

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published December 23, 2005

Volume 29 Issue No. 12

This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

South Carolina State Register

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2006 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

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Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: www.scstatehouse.net

DOC NO.	RAT FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
2955		Motorist Insurance Identification Database (Repeal)	1/15/06	Department of Public Safety
2958		Voluntary Check-off Funds	1/17/06	Department of Revenue
2935		Property Tax (Repeal 117-8)	1/17/06	Department of Revenue
2915		Repeal of Bulk Sales Regulation	1/17/06	Department of Revenue
2936		Sales and Use Tax Exemption for Machines	1/17/06	Department of Revenue
2937		Alcoholic Beverages, Beer and Wine	1/17/06	Department of Revenue
2914		Electric Power Tax	1/17/06	Department of Revenue
2966		Repeal Annual Renewal Plan	2/19/06	Department of Insurance
2968		Workers' Compensation Assigned Risk Rates	2/19/06	Department of Insurance
2942		Graduation Requirements	2/20/06	Board of Education
2962		Implementation of Emergency Health Powers Act	2/20/06	Department of Health and Envir Control
2945		Standards for Licensing Tattoo Facilities	2/21/06	Department of Health and Envir Control
2973		Repeal of Duplicative Regulations Included in Nurse Practice Act	3/12/06	LLR: Board of Nursing
2972		Transportation of Unmanufactured Forest Products	3/14/06	Department of Public Safety
2971		Assessment Program	3/22/06	Board of Education
2975		211 Network Provider Certification Requirements	4/09/06	Budget and Control Board
2970		Seasons, Limits, Restrictions on WMA's, Turkey Hunting	4/11/06	Department of Natural Resources
2969		Wildlife Management Area Regulations	4/11/06	Department of Natural Resources
2978		CSO Mortality Table	4/22/06	Department of Insurance
2974		Settlement, Proof of Compliance, Self-Ins, Financial, Audits	4/22/06	Workers' Compensation Commission
2976		Representation of Parties and Intervenors	5/10/06	LLR: Occupat Health and Safety Rev Bd
2982		Child Labor	5/10/06	LLR: Office of Labor Services

Committee Requested Withdrawal:

Permanently Withdrawn:

Resolution Introduced to Disapprove

2927	The Practice of Selling and Fitting Hearing Aids	Department of Health and Envir Control
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2 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication December 23, 2005, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Purchase of a Sixty-four (64) slice Computed Tomography (CT) Scanner.
Aiken Cardiovascular Associates, PC
Aiken, South Carolina
Project Cost: \$1,698,695

Affecting Anderson County

Replacement and relocation of the existing mobile Positron Emission Tomography (PET) unit operating two (2) days per week with a mobile Positron Emission Tomography/Computed Tomography (PET/CT) unit to operate two (2) days per week at AnMed Health Cancer Center.
AnMed Health Medical Center
Anderson, South Carolina
Project Cost: \$997,042

Purchase of Medicus Surgery Center by AnMed Health Medicus Surgery Center.
AnMed Health Medicus Surgery Center
Anderson, South Carolina
Project Cost: \$8,399,000

Affecting Charleston County

Utilization of the existing Positron Emission Tomography/Computed Tomography (PET/CT) scanner for clinical operations that was exempted (E-05-29) for research use only.
Medical University of South Carolina Medical Center
Charleston, South Carolina
Project Cost: \$2,784,264

Affecting Georgetown County

Construction of an ambulatory surgery facility with two (2) licensed endoscopy rooms restricted to gastroenterology procedures only.
Waccamaw Endoscopy Center
Georgetown, South Carolina
Project Cost: \$1,107,453

Affecting Oconee County

Construction to establish a ten (10) bed inpatient hospice facility.
 OMH Hospice of the Foothills Hospice House
 Seneca, South Carolina
 Project Cost: \$2,617,390

Affecting Williamsburg County

Addition of eight (8) nursing home beds that do not participate in the Medicaid (Title XIX) Program for a total of ninety-six (96) nursing home beds.
 Kingstree Nursing Facility
 Kingstree, South Carolina
 Project Cost: \$10,000

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning December 23, 2005. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Anderson County

Purchase of Medicus Surgery Center by AnMed Health Medicus Surgery Center.
 AnMed Health Medicus Surgery Center
 Anderson, South Carolina
 Project Cost: \$8,399,000

Affecting Beaufort County

Acquisition of a 1.5T Magnetic Resonance Imaging (MRI) unit in the freestanding imaging center approved by CON SC-04-49 which also supports Positron Emission Tomography (PET), Computed Tomography (CT), and plain x-ray services.
 Beaufort Imaging Center
 Port Royal, South Carolina
 Project Cost: \$1,718,244

Construction to establish a fifteen (15) bed inpatient Hospice Facility.
 Lowcountry Hospice House
 Beaufort, South Carolina
 Project Cost: \$9,760,904

Affecting Charleston County

Utilization of the existing Positron Emission Tomography/Computed Tomography (PET/CT) scanner for clinical operations that was exempted (E-05-29) for research use only.
 Medical University of South Carolina Medical Center
 Charleston, South Carolina
 Project Cost: \$2,784,264

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Affecting Chester County

Establishment of a diagnostic cardiac catheterization service by leasing a mobile cardiac catheterization lab for service two (2) days a week.

Chester Regional Medical Center

Chester, South Carolina

Project Cost: \$567,662

Affecting Lexington County

Construction to establish a fifteen (15) bed inpatient hospice facility.

Ascension House, Inc.

Irmo, South Carolina

Project Cost: \$1,252,170

Affecting Richland County

Purchase and installation of a sixty-four (64) Slice Computed Tomography (CT) scanner.

Columbia Heart Clinic, PA

Columbia, South Carolina

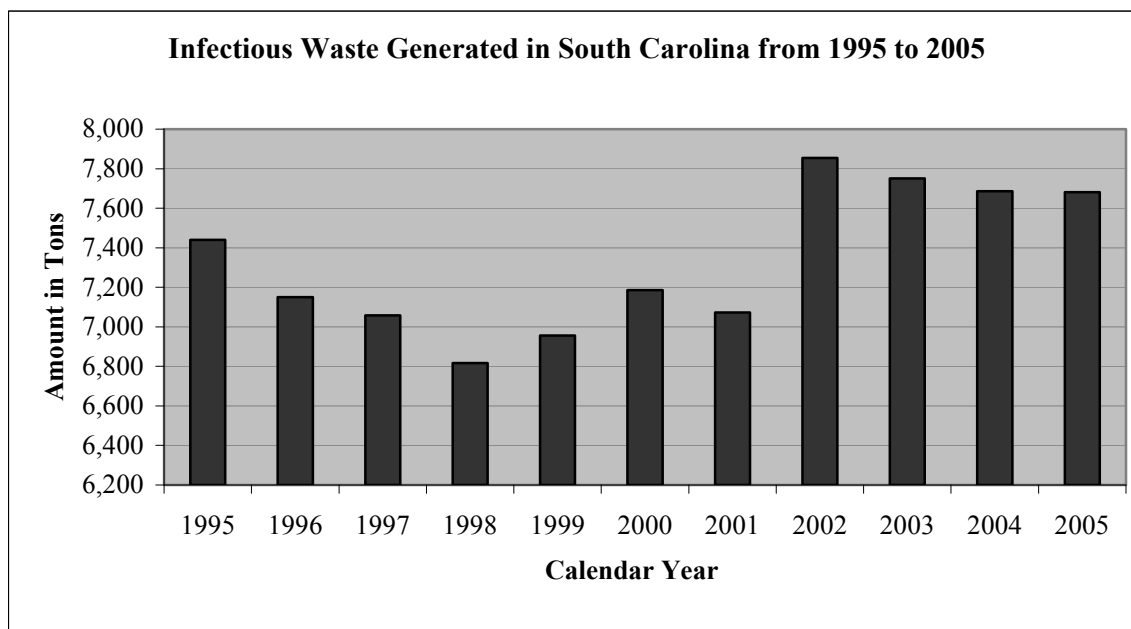
Project Cost: \$2,004,199

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Section 44-93-210, Act Number 134 of 1989, as amended, the Infectious Waste Management Act, requires that beginning November 1, 1990, and annually thereafter, the Department

"shall estimate and publish the amount of infectious waste it expects to be generated within this State during the succeeding calendar year."

