Agency Name: Department of Natural Resources

Statutory Authority: 50-11-2200 and 50-11-2210

Document Number: 4110

Proposed in State Register Volume and Issue: 33/11

House Committee: Agriculture, Natural Resources and Environmental Affairs Committee

Senate Committee: Fish, Game and Forestry Committee

120 Day Review Expiration Date for Automatic Approval 05/27/2010

Final in State Register Volume and Issue: 34/6

Status: Final

Subject: Regulations of Real Property Owned and Leased by the Department

History: 4110

By Date Action Description Jt. Res. No. Expiration Date

- 11/27/2009 Proposed Reg Published in SR

- 01/26/2010 Received by Lt. Gov & Speaker 05/26/2010

H 01/27/2010 Referred to Committee

S 01/27/2010 Referred to Committee

H 03/10/2010 Resolution Introduced to Approve 4733

S 03/22/2010 Committee Requested Withdrawal

120 Day Period Tolled

- 03/23/2010 Withdrawn and Resubmitted 05/27/2010

H 04/22/2010 Resolution Introduced to Approve 4885

H 05/20/2010 Approved by: Ratification No. 217

- 06/25/2010 Effective Date unless otherwise

provided for in the Regulation

Document No. 4110

**DEPARTMENT OF NATURAL RESOURCES**

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

123-200 through 123-210. Regulation of Real Property Owned and Leased by the Department

**Synopsis:**

These regulations amend Chapter 123-200 through 123-210 remove the activities previously prohibited by regulation that are now prohibited by Statute (Act No. 63 of 2009) and clarify use restrictions now allowed through regulation.

The Notice of Drafting for this regulation was published on July 24, 2009 in the *South Carolina State Register* Volume 33, Issue No. 7.

**Instructions:** Amend Regulations 123-200 through 123-210.

**Text:**

ARTICLE 5.5

REGULATION OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT

Statutory Authority: S.C. Code Sections 50‑11‑2200, 50‑11‑2210 and 50-11-2215

123‑200. Regulations Applicable to Wildlife Management Areas, Heritage Preserves and other lands owned by the Department of Natural Resources.

Applicability and Scope.

A. The purpose of this regulation is to govern the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves and other lands owned or leased by the Department of Natural Resources. This regulation applies to all property owned or leased by the Department of Natural Resources, including but not limited to wildlife management areas, heritage preserves, boat landings, and game preserves or reserves. Consistent with the restriction in Section 50-11-2215, the application of this regulation shall not interfere with the use and management of lands by a state agency charged with the management of those lands as part of the functions of the agency authorized by law or with the management and use by a landowner of his lands within the Wildlife Management Area program. Application of this regulation to privately owned lands is limited to those matters, uses, profits, or activities which the Department has acquired through lease or other authorized means.

B. Regulations for the establishment of open and closed seasons, bag limits, and methods for hunting and taking wildlife on all Department owned wildlife management area lands, and for the protection, preservation, operation, maintenance, and use of wildlife management area lands not owned by the Department are stated in R.123‑40. The regulations below will apply to wildlife management area lands in addition to R.123‑40. In case of any conflict with R.123‑40, this regulation will prevail.

123‑201. Definitions.

For purposes of this regulation:

“All terrain vehicle” means a motorized vehicle, regardless of the number of wheels, designed or constructed primarily for use off of paved or improved roads.

“Boats” mean any watercraft, including but not limited to motorboats, sailboats, personal watercraft, canoes, kayaks, sailboards, rafts, inflatable boats, shells, and rowboats.

“Camping” means the overnight occupancy of land owned or leased by the Department.

“Department” means the South Carolina Department of Natural Resources.

“Department land” means real property, including any buildings, structures, or improvements, owned by the Department in fee simple, including but not limited to game preserves or reserves, heritage preserves, boat landings, and Department land designated as wildlife management area land.

“Ecofacts” are carbonized plant remains, animal bones, and shells utilized as food by historic and prehistoric peoples. “Fireworks” means any device for producing any display, such as light, noise, or smoke, by the combustion of explosive or flammable compositions.

