CHAPTER 1

General Provisions

**SECTION 50‑1‑5.** Definitions.

 For the purposes of this title unless the context clearly indicates otherwise:

 (1) “Board” means the governing body of the department.

 (2) “Department” means the South Carolina Department of Natural Resources.

 (3) “Director” means the administrative head of the department, appointed by the board.

 (4) “Enforcement officer” means an enforcement officer of the Natural Resources Enforcement Division of the department.

 (5) The following terms define wildlife, fish, and plant species under the jurisdiction of the department or its successor agency:

 (a) “Established” or “naturalized” means a nonindigenous organism with one or more reproducing wild populations.

 (b) “Exotic” means an organism or species indigenous to a foreign ecosystem.

 (c) “Indigenous” or “native” means an organism or species found naturally in this State prior to the arrival of the first European settlers.

 (d) “Introduced” means an organism or species moved by human action to an area or ecosystem where it was not found historically.

 (e) “Invasive” means nonindigenous organisms or species that establish in a new area or ecosystem, extend their geographic range and usually include native ecological or economic impacts.

 (f) “Locally established” means a nonindigenous species with one or more naturally reproducing populations in an area or ecosystem but with very restricted distribution and no evidence of range expansion.

 (g) “Nonindigenous”, “alien”, “exotic”, “foreign”, “transplanted”, “nonnative”, or “introduced” means an organism or species found in an area or ecosystem outside its historic or native geographic range.

 (h) “Transplant” or “translocated” means an organism or species moved by human action, deliberately or accidentally from its indigenous ecosystem to an area outside of its native range.

 (i) “Wild” means an organism or species living in the environment not cultivated or domesticated.

HISTORY: 1993 Act No. 181, Section 1257; 2010 Act No. 200, Section 1, eff May 28, 2010.

Effect of Amendment

The 2010 amendment added subsection (5) relating to terms that define wildlife, fish, and plant species.

**SECTION 50‑1‑10.** Wild birds, wild game, and fish are property of State.

 All wild birds, wild game, and fish, except fish in strictly private ponds and lakes and lakes entirely segregated from other waters or held and grown in bonafide aquaculture operations are the property of the State.

HISTORY: 1962 Code Section 28‑3; 1952 Code Section 28‑3; 1942 Code Section 1750; 1932 Code Section 1750; Cr. C. ‘22 Section 732; 1919 (31) 269; 1952 (47) 2179; 1989 Act No. 121, Section 3; 1993 Act No. 181, Section 1257.

Library References

Animals 1.5(1).

Fish 8.

Game 3.5.

Westlaw Topic Nos. 28, 176, 187.

C.J.S. Fish Sections 24 to 26.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 4, Wild Animals or Game.

S.C. Jur. Game and Fish Section 2, Privilege of Taking Game and Fish.

Attorney General’s Opinions

It is unlawful for an individual to possess any live fish or game unless he holds a certificate therefor from the South Carolina Wildlife and Marine Resources Department. 1969‑70 Op. Atty Gen, No 2809, p 18.

NOTES OF DECISIONS

In general 1

1. In general

Although having no legal right to anadromous fish hatched in its waters, state has equitable right, in relation to other states, to fair distribution of this important resource, since at root of doctrine of equitable apportionment is principle that state may not preserve solely for its own inhabitants natural resources located within its borders, and, consistent with this principle, states have affirmative duty under doctrine to take reasonable steps to conserve and even augment natural resources within their borders, for benefit of other states. Idaho ex rel. Evans v. Oregon, 1983, 103 S.Ct. 2817, 462 U.S. 1017, 77 L.Ed.2d 387.

While the private right or ownership may rest in the owner of a private pond, such property right or ownership is not such as to be beyond reasonable regulations by the State. Dargan v. Richardson (S.C. 1956) 229 S.C. 135, 92 S.E.2d 167.

States may not compel confinement of benefits of their resources, even wildlife, to their own people when such hoarding and confinement impede interstate commerce. Baldwin v. Fish and Game Commission of Montana, 1978, 98 S.Ct. 1852, 436 U.S. 371, 56 L.Ed.2d 354.

**SECTION 50‑1‑20.** “Hunters” and “hunting” defined.

 The word “hunters” in the game laws of this State providing punishment shall not be construed so as to include persons who, without guns, assist others with dogs and horses or in the finding or retrieving of birds nor shall any such activity be deemed to constitute “hunting” within the meaning of such laws.

HISTORY: 1962 Code Section 28‑1; 1952 Code Section 28‑1; 1942 Code Section 1780‑1; 1939 (41) 119; 1993 Act No. 181, Section 1257.

NOTES OF DECISIONS

In general 1

1. In general

Landowner stated claim of nuisance against neighbor by alleging that, despite leasing land to hunt clubs, neighbor reserved right to control premises and activities on the land, and that dogs used by hunt clubs trespassed on and caused damage to landowner’s property. FOC Lawshe Ltd. Partnership v. International Paper Co. (S.C.App. 2002) 352 S.C. 408, 574 S.E.2d 228, rehearing denied, certiorari denied. Landlord And Tenant 1354

**SECTION 50‑1‑30.** Classifications of birds, animals, and fish.

 For the purpose of this title the following classifications are recognized:

 (1) Game birds: mourning dove, northern bob white, ruffed grouse, wild turkey, Wilson snipe, woodcock, the Anatidae (commonly known as goose, brant, and duck), and the Rallidae (commonly known as marsh hen, coot, gallinule, and rail).

 (2) Unprotected birds: house sparrow (Passer domesticus), rock pigeon (Columba livia), European starling (Sturnus vulgaris), and Eurasian collared dove (Streptopelia decaocto). These birds are unprotected by state law.

 (3) Nongame birds: all native birds not named in items (1) and (2) of this section are nongame birds and must not be destroyed in any manner at any time, except as otherwise provided by law.

 (4) Game animals: beaver, black bear, bobcat, white‑tailed deer, fox, mink, muskrat, opossum, otter, rabbit, raccoon, skunk, squirrel, and weasel.

 (5) Freshwater game fish: Bream: bluegill, flier, green sunfish; pumpkinseed, redbreast, redear (shellcracker), spotted sunfish; warmouth; Black Bass: largemouth bass, smallmouth bass, spotted bass, redeye bass (coosae bass); striped bass or rockfish; white bass; hybrid striped bass‑white bass; white crappie, black crappie; Trout: rainbow, brown and brook, chain pickerel (jackfish), redfin pickerel, sauger, walleye, and yellow perch.

 (6) Freshwater nongame fish: any freshwater fish species not classified as a game fish.

 (7) Saltwater gamefish: Cobia Rachycentron canadum; spotted seatrout (winter trout) Cynoscion nebulosus; red drum (channel bass) Sciaenops ocellatus; tarpon Megalops atlanticus; and any species of billfish of the Family Istiophoridae.

HISTORY: 1962 Code Section 28‑4; 1952 Code Section 28‑4; 1942 Code Section 1757; 1932 Code Section 1751; Cr. C. ‘22 Section 733; 1919 (31) 269; 1920 (31) 732; 1921 (32) 224, 233; 1924 (33) 1152; 1927 (35) 372; 1928 (35) 1217; 1930 (36) 1740, 2122; 1952 (47) 2179; 1955 (49) 596; 1956 (49) 2074; 1957 (50) 403; 1961 (52) 475; 1964 (53) 2143, 2154; 1965 (54) 157; 1971 (57) 84; 1978 Act No. 625 Sections 1, 2; 1984 Act No. 282, Section 1; 1985 Act No. 148, Section 2; 1993 Act No. 181, Section 1257; 2007 Act No. 85, Section 1, eff upon approval (became law without the Governor’s signature on June 15, 2007); 2008 Act No. 227, Section 1, eff upon approval (became law without the Governor’s signature on May 15, 2008); 2010 Act No. 200, Section 2, eff May 28, 2010; 2012 Act No. 249, Section 1, eff June 18, 2012.

Code Commissioner’s Note

At the direction of the Code Commissioner, “mourning dove” was substituted for “morning dove” in item (1) to correct a typographical error.

Effect of Amendment

The 2007 amendment added item (6) relating to saltwater gamefish.

The 2008 amendment, in item (5), removed white perch from the list of game fish.

The 2010 amendment rewrote the section.

The 2012 amendment inserted “Cobia Rachycentron canadum;” in item (7).

Library References

Fish 2.

Game 2.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Section 1.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 2 to 3, 6.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Game and Fish Section 22, Methods of Taking Game or Fish.

**SECTION 50‑1‑40.** Stocked or released exotic game birds.

 All species of the pheasants and the francolins that have been stocked or may be released by the department are hereby classified as game birds in this State, along with any other game bird species that the department may select for release in this State; provided, that any such species that may not adapt itself to environmental conditions in this State after extensive trial may be removed from the game bird list.

HISTORY: 1962 Code Section 28‑4.1; 1961 (52) 475; 1972 (57) 2431; 1993 Act No. 181, Section 1257.

Library References

Game 2.

Westlaw Topic No. 187.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 2 to 3, 6.

**SECTION 50‑1‑50.** Geographic boundaries for certain bodies of water.

 The following water bodies have the geographic boundaries as described:

 (1) “Ashepoo River” means all waters of the Ashepoo River from its confluence with Saint Helena Sound upstream to the confluence of Jones Swamp and Ireland Creeks, near S.C. State Highway 63/U.S. Highway 17A Bridge in Colleton County.

 (2) “Ashley River” means all waters of the Ashley River from its confluence with the Cooper River in Charleston Harbor upstream to the confluence of Great Cypress Swamp and Rumphs Hill Creeks.

 (3) “Back River (Jasper County)” means all waters of Back River from its confluence with the Savannah River upstream to its headwaters on Hutchinson Island.

 (4) “Little Back River (Jasper County)” means all waters of Little Back River from its confluence with Back River upstream to the confluence of McCoy’s Creek and Union Creek.

 (5) “Beaufort River (Beaufort County)” means all waters of Beaufort River from its confluence with Port Royal Sound upstream to the confluence with Battery, Cowen, Albergottie, and Brickyard Creeks.

