (Public Law No. 681, 81st Congress), and the department shall perform acts as necessary to the conduct and establishment of cooperative fish restoration projects, as defined in this act of Congress, in compliance with the act and rules and regulations promulgated by the Secretary of the Interior. The amounts necessary for this State to provide, in order to receive the benefits of the act, must be paid from the fees collected by the department from the sale of resident fishing licenses and a separate fund for this purpose must be set up.

HISTORY: 1962 Code Section 28‑710; 1952 Code Section 28‑710; 1951 (47) 81; 1952 (47) 2890; 1972 (57) 2431; 1993 Act No. 181, Section 1263; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑1920.** Acquisition of land for fish hatcheries or nurseries, generally.

 The department may acquire a sufficient number of acres of land in close proximity to any dam, artificial lake, impounded water, or stream for the purpose of establishing fish hatcheries or fish nurseries. The board may exercise the power of eminent domain if necessary to accomplish this purpose.

HISTORY: 1962 Code Section 28‑711; 1952 Code Section 28‑711; 1942 Code Section 1774; 1934 (38) 1348; 1952 (47) 2179; 1972 (57) 2431; 1987 Act No. 173, Section 31; 1993 Act No. 181, Section 1263; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑1930.** Omitted by 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑1935.** Fees charged for stocking fish in private water bodies and nonnavigable waters.

 The department shall charge a fee for stocking fish in private water bodies and nonnavigable waters sufficient to cover all costs of producing and stocking the fish.

HISTORY: 1983 Act No. 151, Part II, Section 13; 1986 Act No. 375, Section 1; 1993 Act No. 181, Section 1263; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑1936.** Fees for operation of Walhalla Fish Hatchery.

 If the federal government ceases to operate the Walhalla Fish Hatchery, the department may accept and maintain operations of the facility by charging a fee that is sufficient to cover the cost of operating the facility.

HISTORY: 1987 Act No. 170, Part II, Section 19; 1993 Act No. 181, Section 1263; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑1940.** Permits to collect freshwater fish for scientific purposes.

 (A) The department may grant permits to collect freshwater fish for scientific purposes during any time of the year and on any area including sanctuaries without further review. The application must be accompanied by the requisite fee. The department shall investigate the applicant and the need for the permit. A permit is valid until December thirty‑first in the year in which issued. A permit must be extended for one year with payment of the fee. A permit is not transferable but a student assistant working under the direct supervision of the permittee is covered by the permit. All collecting must be done in accordance with recognized scientific methods. Data and results must be made available to the department upon request. The conditions of the permit must be adhered to. The department may suspend or cancel the permit at its discretion.

 (B) A person violating this section 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 up to thirty days, or both.

HISTORY: 1962 Code Section 28‑715; 1952 Code Section 28‑715; 1942 Code Section 1812; 1932 Code Section 3295; 1931 (37) 309; 1952 (47) 2890; 1993 Act No. 181, Section 1263; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑1950.** Establishment of fish sanctuaries.

 The department, without cost to this State, shall designate and establish sanctuaries where fish may breed unmolested, in the manner and subject to the provisions in this article.

HISTORY: 1962 Code Section 28‑716; 1952 Code Section 28‑716; 1942 Code Section 1774‑1; 1938 (40) 1598; 1952 (47) 2179; 1993 Act No. 181, Section 1263; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑1960.** Designation and marking of fish sanctuaries in rivers and streams.

 The department may select any place upon any river or stream within this State as a fish sanctuary. Upon making this selection, the board, upon approval in writing of a majority of the members of the county legislative delegation from the county in which this proposed fish sanctuary is to be located, may designate and set apart the place as a fish sanctuary. A sanctuary may not exceed two miles in length along any river or stream. When a sanctuary is so designated and set apart, the board shall have it adequately and conspicuously marked and shall designate the limits of it in all directions.

HISTORY: 1962 Code Section 28‑717; 1952 Code Section 28‑717; 1942 Code Section 1774‑1; 1938 (40) 1598; 1952 (47) 2179; 1993 Act No. 181, Section 1263; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTIONS 50‑13‑1970 to 50‑13‑1980.** Omitted by 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑1990.** Penalties for fishing or trespassing upon fish sanctuaries; jurisdiction of magistrates.

 A person fishing or trespassing upon any property or waters so established as a sanctuary by the department is guilty of a misdemeanor and, upon conviction, must be fined not exceeding two hundred dollars or imprisoned not more than thirty days. In cases where magistrates have countywide territorial jurisdiction, the magistrate closest to the sanctuary where the offense occurred shall have jurisdiction of the case. In counties where magistrates are given separate and exclusive territorial jurisdiction the case must be tried as provided in Section 22‑3‑530.

HISTORY: 1962 Code Section 28‑720; 1952 Code Section 28‑720; 1942 Code Section 1774‑1; 1938 (40) 1598; 1952 (47) 2179; 1979 Act No. 69, Section 1; 1993 Act No. 181, Section 1263; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑1995.** Fish culture and scientific investigations by the federal government.

 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.

HISTORY: 2012 Act No. 113, Section 3, eff July 1, 2012; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑2010.** Repealed by 2012 Act No. 113, Section 4, eff July 1, 2012 and omitted by 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑2011.** Repealed by 2014 Act No. 234, Section 2, eff June 2, 2014.

**SECTION 50‑13‑2015.** Fish sanctuary in St. Stephen Rediversion Canal.

 (A) A fish sanctuary is established in the St. Stephen Rediversion Canal between the Corps of Engineers’ powerhouse and the Atlantic Coastline Railroad Bridge. It is unlawful for a person to fish in the sanctuary except as provided in this section.

 (B) From March first to May first each year, fishing for nongame fish is allowed from the Atlantic Coastline Bridge upstream to a point marked by signs or buoys, or both. This location must be marked by the department after consultation with and with the permission of the United States Army Corps of Engineers. Fishing is allowed from six p.m. to twelve midnight. The area otherwise is closed to all fishing and boating activities.

 (C) The catch limit is five hundred pounds of fish or one hundred dozen fish a boat a day. Game fish taken must be returned immediately to the water. All fish, except those used for live bait, must be packed in boxes with a one hundred pound capacity before crossing back under the railroad bridge.

 (D) Fishing devices must not be used except cast nets, dip nets, or drop nets. The diameter of the dip or drop nets used may not exceed six feet. Nets must not be operated by the use of mechanical devices such as winches, cranes, or pulleys.

 (E) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five nor more than one hundred dollars or imprisoned not less than fifteen nor more than thirty days.

HISTORY: 1992 Act No. 390, Section 1; 1993 Act No. 181, Section 1263; 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑2016.** Prohibition of herring fishing at St. Stephens Powerhouse.

 Herring fishing is prohibited within one hundred feet of the fish lift exit channel at St. Stephens Powerhouse.

HISTORY: 2012 Act No. 114, Section 6, eff July 1, 2012.

**SECTION 50‑13‑2020.** Omitted by 2012 Act No. 114, Section 6, eff July 1, 2012.