In accordance with this provision, the Department estimates that the amount of infectious waste it expects to be generated within this State during Calendar Year 2006 is 7,681.20 tons or 640.10 tons per month. When compared to the following table, 7,681.20 tons is similar to the amount of infectious waste generated in 2004 and 2005. Please note this is only an estimate based upon the information available to the Department as of October 3, 2005. An analysis of how the estimate was derived is available from the Bureau of Land and Waste Management. For further information, please contact Mr. Michael Moore, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, South Carolina, 29201, at (803) 896-4181.



Infectious Waste Generated in South Carolina by Category as of October 12, 2005

<u>Category</u>	<u>Pounds Per Month</u>
SHARPS: Needles, syringes, lancets and scalpel blades.	249,901.60
MICROBIOLOGICALS: Specimens, cultures and stocks of human pathogenic agents.	166,232.16
BLOOD AND BLOOD PRODUCTS: Unabsorbed human blood, or blood products, or absorbed blood and bloody body fluids.	509,108.10
PATHOLOGICAL: Tissues, organs, limbs, products of conception and other body parts removed from the whole body.	116,475.54
ANIMAL: Animal carcasses, body parts and bedding of animals intentionally exposed to human pathogens during research.	24,821.50
ISOLATION: Biosafety Level Four, highly communicable diseases classified by the Centers for Disease Control and Prevention.	124,597.99

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OTHER: Other waste material designated by the generator as infectious waste.	89,068.12
TOTALS OF ALL WASTE STREAMS	1,280,205.01 (640.10 tons)
TOTAL NUMBER OF GENERATORS REGISTERED	4,643

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1. the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than January 23, 2006 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Heather K. Price
2600 Bull Street
Columbia, SC 29201

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Bascor Environmental, Inc.

Class II.

Zebra Environmental & Industrial Services, Inc.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHYSICAL THERAPY EXAMINERS**

NOTICE OF GENERAL PUBLIC INTEREST

Proposed Regulations, South Carolina Department of Labor, Licensing and Regulation, Board of Physical Therapy Examiners, Proponent

In Re: Document No. 3013

On December 6, 2005, Ray N. Stevens, Administrative Law Court Judge, issued the following Order in Docket No. 05-AL-11-0381-RH:

“Due to a conflict in court scheduling, the hearing in this matter which was previously scheduled for 10:00 a.m. on Wednesday, December 14, 2005, at the Greenville County Courthouse, Courtroom #3, 305 E. North Street, Greenville, South Carolina, has been rescheduled for 10:00 a.m. on Thursday, January 26, 2006, at the South Carolina Fire Academy, Denny Auditorium, 141 Monticello Trail, Columbia, South Carolina.”

8 DRAFTING

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Notice of Drafting:

The Department is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards*. Interested persons are invited to present their views in writing to Anthony T. Lofton, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by January 23, 2006, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 61 and 63 throughout each calendar year. Recent Federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards For Hazardous Air Pollutants (NESHAP) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. The Department proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; 61-62.61, *National Emission Standards For Hazardous Air Pollutants (NESHAP)* and 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories* to incorporate recent Federal amendments promulgated during the period from January 1, 2005, through December 31, 2005.

The proposed amendments in this Notice will not be more stringent than the current Federal requirements. The proposed amendments will not require legislative review.

DEPARTMENT OF INSURANCE CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110, 1-23-10, 38-91-10 *et seq.*

Notice of Drafting:

The South Carolina Department of Insurance proposes to promulgate a regulation to terminate the Joint Underwriting Association and its wind-up period in accordance with §38-91-10. Interested persons should submit their views in writing to: Gwendolyn Fuller McGriff, Deputy Director and General Counsel, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, comments must be received NLT 5:00 p.m. on Wednesday, January 10, 2006, the close of the drafting period.

Synopsis:

The South Carolina Department of Insurance proposes to promulgate a regulation to terminate the JUA effective June 30, 2006 in accordance with §38-91-10. The regulation will address how outstanding claims and other financial obligations will be handled as well as how the liability will be transitioned to the AIP, any other entity, or otherwise addressed.

The proposed regulation will require legislative review.

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103
 Statutory Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2004)

Notice of Drafting:

The Public Service Commission of South Carolina proposes to amend 26 S.C. Code Ann. Regs. 103-600, *et. seq.* (1976 & Supp. 2004) governing telephone utilities in order to conform these regulations to 2004 S.C. Acts No. 175. Interested persons may submit comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2005-347-C. To be considered, comments must be received no later than 4:45 p.m. on January 30, 2006.

Synopsis:

In 2004, the General Assembly passed Act No. 175 which restructured the Public Service Commission. This Act modified the structure of the Agency and its functions and created the Office of Regulatory Staff. Several duties of the Public Service Commission were transferred to the Office of Regulatory Staff on January 1, 2005. The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-600, *et. seq.* (1976 & Supp. 2004) of the Public Service Commission's regulations is to amend Article 6 to conform to the new standards set out by Act 175 of 2004.

Legislative review of this proposal will be required.

DEPARTMENT OF TRANSPORTATION
CHAPTER 63
 Statutory Authority: 1976 Code Section 57-25-110
 Highway Advertising Control

Notice of Drafting:

The South Carolina Department of Transportation proposes to amend regulations that address the Highway Advertising Control Act. Interested persons may submit comments to Ms. Deborah Brooks Durden, SCDOT, PO Box 191, Columbia, SC 29202-0191. To be considered, comments must be received no later than 5 p.m. on January 23, 2006, the close of the drafting comment period.

Synopsis:

SCDOT proposes to amend existing regulations regulating outdoor advertising along National Highway System routes, Interstate and Federal-aid primary highways.

The proposed regulation will provide for the following changes:

1. Provide an exception for public service signing in the definition of "abandoned sign" and delete the definition of public service signs from the section dealing with directional and official signs;
2. Amend the definitions of "destroyed sign," "sign face," "sign structure," and "unzoned commercial or industrial areas," "sham activity" and "transient or temporary activities;"
3. Provide for the regulation of off-premise changeable message signs;
4. Delete certain illustrations and add new illustrations;
5. Delete the automatic disapproval provision for zoning plans not approved within 90 days;
6. Update obsolete contact information;

10 DRAFTING

7. Provide for the correction of applications by the applicant prior to processing;
8. Revise the requirements for documents that must be submitted with an application and the staking of the site;
9. Limit the application review period to one year;
10. Provide for appeal to the Administrative Law Court;
11. Require sign owners' names to be displayed on the sign structure;
12. Provide for the revocation of permits where the permit was issued based false or materially misleading information given to the department in its investigation of the application;
13. Prohibit erection of signs within 600 feet of areas where vegetation has been illegally removed;
14. Amend the maintenance standards for nonconforming signs;
15. Amend the provisions dealing with on-premise signs;
16. Provide for standards of design and construction of supports according to sign size
17. Prohibit stacked sign faces;
18. Repeal sections 63-353, 354 and 355 dealing with acquisition of signs, surveillance procedures and penalties.

Legislative review of this proposal will be required.

Document No. 3046
DEPARTMENT OF AGRICULTURE
 CHAPTER 5
 Statutory Authority: 1976 Code Section 39-39-160

R 5-210 et seq. Egg Regulations

Preamble:

The Department proposes to amend and update in its entirety Regulations 5-210 et al, regarding egg quality standards and inspections. The proposed amendments will clarify requirements for all persons subject to egg quality standards including:

- (1). Definitions
- (2). Recordkeeping Requirements
- (3). Quality Standards and Egg Description
- (4). Marketing and Labeling of Eggs
- (5). License Renewal Procedures

Notice of Drafting for the proposed amendments was published in the State Register on October 28, 2005.

Section by Section Discussion

(1.) Definitions.

SECTION CITATION; EXPLANATION OF CHANGE:

5-210 The definition of producer is defined to mean someone selling eggs produced on his own farm.