 (6) “Black Creek (Chesterfield, Darlington, and Florence counties)” means all waters of Black Creek from its confluence with the Great Pee Dee River upstream to S.C. State Highway S‑13‑513 (Griggs Street Bridge) in Chesterfield County.

 (7) “Black Creek (Lexington County)” means all waters of Black Creek from its confluence with North Fork Edisto River upstream to its headwaters at Taylors Pond Dam near S.C. State Highway S‑32‑77 (Two Notch Road Bridge) in Lexington County.

 (8) “Black Mingo Creek” means all waters of Black Mingo Creek from its confluence with the Black River upstream to the confluence of Paisley Swamp and Cedar Swamp Creeks.

 (9) “Black River” means all waters of Black River from its confluence with the Great Pee Dee River upstream to its headwaters northwest of S.C. State Highway S‑31‑33 near McCutchens Crossroads in Lee County.

 (10) “Bohicket Creek (Charleston County)” means all waters of Bohicket Creek from its confluence with North Edisto River upstream to its confluence with Church Creek.

 (11) “Broad River” means all waters of Broad River from its confluence with the Saluda River at U.S. Highway 1/U.S. Highway 378 (Gervais Street Bridge) upstream to the North Carolina/South Carolina state line.

 (12) “Lower reach of the Broad River” means all waters of the Broad River from its confluence with the Saluda River at U.S. Highway 1/U.S. Highway 378 (Gervais Street Bridge) upstream to Parr Dam.

 (13) “Upper reach of the Broad River” means all waters of the Broad River from Parr Dam upstream to the North Carolina/South Carolina state line.

 (14) “Broad River (Beaufort County)” means all waters of Broad River from its confluence with Port Royal Sound upstream to the confluence of Whale Branch, Coosawhatchie River, and Pocotaligo River.

 (15) “Buffalo Creek (Newberry County)” means all waters of Buffalo Creek from its confluence with Lake Murray upstream to State Highway S‑36‑404.

 (16) “Bull Creek (Georgetown and Horry counties)” means all waters of Bull Creek from its divergence from the Great Pee Dee River to its confluence with the Waccamaw River.

 (17) “Bull River (Beaufort County)” means all waters of Bull River from its confluence with Coosaw River upstream to its confluence with Wimbee Creek and Williman Creek.

 (18) “Bulls Bay” means all open bay waters bounded on the east by a line running northeast from the northern tip of Bull Island following the COLREG line to the southern tip of Sandy Point.

 (19) “Bush River” means all waters of Bush River from Lake Murray in Newberry County at S.C. State Highway S‑36‑41, upstream to its headwaters beyond S.C. State Highway S‑30‑72 Bridge (Gary Street) in Laurens County.

 (20) “Calibogue Sound” means all waters between Hilton Head Island and Daufuskie Island bounded on the seaward side by a line running due west from the westernmost tip of Hilton Head Island (latitude 32° 6.82’ N, longitude 080° 49.78’ W) and bounded on the inland side by a line from the northern tip of Daufuskie Island (latitude 32° 8.34’ N, longitude 080° 50.35’ W) running along the marsh shore of Bull Island to its easternmost point (latitude 32° 11.46’ N, longitude 080° 47.37’ W) and then running due east to Hilton Head Island, and then following the shoreline in a southwesterly direction across the confluence of Broad Creek to the westernmost tip of Hilton Head Island.

 (21) “Cape Romain Harbor (Charleston County)” means all waters inshore of the COLREG line between Cape Island and Murphy Island and bounded on the eastern side by Cape Island and to its confluence with Romain River, Horsehead Creek, Congaree Boat Creek, and Alligator Creek, and inshore of the COLREG line from Cape Island to Raccoon Key.

 (22) “Catawba River” means all waters of the Catawba River from the backwaters of Fishing Creek Reservoir at S.C. State Highway 9 upstream to the Lake Wylie Dam.

 (23) “Chattooga River” means all waters of the Chattooga River beginning at its confluence with Opossum Creek upstream to the North Carolina/South Carolina state line.

 (24) “East Fork Chattooga River” means all waters of East Fork Chattooga River from its confluence with the Chattooga River upstream to the North Carolina/South Carolina state line.

 (25) “Chauga River” means all waters of the Chauga River from Lake Hartwell upstream to the confluence of Village and East Village Creeks.

 (26) “Chechessee Creek (Beaufort County)” means all waters of Chechessee Creek from its confluence with Chechessee River upstream to the confluence with Colleton River near Manigault Neck.

 (27) “Chechessee River (Beaufort County)” means all waters of Chechessee River from its confluence with Port Royal Sound upstream to the confluence with Hazzard Creek.

 (28) “New Chehaw River (Colleton County)” means all waters of New Chehaw River from its confluence with the Combahee River upstream to its diversion from the Old Chehaw River.

 (29) “Old Chehaw River (Colleton County)” means all waters of Old Chehaw River from its confluence with the Combahee River upstream to its headwaters outside of the town of Green Pond.

 (30) “Cheohee Creek” means all waters of Cheohee Creek from its confluence with Flat Shoal River and Tamassee Creek upstream to its headwaters east of S.C. State Highway 107 in Oconee County.

 (31) “Church Creek (Charleston County)” means all waters of Church Creek from its confluence with Wadmalaw River in Wadmalaw Sound upstream to its confluence with Bohicket Creek.

 (32) “Clark Sound” means all waters bounded on the northwestern side by James Island and on the eastern side by marshes associated with Morris Island.

 (33) “Clark’s Creek” means all waters of Clark’s Creek from its confluence with the Great Pee Dee River upstream to its divergence from the Lynches River in Florence County.

 (34) “Colleton River (Beaufort County)” means all waters of Colleton River from its confluence with Chechessee River upstream until its confluence with Okatee River.

 (35) “Combahee River” means all waters of the Combahee River from its confluence with the Coosaw River upstream to the confluence of the Salkehatchie and Little Salkehatchie Rivers.

 (36) “Congaree River” means all waters of the Congaree River from its confluence with the Wateree River upstream to the confluence with the Broad and Saluda Rivers at U.S. Highway 1/U.S. Highway 378 (Gervais Street Bridge).

 (37) “Cooper River (Beaufort County)” means all waters of Cooper River from its confluence with Calibogue Sound upstream to its confluence with the New River.

 (38) “Cooper River (Berkeley and Charleston counties)” means all waters of Cooper River from its confluence with the Ashley River in the Charleston Harbor upstream to the confluence of East Branch Cooper River and West Branch Cooper River.

 (39) “Cooper River system (Berkeley and Charleston counties)” means all waters of Cooper River and its fresh water tributaries, from the freshwater/saltwater dividing line to its headwaters including the East and West Branch and the Tailrace Canal.

 (40) “Coosaw River (Beaufort County)” means all waters of Coosaw River from its confluence with Saint Helena Sound upstream to its confluence with Whale Branch, McCalleys Creek, and Brickyard Creek.

 (41) “Coosawhatchie River” means all waters of the Coosawhatchie River from its confluence with the Broad River (Jasper County) upstream to U.S. Highway 301 in Allendale County.

 (42) “Great Cypress Swamp” means all waters of the Great Cypress Swamp from its confluence with the Ashley River upstream to the confluence of Partridge Creek and Wassamasaw Swamp Creek or Big Run Creek.

 (43) “Dawhoo River (Charleston County)” means all waters of Dawhoo River from its confluence with the North Edisto River upstream to its divergence with the South Edisto River.

 (44) “Durbin Creek (Greenville and Laurens counties)” means all waters of Durbin Creek from its confluence with the Enoree River in Laurens County upstream to S.C. State Highway 418 in Laurens County.

 (45) “Eastatoe Creek” means all waters of Eastatoe Creek from Lake Keowee backwaters upstream to the North Carolina/South Carolina state line.

 (46) “Edisto River” means all waters of the Edisto River from its confluence with the South Edisto River and Dawhoo River upstream to the confluence of the North Fork Edisto River and South Fork Edisto River.

 (47) “North Edisto River” means all waters of the North Edisto River from its confluence with the Atlantic Ocean upstream to the confluence of Dawhoo River and Wadmalaw River.

 (48) “South Edisto River” means all waters of the South Edisto River from its confluence with Saint Helena Sound upstream to the confluence of the Edisto River and Dawhoo River.

 (49) “North Fork Edisto River” means all waters of the North Fork Edisto River from its confluence with the South Fork Edisto River upstream to the confluence of Chinquapin Creek and Lightwood Knot Creek in Lexington County.

 (50) “South Fork Edisto River” means all waters of the South Fork Edisto River from its confluence with the North Fork Edisto River upstream to S.C. State Highway S‑19‑41(Edisto Road) in Edgefield County.

 (51) “Enoree River” means all waters of the Enoree River from its confluence with the Broad River upstream to its headwaters near S.C. State Highway S‑23‑869 (Tubbs Mt. Road).

 (52) “Five Fathom Creek (Charleston County)” means all waters of Five Fathom Creek from its confluence with Bull’s Bay just west of Sandy Point to its divergence from the Intracoastal Waterway.

 (53) “Folly Creek (Charleston County)” means all waters of Folly Creek from its confluence with Folly River upstream to its confluence with Lighthouse Creek.

 (54) “Folly River (Charleston County)” means all waters of Folly River from its confluence with the Atlantic Ocean north of Stono Inlet upstream to the tidal flats behind Folly Island and onto its confluence with Rat Island Creek.

 (55) “Harbor River (Beaufort County)” means all waters of Harbor River from its confluence with Saint Helena Sound and the Atlantic Ocean upstream to its confluence with Station Creek and Trenchards Inlet.

 (56) “Jeffries Creek” means all waters of Jeffries Creek from its confluence with the Great Pee Dee River upstream to S.C. State Highway 403 in Darlington County.

 (57) “Kiawah River (Charleston County)” means all waters of Kiawah River from its confluence with the Atlantic Ocean at Captain Sam’s Inlet upstream to its confluence with the Stono River.

