Agency Name: Department of Natural Resources

Statutory Authority: 50-11-2200

Document Number: 5066

Proposed in State Register Volume and Issue: 45/10

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Fish, Game and Forestry Committee

120 Day Review Expiration Date for Automatic Approval 05/11/2022

Final in State Register Volume and Issue: 46/5

Status: Final

Subject: Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Department of Natural Resources

History: 5066

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

- 10/22/2021 Proposed Reg Published in SR

- 01/11/2022 Received by Lt. Gov & Speaker 05/11/2022

H 01/11/2022 Referred to Committee

S 01/11/2022 Referred to Committee

S 02/25/2022 Committee Requested Withdrawal

120 Day Period Tolled

- 02/25/2022 Withdrawn and Resubmitted 05/11/2022

- 05/11/2022 Approved by: Expiration Date

- 05/27/2022 Effective Date unless otherwise

provided for in the Regulation

Document No. 5066

**Department of Natural Resources**

CHAPTER 123

Statutory Authority: 1976 Code Section 50‑11‑2200

123‑209. Term and Conditions for the Public’s Use of State Lakes and Ponds Owned by the Department of Natural Resources

123‑210. Term and Conditions for the Public’s Use of State Lakes and Ponds Leased by the Department of Natural Resources.

**Synopsis:**

The Department of Natural Resources (the department) proposes to establish revised Regulation 123‑209, setting the term and conditions for the public use of lakes and ponds owned the department for the purpose of providing public fishing and revised Regulation 123‑210, setting term and conditions for the public’s use of lakes and ponds leased by the department for the purpose of providing public fishing.

Section‑by‑Section Discussion:

123‑209. Term and Conditions for the Public’s Use of State Lakes and Ponds Owned by the Department of Natural Resources.

A. No Change.

a. Draper WMA State Lakes in York County – clarify that bream limit includes redbreast sunfish.

b. Lake Cherokee in Cherokee County – revise largemouth bass limit to 5 from 3, revise bream limit from 20 to 10 and clarify that bream limit includes redbreast sunfish.

c. Lake Edgar Brown in Barnwell County – clarify that bream limit includes redbreast sunfish and rewords outboard motor restriction for clarity.

d. Lake George Warren in Hampton County – clarify that bream limit includes redbreast sunfish.

e. Lake John D. Long in Union County – revise largemouth bass limit to 5 from 3, clarify that bream limit includes redbreast sunfish and revise catfish limit to 5 from 3.

f. Mountain Lakes in Chester County – revised to have Mountain Lakes 1 open Tuesday, Thursday, Saturday, Sunday and Mountain Lakes 2 open on Tuesday, Saturday, and Sunday, largemouth bass limit increased to 3 from 1 and clarify the bream limit includes redbreast sunfish.

g. Lake Paul Wallace in Marlboro County – provides for closure of the boating side of Lake Wallace to be opened only from one‑half hour before sunrise to one‑half hour after sunset, allow for the harvest of three largemouth bass, clarify that bream limit includes redbreast sunfish and increases the harvest of catfish to 5 from 3.

h. Lake Thicketty in Cherokee County – clarify that the lake is open seven days a week, increases the limit for largemouth bass to 5 from 3, clarify that bream limit includes redbreast sunfish and increases catfish limit to 5 from 3.

i. Webb Center Lakes in Hampton County – removes Webb Center Lakes from regulation and enters Dunn’s Pond on Hamilton Ridge into regulations with the same series of regulations except the largemouth bass limit is increased to 5 from 3, bream limit is set at 5 and clarify the bream limit includes redbreast sunfish.

123‑210. Term and Conditions for the Public’s Use of State Lakes and Ponds Leased by the Department of Natural Resources.

A. No change.

a. Lake Ashwood in Lee County – reference to pond is changed to lake, clarify the bream limit includes redbreast sunfish and increase the limit for catfish to 5 from 3, removes reference to lake closure period.

b. Dargan’s Pond in Darlington County – removes all existing regulations and establishes the Dargan’s Pond is closed until repaired.

c. Lake Edwin Johnson in Spartanburg County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish. increases catfish limit from 3 to 5.

d. Jonesville Reservoir in Union County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish. increases catfish limit from 3 to 5.

e. Lancaster Reservoir in Lancaster County – clarify that bream limit includes redbreast sunfish.

f. Lake Oliphant in Chester County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish, removes reference to lake closure period.

g. Star Fort Pond in Greenwood County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish. increases catfish limit from 3 to 5.

h. Sunrise Lake in Lancaster County – clarify that bream limit include redbreast sunfish, removes reference to lake closure period.