“Fishing” means all activity and effort involved in taking or attempting to take fish.

“Hiking” means traversing land by foot for the purpose of pleasure or exercise, except traversing in connection with any other activity regulated by this regulation.

“Horse riding” means any equestrian activity.

“Hunting” means the act of trying to find, seek, obtain, pursue, or diligently search for wildlife for sport, regardless of whether wildlife is taken or not. The act of seeking wildlife or the pursuit of wildlife as sport, such as but not limited to raccoon hunting and training hunting dogs shall be deemed hunting. Any person accompanying a hunter or hunters and participating in a hunt in any regard shall be deemed to be hunting.

“Motorized vehicle” means a device incorporating a motor or an engine. “Nonmotorized vehicle” means a device not incorporating a motor or an engine of any type for propulsion, and with wheels, tracks, skids, skis, air cushion, or other contrivance for traveling on or adjacent to land. It shall include such vehicles as bicycles, skates, and in‑line skates.

“Off road vehicle” means a motorized vehicle that includes stock enhancements to improve its ability for use off of paved or improved roads or a vehicle that has been modified from its stock condition to enhance its ability for use off of paved or improved roads.

“Pack animal” means any beast, including but not limited to horses, mules, donkeys, and llamas, used for the purpose of transporting equipment, gear, or other articles.

“Pets” mean any domesticated animal which is kept for the pleasure of the owner; however, for purposes of this regulation, pets may not include dangerous or venomous animals or any animal classified as threatened, endangered, or in need of management by any state or the federal government. A raptor, permitted as provided under R.123‑170, will be deemed a pet.

“Pollution” or “polluting” means the direct or indirect act of throwing, draining, depositing, or otherwise discharging organic or inorganic matter in or on land.

“Primitive Camping” means the overnight occupancy of land, utilizing nothing more than temporary shelter such as a tent or tarp transported to the camping site by backpacking or by watercraft.

“Rock climbing” means the sport of ascending or descending rock faces of such vertical angle that the climber must use technical climbing techniques to safely negotiate the climb. This includes all free, aided, and friction climbing where ropes, pitons, nuts, chocks, screws, carabiners, snap links, chalk, ropes, fixed or removable anchors, or other similar climbing equipment is used.

“Rocks, artifacts, or ecofacts” shall include but not be limited to arrowheads, spear points, scrapers, drills, soapstone and soapstone objects, pottery sherds and vessels, bottles, beads, brick, tabby, metal objects (such as buttons, buckles, ordnance, insignia), charcoal, shells, plant remains, animal remains, and bone tools.

“Shells” mean the hard rigid, usually calcareous, covering of an animal.

“Specialty animals” mean all animals other than domestic pets; those native and imported animals which have been removed from the wild and are being bred, raised or kept for research, food, fur or skins, or for the production of income. Reptiles and amphibians are included in this category. “Service animals” are not considered “Specialty animals”.

“Taking” means to shoot, wound, kill, trap, capture, or collect, or attempt to shoot, wound, kill, trap, capture, or collect any wildlife.

“Weapon” means an instrument of offensive or defensive combat, including firearms, capable of injuring human beings or animals; provided, however, implements such as small pocket or kitchen knives normally will not be considered as weapons.

“Wildlife” means all wild birds, wild game, fish, and any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this State as a game species.

“Wildlife management area land” means those lands leased or otherwise established by the Department for the protection, propagation, and promotion of fish and wildlife and for public hunting and fishing.

123‑202. Hazard of Outdoor Activities and Liability.

Department land is made available to the general public for reasonable uses not prohibited by statute or regulation. These lands are held and maintained in a natural condition, except for uses requiring modification. Outdoor activities are not risk free. All members of the public using Department land and wildlife management area land must exercise due care in planning and carrying out any activities. Any person making use of Department land and wildlife management area land for any purpose does so at his own risk, and the Department shall not be liable in any respect for any loss, damage, or injury to person or property caused or occasioned thereby.

123‑203. General Regulation.

This section shall apply to all Wildlife Management Areas, Heritage Preserves and other lands owned by the Department.