 (58) “Little River (Abbeville, Anderson, and McCormick counties)” means all waters of Little River from the backwaters of Lake J. Strom Thurmond in McCormick County upstream to the confluence of Baker Creek (Long Branch) and Corner Creek in Anderson County. “Little River (Horry County)” means all waters of Little River from its confluence with the Atlantic Ocean at Little River Inlet upstream to its confluence with the Intercoastal Waterway to the headwaters of Socastee Creek.

 (59) “Little River (Newberry and Laurens counties)” means all waters of Little River from its confluence with the Saluda River upstream to S.C. State Highway S‑30‑419 (Ghost Creek Road) in Laurens County.

 (60) “Little River (Sumter County)” means all waters of Little River from its confluence with the Wateree River upstream to its divergence from the Wateree River.

 (61) “Log Creek (Edgefield County)” means all waters of Log Creek from its confluence with Turkey Creek upstream to S.C. State Highway 23 (Columbia Highway).

 (62) “Long Cane Creek (McCormick County)” means all waters of Long Cane Creek from the backwaters of Lake J. Strom Thurmond near S.C. State Highway 28 in McCormick County upstream to S.C. State Highway S‑1‑75 in Abbeville County.

 (63) “Lumber River” means all waters of Lumber River from its confluence with the Little Pee Dee River upstream to the North Carolina/South Carolina state line.

 (64) “Lynches River” means all waters of Lynches River from its confluence with the Great Pee Dee River upstream to the North Carolina/South Carolina state line.

 (65) “May River (Beaufort County)” means all waters of May River from its confluence with Calibogue Sound upstream to its headwaters just past the confluence of Stoney Creek.

 (66) “McCoy’s Cut (Jasper County)” means all waters of McCoy’s Cut from its divergence from Savannah River to its confluence with Union Creek to form the Little Back River.

 (67) “Mill Creek (Florence County)” means all waters of Mill Creek from its confluence with Muddy Creek upstream to its divergence from Lynches River.

 (68) “Morgan River (Beaufort County)” means all waters of Morgan River from its confluence with Saint Helena Sound upstream to the confluence of Lucy Point Creek and Warsaw Flats.

 (69) “Muddy Creek (Florence and Williamsburg counties)” means all waters of Muddy Creek from its confluence with Clark’s Creek upstream to its headwaters near Hemingway, South Carolina.

 (70) “Mulberry Creek (Greenwood County)” means all waters of Mulberry Creek from the backwaters of Lake Greenwood upstream to U. S. Highway 25 in Greenwood County.

 (71) “Mungen Creek (Beaufort County)” means all waters of Mungen Creek from its divergence from the New River to its confluence with the New River.

 (72) “Murrell’s Inlet (Georgetown County)” means all saltwaters of Murrell’s Inlet from the seaward tip of the Murrell’s Inlet jetties inland. This includes these tributary creeks: Main Creek, Woodland Creek, Parsonage Creek, Allston Creek, and Oaks Creek and adjacent marshes.

 (73) “New River” means all waters of New River from its confluence with the Atlantic Ocean upstream to its headwaters at Garrett Lake near U.S. Interstate Highway 95.

 (74) “North Santee Bay” means all waters of the bay west of a line running southwest from the southern tip of South Island to the eastern tip of Cedar Island and upstream to the confluence of Mosquito and Big Duck Creeks.

 (75) “Okatee River (Beaufort County)” means all waters of Okatee River from its confluence with Colleton River upstream to its headwaters near U.S. Highway 278.

 (76) “Oolenoy River” means all waters of Oolenoy River from its confluence with the South Saluda River upstream to its headwaters near US Highway 178 in Pickens County.

 (77) “Pacolet River” means all waters of Pacolet River from its confluence with the Broad River upstream to the Lake H. Taylor Blalock Dam in Spartanburg County.

 (78) “North Pacolet River” means all waters of North Pacolet River from its confluence with the South Pacolet River upstream to the North Carolina/South Carolina state line.

 (79) “South Pacolet River” means all waters of South Pacolet River from Lake William C. Bowen in Spartanburg County upstream to its headwaters near Glassy Mountain in Greenville County.

 (80) “Great Pee Dee River (also known as Pee Dee River or Big Pee Dee River)” means all waters of Great Pee Dee River from its confluence with Winyah Bay upstream to the North Carolina/South Carolina state line.

 (81) “Little Pee Dee River” means all waters of Little Pee Dee River from its confluence with the Great Pee Dee River upstream to Red Bluff Lake Dam at the confluence of Gum Swamp Creek and Beaver Dam Creek in Marlboro County.

 (82) “Pocotaligo River (Beaufort, Hampton, and Jasper counties)” means all waters of Pocotaligo River from its confluence with the Broad River upstream to its headwaters north of U.S. Highway 17 in Jasper County.

 (83) “Pocotaligo River (Clarendon and Sumter counties)” means all waters of Pocotaligo River from its confluence with the Black River upstream to the confluence of Cane Savannah Creek and Turkey Creek in Sumter County.

 (84) “Port Royal Sound” means all waters of Port Royal Sound between Hilton Head Island and Bay Point, bounded on the seaward side by a line running northeasterly from the easternmost tip of Hilton Head Island (latitude 32° 12.97’ N, longitude 080° 40.05’ W), to the southernmost tip of Bay Point (latitude 32° 15.39’ N, longitude 080° 37.92’ W), and bounded on the inland side by a line from the northernmost tip of Hilton Head Island (latitude 32° 16.23’ N, longitude 080° 43.68’ W), running northeasterly to the southern tip of Parris Island (latitude 32° 17.88’ N, longitude 080° 40.08’ W), and thence running southeasterly to the southern tip of Bay Point.

 (85) “Price Creek (Charleston County)” means all waters of Price Creek from its confluence with the Atlantic Ocean upstream to its divergence from Sewee Bay.

 (86) “Rabon Creek (Laurens County)” means all waters of Rabon Creek from the backwaters of Lake Greenwood upstream to the Lake Rabon Dam in Laurens County.

 (87) “Re‑diversion Canal” means all waters of the Re‑diversion Canal from its confluence with the Santee River upstream to the St. Stephen Dam and those waters upstream of the dam to its juncture with Lake Moultrie in Berkeley County.

 (88) “Reedy River” means all waters of Reedy River from the backwaters of Lake Greenwood at S.C. State Highway S‑30‑6 in Laurens County, upstream to Boyd Millpond Dam, and all waters upstream of Boyd Millpond to its headwaters near Renfrew and Travelers Rest in Greenville County at S.C. State Highway S‑23‑103.

 (89) “Rocky River” means all waters of Rocky River from Lake Secession upstream to the confluence of Little Beaverdam and Beaverdam Creeks in Anderson County.

 (90) “Saint Helena Sound” means all waters of Saint Helena Sound bounded by Edisto Beach, Otter Island, Ashe Island, Morgan Island, St. Helena Island, and Harbor Island, bounded on the seaward side by the COLREG line from Edisto Beach to Hunting Island, and bounded on the inland side by the U.S. Highway 21 bridge in the mouth of Harbor River, from the northern tip of Coffin Point (latitude 32° 26.78’ N, longitude 080° 29.01’ W), just east of the mouth of Coffin Creek running north crossing the mouth of Morgan River to the eastern tip of Morgan Island marsh (latitude 32° 28.14’ N, longitude 080° 28.63’ W), and then running north across the mouth of Coosaw River to the southern tip of Ashe Island (latitude 32° 29.77’ N, longitude 080° 28.35’ W), and by a line running due east from the eastern tip of Ashe Island (latitude 32° 30.19’ N, longitude 080° 27.33’ W), crossing the mouth of Rock Creek to Hutchinson Island, and by a line running south across the mouth of the Ashepoo River to the western side of Otter Island (latitude 32° 28.72’ N, longitude 080° 25.15’ W) and extending to the southern tip of Edisto Beach (latitude 32° 28.64’ N, longitude 080° 20.30’ W).

 (91) “Salkehatchie River” means all waters of Salkehatchie River from its confluence with the Little Salkehatchie River upstream to the confluence of Buck Creek and Rosemary Creek near S.C. State Highway S‑06‑166 in Barnwell County.

 (92) “Little Salkehatchie River” means all waters of Little Salkehatchie River from its confluence with the Salkehatchie River upstream to the Lake Cynthia Dam in Barnwell County.

 (93) “Middle Saluda River” means all waters of Middle Saluda River from its confluence with South Saluda River upstream to its headwaters near U.S. Highway 276 in Greenville County.

 (94) “North Saluda River” means all waters of North Saluda River from its confluence with South Saluda River upstream to the North Saluda Reservoir (Poinsett Reservoir) Dam.

 (95) “South Saluda River” means all waters of South Saluda River from its confluence with Saluda River and North Saluda River upstream to the Table Rock Dam in Greenville County.

 (96) “Lower reach of the Saluda River” means all waters of Saluda River from its confluence with Broad River upstream to the Lake Murray Dam.

 (97) “Middle reach of the Saluda River” means all waters of Saluda River from the backwaters of Lake Murray at S.C. State Highway 395, upstream to the Lake Greenwood Dam.

 (98) “Upper reach of the Saluda River” means all waters of Saluda River from the backwaters of Lake Greenwood upstream to the confluence of North Saluda River and South Saluda River.

 (99) “Little Saluda River” means all waters of Little Saluda River from the backwaters of Lake Murray upstream to the confluence of Mine Creek and Red Bank Creek near U.S. Highway 378 in Saluda County.

 (100) “Sampit River” means all waters of Sampit River from its confluence with Winyah Bay upstream to U.S. Highway 17A in Georgetown County.

 (101) “Santee River” means all waters of Santee River from its confluence with North Santee River and South Santee River upstream to the Lake Marion Dam and from the backwaters of Lake Marion at the railroad trestle bridge near Rimini upstream to the confluence of the Congaree and Wateree Rivers.

 (102) “North Santee River” means all waters of North Santee River from its confluence with North Santee Bay upstream to its confluence with the Santee River and South Santee River.

 (103) “South Santee River” means all waters of South Santee River from its confluence with the Atlantic Ocean upstream to its confluence with Santee River and North Santee River.