The Notice of Drafting was published in the *State Register* on September 24, 2021.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

123‑209. Term and Conditions for the Public’s Use of State Lakes and Ponds Owned by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50‑11‑2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes owned by the Department are as follows:

a. Draper WMA State Lakes in York County

i. The lakes are open for fishing from one‑half hour before official sunrise to one‑half hour after official sunset, every day except Tuesday. The ponds are closed to fishing on Tuesdays.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Combined daily fish limits from all ponds are 3 largemouth bass, 15 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No boats are allowed in ponds.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

b. Lake Cherokee in Cherokee County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one‑half hour before official sunrise until one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

c. Lake Edgar Brown in Barnwell County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one‑half hour before official sunrise until one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass 16 inches or longer, 20 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only. No motorized vehicles of any type allowed on dikes.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Motor powered boats are allowed. North of Wellington Road only outboard motors rated at 10 horsepower or less are allowed.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

d. Lake George Warren in Hampton County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one‑half hour before official sunrise until one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass, 20 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

e. Lake John D. Long in Union County

i. The lake is open from one‑half hour before official sunrise until one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

f. Mountain Lakes in Chester County

i. Mountain Lakes 1 (large lake, 42 acres) is open on Tuesday, Thursday, Saturday, and Sunday from one‑half hour before official sunrise to one‑half hour after official sunset. Mountain Lakes 2 (small lake, 7 acres) is open on Tuesday, Saturday, and Sunday from one‑half hour before official sunrise to one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits for Mountain Lakes 1 are 3 largemouth bass, 10 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie. Daily fish limits for Mountain Lakes 2 are 2 largemouth bass, 10 bream to include redbreast sunfish and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

g. Lake Paul Wallace in Marlboro County

i. The fishing side of the lake is open to fishing 7 days a week, 24 hours a day, and open for other allowed purposes from one‑half hour before official sunrise until one‑half hour after official sunset. The boating side of the lake is open for fishing and other allowed purposes from one‑half hour before official sunrise until one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily limits are 3 largemouth bass, 20 bream to include redbreast sunfish and 5 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

iv. No minnows allowed for bait.

v. Vehicles are restricted to roads and designated access areas only.

vi. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vii. Pets must be on leashes or under the control of their owner at all times.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

ix. Lake may be closed for special use activities by special permit from the department.

x. The department may issue to the Lake Paul Wallace Authority (the Authority) permits with conditions whereby the Authority may provide for fireworks shows and/or designate a public swimming area on the Lake Paul Wallace property provided that the Authority ensures that such actions comply with all local and state laws, regulations and ordinances applicable to fireworks displays and/or public swimming areas.

xi. Lake Wallace Fishing Side (East of the earthen dike that separates the two lake portions)

1. Boats are allowed, but may only be propelled by paddle, electric trolling motors, or outboard motors rated at 10 horsepower or less.

xii. Lake Wallace Boating Side (West of the earthen dike which separates the two lake portions)

1. Boats and water skiing are allowed and must follow a counter‑clockwise route of travel.

2. Jet Ski or personal watercraft are allowed but not within 200 feet of boats.

3. All other South Carolina watercraft rules and regulations apply.

h. Lake Thicketty in Cherokee County

i. The lake is open to fishing 7 days a week 24 hours a day. The lake is open for other allowed purposes from one‑half hour before official sunrise until one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 5 largemouth bass, 20 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

i. Dunn’s Pond on Hamilton Ridge

i. The lakes are open for fishing Monday through Saturday from one‑half hour before official sunrise until one‑half hour after official sunset except for Monday afternoons, Tuesday mornings, Friday afternoon, and Saturday morning during scheduled deer hunts (October 1 – January 1).

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 5 largemouth bass, and 5 bream to include redbreast sunfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

123‑210. Term and Conditions for the Public’s Use of State Lakes and Ponds Leased by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50‑11‑2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes leased by the Department are as follows:

a. Lake Ashwood in Lee County

i. The lake is open for fishing from one‑half hour before official sunrise to one‑half hour after official sunset, every day except Tuesday. The lake is closed to fishing on Tuesdays.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 3 largemouth bass, 15 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors, or outboard motors rated 10 horsepower of less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

b. Dargan’s Pond in Darlington County

i. Dargan’s Pond is closed until repaired.

c. Lake Edwin Johnson in Spartanburg County

i. Lake is open for fishing from one‑half hour before official sunrise to one‑half hour after official sunset seven days a week.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

d. Jonesville Reservoir in Union County

i. Lake is open on Monday, Wednesday and Saturday only, from one‑half hour before official sunrise to one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

e. Lancaster Reservoir in Lancaster County

i. Lake is open on Thursday and Saturday from one‑half hour before official sunrise to one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 2 largemouth bass 16 inches or longer, 20 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

f. Lake Oliphant in Chester County

i. Lake is open Monday, Wednesday and Saturday from one‑half hour before official sunrise to one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

g. Star Fort Pond in Greenwood County

i. Lake is open for fishing on Wednesday, Friday and Saturday between April 1 and November 1, from one‑half hour before official sunrise to one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

h. Sunrise Lake in Lancaster County

i. Lake is open for fishing on Monday, Wednesday and Saturday from one‑half hour before official sunrise to one‑half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 2 largemouth bass, 10 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

**Fiscal Impact Statement:**

The amendment of Regulations 123‑109 and 123‑110 will not result in any additional costs to the State. The State and local communities will continue to benefit economically from the activities of the public accessing and utilizing the lakes and ponds for recreational fishing and outdoor recreation.

**Statement of Rationale:**

Regulation 123‑209 is amended to clarify and update the term and conditions to provide for the public’s use of state lakes and ponds owned by the department for the purpose of providing public fishing.

Regulation 123‑210 is amended to clarify and update the term and conditions to provide for the public’s use of state lakes and ponds leased by the department for the purpose of providing public fishing