A. Hunting, fishing, and taking game animals, birds, fish, or other wildlife is allowed on Wildlife Management Areas that have been designated as part of the Wildlife Management Area program. Hunting, fishing, and taking shall be subject to all applicable statutes and regulations, specifically including R.123‑40.

B. All firearms must be unloaded and secured in a weapons case except while legally hunting, unless otherwise legally permitted. Target, skeet, trap, plinking, , or any other type of shooting with any firearm or weapon is allowed on designated shooting ranges. Except as otherwise specifically authorized by South Carolina statute or this regulation, weapons and firearms are not allowed on any heritage preserve. Possession of a weapon or firearm is allowed on any heritage preserve designated by the Department as a wildlife management area subject to the regulations.

C. Hiking is allowed subject to the following restrictions or conditions:

(1) Hiking is allowed. The Department may post or place signs declaring any area closed to hiking;

(2) The use of all designated hiking trails, except for posted multi‑use trails is restricted solely to foot travel and the legitimate activities associated with the pursuit of hiking.

D. Operation of motorized, nonmotorized vehicles, all terrain vehicles, and off road vehicles.

The operation of motorized vehicles is allowed subject to the following restrictions or conditions:

(1) Motorized vehicles, all terrain vehicles, and off road vehicles may be operated only on open maintained roads and parking areas except as otherwise established by posted notice or as approved by the Department. All terrain vehicles are not allowed on any heritage preserve.

(2) Motorized vehicles, all terrain vehicles, and off road vehicles shall not exceed speed limits posted on Department signs.

(3) No person may operate any motorized, all terrain vehicle, off road vehicle or non‑motorized vehicle in a reckless or negligent manner. The operation of any vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property shall be deemed to be operating in a reckless manner.

(4) The operation of motorized vehicles, all terrain vehicles, and off road vehicles must comply with any posting or signs. Obstructing vehicular traffic is not allowed.

(5) All motorized vehicles, all terrain vehicles, and off road vehicles must be equipped with properly working mufflers, brakes, mirrors and spark arresters (if the vehicle was originally factory equipped with spark arresters and/or mirrors).

(6) Charter buses or other vehicles engaged in transporting persons for compensation are only allowed by permit.

(7) The numbers of motorized vehicles, nonmotorized vehicles, horses, or boats allowed on any area at one time may be limited by the Department through a permitting system.

(8) The operation of nonmotorized vehicles are allowed subject to the following restrictions or conditions:

(a) Bicycles may be ridden on roads open to motorized vehicles, established roadbeds and designated bicycle trails unless otherwise posted.

(b) Using roller skates, in‑line skates, skateboards, roller skis, coasting vehicles, or similar devices is allowed only in designated areas.

E. Swimming .

Swimming is allowed only in designated areas, which includes any State or federal navigable waterway abutting or flowing through Department land.

F. Camping.

(1) Camping is allowed only within areas designated as campsites by the Department. The Department will designate campsites by placement of signs or by other means such as maps or brochures.

(2) Camping in one location for more than four nights is prohibited except under permit.

(3) All camping supplies must be removed from camping sites.

(4) No organized group of ten or more individuals may camp at a single designated camp site at any time except under permit.

(5) Permanent structures must not be erected.

G. Horse riding.

(1) Horse riding is allowed, except during any open hunting periods.

(2) The riding of horses is allowed on roads open to motorized vehicular traffic, unless posted as closed to horseback riding.

(3) Horse riding is allowed on firebreaks or trails if specifically posted as open to horseback riding.

(4) The Department may restrict the number of horses and horse trailers and may require permits on specific areas. Restrictions shall be posted at the offices and/or entrances to Department lands or in published brochures.

(5) The owner of any horse brought onto Department property is responsible for the payment of any expense for the removal of injured or dead horses.

(6) Horses must be attended.

(7) Only pelletized feed may be used, no hay.

(8) Access to a Department property by horseback is limited to a designated public entrance. A public entrance is a day-use parking area. For ride-on users (without vehicles or trailers) only, entrance is allowed where a road open to motorized vehicular traffic or firebreak designated for horseback riding intersects a public or private road.