(2) Recordkeeping Requirements

SECTION CITATION; EXPLANATION OF CHANGE:

5-212 this section is revised to increase a wholesalers period of recordkeeping from sixty days to ninety days. Such records must also now include the egg date of production.

5-213 This section is revised to increase a retailers' period of recordkeeping from sixty days to ninety days. Such records must also now include the egg date of production.

(3). Quality Standards and Egg Description

SECTION CITATION; EXPLANATION OF CHANGE:

5-216 This section is revised to require compliance with the weight class standards for shell eggs as prescribed by United State Department of Agriculture.

5-218 This section is revised to require compliance with the quality standards for shell eggs as prescribed by United State Department of Agriculture.

5-219 This section is deleted because these terms are more accurately covered by the quality standards prescribed by the United State Department of Agriculture, and adopted by Reg. 5-218.

5-220 This section is deleted because these terms are more accurately covered by the quality standards prescribed by the United State Department of Agriculture, and adopted by Reg. 5-218.

5-221 This section is deleted because these terms are more accurately covered by the quality standards prescribed by the United State Department of Agriculture, and adopted by Reg. 5-218.

12 PROPOSED REGULATIONS

5-222 This section is deleted because these terms are more accurately covered by the quality standards prescribed by the United State Department of Agriculture, and adopted by Reg. 5-218.

5-223 This section is amended to delete the term “loss” which is no longer used in the grading of eggs by the United State Department of Agriculture standards.

5-224 This section is amended to adopt the United State Department of Agriculture grade standards for eggs sold, offered for sale or advertised for sale in South Carolina.

(4). Marketing and Labeling of Eggs

SECTION CITATION; EXPLANATION OF CHANGE:

5-226 This section is amended to allow the alternative method of listing a USDA plant number in place of a license number on the case packaging of eggs.

5-228 This section is amended to include specific safe handling temperature requirements on the package of egg cartons.

5-229 This section is amended to include sanitation of egg products as a part of the Agricultural Products seal established by the S.C. Department of Agriculture.

5-232 This section is amended to include the option of printing optimal ambient air temperature requirements for storing and transporting eggs on egg cartons and egg cases

5-233 This section is deleted because these terms are already prohibited by statute.

5-234 This section is amended to clarify that representative samples for grading shell eggs are the same standards as prescribed by the United State Department of Agriculture.

(5). License Renewal Procedures

SECTION CITATION; EXPLANATION OF CHANGE:

5-235 This section was added to clarify that licenses shall be renewed on a biannual basis. Furthermore, failure to properly renew a license shall result in the Department of Agriculture placing egg wholesalers on an inactive listing with the Department.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S.C. Code, as amended, such hearing will be held on January 30, 2006 at 2:00 p.m. at the Ramage Conference Center, 1001 Bluff Road, Columbia, SC 29201. Persons desiring to make oral comment at the hearing asked to provide written copies of their presentation for the record. If no request for a hearing is received by January 26, 2006, the hearing will be canceled.

In addition, written comments may also be submitted. All written comments and requests for a public hearing should be directed to Ms. Beth Crocker, General Counsel, S.C. Department of Agriculture, P.O. Box 11280, Columbia, SC 29211-1280 no later than January 25, 2006.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The amended regulation will modernize, clarify and update the existing regulations.

DESCRIPTION OF REGULATION 5-210, Egg Quality and Inspection Standards

Purpose: Regulations 5-210 et seq. are being amended to clarify egg quality standards and regulatory requirements of egg producers, wholesalers and retailers. See Preamble and Discussion of Proposed Revisions above.

Legal Authority: The legal authority for Regulations 5-210 et seq. is Section 39-39-160, S.C. Code of Laws

Plan for Implementation: The proposed amendments will take effect upon publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLNESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation will provide clarification and uniformity of egg quality standards by adopting the standards prescribed by the United States Department of Agriculture.

DETERMINATION OF COSTS AND BENEFITS: There will be a benefit to facilities shipping eggs out of state; uniformity of standards. There will also be a benefit to consumers because the adoption of the Federal Standards includes modern food safety criteria and labeling standards.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed regulations clarify and strengthen egg quality standards for eggs produced and consumed in South Carolina, resulting in greater protection of the general Public Health through better food safety requirements.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect upon the environment if these regulations are not implemented. Failure to implement these Regulations could, however, result in potential detriment to the public health relative to other states due to lower quality and food safety standards.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

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Document No. 3047
DEPARTMENT OF AGRICULTURE
CHAPTER 5
Statutory Authority: 1976 Code Section 12-6-3580.

R 5-610 et al. Milk Producer Tax Credit Regulations

Preamble:

The Department of Agriculture proposes these new regulations to clarify and to provide a process for qualifying for the milk producer tax credit authorized by S.C. Code, Title 12, Chapter 6. These regulations will clarify requirements for all persons applying for the Milk Producer Tax Credit by:

- (1). Definitions – giving specific meaning to words as they are used in the Statute.
- (2). Providing a process for determining the Production Price
- (3). Providing Annual Milk Production Certification Requirements
- (4). Resolution of Disputes

Notice of Drafting for the proposed amendments was published in the State Register on October 28, 2005.

Section by Section Discussion

- (1.) Definitions.

SECTION CITATION; EXPLANATION:

5-610 This section more clearly defines the term Class I Fluid price of fluid milk as used the in statute. Other terms are also defined to give more precise meaning to the words as they will be used by the Department in the administration of this statute.

- (2) Determination of Production Price

SECTION CITATION; EXPLANATION:

5-611 this section explains the general process to be used by the Department in the computation of the Production Price, which is used as a qualifying factor for tax credit eligibility. This section also explains that the production price will be announced annually by the Department and will be made available on the Department's website and the Commissioner's Office.

- (3). Annual Milk Production Certification Requirements

SECTION CITATION; EXPLANATION:

5-612 This section lays out the certification process to be used by the Department regarding the gathering of information needed to verify milk production and sales necessary to qualify for the tax credit.

- (4). Resolution of Disputes

SECTION CITATION; EXPLANATION:

5-613 This section provides that all disputes related to the Milk Producer Tax Credit program will be handled by the Department of Revenue.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S.C. Code, as amended, such hearing will be held on January 30, 2006 at 10:00 a.m. at the Ramage Conference Center, 1001 Bluff Road, Columbia, SC

29201. Persons desiring to make oral comment at the hearing asked to provide written copies of their presentation for the record. If no request for a hearing is received by January 26, 2006, the hearing will be canceled.

In addition, written comments may also be submitted. All written comments and requests for a public hearing should be directed to Ms. Beth Crocker, General Counsel, S.C. Department of Agriculture, P.O. Box 11280, Columbia, SC 29211-1280 no later than January 25, 2006.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Milk Producer Tax Credit Regulations

Purpose: To clarify and provide direction for the process of applying and qualifying for tax credit under the Milk Producer Tax Credit program. These regulations are necessary to further explain the process involved for applying and qualifying for the Milk Producer Tax Credit program.

Legal Authority: The legal authority for Regulations 5-610 et seq. is Section 12-6-3580, S.C. Code of Laws.

Plan for Implementation: The proposed regulations will take effect upon publication in the *State Register* and may be implemented by providing copies of the regulation upon request.

DETERMINATION OF NEED AND REASONABLNESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will provide clarification of the Department's responsibilities and role in administering the tax credit program in conjunction with the S.C. Department of Revenue.

DETERMINATION OF COSTS AND BENEFITS: There will be a benefit to dairy producers applying for the tax credit because these regulations will help to clarify and lay out a uniform process for applying and qualifying for the Milk Producer Tax Credit.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed regulations help to clarify the administration of the Milk Producer Tax Credit Program, which is designed to help dairy producers in times of low prices. .

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect upon the environment or the public health if these regulations are not implemented.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

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Document No. 3045
OFFICE OF THE ATTORNEY GENERAL
CHAPTER 13
Statutory Authority: S.C. Code Sections 35-1-101 et seq.

Preamble:

The Securities Commissioner proposes to replace in their entirety all of the regulations pertaining to the regulation of the securities industry in this State which are currently located in Chapter 113 and Orders numbered 97001 through 97007; 97010 through 97012; 97015; 97016; 97018 through 97022; 98001 through 98006; 99001 through 99003; and 01001.