 (104) “Lower reach of the Santee River” means all waters of Santee River from its confluence with the Atlantic Ocean upstream via the North Santee River, the South Santee River, and the Santee River to the Lake Marion Dam including the waters of the Re‑diversion Canal upstream to the St. Stephen Dam.

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

 (106) “Santee River system” means all waters of Santee River including tributaries from the saltwater/freshwater dividing line on the North and South Santee Rivers upstream to the Lake Murray Dam on the Saluda River, the Canal Dam on the Broad River, and the Wateree Dam on the Wateree River.

 (107) “Savannah River” means all waters of Savannah River from its confluence with the Atlantic Ocean upstream to the Lake J. Strom Thurmond Dam and from the backwaters of Richard B. Russell Lake upstream to the Lake Hartwell Dam.

 (108) “Lower reach of the Savannah River” means all waters of Savannah River from its confluence with the Atlantic Ocean or mouth of the Savannah River as defined by a line from Jones Island, South Carolina (also known as Oysterbed Island) point at latitude 32° 02.30’ N, longitude 080° 53.35’ W; across Cockspur Island, Georgia, point at latitude 32° 01.97’ N, longitude 080° 52.93’ W to Lazaretto Creek, Georgia, point at latitude 32° 01.03’ N, longitude 080° 52.85’ W upstream to the Lake J. Strom Thurmond Dam.

 (109) “Upper reach of the Savannah River” means all waters of Savannah River from S.C. State Highway 181 (the backwaters of Richard B. Russell Lake) upstream to the Lake Hartwell Dam.

 (110) “Socastee Creek (Horry County)” means all waters of Socastee Creek from its confluence with Waccamaw River upstream to the Intercoastal Waterway to the headwaters of Little River.

 (111) “Stevens Creek” means all waters of Stevens Creek from the back waters of Stevens Creek Reservoir upstream to the confluence of Hard Labor Creek and Cuffytown Creek in McCormick County.

 (112) “Stono River (Charleston County)” means all waters of Stono River from its confluence with the Atlantic Ocean at Stono Inlet upstream to its confluence with Wadmalaw River in Wadmalaw Sound.

 (113) “Story River (Beaufort County)” means all waters of Story River from its confluence with Fripp Inlet upstream to its confluence with Trenchards Inlet.

 (114) “Thicketty Creek” means all waters of Thicketty Creek, excluding private impoundments, from its confluence with the Broad River upstream to the Lake Thicketty Dam in Cherokee County.

 (115) “Trenchards Inlet (Beaufort County)” means all waters of Trenchards Inlet from its confluence with the Atlantic Ocean upstream to its confluence with Station Creek and Harbor River.

 (116) “Tulifinny River” means all waters of Tulifinny River from its confluence with the Coosawhatchie River upstream to its divergence from the Coosawhatchie River.

 (117) “Turkey Creek (Edgefield County)” means all waters of Turkey Creek from its confluence with Stevens Creek upstream to S.C. State Highway 23 in Edgefield County.

 (118) “Tyger River” means all waters of Tyger River from its confluence with Broad River upstream to the confluence of the North Tyger River and South Tyger River.

 (119) “Middle Tyger River” means all waters of Middle Tyger River from its confluence with the North Tyger River upstream to its headwaters just north of S.C. State Highway 11, excluding Lake Lyman.

 (120) “North Tyger River” means all waters of North Tyger River from its confluence with the South Tyger River upstream to its headwaters south of S.C. State Highway 11 in Spartanburg County.

 (121) “South Tyger River” means all waters of South Tyger River from its confluence with the North Tyger River upstream to the confluence of Mush Creek and Barton Creek in Greenville County, excluding the lakes.

 (122) “Union Creek (Jasper County)” means all waters of Union Creek from its confluence with McCoy’s Cut and Little Back River upstream to its headwaters near Chisolm Cemetery.

 (123) “Waccamaw River” means all waters of Waccamaw River from its confluence with Winyah Bay upstream to the North Carolina/South Carolina state line.

 (124) “Wadmalaw River (Charleston County)” means all waters of Wadmalaw River from its confluence with the North Edisto River to its junction with the Intracoastal Waterway and Church Creek.

 (125) “Wando River” means all waters of Wando River from its confluence with the Cooper River upstream to its headwaters.

 (126) “Warrior Creek” means all waters of Warrior Creek from its confluence with the Enoree River upstream to its headwaters just west of S.C. State Highway S‑30‑660 in Laurens County.

 (127) “Wateree River” means all waters of Wateree River from its confluence with the Congaree River upstream to the Lake Wateree Dam.

 (128) “Whale Branch (Beaufort County)” means all waters of Whale Branch from its confluence with Coosaw River, McCalleys Creek, and Brickyard Creek upstream to its junction with the Broad River.

 (129) “Wilson Creek (Greenwood County)” means all waters of Wilson Creek from its confluence with the Saluda River upstream to U.S. Highway 25/U.S. Highway 221/U.S. Highway 178 Bypass in Greenwood County.

 (130) “Winyah Bay” means all waters of Winyah Bay east of a line running south from the southern tip of North Island to the eastern tip of Sand Island, and extending to the mouths of the Sampit, Great Pee Dee, and Waccamaw Rivers.

 (131) “Wright River (Jasper County)” means all waters of Wright River from its confluence with the Atlantic Ocean upstream to its headwaters in Jasper County.

 (132) “Lake H. Taylor Blalock” means all waters of Pacolet River impounded by the Lake Blalock Dam upstream to the confluence with North Pacolet River below Reservoir #1 (Rainbow Lake) Dam in Spartanburg County.

 (133) “Lake William C. Bowen” means all waters of South Pacolet River impounded by the Lake Bowen Dam upstream to S.C. State Highway 11.

 (134) “Cedar Creek Lake (also known as Stumpy Pond or Rocky Creek Lake)” means all waters of Catawba River impounded by the Cedar Creek/Rocky Creek Dam upstream to the Dearborn Powerhouse on Rocky Creek and U.S. Highway 21 on Rocky Creek. This includes waters between the Cedar Creek Hydro Station on the west bank upstream to the base of the shoals north of Hill Island (Bypass Reach).

 (135) “Lake Cooley” means all waters of Jordan Creek impounded by the Lake Cooley Dam upstream to S.C. State Highway S‑42‑784 (Ballenger Road) in Spartanburg County.

 (136) “Lake Cunningham” means all waters of South Tyger River impounded by the Lake Cunningham Dam upstream to S.C. State Highway 101 in Greenville County.

 (137) “Fishing Creek Reservoir” means all waters of Catawba River impounded by the Fishing Creek Dam upstream to S.C. State Highway 9. This includes all waters upstream of the Fishing Creek Dam to the confluence of Rum Creek and Cane Creek on Cane Creek and to Catawba Ridge Boulevard on Bear Creek.

 (138) “Goose Creek Reservoir” means all waters of Goose Creek impounded by the Goose Creek Reservoir Dam upstream to U.S. Highway 52 in Berkley County.

 (139) “Lake Greenwood” means all waters of Saluda River impounded by the Buzzard’s Roost (Lake Greenwood) Dam upstream to U.S. Highway 25 including the tributaries of Cane Creek upstream to S.C. State Highway 72, Rabon Creek upstream to S.C. State Highway S‑30‑54 in Laurens County, and the Reedy River upstream to S.C. State Highway S‑30‑6 in Laurens County.

 (140) “Lake Hartwell” means all waters of Savannah River impounded by the Lake Hartwell Dam upstream to the Lake Yonah Dam on the Tugaloo River and to the Lake Keowee Dam on the Keowee River. This includes all waters upstream of Hartwell Dam to S.C. State Highway S‑04‑97 on Six and Twenty Creek in Anderson County.

 (141) “Lake Hartwell Tailwater” means all waters of Savannah River upstream of S.C. State Highway 181 to Lake Hartwell Dam.

 (142) “Lake Jocassee” means all waters of Keowee, Toxaway, and Whitewater Rivers impounded by the Lake Jocassee Dam upstream to the elevation of 1110 msl.

 (143) “Lake Keowee” means all waters of Keowee River impounded by the Little River Dam at Newry and the Keowee Dam to Jocassee Dam. This includes all waters upstream of the Little River Dam to the confluence of Cane Creek and Little Cane Creek on Cane Creek, to S.C. State Highway S‑37‑175 on Crooked Creek, to S.C. State Highway S‑37‑24 (Burnt Tanyard Road) on Little River, and to S.C. State Highway S‑37‑200 on Stamp Creek in Oconee County. This includes all waters upstream of the Keowee Dam to the confluence of Eastatoe River and Little Eastatoe Creek on the Eastatoe River; S.C. State Highway 133 on Cedar, Crowe, and Mile Creeks in Pickens County.

 (144) “Louther’s Lake” means the oxbow lake off of the Great Pee Dee River in eastern Darlington County near S.C. State Highway S‑16‑495.

 (145) “Lake Lyman” means all waters of Middle Tyger River impounded by the Lake Lyman Dam upstream to S.C. State Highway S‑42‑75 in Spartanburg County.

 (146) “Lake Marion” means all waters of the Santee River and its tributaries impounded by the Lake Marion Dam including the flooded backwater areas within the Santee Cooper project area in Calhoun and Sumter counties.

 (147) “Lake Monticello” means all waters impounded by the Frees Creek Dam including the recreational subimpoundment in Fairfield County.

 (148) “Lake Moultrie” means all waters impounded by the Pinopolis Dam including the Diversion Canal and those waters of the Re‑diversion Canal within the Santee Cooper project area.

 (149) “Lake Murray” means all waters of Saluda River impounded by the Lake Murray Dam upstream to S.C. State Highway 395 and the Little Saluda River arm up to Big Creek.

 (150) “Parr Reservoir” means all waters of Broad River impounded by the Parr Reservoir Dam upstream to S.C. State Highway 34.

 (151) “Reservoir #1 (Rainbow Lake)” means all waters of South Pacolet River impounded by the Reservoir #1 Dam upstream to Lake William C. Bowen Dam in Spartanburg County.