(9) When not being ridden, horses must be led by halter or reins, confined in a trailer, or tied to a trailer tie or hitching rail. Horses may not be confined using portable corrals or electric fences.

(10) Within a day-use parking area, horses must be kept at a flat walk.

(11) The Department may require a person with an unruly horse, which is causing a disturbance or safety hazard, to remove the horse from Department property.

H. Operation of boats.

(1) Boats may be used on Department land only on a watercourse or water body which has been designated by the Department for the use of boats. The Department may restrict the type, size, or number of boats and motors or the use of motors. Any restrictions shall be posted at the entrances to Department land. This restriction shall not apply to any State or federal navigable waterway.

(2) Motorized boats may only be launched at launch sites designated by the Department.

I. Possession of pets or specialty animals.

(1) Pets may enter Department land and accompany an individual on allowed activities if each pet is under the actual control of the owner or possessor.

(2) Neither dangerous pets nor pets with a propensity toward aggressive behavior are allowed.

(3) The requirements of this subsection do not apply to dogs while being used during and as a part of any of the following activities:

(a) Hunting when use of dogs is authorized by statute or regulation.

(b) The training of dogs to hunt is deemed hunting; training of dogs to hunt on lands and waters may be undertaken only during periods when hunting with dogs is authorized by statute or regulation.

(c) Authorized field trial events.

(d) Special events or activities as authorized by the Department.

(4) Raptors are allowed on Department land in compliance with R.123‑170.

J. Consumption of alcohol.

Alcoholic beverages may be consumed by a person of lawful age only at a designated campsite, designated facility, residence or other designated location.

K. Gathering, damaging, or destroying rocks, minerals, fossils, artifacts, geological formations or ecofacts.

(1) The Department may authorize the collection of certain material upon issuance of a permit .

L. Gathering, damaging, or destroying plants, fallen vegetation, animals and fungi.

(1) The Department may authorize the collection of certain material upon issuance of a permit.

(2) Shed antlers at ground surface may be collected.

M. Use of fire, fireworks, or explosives.

(1) Open fires may only be started at campsites designated by the Department. Gas grills, gas lanterns, and portable charcoal grills may be operated at designated campsites.

(2) No fire may be left unattended. Prior to leaving the site, any fire must be completely extinguished, leaving neither flames nor embers.

(3) No wood, except from dead and down trees or from supplies as may be furnished by the Department shall be used for fuel.

(4) On any land where camp fires are permitted, the Department may prohibit the use of fires for any purpose by posting a notice at entrances to individual parcels of land.

(5) No person may deposit lighted matches, cigars, cigarettes or other burning tobacco where they will cause fire.

N. Hours of Operation.

(1) The Department may restrict the hours of operation on any Department land by publication in Department brochures and pamphlets or by posting on site specific hours of operation.

(2) Heritage preserves are open for public use from one hour before sunrise to one hour after sunset. On any preserve that is designated as a wildlife management area, the hours of operation shall be the same as are authorized for hunting as stated in R.123‑40.

O. Shooting onto or across WMA land closed to hunting.

(1) Shooting onto or across WMA land closed to hunting is allowed provided the shooter and the game being shot at are physically outside the boundary of the WMA. The airspace above the WMA is considered within the boundary of the WMA.

123‑204. Additional Regulations Applicable to Specific Properties.

A. Aiken County Gopher Tortoise Heritage Preserve.

(1) Bicycles may be ridden on hiking trails. Bicyclists may ride in groups no larger than five (5).

B. Bay Point Heritage Preserve.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

C. Bear Branch Heritage Preserve.

Public visitation is by permit only. The preserve is closed to use except by permit.

D. Bear Island.

(1) Except when closed for scheduled hunts, the area is open from 1/2 hour before sunrise to 1/2 hour after sunset.

(2) The property is closed to all public access from November 1 through February 8, except for scheduled hunts.

(3) All terrain vehicles are prohibited.

(4) Camping is allowed only at designated sites and only during scheduled big game hunts.

(5) The area is closed to general public access during scheduled hunts.