Notice of Opportunity for Public Comment:

All comments concerning this proposal should be mailed to the following address by January 10, 2005:

Securities Division
Office of the Attorney General
Attn: Ms. Thresechia Navarro
Post Office Box 11549
Columbia, South Carolina 29201

Notice of Public Hearing:

The Securities Commissioner has scheduled a public hearing on these proposed regulations before the Deputy Securities Commissioner in the Rembert Dennis Building, Fifth Floor, on the Capital Complex (1000 Assembly Street) in Columbia, South Carolina for Thursday, January 19, 2006 at 10:00 a.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address the recommendation to adopt the regulations contained in this proposal to amend and replace existing regulations located in Chapter 113 of the State regulations and in certain specific Orders of the Commissioner as identified above.

Statement of Need and Reasonableness:

The proposed regulations will provide specific guidelines to industry concerning the recognized exemptions from registration for securities and personnel; the information, forms and fees required for notice filing or registering securities and persons; bonding and recordkeeping requirements; examinations; advertising filing requirements; various filing fees; consents to service of process; and similar topics. The staff analyzed the proposed regulations pursuant to the S.C. Code Section 1-23-115 (C)(1) through (3) and (9) through (11) and finds both a need for the proposed regulations and that such regulations are reasonable and in the public interest.

Statement of Rationale:

During its 2005 session, the General Assembly enacted the South Carolina Uniform Securities Act of 2005. The new act was written to modernize the State's previous Uniform Securities Act (as located at S.C. Code Section 35-1-10 *et seq.*), minimize the duplication of state and federal regulation, and establish uniformity with the securities legislation of other states to the extent practical. Under the South Carolina Uniform Securities Act of 2005, the Securities Commissioner continues to have responsibility for promulgating rules and regulations that specify filing fees and other requirements for persons to engage in the securities industry in South Carolina and penalties for non-compliance with the law. The proposed regulations, if issued, will be promulgated under this authority to provide specific guidelines concerning registration, exemptions, filing requirements, and similar topics to persons engaging in the securities industry in South Carolina.

Summary of Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 3043

COMMISSION FOR MINORITY AFFAIRS

CHAPTER 139

Statutory Authority: S.C. Code Section 1-31-40(A)(10)

Article I

- 139-103. Notification of Recognition Status.
- 139-104. Limitations.
- 139-105. Criteria for State Recognition
- 139-107. Membership Requirements for the Native American Advisory Committee.
- 139-108. Membership, Terms and Voting Power of State Recognition Committee.
- 139-109. Duties of the State Recognition Committee.

Preamble:

The South Carolina Commission for Minority Affairs proposes to amend and delete from the regulations that govern State Recognition of Native American Indian entities in the State of South Carolina. The additions and deletions to the regulations will clarify the process for the public.

Notice of Drafting of proposed regulations was published in the State Register commencing October 28, 2005. Additionally, meetings were held with tribal leaders and written comments were requested and considered when drafting these proposed changes to the regulations.

Section-by-Section

139-103. Notification of Recognition Status.

139-103. The proposed amendments will change description of section, add language regarding the appeal process, and provide timeframe for withdrawal.

139-103. Notification of Recognition Status, Appeals and Withdrawals.
Title change to section denoting addition of content to section.

139-103.(A) Identify old text as new Section A referencing how Board will formally acknowledge State recognized entities.

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139-103.(B) Add new Section B which outlines the appeals process which was not originally included in regulation language.

139-103.(C) Add new Section C which states when an entity may withdraw its documents from consideration to prevent having to wait more than a year to reapply.

139-104. Limitations.

139-104.(F) The proposed amendment will add Section F to address splintering among State recognized and non-recognized entities. The amendment also will address entities that attempt to be recognized when a "Tribe" of their ancestry is already recognized.

139-104.(F) New text is being added to prevent entities from seeking State recognition after having separated or divided into numerous entities of the same Indian Nation or people. The new language will limit who can seek recognition and place a cut-off date in the regulations regarding any future request for State recognition as a "Tribe".

139-105. Criteria for State Recognition.

139-105. Three proposed amendments are submitted for this section. (1) The proposed amendment will add language requiring evidence of existence and tribal rolls for at least five years to be considered for the status of "Tribe". (2) The proposed amendment will place an 18 year old age requirement on the one hundred descendants. (3) The proposed amendment will require documented traditions, customs and legends specific to the heritage of the Native population identified.

(1) Evidence of existence and five year tribal rolls.

139-105.(A)(1) New language is being added which prevents splinter entities created within the past five years from seeking State Recognition as a "Tribe".

(2) Age requirement for one hundred descendants.

139-105.(A)(8) New language prevents families with a large number of children from breaking off and starting a new entity and later seeking tribal status.

(3) Specific Traditions, Customs and Legends.

139-105.(A)(9) Text adds one word "specific" to make clear that each entity seeking tribal status must identify traditions, customs and legends unique to their nation of people, not generic to any group of Indians.

139-107. Membership Requirements for Native American Advisory Committee.

139-107. The proposed change will expand the representation of the Native American Indian Advisory Committee.

139-107.(C)(5) New text is being added to expand the representation of the Native American Advisory Committee to include other State agencies that have an interest in working with this population to accomplish their missions.

139-108. Membership, Terms and Voting Power of State Recognition Committee.

139-108. The proposed change deletes text so as to insure that there are at least three people on the State Recognition Committee that are not affiliated with South Carolina Native American entities.

139-108.(A)(4) The proposed deletion removes the possibility of a South Carolina Native American filling this seat, thus insuring that there would be at least three people sitting on the committee that are not affiliated with native entities in South Carolina. This is being recommended to insure added fairness in the State Recognition process.

139-108. The new language will help insure that the fifth seat on the State Recognition Committee will be filled by a person who has no vested interest in the outcome of the decision being made.

139-108.(F)(1)(2) A new Section F is added to specify who will fill the fifth seat on the State Recognition Committee.

139-108. The proposed change reorders the old sections (F) (G) and (H) to (G) (H) and (I) as the result of adding a new Section F.

139-108.(F) Changed to 139-108(F)(1)(2) and language changed to limit who can fill seats on State Recognition Committee.

139-108.(F) Old language changed to 139-108(G).

139-108.(G) Old language changed to 139-108(H).

139-108.(H) Old language changed to 139-108(I).

139-109. Duties of the State Recognition Committee.

139-109.(B) The amendment to the Section allows the State Recognition Committee to seek clarification and additional information it deems necessary to make a decision.

139-109.(B) Additional text is being added allowing the State Recognition Committee to seek clarification in writing or in person, and limits additional information by request only of the State Recognition Committee.

139-109.(F) The revision to the Section limits the time to reapply to one year after being denied State Recognition and allows entities to apply for a different status immediately.

139-109.(F) The Section is reworded to limit resubmission for the same status to one year and to provide opportunity to apply for a different status immediately after having failed to achieve State Recognition.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public are invited to make oral and written comments on the proposed regulations at a public hearing to be conducted by the Board of the Commission for Minority Affairs on January 27, 2006 at 10:00 a.m. The hearing will be held in the Board Room at the South Carolina Commission for Minority Affairs, 6904 North Main Street - Suite 107, Columbia, South Carolina 29203 located at US21 at Interstate 20, Exit 71. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentations for the record.

Additionally, interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Janie A. Davis at the South Carolina Commission for Minority Affairs, 6904 North Main Street, Suite 107, Columbia, South Carolina 29203, or by calling (803)333-9621, Extension 11. Comments must be received no later than 5:00 p.m. on January 13, 2006. Comments received shall be considered by the staff in formulating the final proposed regulations for public hearing on January 27, 2006, as noticed above. Comments

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received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased cost to the State or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by the agency based upon an analysis enumerated in Section 1-23-115(c) (1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: State Recognition of Native American Indian Entities

Purpose: Revisions to regulations to guide the process for determining State recognition of Native American Indian entities in South Carolina.

Legal Authority: The legal authority is found in Section 1-31-40(A)(10), South Carolina Code of Laws.

