Agency Name: Department of Natural Resources

Statutory Authority: 50-15-55 and 50-15-80

Document Number: 5027

Proposed in State Register Volume and Issue: 44/12

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Fish, Game and Forestry Committee

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Subject: Regulations for Nonnative Wildlife

History: 5027

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

- 12/25/2020 Proposed Reg Published in SR

- 02/23/2021 Received by Lt. Gov & Speaker 02/20/2022

H 02/23/2021 Referred to Committee

S 02/23/2021 Referred to Committee

H 03/18/2021 Resolution Introduced to Approve 4099

S 04/08/2021 Resolution Introduced to Approve 741

H 04/16/2021 Approved by: Ratification No. 29

- 05/28/2021 Effective Date unless otherwise

 provided for in the Regulation

Document No. 5027

**DEPARTMENT OF NATURAL RESOURCES**

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-15-55 and 50-15-80

123-152. Regulations for Nonnative Wildlife.

**Synopsis:**

The South Carolina Department of Natural Resources is proposing to add Regulation 123-152, Regulations for Nonnative Wildlife. The proposed regulation provides for the implementation of authority granted by S.C. Code of Laws section 50-15-55 and establishes the list of Restricted Nonnative Wildlife. This includes species that have the potential to become established in this State in sufficient numbers to become a nuisance and/or pose a demonstrable deleterious and widespread threat to wildlife, agriculture, or human health and safety. Regulations include restrictions on possession, sale, offer for sale, transfer of possession, import, release, reproduction, and escape of designated species and associated permitting. The Black and White Tegu *(Salvator merianae)* is added to the list of Restricted Nonnative Wildlife, and regulations establish specific provisions for the possession and permitting of this species.

The Notice of Drafting was published in the *State Register* on October 23, 2020.

**Instructions:**

Add Regulation 123-152 as indicated below. Included are specific changes and additions. Unless specifically listed as a change, all other existing regulations remain intact.

123-152. insert new text as specified

 A. insert new text as specified

 1. insert new text as specified and add calendar date of the approval of regulation

 B. insert new text as specified

 C. insert new text as specified

 D. insert new text as specified

 1. insert new text as specified

 i.-vii. insert new text as specified

 E. insert new text as specified

**Text:**

ARTICLE 5

Non-Game and Endangered Species

123-152. Regulations for Nonnative Wildlife.

 A. The Department has determined that the species designated as Restricted Nonnative Wildlife have the potential to become established in this State in sufficient numbers so as to become a nuisance and pose a demonstrable deleterious and widespread threat to wildlife, agriculture, or human health and safety. As used in this regulation, Restricted Nonnative Wildlife and the associated Listing Date are:

 1. Black and White Tegu (*Salvator merianae* and, as used in this regulation, their hybrids) (listing date: May 28, 2021)

 B. Unless otherwise authorized by the Department, no person, firm, corporation, partnership, association, or any other entity shall possess, sell, offer for sale, transfer possession of, import, bring, release, reproduce, allow to escape, or cause to be brought or imported into the State of South Carolina any Restricted Nonnative Wildlife. Pursuant to the Department’s authority to regulate nonnative wildlife under S.C. Code Section 50-15-55, the provisions of S.C. Code Section 50-16-60 do not apply to Restricted Nonnative Wildlife.

 C. The Department may issue a permit for the possession, import, release, reproduction, and transfer of Restricted Nonnative Wildlife for scientific and other special purposes at its discretion, provided that any such permit shall be conditioned to minimize risks of the hazardous exposure, release and proliferation of the Restricted Nonnative Wildlife.

 D. Additional provisions for specific Restricted Nonnative Wildlife

 1. Black and White Tegu

 i. A person, firm, corporation, partnership, association, or any other entity possessing a Black and White Tegu has 120 days from the listing date, the Registration Period, to register the total number of Black and White Tegu in their possession with the Department and obtain a permit, as conditioned herein, in order to retain the registered animals. During the Registration Period, Black and White Tegus may be possessed, bought, sold, or transferred but may not be imported, brought, released, reproduced, or allowed to escape in South Carolina.

 ii. All Black and White Tegus must be microchipped with a unique identification number, at the owner’s expense. The unique identification number must be supplied to the Department at the time of registration and to receive a permit.

 iii. Permits for registered animals are valid for three years and must be renewed within 30 days of expiration. After the Registration Period, no Black and White Tegu may be possessed without a permit issued by the Department. Permits may not be transferred. If Black and White Tegus are removed from South Carolina, the permit becomes void and must be surrendered to the Department within five days.

 iv. Reproduction of permitted Black and White Tegus is not allowed.

 v. Black and White Tegus must be kept indoors in escape proof enclosures, or outdoors in locked enclosures with primary and secondary containment barriers, each sufficient to prevent escape.

 vi. Escaped or missing Black and White Tegus must be reported to the Department within 24 hours.

 vii. Upon death of the Black and White Tegu, possession permits become void and must be surrendered to the Department within five days.

 E. Failure to comply with permit terms and conditions is a violation of these regulations. Violations of these regulations are subject to the penalties and enforcement provisions of S.C. Code Section 50-15-80.

**Fiscal Impact Statement:**

The addition of Regulation 123‑152 will result in limited fiscal impact and may prevent damage to the state’s natural resources. These regulations are targeted to prevent the establishment of nonnative wildlife known to pose a threat to the State’s resources. Preventing the introduction and establishment of these species will prevent negative fiscal impacts to State resources. Additionally, there are numerous other species available in the pet trade that can be bought, sold, and traded freely available to offset any impact by limitations on sale of an individual species of Restricted Nonnative Wildlife.

**Statement of Rationale:**

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations. These regulations have been developed with the input of staff, professional biologists, and stakeholders