Agency Name: Department of Natural Resources

Statutory Authority: 50-11-2200, 50-11-2210 and 50-11-2215

Document Number: 4634

Proposed in State Register Volume and Issue: 39/12

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Fish, Game and Forestry Committee

Status: Withdrawn due to end of two-year session

Subject: Additional Regulations Applicable to Specific Properties

History: 4634

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

- 12/25/2015 Proposed Reg Published in SR

- 02/05/2016 Received by Lt. Gov & Speaker 01/11/2017

H 02/09/2016 Referred to Committee

S 02/09/2016 Referred to Committee

S 03/17/2016 Resolution Introduced to Approve 1178

H 05/24/2016 Resolution Introduced to Approve 5411

- 06/03/2016 Withdrawn due to end of two-year session

Document No. 4634

**DEPARTMENT OF NATURAL RESOURCES**

CHAPTER 123

Statutory Authority: 1976 Code Sections 50‑11‑2200, 50‑11‑2210 and 50‑11‑2215

123-204. Additional Regulations Applicable to Specific Properties.

**Synopsis:**

These regulations amend Chapter 123-204 that 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. The following is a section by section summary of the proposed changes and additions:

A Notice of Drafting was published in the *South Carolina State Register* on October 23, 2015, Volume 39, Issue No. 10.

**Instructions:**

Amend Regulations 123-204 as follows: Included are specific changes, deletions and additions. Unless specifically listed as a change, all other existing regulations remain intact.

123-204

 N. Jim Timmerman Natural Resources Area at Jocassee Gorges - Extends the regulations to leased lands. This was done at the request of the landowner. Also, adds Palmetto Trail to the special hiking trails regulations.

 V. Santee Coastal Reserve - Allows additional public use on the uplands. Also, clarifies trail usage on the area and re-numbers some items.

 JJ. Eliminates the daily use card requirement on 3 areas and establishes it on 4 more heavily used areas.

 KK. Liberty Hill WMA - Prohibits the use of ATV's on the new tract.

 LL. Wateree River HP WMA - Establishes use regulations for the new tract. Prohibits the use of ATV's. Also regulates time of use and areas of use on the property and establishes the requirement for a permit for horseback riding on the area.

 MM. Lewis Ocean Bay HP WMA - Expands the time period in which horseback riding is allowed on the tract.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

ARTICLE 5.5

REGULATION OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT

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 and leased 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 and the Palmetto Trail pass~~es~~ through portions of the Jocassee Gorges. Use of the Foothills Trail and the Palmetto Trail shall be limited to hiking and primitive camping. Camping is allowed at any point along the trails and within one hundred feet of either side of the trails. Camping along the Foothills Trail and the Palmetto 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 with the exception of portions of Horsepasture and Camp Adger Roads. 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 Road to Jumping Off Rock (from Highway 178 only) and a section of Camp Adger Road.

 (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. All terrain vehicles and off-road vehicles may not be operated on Horsepasture Road or Camp Adger Road during the periods January 16 – March 19 and May 11 – September 14 when the main roads are closed.

 (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 except that the Foothills Trail and Palmetto Trail are 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 as listed below. ~~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 u~~Upland ~~nature~~ trails 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~~6) The beaches on Cedar and Murphy Islands will be open year round, seven days a week.

 (~~8~~7) Bicycles may be ridden on ~~nature~~upland trails year round and on dikes from February 9 - October 31.

 (~~9~~8) Fishing is permitted from the Santee River dock and the Hog Pen impoundment except during scheduled waterfowl 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~~9) 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.

 JJ. Daily use cards are required for all users of Hamilton Ridge WMA, Palachucola WMA, Webb WMA, ~~Victoria Bluff Heritage Preserve,~~ Tillman Sand Ridge Heritage Preserve, Bonneau Ferry WMA, Bear Island WMA, Donnelley WMA, Great Pee Dee River Heritage Preserve, ~~Lynchburg Savanna Heritage Preserve, Savage Bay Heritage Preserve,~~ Belfast WMA, Congaree Bluffs Heritage Preserve, Marsh WMA, Woodbury WMA, Worth Mountain WMA, Liberty Hill WMA and Santee Cooper WMA. Cards must be in possession while on the property and completed cards must be returned daily upon leaving the property.

 KK. Liberty Hill WMA

 (1) All terrain vehicles are prohibited.

 LL. Wateree River HP WMA

 (1) All terrain vehicles are prohibited.

 (2) The waterfowl impoundments are closed to all public access from November 1 through March 1, except for scheduled hunts.

 (3) The area is closed to public access 1/2 hour after sunset until 1/2 hour before sunrise except for special events regulated by the Department.

 (4) All users, including hunters and anglers must obtain and possess a day use pass upon entering the area and follow instructions on the pass. The completed form must be deposited in the designated container before leaving the area.

 (5) Special events may be permitted by the Department.

 (6) Horseback riding is prohibited except by special permit.

 MM. Lewis Ocean Bay HP WMA

 (1) Horseback riding is also allowed during the period January 2 through March 1, subject to the restrictions in Regulation 123-203, Paragraph G, sections (2) through (11).

**Fiscal Impact Statement:**

This amendment of Regulation 123-204 will result in increased public recreational opportunities on public properties throughout the state. Local economies should benefit from sales of hunting supplies, food and overnight accommodations, and sales taxes on these items will also directly benefit government.

**Statement of Rationale:**

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in establishing public hunting and recreational use areas. New areas are evaluated based on location, size, natural resource values, sensitive elements, access and recreation use potential.