 (152) “Lake Robinson (Darlington and Chesterfield counties)” means all waters of Black Creek and its tributaries impounded by the Lake Robinson Dam upstream to its headwaters west of S.C. State Highway S‑13‑46 in Chesterfield County.

 (153) “Lake Robinson (Greenville County)” means all waters of South Tyger River impounded by the Lake Robinson Dam upstream to S. C. State Highway S‑23‑114.

 (154) “Lake Russell” means all waters of Savannah River impounded by the Lake Richard B. Russell Dam upstream to the Lake Hartwell Dam including the tributary Rocky River upstream to the Lake Secession Dam.

 (155) “Saluda Lake (Pickens and Greenville counties)” means all the waters of the Saluda River and its tributaries impounded by the Saluda Dam upstream to the S.C. State Highway S‑39‑183 (Farr’s Bridge Road).

 (156) “Lake Secession” means all the waters of Rocky River impounded by the Lake Secession Dam upstream to S.C. State Highway 413.

 (157) “Stevens Creek Reservoir” means all waters of Savannah River upstream of the Stevens Creek Dam to the Lake J. Strom Thurmond Dam including the tributary of Stevens Creek upstream to the confluence of Dry Branch, Cheves Creek, and Stevens Creek in Edgefield County.

 (158) “Lake J. Strom Thurmond (formerly Clarks Hill Lake)” means all waters of Savannah River impounded by the Lake J. Strom Thurmond Dam upstream to the Richard B. Russell Dam, including the tributaries of Little River to Calhoun Mill at the S.C. State Highway 823 Bridge and Long Cane Creek to Patterson Bridge at S.C. State Highway S‑33‑117 in McCormick County.

 (159) “Lake Tugaloo” means all waters of Tugaloo River impounded by the Lake Tugaloo Dam upstream to the confluence of the Chattooga River and Opossum Creek in Oconee County.

 (160) “Lake Wateree” means all waters of Catawba and Wateree Rivers impounded by the Lake Wateree Dam upstream to the Cedar Creek Hydro Station and Rocky Creek Hydro Station and the dam between the two. This includes the waters to the confluence of Colonel Creek and the first unnamed tributary on Colonel Creek; to the confluence of Fox (June) Creek and the first unnamed tributary on Fox (June) Creek; to S.C. State Highway S‑28‑101 on Rochelle Creek; to the confluence of Dutchman’s Creek and the first unnamed tributary on the south side of Dutchman’s Creek; to the confluence of Taylor Creek and the first unnamed tributary on the north side of Taylor Creek; to U.S. Highway 21 on Little Wateree Creek and Big Wateree Creek; to Wildlife Road on Singletons Creek; to S.C. State Highway S‑28‑13 on Beaver Creek and to S.C. State Highway 97 on White Oak Creek.

 (161) “Lake Wylie” means all waters of Catawba River impounded by the Lake Wylie Dam upstream to the southern end of Sunset Island, which constitutes the North Carolina/South Carolina state line, and bounded on the east by the North Carolina/South Carolina state line, which follows the middle of the course of the Catawba River. This includes all waters impounded by the Lake Wylie Dam to S. C. State Highway 274 on Little Allison Creek; to the confluence of Big Branch and Allison Creek on Big Allison Creek; to Vineyard Road on Torrance Creek; to the confluence of Beaver Dam Creek and Crowder’s Creek on Crowder’s Creek; to the confluence of the first unnamed tributary on Mill Creek and Mill Creek; to the North Carolina/South Carolina state line on Catawba Creek. The upper boundary of Lake Wylie is the North Carolina/South Carolina state line located mid channel of the Catawba River at the confluence of the Catawba River and South Fork Catawba River.

 (162) “Lake Yonah” means all waters of Tugaloo River impounded by the Lake Yonah Dam upstream to the Lake Tugaloo Dam.

HISTORY: 2010 Act No. 200, Section 3, eff May 28, 2010; 2012 Act No. 206, Section 1, eff June 7, 2012; 2013 Act No. 7, Section 1, eff March 22, 2013.

Effect of Amendment

The 2012 amendment numbered each item and made other technical changes; amended the latitudes and longitudes in items (20), (84), (90), and (108); substituted “Manigault” for “Manaqualt” in item (26); substituted “Jeffries” for “Jefferies” in item (56); rewrote item (147); substituted “the Lake Hartwell Dam” for “S.C. State Highway 181” in item (154); and added item (155), regarding Saluda Lake.

The 2013 amendment, in subsection (90), substituted “by a line running due east from the eastern tip of Ashe Island” for “by a line running due west from the western tip of Ashe Island” and “the Ashepoo River to the western side of Otter Island” for “the Ashepoo River to the eastern side of Otter Island”.

**SECTION 50‑1‑60.** Division of State into game zones.

 For the purpose of protection and management of wildlife, the State is divided into four zones:

 (1) Game Zone 1 consists of all properties north of the main line of the Norfolk Southern Railroad from the Georgia state line to South Carolina Highway 183 in Westminster, then north of South Carolina Highway 183 to intersection of South Carolina Highway 183 and the Norfolk Southern Railroad main line in Greenville and then north of the main line of the Norfolk Southern Railroad to the Spartanburg County line.

 (2) Game Zone 2 consists of the counties of Abbeville, Anderson, Chester, Cherokee, Edgefield, Fairfield, Greenwood, Lancaster, Laurens, McCormick, Newberry, Saluda, Spartanburg, Union, York; and those portions of the counties of Greenville, Oconee, and Pickens south of the main line of the Norfolk Southern Railroad from the Georgia state line to South Carolina Highway 183 in Westminster, then south of South Carolina Highway 183 to the intersection of South Carolina Highway 183 and the Norfolk Southern Railroad main line in Greenville and then south of the main line of the Norfolk Southern Railroad to the Spartanburg County line.

 (3) Game Zone 3 consists of the counties of Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Colleton, Dorchester, Hampton, Jasper, Lexington, Orangeburg, and Richland.

 (4) Game Zone 4 consists of the counties of Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Kershaw, Lee, Marion, Marlboro, Sumter, and Williamsburg.

HISTORY: 1962 Code Section 28‑5; 1952 Code Section 28‑5; 1942 Code Section 1756; 1937 (40) 286; 1938 (40) 1743; 1939 (41) 469; 1951 (47) 226; 1952 (47) 2179; 1953 (48) 139, 326; 1954 (48) 1429, 1450; 1961 (52) 224; 1967 (55) 159; 1970 (56) 2452; 1974 (58) 2198; 1976 Act No. 626 Section 1; 1982 Act No. 274, Section 1; 1993 Act No. 181, Section 1257; 1997 Act No. 33, Section 1, eff May 21, 1997; 1997 Act No. 57, Section 1; 1999 Act No. 46, Section 1; 2006 Act No. 289, Section 1; 2012 Act No. 195, Section 1, eff June 7, 2012; 2014 Act No. 227 (S.1071), Section 1, eff July 1, 2015.

Effect of Amendment

The 2012 amendment removed “Horry” from item (4) and inserted “Horry” in item (5); and made other nonsubstantive changes.

2014 Act No. 227, Section 1, in the introductory paragraph, substituted “four zones” for “six zones”, and deleted former paragraphs (5) and (6), transferring the counties listed in former paragraph (5) into paragraph (4) and former paragraph (6) into paragraph (3).

Library References

Game 2.5.

Westlaw Topic No. 187.

C.J.S. Game; Conservation and Preservation of Wildlife Section 3.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Game and Fish Section 8, Game Zones‑ Exemption to Home Rule.

S.C. Jur. Game and Fish Section 20, Hunting Seasons and Bag Limits.

**SECTION 50‑1‑70.** Application of game laws to zones.

 All laws of this State in force on April 24, 1952, affecting game shall, until changed, apply to all of the zones of the State, and all laws of the State thereafter enacted shall apply to the entire State except where otherwise specified.

HISTORY: 1962 Code Section 28‑6; 1952 (47) 2179; 1993 Act No. 181, Section 1257.

CROSS REFERENCES

Constitutional provision against providing for protection of game by special law, see SC Const, Art 3, Section 34.

Library References

Game 2.5.

Westlaw Topic No. 187.

C.J.S. Game; Conservation and Preservation of Wildlife Section 3.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Game and Fish Section 8, Game Zones‑ Exemption to Home Rule.

Attorney General’s Opinions

Any acts passed by the General Assembly relating to game should be zone‑wide or statewide. 1968‑69 Op. Atty Gen, No 2665, p 84.

**SECTION 50‑1‑80.** Peace officers to assist in enforcement of game and fish laws.

 It shall be the positive duty of all sheriffs, deputy sheriffs, constables, rural policemen and special officers to actively cooperate with the department in the enforcement of the game and fish laws of the State.

HISTORY: 1962 Code Section 28‑7; 1952 Code Section 28‑7; 1942 Code Section 1765; 1932 Code Section 1756; Cr. C. ‘22 Section 739; 1919 (31) 269; 1952 (47) 2179, 2890; 1972 (57) 2431; 1993 Act No. 181, Section 1257.

CROSS REFERENCES

Immunity from prosecution for any enforcement officer of the Department of Natural Resources when acting in their official capacity, see Section 50‑3‑420.

Library References

Fish 11.

Game 6.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Section 29.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 9, 22 to 26, 29, 31, 45, 50.

**SECTION 50‑1‑85.** Use of firearms or archery tackle in criminally negligent manner; penalties; seizure of license; disposition of monetary penalties.

 It is unlawful for any person to use a firearm or archery tackle while in preparation for, engaged in the act of, or returning from hunting in a criminally negligent manner. Criminal negligence is defined as the reckless disregard for the safety of others.

 A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be:

 (1) in a case where no personal injury or property damage occurs, fined not more than two hundred dollars or imprisoned for not more than thirty days;

 (2) in the case of property damage only, fined not more than one thousand dollars nor less than five hundred dollars or imprisoned for not more than six months, and the court must order restitution to the owner of the property;

 (3) in the case of bodily injury to another, fined not less than five hundred dollars nor more than two thousand, five hundred dollars or imprisoned for not more than two years; if the bodily injury results in disfigurement, total or partial permanent disability, be imprisoned for not less than sixty days nor more than two years;

 (4) in the case of death, be imprisoned for not less than three months nor more than three years.