Plan for Implementation: The proposed regulations will take effect upon approval by the General Assembly and in keeping with all provisions of the Commission's enabling legislation. The proposed regulations will be published in the State Register and will be implemented by providing the Native American Indian community with copies of the regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION AND THE EXPECTED BENEFIT OF THE REGULATION:

The changes to the regulations reflect the desire of the Native American Indian community and the State to improve the process for recognizing the true aboriginal people of the State of South Carolina. The regulations continue to be needed to provide the formal mechanism through which to acknowledge genuine descendants of Indian people. The regulations are needed to preserve the true aboriginal culture of the Americas in the State of South Carolina so that future generations may learn of and respect the contributions of the Native American Indian people.

DETERMINATION OF THE COSTS AND BENEFITS:

The proposed regulation is expected to cost approximately \$60,000.00 per fiscal year in personnel and administrative cost. It will cost the State of South Carolina much less to maintain this responsibility under the Commission than to establish another free-standing agency to oversee Native American Indian Affairs in the State.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: None

Statement of Rationale:

The basis for the changes in the regulations is to improve the administrative use of the regulations for determining State recognition. The changes are based upon identified weaknesses in the regulations as noted by Native American entities that are subject to the regulations, and the staff of the Commission. Upon request, the public may view letters of correspondence from Native American entities submitted to the Commission seeking these and other changes to the regulations.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 3040
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations which sets seasons, bag limits and methods of hunting and taking of wildlife. The following is a section by section summary of the proposed changes and additions:

- (L) Santee Delta WMA – adds special hog hunts with dogs.
- (N) Bear Island WMA – establishes computer draw hunts for deer to reduce overcrowding and improve the quality of hunts.
- (R) Santee Coastal Reserve WMA – adds additional hog hunts with dogs.
- (V) Sand Hills State Forest WMA - allows the use of individual antlerless deer tags on days not designated as either-sex.
- (AA) Little Pee Dee River Complex WMA – adds special hog hunts with dogs.
- (EE) St. Helena Sound Heritage Preserve WMA – eliminates the special permit required for hunting.
- (JJ) Longleaf Pine – allows the use of individual antlerless deer tags on days not designated as either-sex.
- (QQ) Oak Lea WMA – requires a data card for hunting access.
- (VV) Bonneau Ferry WMA – clarifies general access restrictions.
- 10.8 – adds access restrictions for impoundments on Bonneau Ferry WMA.
- 10.16 – deletes Oak Lea WMA as a Category II waterfowl area.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 24, 2006, at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to Breck Carmichael, Deputy Director, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

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Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities, which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Rational:

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in establishing public hunting 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.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

1. DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123-40 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits, and methods of taking wildlife; special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

2. DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs.

3. DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of Regulation 123-40 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

9. UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

10. EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health. Environmental impacts will be positive since the proposed regulation will result in additional opportunity for outdoor recreation for South Carolina's sportsmen therefore and increased awareness and commitment for natural resources.

11. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

Summary of Preliminary Assessment Report:

The proposed regulation does not require an assessment report.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 3042
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

26 S.C. Code Ann. Regs. 103-800, *et. seq.* Practice and Procedure

Preamble:

In 2004, the General Assembly passed Act. No. 175 which restructured the Public Service Commission. This Act modified the structure of the Agency and its functions and created the Office of Regulatory Staff. Several duties of the Public Service Commission were transferred to the Office of Regulatory Staff on January 1, 2005. The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-800, *et. seq.* (1976 & Supp. 2004) of the Public Service Commission's regulations is to amend Article 8 to conform to the new standards set out by Act 175 of 2004.

Section-by-Section Discussion

103-800 Paragraph A is modified to update the regulation for the date of revision.

103-801 The revised rule eliminates the distinction between formal and informal proceedings and renames the regulation.

103-804 This Section reorders the definitions into alphabetical order and conforms definitions to the standards established by Act No. 175.

103-805 This Section is eliminated.

103-811 This Section conforms regulation to provisions of Act No. 175.

103-813 The revision eliminates divisions of the Commission made obsolete by Act No. 175 and conforms remaining definitions to the terms provided by Act No. 175.

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103-814 This Section was previously entitled the Office of General Counsel. The Office of General Counsel was eliminated by provisions of Act No. 175. Currently, 103-814 addresses commission meetings and is being amended by deleting the phrase “executive director” and adding the phrase “chief clerk” to conform with Act No. 175. Further, an outdated code citation is eliminated.

103-815 This Section is being renumbered from 103-816 to 103-815.

103-816 This Section was previously numbered 103-817. The revision corrects the Commission’s physical address to conform with its present location and also conforms the name of the agency.

103-817 This Section is modified to remove the distinction between formal and informal proceedings and discusses proceedings before the commission. This Section was previously numbered 103-820.

103-818 This Section was previously entitled “Telephone Communications”; the “Telephone Communications” regulation is being deleted because the WATS line is not necessary due to Act No. 175. The revised 103-818 is modified to conform numbering.

103-819 The revision to this regulation removes the distinction between formal and informal proceedings; this Section was formerly numbered 103-830.

103-820 This Section was formerly numbered 103-831 and the word “formal” is eliminated.

103-821 This Section was previously numbered 103-832. This Section is modified to allow for electronic copies of pleadings and such hard copies as may be directed by the Commission.

103-822 This Section was previously numbered 103-833.

103-823 This Section is modified to include an e-mail address as one of the listed parameters for the application and conforms numbering. This Section was previously numbered 103-834.

103-824 This Section removes the distinction between formal and informal proceedings, includes an e-mail address as one of the listed parameters for the complaint and conforms numbering. This Section was previously numbered 103-835.

103-825 This Section was previously numbered 103-836. Additionally, this Section allows objections to petitions to intervene.

103-826 This Section was previously numbered 103-837 and conforms internal numbering.

103-827 This Section replaces the phrase “Commission Staff” with the “Office of Regulatory Staff.” This Section was previously numbered 103-838.

103-828 This Section was previously numbered 103-839.

103-829 This Section conforms terminology with Act No. 175 by replacing the phrase “Executive Director” with “Chief Clerk.” This revision adds response times to motions and conforms numbering. This Section was previously numbered 103-840.

103-830 This Section conforms terms to Act No. 175 by replacing “Executive Director” with “Chief Clerk.” Also, this section provides an alternative method for service of complaints and petitions. This Section was previously numbered 103-841.

103-831 This Section conforms computation of time to standards set by South Carolina Rules of Procedure Rule 6 and it was previously numbered 103-842.

103-832 This Section was formerly numbered 103-850. It also conforms subpoena practice to the South Carolina Rules of Civil Procedure.

103-833 This Section replaces the phrase “Executive Director” with “Chief Clerk.” Additionally, this Section was formerly numbered 103-851. This Section also adds a section on Requests for Production of Documents and Things and expands the time to respond to interrogatories. Also, this Section removes the filing requirements of answers to interrogatories with the Commission.

103-834 This Section was formerly numbered 103-852. This Section also adds “commission designee” as one who can give permission for the taking of a deposition.

103-835 This Section was formerly numbered 103-854. This revised Section deletes internal references to Commission regulations.

103-836 This Section removes the term “formal proceedings” and was formerly numbered 103-860.

103-837 This Section replaces the phrase “Executive Director” with “Chief Clerk” and removes the word “formal.” This Section was formerly numbered 103-861.

103-838 This Section replaces the phrase “Executive Director” with “Chief Clerk” and this Section was formerly numbered 103-862.

103-839 This Section removes the term “formal” and was formerly numbered 103-863.