(6) Fishing is allowed in designated areas from April 1 through September 30.

E. Bird‑Key Stono Heritage Preserve.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

(3) March 15 through October 15 the area is closed to all access including the intertidal zone between low and high tide waterlines.

(4) October 16 through March 14 access is allowed only in the intertidal zone between low and high tide waterlines.

(5) No motorized vehicles, bicycles or horses.

F. Caper’s Island Heritage Preserve.

(1) Overnight Camping on Capers Island is by permit only. Permit may be obtained from the DNR Charleston office. No more than 80 people will be allowed to camp per night. These 80 people may be divided into no more than 20 different groups.

(2) Permits will be issued on a first come first served basis.

(3) Campsites will be occupied on a first come first served basis.

(4) Permits are not required for day use.

(5) Persons without permits must be off the island by one hour after sunset.

(6) No trash is to be placed in any fire or buried.

(7) Department maintenance facilities on the island are not open to the public.

(8) No crab or fish pots or traps are allowed in impoundments.

(9) No motorized vehicles, nonmotorized vehicles, off road vehicles, or all‑terrain vehicles are allowed on Capers Island.

(10) No fishing is allowed from the impoundment tide gate.

G. Crab Bank Heritage Preserve.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

(3) March 15 through October 15 the area is closed to all access including the intertidal zone between low and high tide waterlines.

(4) October 16 through March 14 access is allowed only in the intertidal zone between low and high tide waterlines.

(5) No motorized vehicles, bicycles or horses.

H. Daws Island Heritage Preserve.

Camping is allowed only by permit issued by the Department. Primitive camping only is allowed. Daws Island camping is limited to two groups of no more than eight people in each group.

I. Deveaux Bank.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

(3) Closed all year above the high tide line (no seasonal closure) except in the recreation area.

(4) No motorized vehicles, bicycles or horses.

J. Donnelley WMA.

(1) Horseback riders must obtain a permit from the Donnelley WMA office prior to riding.

(2) All terrain vehicles are prohibited.

(3) Camping is prohibited.

K. Dungannon Plantation Heritage Preserve.

(1) No person may enter any area of the preserve designated as a nesting area for birds.

(2) Entrance to the preserve is through a designated parking area. Each person must sign in and out of the preserve at a designated entrance/exit.

L. Gopher Branch Heritage Preserve.

Public visitation is by permit only.

M. Great Pee Dee River Heritage Preserve.

(1) Primitive camping only is allowed. Camping may occur only along riverbanks and on sandbars, which may be approached only by backpacking or boat. (2) Each person entering the preserve other than by boat must sign in and out at a designated entrance/exit.

N. Jim Timmerman Natural Resources Area at Jocassee Gorges.

This subsection shall apply to all Department owned land within the boundaries of the Jim Timmerman Natural Resources Area at Jocassee Gorges (hereinafter referred to as Jocassee Gorges).

(1) Camping.

(a) Backcountry camping by permit will be allowed at any time during the year that the main roads allowing access to the Jocassee Gorges are not opened in connection with big game hunting. Backcountry camping is allowed by permit only at any location within the Jocassee Gorges, except for any area closed for camping by the Department. Backcountry camping is defined as minimal impact camping. No fires are allowed and each permitted camper is responsible for camping in a manner that results in no trace of the camping activity being left after breaking camp. Backcountry campers must apply for camping permits over the Department internet site. No camping is permitted within twenty-five (25) feet of a stream, lake, or as posted by the Department.

(b) The Foothills Trail passes through portions of the Jocassee Gorges. Use of the Foothills Trail shall be limited to hiking and primitive camping. Camping is allowed at any point along the trail and within one hundred feet of either side of the trail. Camping along the Foothills Trail is restricted to hikers while engaged in backpacking.

(2) Operation of motorized, non‑motorized vehicles, all terrain vehicles, and off road vehicles.