 No part of the minimum fines and penalties provided in this section may be suspended by any court in this State.

 In addition to the criminal penalties provided above, the department must seize immediately the license of a person charged under this section and, upon conviction, the hunting privileges of a person convicted under item (1) or (2) above must be suspended for one year. A person convicted under item (3) of this section shall lose his privilege to hunt for three years, and a person convicted under item (4) of this section shall lose the privilege of hunting for five years.

 A person convicted of hunting while his license is suspended under the provisions of this section must be fined not less than five hundred dollars nor more than two thousand, five hundred dollars or imprisoned for not more than two years and shall have his hunting privileges suspended for an additional five years.

 The person may not obtain another hunting license until he has completed satisfactorily a hunter’s safety program conducted by the department.

 All monetary penalties shall be remitted to the South Carolina Victim Compensation Fund.

HISTORY: 1988 Act No. 556; 1993 Act No. 181, Section 1257.

Code Commissioner’s Note

Pursuant to 2017 Act No. 96, Section 14, the reference to “Victim’s Compensation Fund” in the last paragraph was changed to “Victim Compensation Fund”.

Library References

Game 7, 8.

Westlaw Topic No. 187.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 10, 12, 23 to 29, 33, 37 to 38, 41, 43, 45 to 49, 51, 55 to 60, 68 to 76, 81 to 85.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Game and Fish Section 21, Harassment of or Injury to Wildlife or Hunters.

**SECTION 50‑1‑90.** Hunting, fishing, or trapping without consent on lands of others; penalties.

 If any person, at any time whatsoever, shall hunt or range on any lands or shall enter thereon, for the purpose of hunting, fishing, or trapping, without the consent of the owner or manager thereof, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall, for a first offense, be fined not more than five hundred dollars or imprisoned for not more than thirty days, for a second offense, be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days and, for a third or subsequent offense, be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned for not more than six months or both. The magistrates court has concurrent jurisdiction to hear first and second offenses under this section. A first or second offense prosecution resulting in a conviction shall be reported by the magistrate or city recorder hearing the case to the communications and records division of the South Carolina Law Enforcement Division which shall keep a record of such conviction so that any law enforcement agency may inquire into whether or not a defendant has a prior record. Only those offenses which occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.

HISTORY: 1962 Code Section 28‑8; 1952 Code Section 28‑8; 1942 Code Section 1758; 1932 Code Section 1779; Cr. C. ‘22 Section 756; Cr. C. ‘12 Section 730; Cr. C. ‘02 Section 542; G. S. 1689; R. S. 422; 1769 (4) 310; 1905 (24) 906; 1976 Act No. 742 Section 2; 1979 Act No. 62 Section 1A; 1993 Act No. 181, Section 1257; 2014 Act No. 250 (S.986), Section 1, eff June 6, 2014.

Effect of Amendment

2014 Act No. 250, Section 1, rewrote the section.

CROSS REFERENCES

Entry on another’s lands for the purpose of hunting, fishing, etc., see Section 16‑11‑610.

Library References

Fish 13(1), 14.

Game 7, 8.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 30, 34 to 39, 42 to 44.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 10, 12, 23 to 29, 33, 37 to 38, 41, 43, 45 to 49, 51, 55 to 60, 68 to 76, 81 to 85.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Game and Fish Section 2, Privilege of Taking Game and Fish.

S.C. Jur. Game and Fish Section 38, Trespass to Hunt or Fish.

LAW REVIEW AND JOURNAL COMMENTARIES

The Public Trust Doctrine in South Carolina. 7 SC Env. LJ 31 (Summer 1998).

Attorney General’s Opinions

A person who sends a dog on the premises of another in search or pursuit of game but does not go on the premises himself would not violate this section. 1963‑64 Op. Atty Gen, No 1627, p 53; 1967‑68 Op. Atty Gen, No 2562, p 260.

One who intentionally sends his dog on another’s land in pursuit of game may be held civilly liable therefor on the theory of trespass. 1963‑64 Op. Atty Gen, No 1627, p 53.

NOTES OF DECISIONS

In general 1

1. In general

Landowner stated claim of nuisance against neighbor by alleging that, despite leasing land to hunt clubs, neighbor reserved right to control premises and activities on the land, and that dogs used by hunt clubs trespassed on and caused damage to landowner’s property. FOC Lawshe Ltd. Partnership v. International Paper Co. (S.C.App. 2002) 352 S.C. 408, 574 S.E.2d 228, rehearing denied, certiorari denied. Landlord And Tenant 1354

Lake alongside navigable stream was’navigable,’ and thus defendant could not be convicted of fishing on lands of another without owner’s permission, although predecessor‑in‑interest of owner of land surrounding lake had created it by damning the stream. State v. Head (S.C.App. 1997) 330 S.C. 79, 498 S.E.2d 389. Fish 13(1)

**SECTION 50‑1‑100.** Repealed by 2010 Act No. 200, Section 15, eff May 28, 2010.

Editor’s Note

Former Section 50‑1‑100 was entitled “Fishing or hunting on banks of navigable stream without landowner’s permission” and was derived from 1962 Code Section 28‑8.1; 1952 (47) 2179; 1993 Act No. 181, Section 1257.

**SECTION 50‑1‑110.** Disposition of game and fish unlawfully caught, taken, or killed.

 Wildlife unlawfully taken, shipped, or received for shipment, or found in the possession or under control of a person, which comes into the possession of the department and wildlife legally taken which comes into possession of the department may be disposed of in the discretion of the department. No wildlife coming into the possession of the department may be transferred to or used by a department employee or member of his family for personal use.

HISTORY: 1962 Code Section 28‑9; 1952 Code Section 28‑9; 1942 Code Sections 1763, 1770‑4, 1780‑2; 1932 Code Sections 1785, 1809; Cr. C. ‘22 Sections 767, 779; Cr. C. ‘12 Sections 750, 762; 1907 (25) 662; 1910 (26) 576; 1911 (27) 126; 1935 (39) 170; 1952 (47) 2179; 1990 Act No. 355, Section 1; 1993 Act No. 181, Section 1257.

CROSS REFERENCES

Prohibition against the transportation of any game bird or animal not captured or killed as permitted by this section, see Section 50‑11‑1720.

Library References

Fish 13(1), 16.

Game 7, 10.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 30, 34 to 39, 45 to 46.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 10, 12, 23 to 29, 33, 37 to 38, 41, 43, 45 to 49, 51, 55 to 70, 74 to 76.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Auctions and Auctioneers Section 23, Statutes Governing Auctions of Particular Properties.

**SECTION 50‑1‑125.** Wildlife defined; penalties for trafficking in wildlife.

 Wildlife, as used in this section, means a wild animal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal, or product, egg, offspring, or the dead body parts of the wildlife.

 A person illegally buying, selling, trading, trafficking, or bartering any wildlife, upon conviction, must be punished as follows:

 (1) For the first offense, if the money or other consideration exchanged for the wildlife is of a value of two hundred dollars or less, the penalty must be a fine of not more than two hundred dollars or imprisonment for no more than thirty days.

 (2) For the first offense, if the money or other consideration exchanged for the wildlife is of a value of more than two hundred dollars, the penalty must be a fine of not less than five hundred dollars nor more than five thousand dollars or imprisonment for not less than thirty days nor more than one year, or both. In addition, the person convicted shall lose his hunting and fishing privileges for one year from the date of conviction.

 (3) For a second offense, within three years of the first offense, the fine must be not less than one thousand dollars nor more than five thousand dollars or imprisonment for not less than thirty days nor more than one year. In addition to this penalty, the person shall lose his hunting and fishing privileges for three years.

 (4) For a third or subsequent offense, within three years of the last previous conviction, the fine must be five thousand dollars, no part of which may be suspended, or imprisonment for one year, or both. In addition to this penalty, the person shall lose his hunting and fishing privileges for three years from the date of conviction.

HISTORY: 1988 Act No. 454, Section 1; 1993 Act No. 181, Section 1257.

Library References

Fish 13(1), 14.

Game 7, 8.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 30, 34 to 39, 42 to 44.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 10, 12, 23 to 29, 33, 37 to 38, 41, 43, 45 to 49, 51, 55 to 60, 68 to 76, 81 to 85.

**SECTION 50‑1‑130.** General penalties.

 Unless a different penalty is specified, any person who violates a provision of this title is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than two hundred dollars or imprisoned for not less than ten days nor more than thirty days.

HISTORY: 1962 Code Section 28‑11; 1952 Code Section 28‑11; 1942 Code Section 1764; 1932 Code Sections 1752, 1755; Cr. C. ‘22 Sections 734, 738; 1919 (31) 269; 1920 (31) 732; 1927 (35) 284; 1933 (38) 437; 1952 (47) 2179; 1987 Act No. 176, Section 10A; 1993 Act No. 181, Section 1257.

CROSS REFERENCES

Applicability of this section to person guilty of impeding or obstructing the lawful harvesting of marine species, see Section 50‑1‑137.

Application of the provisions of this section to a violation of the restrictions on the use of airboats, see Section 50‑21‑860.

Application of this section to violation of rules and regulations governing the issuance of deer depredation permits, see S.C. Code of Regulations R. 123‑46.

Prohibition of discharging a firearm at a boat landing or ramp, see Section 50‑21‑146.

Library References

Fish 14.

Game 8.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 42 to 44.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 71, 81 to 85.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Game and Fish Section 36, Criminal Prosecution.

S.C. Jur. Shipping Law Section 111, Penalties.

Attorney General’s Opinions

Revenues from all fines for violations of fish and game law shall be transmitted to the Director of the Division of Game to be placed to the credit of the Game Protection Fund of the State Treasurer, unless specifically excepted in Chapter 50 of the Code. 1976‑77 Op. Atty Gen, No 77‑218, p 168.

**SECTION 50‑1‑135.** Effect of forfeiture of bail, guilty plea, or plea of nolo contendere for violation of fish and game laws.