- 103-840 This Section was formerly numbered 103-864 and removes the term “formal.”
- 103-841 This Section removes the term “formal” and was formerly numbered 103-865.
- 103-842 This Section replaces the phrase “Commission Staff” with the “Office of Regulatory Staff” and was formerly numbered 103-866.
- 103-843 This Section removes the term “formal” and was formerly numbered 103-867.
- 103-844 This Section was formerly numbered 103-868 and conforms internal numbering.
- 103-845 This Section removes the term “formal” and replaces the term “staff” with the phrase “Office of Regulatory Staff.” This Section was previously numbered 103-869.
- 103-846 This Section was formerly numbered 103-870 and is modified to conform to South Carolina Rules of Evidence.
- 103-847 This Section was formerly numbered 103-871 and removes the term “formal.”
- 103-848 This Section was formerly numbered 103-872.
- 103-849 This Section was formerly numbered 103-873.
- 103-850 This Section removes the term “formal” and was formerly numbered 103-874.
- 103-851 This Section removes the thirty-day limitation from regulation and expands the role of proposed orders. This Section was formerly numbered 103-875.
- 103-852 This Section replaces the phrase “Executive Director” with “Chief Clerk” and adds the availability of registered mail for service of orders. This Section was formerly numbered 103-876.
- 103-853 This Section was previously entitled “Data Request.” The Commission Staff no longer issues data requests. The new title for this Section is Finality of Decision. The “Finality of Decision” regulation was formerly numbered 103-880. The revised Section removes the word “formal” and modifies the effective date of orders and conforms numbering.
- 103-854 This Section was formerly numbered 103-881.
- 103-855 This Section was formerly numbered 103-882 and internal numbering is modified to conform to new numbering of regulations.
- 103-856 This Section was formerly numbered 103-883 and internal numbering is modified to conform to new numbering of regulations.
- 103-857 This Section was formerly numbered 103-884.
- 103-858 This Section was formerly numbered 103-885.
- 103-859 This Section replaces the phrase “Commission Staff” with “Office of Regulatory Staff” and was formerly numbered 103-886.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2005-354-A. To be considered, comments must be received no later than 4:45 p.m. on January 31, 2006. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Public Service Commission on **February 2, 2006, at 2:30 p.m.** in the Commission’s Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 26 S.C. Code Ann. Regs. 103-800, *et. seq.*

Purpose: 2004 S.C. Acts No. 175 modified the structure of the Public Service Commission and its functions and created the Office of Regulatory Staff. Several duties of the Commission Staff were transferred to the Office

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of Regulatory Staff on January 1, 2005. The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-800, *et. seq.* (1976 & Supp. 2004) is to amend Article 8 to conform to the new standards set out by Act 175 of 2004. The Commission in its restructuring is more judicial in nature. Thus, the Commission's regulations governing practice and procedure in some instances are also being revised to conform to procedures set out in the South Carolina Rules of Civil Procedure.

Legal Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2004)

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Due to the major restructuring of the Public Service Commission and its governing statutes, the Commission regulations should be consistent with the recent revisions in Title 58 of the South Carolina Code. Some of the proposed changes to the regulations conform existing Commission practices to the South Carolina Rules of Civil Procedure which assist practitioners who appear before the Public Service Commission.

DETERMINATION OF COSTS AND BENEFITS:

Although costs related to amending Article 8 are minimal, the benefits include increased efficiency in practice and procedure before the Commission and regulations that conform with Title 58 of the South Carolina Code.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The amended regulations will have no detrimental effect on the environment and public health if the regulation is not implemented.

Statement of Rationale:

The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-800, *et. seq.* is to conform the Public Service Commission's Practice and Procedure regulations with Act No. 175 of 2004. There was no scientific or technical basis relied upon in the development of this regulation.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page:

<http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 3044
DEPARTMENT OF SOCIAL SERVICES
 CHAPTER 114
 4710-4750 Child Support Guidelines

Statutory Authority: South Carolina Code Section 43-5-580(b) and Code of Federal Regulations 302.56

Preamble:

The Department of Social Services is authorized to review and propose changes to the Child Support Guidelines on a quadrennial basis, in accordance with South Carolina Code Section 43-5-580(b) and the Code of Federal Regulations 302.56. The Guidelines, which are used to calculate and modify child support amounts, are based on the Income Shares Model, developed by the Child Support Guidelines Project of the National Center for State Courts. A Guidelines Committee is convened every four years to serve as a forum for discussion of various economic issues, usually including the cost of living, levels of poverty, health insurance costs, child care costs, and Federal Tax Code changes that affect the payors and recipients of child support. The following text represents the findings of the latest Guidelines Review Committee.

A drafting notice was published in the State Register on November 25, 2005. Comments from interested parties were considered in formulating the proposed regulations.

Section-by-Section Discussion

1. The introduction, covering the origin of the Income Shares Guidelines model and methodology.
2. This section describes the appropriate application of the guidelines; household gross income; range of the tables; provision and reasons for deviation.
3. This section defines gross income and exclusions; use of potential income; verification of income; credit for other children in the home; basic child support obligation, self support reserve; health insurance; child care costs.
4. This portion addresses unusual custody arrangements, primarily shared parenting and split custody
5. This chapter explains the federal requirement for, and exceptions to, periodic review of support orders.
6. This portion contains the Guidelines schedule and worksheets.
7. This portion describes the structure and functions of the Child Support Enforcement Division and provides contact information.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comments to Larry McKeown, Director, Child Support Enforcement Division, Department of Social Services, 3150 Harden Street, Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00 P.M. on December 30, 2005. A public hearing before the Administrative Law Judge Division will be held at 10:00 A.M. on Friday, February 10, 2006 at the Richland County Courthouse, 1701 Main Street, Columbia, South Carolina 29201. The room number will prominently displayed in the courthouse lobby.

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Preliminary Fiscal Impact Statement:

The fiscal impact will be nominal, to cover the costs of printing and distribution.

Statement of Need and Reasonableness:

The Guidelines were last updated in 1999. Changes in the cost of living, poverty levels, the IRS Tax Code, and child care costs have occurred. These updated regulations will ensure that child support is calculated in an appropriate, reasonable and effective manner.

Statement of Rationale:

In accordance with the Mission Statement of the Department of Social Services, it is incumbent upon the Child Support Enforcement Division to, “. . . ensure the safety and health of children . . . and to assist those in need . . .”. The purpose of the quadrennial review of the Guidelines is to ensure that the integrity of the Income Shares Model is maintained by regular review and assessment of the numerous issues inherent in the formulae. This model, based on the concept that children should receive the same proportion of parental income that they would have received had the parents lived together, is the one best suited to the needs of the children and families of South Carolina.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Filed: December 6, 2005, 9:00 am

Document No. 3041
MARITIME SECURITY COMMISSION
 CHAPTER 80

Statutory Authority: Section 54-17-50 of the 1976 Code

Emergency Situation:

These regulations are promulgated under the authority of the South Carolina Maritime Security Act of 2003, as contained in Title 54, Chapter 17 of the S. C. Code, as amended. These regulations will serve to implement Federal Executive Order 10173, which has been amended by Executive Orders 10277, 10352, and 11249. The original Executive Order was issued under the authority of Public Law 679, 81st Congress, 2nd Session, approved August 9, 1951, which amended section 1, Title II of the Act of June 15, 1917 (50 USC 191), commonly called "the Magnuson Act". Executive Order 10173, signed by President Harry S. Truman, who finding that the security of the United States was then endangered by subversive activity, prescribed Federal Regulations in Part 6, Subchapter A, Chapter I, Title 33 of the Code of Federal Regulations. The applicable portions of these Federal port security regulations (33 CFR 6) include part 6.04-11, which reads:

"The Captain of the Port may enlist the aid and cooperation of Federal, State, county, municipal and private agencies to assist in the enforcement of regulations issued pursuant to this part."

Additional Federal Port Security regulations applicable to South Carolina are promulgated in Title 33, of the Code of Federal Regulations in Parts 160 and 165. Moreover, the Federal Maritime Transportation Security Act of 2002 (P. L. 107-295) contains provisions for the promulgation of federal regulations that address Maritime Homeland Security (MHS). These new federal regulations are published in Title 33, Code of Federal Regulations, Parts 101 through 106. Pursuant to 33 CFR 103.200, the Coast Guard Captain of the Port (COTP) is designated as the Federal Maritime Security Coordinator (FMSC) for his or her respective zone. South Carolina is within Coast Guard Sector Charleston.

