Agency Name: Department of Natural Resources

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

Document Number: 4860

Proposed in State Register Volume and Issue: 42/11

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Fish, Game and Forestry Committee

120 Day Review Expiration Date for Automatic Approval: 05/08/2019

Final in State Register Volume and Issue: 43/5

Status: Final

Subject: Additional Regulations Applicable to Specific Properties

History: 4860

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

- 11/23/2018 Proposed Reg Published in SR

- 01/08/2019 Received by Lt. Gov & Speaker 05/08/2019

H 01/08/2019 Referred to Committee

S 01/08/2019 Referred to Committee

H 03/28/2019 Resolution Introduced to Approve 4364

- 05/08/2019 Approved by: Expiration Date

- 05/24/2019 Effective Date unless otherwise

 provided for in the Regulation

Document No. 4860

**DEPARTMENT OF NATURAL RESOURCES**

CHAPTER 123

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

123-204. Additional Regulations Applicable to Specific Properties.

**Synopsis:**

These regulations amend Chapter 123-204 that governs the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves, shooting ranges and other lands owned or leased by the Department of Natural Resources.

A Notice of Drafting was published in the *State Register* on October 26, 2018, Volume 42, Issue No. 10.

**Instructions:**

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

The following is a section-by-section summary of the proposed changes and additions:

123-204. Additional Regulations Applicable to Specific Properties.

 N. Add Section (4) a-m and Section (5) a-c using text provided.

 Z. Insert new text as indicated.

 Z.(1) Insert new text as indicated.

 Z.(2) Insert new text as indicated.

 AA. Capitalize Heritage as part of proper name.

**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, non-motorized 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 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.

 (4) Sassafras Overlook Site. These regulations apply to the portion of Jocassee Gorges designated as the overlook site by the Department.

 (a) No camping is allowed on the site.

 (b) No fires are allowed on the site.

 (c) The hours of operation are one hour before official sunrise to one hour after official sunset, except as permitted by the Department.

 (d) No alcohol is allowed on the site.

 (e) No motor vehicles are allowed except on public roads and in the designated parking area. Motorized scooters or similar vehicles designed specifically for use by disabled persons may only be used by disabled persons on the site. No ATVs, UTVs or similar vehicles are allowed on the site.

 (f) No skateboards, hoverboards or similar devices are allowed on the site.

 (g) No exclusive use of the site will be allowed by any party.

 (h) No drones may be allowed on the site.

 (i) No horses, mules, donkeys or other animals may be allowed on the site except pets as defined below.

 (j) No pets will be allowed on the site except for dogs and cats. All pets must be restrained by a leash at all times and may not cause any disruption to other visitors, wildlife or the site. All pet waste must be picked up and removed from the site.

 (k) Commercial vending is prohibited on the site.

 (l) Special permits may be issued by the Department to allow activities prohibited herein.

 (m) All other laws, regulations, and ordinances that apply to the site are also in effect.

 (5) Abner Creek Falls Trail

 (a) Human foot traffic only is permitted.

 (b) No horses, mountain bikes or motor conveyance is permitted, except for motorized scooters or similar vehicles designed specifically for use by disabled persons that may only be used by disabled persons on the site.

 (c) No access is allowed from the trail or platform to adjacent areas within 300 feet of the platform.

 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 March 31.

 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 during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) 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.

 (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 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) Upland trails will be available during open periods stated above.

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

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

 (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.

 (9) Primitive camping is allowed year round with no registration on the beaches of Murphy and Cedar Islands. Camping on the mainland portion is restricted to the designated campground. Registration is required at the campground self-serve kiosk. Advance registration is required for groups greater than 15 people.

 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 state designated sanctuary. The sanctuary designation makes trespassing, fishing, and hunting unlawful in the areas above the mean low water line.

 (1) Public visitation is by pre-scheduled educational field trips only. The scheduling of educational field trips is at the discretion of SCDNR.

 (2) Primitive camping is allowed by permit only. Requests for permits should be no less than 2 weeks prior to their effective date. Primitive camping is allowed only at Department designated locations along the beach front from September 16 – May 14. Only one permit will be issued for each location at a time. Camping is allowed for a period of not more than 4 consecutive nights per individual permit holder.

 AA. Victoria Bluff Heritage Preserve.

 (1) 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. Campbells 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, Tillman Sand Ridge Heritage Preserve, Bonneau Ferry WMA, Bear Island WMA, Donnelley WMA, Great Pee Dee River 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.

 (2) The area is closed to public access 1/2 hour after sunset until 1/2 hour before sunrise except for

hunts and special events regulated by the Department.

 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:**

These amendments of Regulation 123-204 will result in increased public recreational opportunities on public properties throughout the state. Local economies should benefit from sales of 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. Regulations for the use of Sassafras Tower Site are necessary to insure safety of users and protect resources at the site.