Motorized and non‑motorized vehicle access to the Jocassee Gorges is limited. Highway 178 and Cleo Chapman Road (county road 143) are the only paved roads that access the property. Access by the general public to the Jocassee Gorges by motorized vehicles will follow a seasonal schedule. Road opening and closing schedules written below are given as general information. The Department may open and close any road at any time and for such duration as deemed necessary by the Department to manage the property.

(a) The operation of a motorized vehicle behind any closed gate is prohibited.

(b) Roads open to year‑round public access include a section of Horsepasture to Laurel Fork Gap (from Highway 178 only).

(c) All roads with Green gates are seasonally open. All roads with red gates are closed to vehicular traffic. This information will be posted at all major entrances. (d) Motorized vehicles, all terrain vehicles, and off road vehicles may be operated only on open maintained roads and parking areas except as otherwise established by posted notice or as approved by the Department.

(e) Motorized vehicles, all terrain vehicles, and off road vehicles shall not exceed speed limits posted on Department signs. On any land where no speed limit signs are posted the speed limit shall be 15 miles per hour.

(f) Subject to the authority in subsection (d) above, the operation of all terrain vehicles is restricted as follows: Operation of all terrain vehicles is restricted to one hour before sunrise to one hour after sunset each day beginning on Monday and continuing through the following Friday. A person may use an all terrain vehicle while actually engaged in hunting at any time hunting is allowed; provided, however, the operation of an all terrain vehicle is restricted to one hour before sunrise to one hour after sunset with the exception of game retrieval, and an all terrain vehicle may be used only on open roads.

(g) All terrain vehicles having three (3) wheels and motorcycles constructed or intended primarily for off road use, such as dirt bikes and motocross bikes, are prohibited within the Jim Timmerman Natural Resources Area at all times.

(h) Bicycles may be ridden on any road or area that is not posted as closed to bicycles.

(3) The use of hang gliders, parachutes, or similar devices is not allowed and may be deemed abuse of Department land.

O. Joiner Bank Heritage Preserve.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

P. Little Pee Dee Heritage Preserve.

(1) Primitive camping only is allowed. Camping may occur only along riverbanks and on sandbars, which may be approached only by backpacking or boat.

Q. Nipper Creek Heritage Preserve.

Public visitation is by permit only. The preserve is closed to use except by permit.

R. North Santee Bar Heritage Preserve.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

S. St. Helena Sound Heritage Preserve (Ashe Island, Beet Island, Big Island, Warren Island, and South Williman).

Camping is restricted to primitive camping in designated areas only.

T. St. Helena Sound Heritage Preserve (Otter Island).

(1) No dogs are allowed.

(2) Primitive camping only is allowed by permit issued by the Department. Primitive camping is restricted to designated areas and will be allowed only between November 1 and April 30 .

U. Samworth WMA.

(1) Managed wetlands will be open for wildlife observation, bird watching, photography or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 through October 31 each year. Between November 1 and February 8 these activities will be restricted to designated areas on Butler Creek and the Big Pee Dee River. All public use of this type will be by foot travel only after arriving by watercraft.

(2) The mainland nature trail will be open without day or time restriction to foot traffic only.

(3) All terrain vehicles, bicycles, and horses are prohibited.

(4) Temporary primitive camping will be available to organized groups by permit. No camping will be allowed that may conflict with organized hunts.

(5) Dirleton grounds are open to the public from 8:30 a.m. until 5:00 p.m., Monday through Friday.

V. Santee Coastal Reserve.

(1) The Santee Coastal Reserve is open during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) for limited public use year round except during annually scheduled hunts. Notice of the hunts will be issued annually.

(2) Managed wetlands will be open for wildlife observation, bird watching, photography, or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 through October 31 each year except during special hunts and events regulated by the Department.

(3) The dikes around the waterfowl impoundments and the canoe trail will be closed, except by prior arrangement, during the period of November 1 through February 8 of the next year. (4) Prior arrangements must be made with the Reserve manager to use observation blinds for waterfowl.

(5) The upland nature trail will be available during open periods stated above.

(6) The hiking/biking trail will also be available during open periods, however, it will be closed between the dates of November 1 and February 8.

(7) The beaches on Cedar and Murphy Islands will be open year round, seven days a week.

