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Document No. 4069

**DEPARTMENT OF NATURAL RESOURCES**

CHAPTER 123

Statutory Authority: 1976 Code Section 50-15-65

123-151. Regulations for Species or Subspecies of Non-game Wildlife

**Synopsis:**

These regulations replace 123-151 in order to more properly manage the alligator population and resource.

The Notice of Drafting for this regulation was published on May 22, 2009 in the South Carolina State Register Volume 32, Issue No. 5. The proposed regulation was published on August 28, 2009 (Volume 33, Issue No. 8) with a public hearing scheduled for October 15, 2009.

**Instructions:**

Amend by replacing 123-151 to establish for the management and harvest of alligators.

**Text:**

123-151. Regulations for Species or Subspecies of Non-game Wildlife.

A. Alligator Harvest

 1. The size and number of all alligators to be taken will be specified by the Department on permits provided with harvest tags. A permit holder may only take and/or possess alligators identified by the Department and only in the manner specified by the Department.

 2. All who take or attempt to take an alligator must have a copy of the harvest permit along with an unused harvest tag with them while afield.

 3. Once an alligator is killed and before it is transported, a harvest tag must be attached and locked within six inches of the tip of the tail. In the event that an alligator harvest tag is defective and is not usable for the purpose intended, or becomes detached from the alligator hide, the Department must be notified immediately. The Department will be responsible for the replacement of defective, but not lost, tags. The alteration of harvest tags is strictly prohibited.

 4. Alligator meat may be used by the harvester but cannot be bought, sold or bartered except as provided in this regulation. All packages of meat not to be sold must have a tag with the name of the harvester and the harvest tag number attached.

 5. Before shipping or transporting outside of the USA, carcasses or hides must have CITES tags attached. Anyone desiring to ship or transport such items from the country must contact select Department offices for CITES validation and tagging.

 6. Any alligator carcass, hide or part that is not tagged or marked as required in this regulation is declared contraband and must be confiscated.

B. Depredation Program

 1. Depredation permits for alligator removal will be issued to property owners or control agents. There is no fee for participation in this program.

 2. Qualifications and liability of Control Agents:

 a. Control agents must possess the experience and ability to handle alligators.

 b. Control agents must supply all equipment necessary to take alligators.

 c. Control agents assume personal liability for their health, safety and welfare and that of their assistants.

 d. Control agents are not employees of the Department, they are independent contractors.

 e. Applications for selection as control agents will be reviewed by the Department. The number of appointed control agents will be based upon the need as determined by the Department.

 3. Operation of Department designated alligator control agents:

 a. Alligators may be skinned only at designated sites and in accordance with specific instructions provided by the Department.

 b. The meat of alligators may be used by the control agents or his/her immediate family and may also be given to others but must not be bought, sold or transferred except as provided in this regulation. All packages of meat not be sold, transferred or bartered must have a tag attached that includes the name of the person who harvested the alligator and the harvest tag number.

 c. Each control agent may be assisted by not more than two assistant control agents approved by the Department, provided that no such assistant shall operate or conduct any alligator trapping or transportation activity except under supervision of the control agent.

 d. Alligator harvest tags issued to control agents are the property of the Department and shall remain the property of the Department.

 e. Designation as an alligator control agent is discretionary with the Department and such designation may be revoked at any time.

C. Private Lands Alligator Program

 1. Alligators may be taken from lands that are in the Private Lands Alligator Program. The season for taking alligators under this program is from September 1 until October 15. The Department will establish a quota and issue tags for each specific application. Alligators taken under this program must be at least 4 feet in length.

 2. Applications for participating in the Private Lands Alligator Program must be received by the Department not later than August 1st of that year, and the applicant must report all harvested alligators and harvest information to the Department not later than the following December 1st.

 3. If the application is approved by the Department for participation in the Private Lands Alligator Program and a permit is issued, alligators may be taken only from that area and only by a licensed hunter. In order to participate in the Private Lands Alligator Program, an alligator control agent as defined in Section B must also be a licensed hunter. Participants in the Private Lands Alligator Program must maintain accurate records for inspection by Department personnel and the records must be made available for immediate inspection at any and all reasonable hours at the request of the Department.

 4. All areas identified in the Private Lands Alligator Program and facilities used for processing alligators must be open to Department personnel for inspection to determine compliance with the program and laws and regulations protecting alligators and to allow collection of biological information.

 5. During the designated private lands season, alligators may only be taken by firearms, hand-held snares, hand-held harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. If devices other than firearms are used, a line must be securely attached to the hook, arrow or head of the device in such a manner to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or be attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Rimfire firearms and shotguns are prohibited for taking alligators except that these firearms can be used to dispatch an alligator secured by a line. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any device used to induce an alligator to move from a den prior to taking. All alligators taken under this program must be killed prior to transport off of the property named on the permit.