In order that the State of South Carolina may assist and cooperate with the Federal Government in protecting the State's maritime areas from acts of terrorism, these State regulations will establish the framework for the South Carolina Naval Militia (SCNM). The Naval Militia will serve a number of important maritime functions on behalf of the State, primary among which will be aiding the Coast Guard in meeting certain additional personnel manning requirements arising from Maritime Homeland Security duties that will be performed under the operational control of the Captain(s) of the Port.

Section 54-17-50(A) states, "This militia is naval in nature and functions as a federally-recognized state force pursuant to Title 10 of the United States Code and a Memorandum of Agreement that must be in effect between the United States Navy and the State prior to the Naval Militia becoming operational". Section 54-17-50(B) further states, "The Maritime Security Commission shall promulgate regulations to be approved by the General Assembly pursuant to the Administrative Procedures Act that set forth the command structure of the Naval Militia..."

Section 54-17-40 states: "The Maritime Security Commission must organize, administer, coordinate and facilitate the activities of the Naval Militia in order to provide to federal, state county, and local agencies adequate numbers of trained and qualified personnel with proper accountability and adequate indemnification provisions to enhance maritime homeland security."

A major facet of the Memorandum of Agreement between the State and the Navy is the matter of indemnification as well as the establishment of the Naval Militia command structure. Without either of these in place, the SCNM cannot go operational. The command structure is dependent upon the promulgation of regulations. A delay in

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going operational denies the strengthening of maritime homeland security, and thereby increases the danger to the citizenry.

The U. S. Department of Homeland Security has established a Homeland Security Advisory System (HSAS) of color-coded Threat condition levels. The U. S. Coast Guard has announced that it will communicate heightened levels of alert using Maritime Security levels (MARSEC) 1, 2, and 3 that align with the HSAS. In most cases, MARSEC Level 1 generally corresponds to the lowest three levels of HSAS; Green (Low), Blue (Guarded) and Yellow (Elevated); MARSEC Level 2 corresponds with HSAS Orange (High); and MARSEC Level 3 corresponds to HSAS Red (Incident Imminent). Each heightened level requires additional numbers of MHS resources. The SCNM will be able to aid and cooperate with the Coast Guard by providing trained and qualified personnel. The Maritime Security Commission will regulate the SCNM.

Text:

80-001. Functions of the South Carolina Maritime Security Commission.

1. The South Carolina Maritime Security Commission (SCMSC) reports administratively to the Governor of the State of South Carolina as Chief Executive and operationally to the Governor as Commander-in-Chief of State Forces.
2. The SCMSC consists of nine commissioners and is headed by a Chairman and Vice Chairman elected by the members. It will meet at the direction of the Chairman at least quarterly. A quorum consists of a simple majority of the commissioners appointed by the Governor who are present. Ex-officio members are excluded from the quorum. If a quorum is not available, actions are effective as if made by a quorum but implemented on an interim basis until validated by a quorum.
3. The SCMSC reviews all requests for operational tasking for the SCNM. It will ensure compliance with federal and state law, pertinence to Captain of the Port requirements and other applicable policies and procedures, operational tempo and consider availability of volunteer SCNM assets.
4. The SCMSC shall publish and maintain a *Policies and Procedures Manual (PPM)*. The PPM shall provide guidance regarding the administration of matters coming before the SCMSC.
5. The Chairman of the SCMSC annually shall submit a report to the Governor and to the General Assembly that will include a summary of the activities and operations of the SCMSC and the SCNM during the previous calendar year, and shall contain such general observations and recommendations relating to maritime security, as the SCMSC deems appropriate.

80-005. Functions of the South Carolina Naval Militia.

1. The South Carolina Naval Militia (SCNM) is a Federally recognized State force pursuant to 10 USC 261 and 10 USC 311, organized, commanded and administered as a component of the Organized Militia of the State of South Carolina.
2. The mission of the SCNM is to provide a trained maritime capability to support Federal and State maritime services as may be coordinated with the United States Navy, United States Marine Corps, United States Coast Guard, and other federal, state and local agencies and authorities as appropriate.
3. Federal reservists who serve in the SCNM will receive courtesies, rights and privileges extended to state commissioned officers or appointed civilians in the SCNM. The SCNM consists of military and civilian

personnel who have the same authority, rights and privileges in the performance of duty in the SCNM as a member of the U.S. regular Navy, Marine Corps or Coast Guard of corresponding grade, rating or position as pertains to and derived from applicable South Carolina state authority, custom and tradition.

4. Except as may be otherwise provided by statute, regulation, or binding agreement by Federal or State agencies, members of the SCNM and the SCMSC shall receive no financial compensation or reimbursement while performing their respective duties and functions. However, federal reservist members of the SCNM may be entitled to Federal Reserve benefits accruing from their service with the SCNM in accordance with applicable policies of their parent service.

80-010. Organization of the SCNM.

1. The SCNM is organized, trained and equipped under direction of the Commander, SCNM (COMSCNM), pursuant to Federal and State law, conforming with the table of organization, policies, standards, and training requirements established by the Secretary of Navy and by COMSCNM.

2. The Commander, South Carolina Naval Militia (COMSCNM) will be a flag officer who reports administratively and operationally to the South Carolina Maritime Security Commission (SCMSC). The Adjutant General of South Carolina is acknowledged as the ranking military officer of the State of South Carolina but is not in the SCNM administrative or operational chain-of-command. COMSCNM will recommend appointments of officers to the state ranks of Lieutenant Commander through Rear Admiral to the SCMSC. Upon approval, they will be commissioned by the Governor. COMSCNM will appoint personnel to state ranks and rates below Lieutenant Commander. These commissions (officers) or certificates (enlisted) will be executed by the Chairman, SCMSC on behalf of the Governor. Personnel holding state commissions or appointments may wear uniforms pursuant to coordination with respective services, custom and tradition, and in accordance with SCNM regulations.

3. COMSCNM is responsible to and reports to the SCMSC. COMSCNM will establish a staff with standard naval structure that may include but not limited to deputy commander, chief of staff, special liaisons and task forces, admin, intelligence, operations, logistics/supply, communications, training, plans/requirements, legal, public affairs (including ceremonial units), and senior enlisted and other advisers deemed necessary to the efficient and effective functioning of the Naval Militia.

4. COMSCNM is authorized to execute Memoranda of Understanding (MOU) with appropriate administrative and operational entities as pertains to the operations and functions of the SCNM. These MOUs will be witnessed by the Chairman, SCMSC.

5. There shall be three divisions to the SCNM:

(a) Division I shall constitute the Reserve Services Division. It will be comprised of members of the U. S. Naval Reserve, the U. S. Marine Corps Reserve, and the U. S. Coast Guard Reserve as authorized by a memorandum of understanding between the Coast Guard, Navy and the SCMSC. Such reservists residing in or drilling in the State of South Carolina are authorized to join the SCNM but shall do so voluntarily and on a not-to-interfere basis with their assigned duties and responsibilities in their regular Reserve component.

(b) Division II shall constitute the Merchant Marine Division. It will be comprised of personnel who are eligible to serve on United States merchant vessels because they are licensed and/or certificated by the U. S. Coast Guard. Such personnel shall voluntarily be enrolled in the SCNM. Unless otherwise entitled to military rank and rating privileges based upon prior active duty status as directed by COMSCNM, members of Division II will not be uniformed. The Volunteer Port Security Force (VPSF), although comprised of vessels and not personnel specifically identified by name, is considered part of Division II.

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(c) Division III shall constitute the Support Division. It will be comprised of qualified volunteers who are not eligible for membership in Divisions I or II, but who wish to offer their services voluntarily to fill specific SCNM administrative or operational functions. The organization and structure of Division III shall be in conformance with COMSCNM directives.

80-015. Regulations of the SCNM.

1. The purpose of these regulations is to ensure that the South Carolina Naval Militia is organized, administered, coordinated and facilitated pursuant to Sections 54-17-40 and 54-17-50, South Carolina Code of Laws.

2. The organization and administration of the SCNM are established by COMSCNM and are published in SCNM publications and directives and include the following:

(a) SCNM Organization Manual, including but not limited to SCNM rules and regulations, billet structure, uniform standards, policy instructions, personnel instructions, military justice instructions, and comptroller and supply instructions.