(8) Bicycles may be ridden on nature trails.

(9) Fishing is permitted from the Santee River dock and the Hog Pen impoundment except during scheduled hunts. Fishing will be allowed during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset). Fishing is permitted on Murphy and Cedar Island beaches at any time on a year round basis.

(10) A permit is required for all camping. Primitive camping is available on Cedar and Murphy Islands beaches year round which requires no prior arrangement. All arrangements for camping should be made with the supervisor of the Santee Coastal Reserve.

W. Santee‑Delta WMA.

(1) Managed wetlands will be open for wildlife observation, bird watching, photography or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 through October 31 each year except during special hunts and events regulated by the Department. Area closed to all public access from November 1 through February 8 except for special hunts and events regulated by the Department. All public use of this type will be by foot travel only.

(2) All terrain vehicles, bicycles, and horses are prohibited.

(3) Camping is prohibited.

X. Shealy’s Pond Heritage Preserve.

Gasoline powered motors on boats are prohibited.

Y. Tillman Sand Ridge Heritage Preserve.

(1) Camping is allowed in designated campsites during designated hunts only.

Z. Tom Yawkey Wildlife Center.

The center is a wildlife sanctuary.

(1) The public may visit the Yawkey Center on a limited basis. Visitation is by pre‑scheduled field trip only. Individual trips cannot be scheduled. Group field trip may be arranged by contacting the manager for the center. The public is advised that scheduling of field trips is entirely at the discretion of the manager in order to accommodate the basic responsibilities of the sanctuary.

(2) Camping is allowed only by permit issued by mail no less than two weeks in advance by the Department. Camping is allowed only on the beaches along the ocean front, which are accessible by boat only, between September 16 and May 14 . Primitive camping only is allowed for a period of no more than four consecutive nights per individual permittee.

AA. Victoria Bluff heritage Preserve.

(1) Camping is allowed only during Department designated archery hunts. Gas lanterns and gas grills only may be used by campers.

(2) No campfires or any other use of fire shall be allowed.

BB. Waccamaw River Heritage Preserve.

Primitive camping only is allowed. Camping is allowed only along riverbanks and on sandbars; campers may approach only by backpacking or boat.

CC. Watson Cooper Heritage Preserve.

Camping is restricted to primitive camping. No live plants may be cut or cleared to improve or expand a campsite. No campsites or campfires within 25 feet of a stream or creek.

DD. Webb WMA.

(1) Webb WMA is closed to the general public from one hour after official sunset to one hour before official sunrise.

(2) Overnight visitors to the Webb Center are not restricted in hours of access.

(3) No camping without a permit except for deer, turkey, and hog hunters on nights before a designated hunt.

(4) Bicycles may be ridden on any area that is not marked or posted as restricted to bicycles. No bicycle may be operated in any manner or place that will damage or degrade any feature or habitat. During scheduled big game hunts, bicycles and all terrain vehicles are prohibited except as used by legal hunters and anglers.

EE. Laurel Fork Heritage Preserve.

(1) All terrain vehicles may be ridden on the portions of Cane Break and Horsepasture roads on the Preserve subject to the same rules as the Jim Timmerman Natural Resources Area at Jocassee Gorges.

FF. Botany Bay Plantation WMA.

(1) No camping is allowed.

(2) All terrain vehicles are prohibited except those permitted by the Department for special management activities.

(3) The Fig Island shell rings are closed to all public access except organized scientific, management or educational activities permitted by the the Department.

(4) Access to the beach is by foot, bicycle or boat; no horses allowed on the beach. No dogs allowed on the beach. No collection, removal or possession of shells, fossils, driftwood or cultural artifacts is permitted.

(5) Sea Cloud Landing on Ocella Creek and all other designated access points are restricted to non-trailered watercraft.

(6) All hunters, fishermen and visitors must obtain and complete a day use pass upon entering the area and follow instructions on the pass.

(7) Botany Bay Plantation WMA is closed to public access 1/2 hour after sunset until 1/2 hour before sunrise except for special events regulated by the Department.