 The entry of any plea of guilty, the forfeiture of any bail posted, or the entry of plea of nolo contendere for a violation of the fish and game laws of this State has the same effect as a conviction. In any case where bail is posted by the defendant, no forfeiture of bail becomes effective until ten days following the date of arrest nor may the defendant be required to plead prior to the elapse of the ten‑day period. The provisions of this section may not be construed to prohibit a defendant from voluntarily entering a plea or forfeiting bail within the ten‑day period.

HISTORY: 1984 Act No. 358; 1993 Act No. 181, Section 1257.

Library References

Fish 15.

Game 9.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 47 to 50.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 71, 77 to 81.

**SECTION 50‑1‑136.** Penalties for conspiracy.

 (A) Notwithstanding the provisions of Section 16‑17‑410 a person who conspires to violate any provision of the game and fish laws of this State or other provision of Title 50, except the provisions of the Federal Migratory Bird Treaty Act or its regulations is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

 (B) A person who conspires to violate two or more provisions of the game and fish laws of this State or other provision of Title 50, except the provisions of the Federal Migratory Bird Treaty Act or its regulations is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than one year, or both.

 (C) In addition to the criminal penalty, a person convicted under this section shall have his privilege to hunt or fish either recreationally or commercially revoked for one year.

HISTORY: 1984 Act No. 483; 1993 Act No. 184, Section 245; 1993 Act No. 181, Section 1257.

Library References

Conspiracy 28(3), 51.

Westlaw Topic No. 91.

C.J.S. Conspiracy Sections 205 to 210, 213, 215 to 225, 241 to 243, 247, 249 to 250.

C.J.S. Rico (racketeer Influenced and Corrupt Organizations) Section 12.

**SECTION 50‑1‑137.** Impeding or obstructing hunting, trapping, fishing, or harvesting of marine species unlawful; penalty.

 It is unlawful for a person wilfully to impede or obstruct another person from lawfully hunting, trapping, fishing, or harvesting marine species. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished as provided by Section 50‑1‑130. In addition to the criminal penalty, any person convicted must have his privilege to hunt, trap, fish, or harvest marine species recreationally or commercially revoked for one year.

HISTORY: 1987 Act No. 30, Section 1; 1993 Act No. 181, Section 1257.

Library References

Fish 13(1), 14.

Game 7, 8.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 30, 34 to 39, 42 to 44.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 10, 12, 23 to 29, 33, 37 to 38, 41, 43, 45 to 49, 51, 55 to 60, 68 to 76, 81 to 85.

RESEARCH REFERENCES

ALR Library

17 ALR 5th 837 , Validity and Construction of Statutes Prohibiting Harassment of Hunters, Fishermen, or Trappers.

Encyclopedias

S.C. Jur. Game and Fish Section 21, Harassment of or Injury to Wildlife or Hunters.

**SECTION 50‑1‑140.** Receiving portion of fine imposed for violation of game and fish laws.

 It shall be unlawful for any enforcement officer or any person to receive any portion of a fine imposed by any court for the violation of the game and fish laws of the State.

HISTORY: 1962 Code Section 28‑12; 1952 Code Section 28‑12; 1942 Code Section 1766; 1934 (38) 1415; 1952 (47) 2179; 1993 Act No. 181, Section 1257.

Library References

Fish 14.

Game 8.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 42 to 44.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 71, 81 to 85.

Attorney General’s Opinions

Revenues from all fines for violations of fish and game law shall be transmitted to the Director of the Division of Game to be placed to the credit of the Game Protection Fund of the State Treasurer, unless specifically excepted in Chapter 50 of the Code. 1976‑77 Op. Atty Gen, No 77‑218, p 168.

**SECTION 50‑1‑160.** Release of seized property to innocent owner or lienholder.

 (A) Notwithstanding another provision of law, the department may release a vehicle, boat, motor, or fishing device seized from a person charged with a violation of this title to an innocent owner or lienholder of the property.

 (B) Notwithstanding another provision of law, if an innocent owner or lienholder fails to recover property within thirty days from the date of the notice of release then the department may maintain or dispose of the property.

 (C) Before seized property is released to an innocent owner or lienholder, he shall provide the department with proof of ownership or a lienholder interest in the property.

HISTORY: 2012 Act No. 114, Section 1, eff July 1, 2012; 2012 Act No. 245, Section 2, eff July 1, 2012.

Editor’s Note

Prior Laws: Former Section 50‑1‑160 was entitled “Disposition of portion of nonresident hunters’ license fees” and was derived from 1962 Code Section 28‑14; 1961 (52) 439; 1972 (57) 2431; 1993 Act No. 181, Section 1257; repealed by 2010 Act No. 233, Section 13.

Effect of Amendment

The 2012 amendment in subsection (A) substituted “title” for “chapter”.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Game and Fish Section 37, Searches, Seizures, and Forfeitures.

**SECTION 50‑1‑180.** Consent of General Assembly to Congressional rulemaking.

 The consent of the General Assembly is hereby given to the making by the Congress of the United States, or under its authority, of all such rules and regulations as the Federal Government shall determine to be needful in respect to game animals, game birds and nongame birds and fish on such lands in this State as shall have been, or may hereafter be, purchased by the United States under the terms of the act of Congress of March 1, 1911, entitled “An Act to Enable any State to Cooperate with any other State or States, or with the United States for the Protection of the Watersheds of Navigable Streams and to Appoint a Commission for the Acquisition of Lands for the Purpose of Conserving the Navigability of Navigable Rivers” (36 United States Statutes at large, page 961) and acts of Congress supplementary thereto and amendatory thereof.

HISTORY: 1962 Code Section 28‑41; 1952 Code Section 28‑41; 1942 Code Section 1761; 1937 (40) 203; 1940 (41) 1841; 1952 (47) 2179; 1993 Act No. 181, Section 1257.

Library References

Fish 8.

Game 3.5.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 24 to 26.

**SECTION 50‑1‑190.** Agreements with United States respecting wildlife of national forest lands.

 The department may enter into a cooperative agreement with the United States Government, or with the proper authorities thereof, for the protection and management of the wildlife resources of the national forest lands within the State and for the restocking of such lands with desirable species of game, birds and other animals and fish.

HISTORY: 1962 Code Section 28‑42; 1952 Code Section 28‑42; 1942 Code Section 1761; 1937 (40) 203; 1940 (41) 1841; 1952 (47) 2179; 1972 (57) 2431; 1993 Act No. 181, Section 1257.

Library References

Fish 3.

Game 2.5.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 6 to 13.

C.J.S. Game; Conservation and Preservation of Wildlife Section 3.

**SECTION 50‑1‑200.** Powers of department over national forest lands.

 The department may close all hunting and fishing within such lands so contracted for with the Federal Government for such period of time as may, in the opinion of the department, be necessary. The department may from time to time prescribe the season for hunting and fishing therein, fix the amount of fees required for special hunting and fishing licenses and issue such licenses, prescribe the number of animals and game, fish and birds that may be taken therefrom and the size thereof and prescribe the conditions under which they may be taken.

HISTORY: 1962 Code Section 28‑43; 1952 Code Section 28‑43; 1942 Code Section 1761; 1937 (40) 203; 1940 (41) 1841; 1944 (43) 1190; 1952 (47) 2179; 1993 Act No. 181, Section 1257.

CROSS REFERENCES

Wildlife and Fresh Water Fisheries Division, hunting regulations, see SC Code of Regulations R. 123‑40 et seq.

Library References

Fish 3.

Game 2.5.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 6 to 13.

C.J.S. Game; Conservation and Preservation of Wildlife Section 3.

Attorney General’s Opinions

The South Carolina Wildlife and Marine Resources Department, Game Division, has the authority to issue special licenses or permits for hunting and fishing on game management areas and fix the amount of fees required therefor, to supervise and regulate the protection and management of these wildlife resources on game management areas, to prescribe rules and regulations for the protection and management of these wildlife resources, and to prescribe rules and regulations that a person possess a statewide hunting and fishing license in addition to a special license in order to hunt and fish on preserve lands in custody of the Department. 1969‑70 Op. Atty Gen, No 2997, p 276.

The South Carolina Wildlife Resources Department through the Division of Game may supervise, regulate and prescribe the conditions for the protection and management of wildlife resources of national forest lands in South Carolina. 1964‑65 Op. Atty Gen, No 1843, p 99.

The South Carolina Wildlife Resources Department, Division of Game, has the authority to issue special licenses or permits for hunting on game management or preserve areas established on lands owned by the United States Government. 1964‑65 Op. Atty Gen, No 1837, p 92.

**SECTION 50‑1‑210.** Violation of department rules pertaining to national forest lands.

 Any person violating any of the regulations promulgated by the department or who hunts or fishes upon the lands at any time, other than those times specified by the department, must, upon conviction of the violations, be fined not more than two hundred dollars or imprisoned for not more than thirty days for each and every offense.

HISTORY: 1962 Code Section 28‑44; 1952 Code Section 28‑44; 1942 Code Section 1761; 1937 (40) 203; 1940 (41) 1841; 1952 (47) 2179; 1985 Act No. 68 Section 5; 1993 Act No. 181, Section 1257.

Library References

Fish 13(1), 14.

Game 7, 8.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 30, 34 to 39, 42 to 44.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 10, 12, 23 to 29, 33, 37 to 38, 41, 43, 45 to 49, 51, 55 to 60, 68 to 76, 81 to 85.

**SECTION 50‑1‑220.** Application of Sections 50‑1‑180 to 50‑1‑230 to other federal or state lands.

 The provisions of Sections 50‑1‑180 to 50‑1‑230 shall also apply to (a) other properties of the United States Government, (b) any other properties acquired or to be acquired from the United States Government by the State or (c) any other lands or waters purchased by the United States or the State. But hunting and fishing shall not be allowed on any lands under the control or ownership of the State Commission of Forestry except by written agreement with that Commission. Nothing contained in such sections shall interfere in any manner with the use and management of lands by a state agency in charge of such lands in the functions of such agency as authorized by law.