 6. No person may use alligator harvest tags issued for privately-owned habitat on publicly-owned property.

 7. A Department-supplied alligator harvest report form must be updated by the applicant or the person taking alligators on the property within 24 hours of the taking of each alligator. Alligator hunters, while on property designated under the Private Lands Alligator Program, may only possess tags for that property. Completed harvest forms must be returned to the Department by December 1st of each year. A participant who does not report is not eligible to participate in the program the following year.

 8. Alligator hides, parts or products may be retained and sold only in accordance with this regulation.

D. Alligator Hunting Season

 1. The Department may issue a prescribed number of Alligator Hunting Season permits for the harvest

of alligators. Those applicants randomly selected shall be issued instructions along with harvest tag(s). Alligators may be taken pursuant to permits from public and private areas where the person has legal access for the taking of alligators. Alligators taken under this program must be at least 4 feet in length. The season for hunting alligators under this program is from 12:00 noon on the 2nd Saturday in September until 12:00 noon on the 2nd Saturday in October and is open in Game Zones 3, 4, 5 & 6. These harvest permits cannot be used on property approved under the Private Lands Alligator Program. The Department may close, extend, delay or reopen the season if biological needs warrant.

 2. During the designated season, alligators may only be taken by hand-held snares, hand-help harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. Any device may only be used when a line is securely attached to the hook or head of the device in such a manner as to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Only a handgun, a bangstick or sharp instrument used to sever the spine may be used for dispatch and only if a restraining line is attached to the alligator. A hand-held snare must be used to hold the alligator boatside or on land before it can be dispatched. Firearms may not be used to take free-swimming or basking alligators. The possession of a rifle or shotgun while taking or attempting to take alligators under this program is prohibited. All alligators taken under this program must be killed prior to transport by boat or vehicle. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any devices used to induce an alligator to move from a den prior to taking.

 3. A Department-supplied alligator harvest report form must be updated by the person taking alligators within twenty-four (24) hours of taking each alligator and prior to transporting the alligator carcass to a processing facility. A copy of the alligator harvest report must accompany the alligator hide. Completed harvest forms must be returned to the Department by December 1st of each year.

 4. A person who does not report is not eligible to participate in the program or hunt alligators the following year.

 5. Alligator meat may be retained by the harvester but cannot be bartered or sold. Alligator hides may be retained and sold only in accordance with this regulation.

E. Sale of Alligator Meat

 1. The sale or barter of alligator meat taken under the alligator hunting season program is prohibited.

 2. Meat taken from alligators harvested under the authority of depredation tags and the private lands program tags may be sold only under the following conditions:

 a. Each package must be labeled to indicate the state, the number of pounds of meat enclosed, the date of packaging, the name of harvester, the processor, the State Food Inspection Department’s inspection number, and the tag number corresponding to the alligator hide from which the meat was taken.

 b. All cartons of alligator meat imported from other states shall bear an official marking from that state’s wildlife agency.

 c. Persons handling alligator meat for human consumption must comply with the sanitation requirements of all applicable federal, state and local authorities.

 d. Those who harvest alligators must maintain accurate records of all alligator meat sales on standard forms supplied by the Department and such records shall be open to inspection by Department personnel.

 3. No person may bring any alligator meat into this State, or possess alligator meat unless authorized by this regulation.

 4. Alligator meat transported into the State must bear evidence of having been legally taken.

 5. Restaurants, canneries, nonfood meat processors and alligator meat wholesalers shall retain all alligator meat purchased in the original packages until the meat is prepared for consumption or processing. Such businesses and/or individual shall detach the original label with the accompanying data from each package when all meat from that carton has been prepared or processed and retain that label for the period of at least six months from the date of sale indicated on the label.

F. Sale, Barter or Transfer of Alligator Hides and Other Parts

 1. Alligator skulls and other parts not discarded must be permanently marked with the alligator harvest tag number under which it was taken. Possession of any part without the tag number is prohibited. Parts that are found may be retained, sold, bartered or transferred but the finder must contact the Department to obtain a tag number to permanently tag or mark the part. The parts may be sold, bartered or transferred but records must be kept indicating to whom the parts were sold, bartered or transferred.

 2. Hides or alligators taken with Department issued permits may be sold but must be properly tagged and reported as provided in this regulation. Alligator hides and parts transported into this state for sale or processing must bear evidence of having been legally taken.

 3. No person shall accept or possess an untagged alligator hide or unmarked or untagged alligator part for any purpose.

G. Sale of Finished Alligator Products

 1. Products made from crocodilians may be sold in the State in accordance with the following:

 a. Products made from the American alligator must be visibly labeled American alligator.

 b. Products made from Caiman must be visibly labeled Caiman.

 c. Products made from other crocodilians must be visibly labeled Crocodile.

**Fiscal Impact Statement:**

This amendment of Regulations 123-151 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

**Statement of Rationale:**

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in managing wildlife populations. This species was listed on the Federal Endangered Species List but has been de-listed and has recovered to the point of providing a surplus of animals for harvest. Further, land development and alligator populations have risen to the level where, in some areas, the removal of nuisance alligators is necessary for public safety.