(8) No person may gather, collect, deface, remove, damage, disturb, destroy, or otherwise injure in any manner whatsoever the plants, animals (except lawful hunting), fungi, rocks, minerals, fossils, artifacts, or ecofacts including but not limited to any tree, flower, shrub, fern, moss, charcoal, plant remains, or animal remains. The Department may authorize the collection of certain material upon issuance of a permit as provided in 123‑206.

(9) Shorebased fishing, shrimping, and crabbing, is allowed only on the front beach and in designated areas only.

(10) The Department reserves the right to close specific areas as needed for management purposes.

(11) Alcoholic beverages are prohibited on the area.

GG. McBee WMA.

(1) All terrain vehicles are prohibited.

HH. Cambells Crossroads and Angelus Tract.

(1) All terrain vehicles are prohibited.

II. Pee Dee Station WMA.

(1) All terrain vehicles are prohibited.

123‑205. Special Events, Permit Requirements and Procedures, and Exceptions.

A. A special event permit is required for all events occurring on Department land if one of the following conditions exists:

(1) the exclusive use of a facility or a specified land or water area is required;

(2) an organized or advertised competition will be conducted;

(3) sound will be amplified which may disrupt area users; or

(4) temporary structures, other than blinds or common camping equipment, will be erected.

B. Permits may not be issued for events that are commercial in nature, where entrance or similar fees are charged, or where vendors are present for the purpose of selling any items.

C. An event sponsored in part or in total by the Department shall not require a special event permit.

D. Permit procedures:

(1) Each application for a special event permit must be submitted to the Department not less than 30 weekdays before the event is to be held;

(2) Performance deposit may be required as a condition of special event permit issuance;

(3) The deposit will be returned by the Department, provided the special event permittee has performed all permit conditions;

(4) The permittee is responsible for cleaning and safekeeping the land during and following any event, and the permittee is responsible for any damage and for clean‑up costs incurred by the Department in connection with the event;

(5) Permit holders may tag or mark wildlife only as allowed under permit conditions.

E. The Department may refuse to issue a special event permit if the proposed event would:

(1) not be compatible with intended uses of the area;

(2) result in misuse or damage to facilities, structures or the natural environment; or

(3) pose a threat to public health, safety or welfare.

F. In addition to other penalties prescribed by law, failure to comply with all rules and regulations and permit conditions is grounds for revocation of a special event permit or refusal to issue a special event permit.

123‑206. Permits to Collect Plants, Animals, or Minerals or to Undertake Archeological Activities.

A. The Department may issue permits to collect plants, animals, or minerals or to undertake research, survey, or archeological activities on Department land. Permits may be issued only for activities relating to educational or scientific purposes. Permits may be issued subject to the following conditions:

(1) Each application for a permit must be submitted to the Department not less than 30 weekdays before the proposed activity is to commence;

(2) A performance deposit may be required as a condition of permit issuance;

(3) The deposit will be returned by the Department, provided the permittee has performed all permit conditions;

(4) The permittee is responsible for cleaning and safekeeping the land during and following the activity, and the permittee will be responsible for any damage and for clean‑up costs incurred by the Department in connection with the activity;

(5) Permit holders may tag or mark wildlife only as allowed under permit conditions.

B. The Department may refuse to issue a permit if the activity would:

(1) not be compatible with intended uses of the area;

(2) result in misuse or damage to facilities, structures or the natural environment; or

(3) pose a threat to public health, safety or welfare.

123‑207. Exception for Non‑Public Use Properties.

This regulation shall not be applicable to Department owned land used for such purposes as fish hatcheries, maintenance facilities, storage facilities, offices, residences, or similar facilities which are not open generally for public use or recreational purposes.

123‑208. Law Enforcement, Fire Fighting, and Emergency Activities.

This regulation shall not be construed or applied to prevent any authorized law enforcement, fire fighting, emergency, or rescue personnel from carrying out their official responsibilities.

**Fiscal Impact Statement:**

This amendment of Regulations 123-200 through 123-210 will not reduce the public use of DNR properties or result in changes in the generation of State revenue.

**Statement of Rationale:**

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in establishing public use areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.