HISTORY: 1962 Code Section 28‑45; 1952 Code Section 28‑45; 1942 Code Section 1761; 1937 (40) 203; 1940 (41) 1841; 1944 (43) 1190; 1952 (47) 2179; 1993 Act No. 181, Section 1257.

CROSS REFERENCES

Wildlife and Fresh Water Fisheries Division, hunting regulations, see SC Code of Regulations R. 123‑40 et seq.

Library References

Fish 3.

Game 2.5.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 6 to 13.

C.J.S. Game; Conservation and Preservation of Wildlife Section 3.

**SECTION 50‑1‑240.** Assent to act of Congress providing aid for wildlife restoration projects; implementation of act.

 The 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 Wildlife Restoration Projects, and for Other Purposes,” approved September 2, 1937 (Public Law No. 415, 75th Congress), and acts supplementary thereto or amendatory thereof, and the department shall perform such acts as may be necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in such act of Congress, in compliance with such act and with rules and regulations promulgated by the Secretary of Agriculture thereunder.

HISTORY: 1962 Code Section 28‑47; 1952 Code Section 28‑47; 1942 Code Section 1762; 1938 (40) 1763; 1939 (41) 531; 1952 (47) 2179; 1972 (57) 2431, 2441; 1993 Act No. 181, Section 1257.

CROSS REFERENCES

State’s assent to act of Congress providing aid in fish restoration and management projects, see Section 50‑13‑1910.

Library References

Fish 3.

Game 2.5.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 6 to 13.

C.J.S. Game; Conservation and Preservation of Wildlife Section 3.

**SECTION 50‑1‑250.** Acquiring rights of way to certain waters for public use.

 The department may contract with owners of land contiguous to the Catawba River and its tributaries for rights of ingress and egress to such waters over and upon such lands for the use of the public who wish to go lawfully upon said stream and waters. Such rights of way shall be leased for such terms as the landowners and the department shall agree upon and compensation for them, if need be, may be paid from the game fund of York County. The purpose of this provision is to make sure that the public have reasonable access to the waters above referred to.

HISTORY: 1962 Code Section 28‑141; 1952 Code Section 28‑141; 1951 (47) 76; 1993 Act No. 181, Section 1257.

Library References

Fish 3.

Game 2.5.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 6 to 13.

C.J.S. Game; Conservation and Preservation of Wildlife Section 3.

**SECTION 50‑1‑260.** Vandalizing property seized by department.

 It is unlawful to vandalize, tamper with, or enter on or into watercraft, vehicles, devices, or pieces of equipment seized and held as required or permitted by law by the department. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than thirty days. Magistrates have jurisdiction of violations of this section. The department shall attach a notice to each unit of impounded property stating the prohibition and the penalties for violations.

HISTORY: 1988 Act No. 452, Section 2; 1993 Act No. 181, Section 1257.

Library References

Fish 13(1), 14.

Game 7, 8.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 30, 34 to 39, 42 to 44.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 10, 12, 23 to 29, 33, 37 to 38, 41, 43, 45 to 49, 51, 55 to 60, 68 to 76, 81 to 85.

**SECTION 50‑1‑270.** Liability for gross destruction or injury to wildlife, aquatic life, endangered or threatened species, or state lands or waters.

 (A) A person or public or private entity is liable to the State for the unlawful gross destruction of or injury to wildlife, aquatic life, endangered or threatened species, or the lands or waters owned by the State. For a deliberate or grossly negligent act, the State must be awarded damages of three times the value of the resource affected, plus costs, including attorney’s fees. Monies paid in satisfaction of these claims must be used to restore, replenish, or enhance wildlife, aquatic life, endangered or threatened species, or the lands or waters owned by the State. For purposes of this section, the injury or damages must be caused by other than pollution.

 (B) The department is the agency primarily responsible for the enforcement and implementation of this section. Other state agencies and governmental entities shall cooperate with the department in an effort to investigate the causes of the destruction or injury and shall assist in collecting the appropriate damages.

 (C) This section does not apply to ordinary agricultural practices.

HISTORY: 1992 Act No. 397, Section 1; 1993 Act No. 181, Section 1257.

Library References

Fish 3, 6.

Game 2.5.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 6 to 13, 18 to 23.

C.J.S. Game; Conservation and Preservation of Wildlife Section 3.

**SECTION 50‑1‑280.** Nongame Wildlife and Natural Areas Fund.

 (A) The State Treasurer shall credit the total amount transferred by the South Carolina Department of Revenue pursuant to Section 12‑6‑5060 to the Nongame Wildlife and Natural Areas Fund established in this section.

 (B) There is established a special fund to be known as the “Nongame Wildlife and Natural Areas Fund” consisting of all monies transferred to it under this section, donations to the Nongame and Endangered Species or Heritage Trust Programs of the department, and all interest earned in the fund.

 (C) All balances in the Nongame Wildlife and Natural Areas Fund must be carried forward each year so that no part of the fund reverts to the general fund of the State.

 (D) The department may expend monies held in the Nongame Wildlife and Natural Areas Fund in furtherance of its Nongame and Endangered Species Programs, Heritage Trust Programs, and for related educational projects and programs.

 (E) Revenues produced pursuant to Section 12‑6‑5060 are supplemental and are in no way intended to take the place of funding that would otherwise be appropriated for these purposes.

HISTORY: 1995 Act No. 76, Section 7.

CROSS REFERENCES

State income tax return designation for contribution to fund, see Section 12‑6‑5060.

Library References

Fish 3.

Game 2.5.

States 127.

Westlaw Topic Nos. 176, 187, 360.

C.J.S. Fish Sections 6 to 13.

C.J.S. Game; Conservation and Preservation of Wildlife Section 3.

C.J.S. States Sections 386 to 387.

**SECTION 50‑1‑285.** Admissibility of photographs; authentication.

 In any prosecution for a violation of state fish, game, wildlife, or natural resources laws, photographs of either wildlife or fish alleged to have been taken, possessed, sold, transported, or imported illegally are considered competent evidence of the wildlife or fish and are admissible if properly authenticated in any proceeding of the case to the same extent as if the wildlife or fish had been introduced as evidence. The photographer shall affix his signature and the date to the back of each photograph for identification purposes. When the photograph is so identified, is authenticated, and is admitted, it shall constitute substantive evidence.

HISTORY: 1997 Act No. 21, Section 1.

Library References

Criminal Law 444.

Westlaw Topic No. 110.

C.J.S. Criminal Law Sections 1025 to 1030, 1032, 1041, 1046.

**SECTION 50‑1‑290.** Unlawful to buy, sell, or possess for sale protected native wildlife; penalty.

 It is unlawful to buy, sell, trade, or barter or offer for sale or offer to buy any protected wild mammals and birds or parts of mammals or birds except as specifically allowed by this title. Except as otherwise provided by law, this section shall not apply to the sale of rabbits and grey squirrels taken during the legally established seasons. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars and not more than five hundred dollars or imprisoned up to thirty days.

HISTORY: 1997 Act No. 147, Section 1.

Code Commissioner’s Note

At the direction of the Code Commissioner, “as otherwise provided by law” was substituted for the reference to Section 50‑11‑170 at the beginning of the second sentence.

Library References

Fish 13(1), 14.

Game 7, 8.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 30, 34 to 39, 42 to 44.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 10, 12, 23 to 29, 33, 37 to 38, 41, 43, 45 to 49, 51, 55 to 60, 68 to 76, 81 to 85.

**SECTION 50‑1‑295.** Removing or defacing buoys marking areas or bottoms; penalty.

 A person removing, defacing, injuring, or otherwise disturbing signs, buoys, or other devices used by the department in marking areas or bottoms or used by department permittees for marking permitted areas or who injures or destroys any departmental real or personal property in either fresh or salt water or adjacent wetlands, is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days.

HISTORY: 2000 Act No. 245, Section 16.

Library References

Fish 13(1), 14.

Game 7, 8.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 30, 34 to 39, 42 to 44.

C.J.S. Game; Conservation and Preservation of Wildlife Sections 10, 12, 23 to 29, 33, 37 to 38, 41, 43, 45 to 49, 51, 55 to 60, 68 to 76, 81 to 85.

**SECTION 50‑1‑300.** Promulgation of regulations.

 Unless specifically authorized, all regulations promulgated under the authority of this title must be promulgated in accordance with the Administrative Procedures Act.

HISTORY: 2000 Act No. 245, Section 24.

Library References

Fish 8.

Game 3.5.

Westlaw Topic Nos. 176, 187.

C.J.S. Fish Sections 24 to 26.

**SECTION 50‑1‑310.** Mitigation Trust Fund.

 (A) The Mitigation Trust Fund of South Carolina is created for the purposes of receiving gifts, grants, contributions, and other proceeds for mitigation projects in the State. The Board of Trustees for the Mitigation Trust Fund is the Chairman and the members of the South Carolina Department of Natural Resources Board with full authority over the administration of the funds deposited in the fund. The State Treasurer is the custodian of the fund and shall invest its assets in an interest‑bearing account pursuant to South Carolina law.

 (B) The Mitigation Trust Fund may receive appropriations of state general funds, federal funds, donations, gifts, bond‑issue receipts, securities, and other monetary instruments of value. Reimbursement for monies expended from this fund must be deposited in this fund. Funds received through sale, exchange, or otherwise, of products of the property including, but not limited to, timber and utility easement rights, accrue to the Mitigation Trust Fund. Funds recovered for losses or damages to natural resources must be deposited to the Mitigation Trust Fund to be used first for restoration in the areas affected and then as provided in subsection (C) of this section.

 (C) The income received and accruing from the fund must be spent only for the acquisition, restoration, enhancement, or management of property for mitigation for adverse impacts to natural resources.

 (D) The Trustees of the Mitigation Trust Fund are authorized to disburse funds to the South Carolina Center for Birds of Prey to fund construction of the Avian Conservation Center in Charleston County.

 (E) The proceeds from this fund may be carried forward from year to year and do not revert to the general fund of the State.

HISTORY: 2004 Act No. 261, Section 13.

Library References

States 127.

Westlaw Topic No. 360.

C.J.S. States Sections 386 to 387.