(b) SCNM Foundation Manual. The Foundation budget will be proposed by COMSCNM and approved by the SCMSC. Expenditures will be executed by COMSCNM.

3. Other regulations that affect the SCNM are located in Title 10 U.S. Code. Maritime Homeland Security regulations and Coast Guard regulatory authorities are located in Title 33 of the Code of Federal Regulations.

80-020. Volunteer Port Security Force at Charleston, South Carolina.

1. The Volunteer Port Security Force (VPSF) at the Port of Charleston is comprised of United States vessels operated commercially at Charleston. In May 2002, recognizing that VPSF vessel crews are likely to be among the first persons to notice unusual or suspicious activities on the harbor, the owners of these vessels voluntarily organized their assets under the auspices of the Maritime Association Port of Charleston (MAPCHA) to provide Maritime Domain Awareness (MDA) to the FMSC as exemplified by the VPSF crews becoming aware of suspicious circumstances and persons, and the expeditiously reporting of those observations to the Coast Guard. Around-the-clock VPSF operations run concurrently with the normal operations of those VPSF vessels. A VPSF Operations Plan, approved and edited by the Coast Guard, also establishes training and communications requirements. The VPSF is under the administrative control of the SCNM and the joint operational control of the vessel owners, except when the FMSC takes control under the provisions of 33 CFR Parts 6, 160 and 165. The VPSF is administratively a part of Division II to pursue its MDA mission during Maritime Security (MARSEC) Levels 1 and 2. During MARSEC Level 3, the VPSF mission may be coordinated by COMSCNM in accordance with FMSC directives and guidance.

2. The crews of most VPSF vessels are entirely comprised of professional mariners who are licensed by the Coast Guard as Merchant Marine Officers and/or who hold Coast Guard-issued Merchant Mariners Documents. The regulatory requirements for Merchant Marine license and document issuance are contained in 46 CFR Parts 10 and 12, and include experience requirements, examination subjects, physical standards, and renewal provisions. Drug testing requirements are contained in 46 CFR 16. Disciplinary provisions are contained in 46 CFR 5. Merchant vessel manning requirements are contained in 46 CFR 15.

3. Provided that the senior vessel operator on board is a member of either Division I or Division II of the SCNM, and only when directed by COMSCNM, the owner of such a VPSF vessel may visually designate that vessel as an SCNM vessel by displaying the SCNM ensign on the halyard next below the national ensign or at such other appropriate location as directed by COMSCNM. VPSF vessels operating under the SCNM ensign shall be considered to be performing official and necessary Maritime Homeland Security functions related to the

continuity of port operations. Such VPSF vessels shall communicate and coordinate their movements with other MHLS assets. During a high MARSEC Level, and pursuant to the applicable sections of 33 CFR Parts 6, 160 and 165, the operation of such SCNM-VPSF vessels may come under the operational control of the COTP. Under those conditions, they shall not be impeded in the performance of those necessary functions unless directed otherwise by the FMSC.

4. It is anticipated that under certain conditions of MARSEC 2, and under MARSEC 3, a significant number of the vessels enrolled in the VPSF will be required to be underway to assure the continuity of commercial port operations and, therefore, be subject to supervision and control by the USCG Captain of the Port (FMSC) pursuant to 33 CFR Parts 6, 160 and 165. In these situations, communications and coordination with maritime homeland security assets will be necessary to assure continuity of port operations. These cooperative relationships will be enhanced if the crew members on each of those vessels are also members of Division II of the SCNM. Therefore, nothing shall prevent Coast Guard licensed and/or documented crew members of VPSF vessels from being members of the SCNM. If they do not already hold Merchant Marine licenses or Merchant Mariners documents, COMSCNM may, upon application, grant temporary status as "Ordinary Seaman" while awaiting issuance of either of those Coast Guard-issued certificates.

80-025. S. C. Naval Militia Ensign.

1. COMSCNM shall authorize the display of a suitable S. C. Naval Militia ensign to be flown by vessels when such vessels are performing missions assigned to Divisions I, II, or III, of the SCNM. Such an ensign will contain the combined palmetto tree and gorget logo of the South Carolina flag and a symbolic rendition that includes an anchor depicting the naval nature of the organization.

Filed: November 29, 2005, 8:31 am

Document No. 3038
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 50-11-10; 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends until January 15 it is necessary to re-file these regulations as emergency.

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2005-06

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along roads directing hunters to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on opening-day hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! *Don't forget to get a migratory bird permit from your license vendor- it's required but it's free!*

Season Dates: September 3 - October 8 (Sept 3-5 Afternoons only)
 November 19- November 26 -- December 21 - January 15

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Bag Limit: 12 doves per day

The following special regulations apply to all Wildlife Management Area Public Dove Fields: No entry onto fields before 12:00 noon. Hunters are limited to 50 shells per hunt. No shooting after 6:00 p.m. during the first segment of the season (September 3 – October 8).

ABBEVILLE

U.S. Forest Service, Parson Mountain WMA

5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 15 acres. Special Youth Hunt on Sept. 3 (see Youth Hunt List for details).

1st season – **Saturdays Only beginning Sept. 17**, Afternoons only 2nd and 3rd season – Open Mon – Sat

AIKEN

US Dept of Energy, Crackerneck WMA

From SC 125/CR62 (Silverton Rd) in Jackson, take Silverton 0.4 mi. to Main St., left on Main for 0.4 mi., then right on Brown Rd. for 2.1 mi. Turn left on gravel road, at end of pavement go 0.2 mi. to check station, 40 acres.

1st season – Sept. 28 & Oct. 5, Afternoons Only 2nd & 3rd season – Fridays, Saturdays & Thanksgiving Day ONLY.

ANDERSON

Evans Property

US 178 at Lebanon, 25 acres Saturdays Only, Afternoons Only, Dove Hunting Only. Opening day participants will be selected by drawing August 19 at Clemson DNR Office.

ANDERSON

Clemson University - Fant's Grove WMA

From US 76/ SC 28 south of Clemson Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres. Saturdays Only, Afternoons Only.

****BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres

Sept 3, 17; Oct. 1; Nov. 19- Afternoons Only. Dove & Pigeon Hunting Only.

****BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres. Sept 3, 17; Oct. 1; Nov. 19; Afternoons Only. Dove & Pigeon Hunting Only.

***CHEROKEE**

Gaffney Board of Public Works

Take I-85 to Gaffney Exit 95, 1.2 mi. N on SR82, near Lake Whelchel, field on west side of road only, 20 acres. Saturdays Only, Afternoons Only. Dove Hunting Only

CHESTER

Chester County Airport Commission

4.3 miles north of Chester on Sec Rd 1. Turn Right on Guy Rd. (dirt). Go about 1.2 miles Turn Right at Gate to Parking Area, 20 acres. Saturdays Only, Afternoons Only. Dove Hunting Only.

***CHESTER**

U.S. Forest Service - Worthy Bottoms

10 miles west of Chester on SC 9, Left on Sec Rd 535, Turn Right on Worthy's Ferry Rd. 30 acres. 1st season - Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon -Sat Afternoons Only

CHESTERFIELD

Taylor Property

1.8 miles north of McBee on US 1, Left on SC 145 for 11.8 miles, Right on Sec Rd 29 for .6 miles. 40 acres.
Saturdays Only, Afternoons Only. Dove Hunting Only.

***CHESTERFIELD**

DNR - McBee Tract

4 miles west of McBee on US 1, Left (South) on Sec Rd 296 for about 2 miles, Field on Left, 20 acres Planted.
1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat Afternoons Only.

CHESTERFIELD

SC Forestry Commission - Sand Hills State Forest Wilkes Chapel Field

From Sand Hills Forest Headquarters on US 1, Go south on truck trail 141 for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres. 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat Afternoons Only

CHESTERFIELD

SC Forestry Commission – Sandhills State Forest. Davis Field

From the intersection of US 1 and SC 102 in Patrick: Go southeast on SC 102 approx. 1 mi. Bear left on SR 80 and proceed approx. 1.5 mi. Left on Campbell Lake Rd. Continue 0.2 mi. then left on Griggs Loop Rd. Field entrance 0.1 mi. on the right. 30 acres. 1st season – Saturdays only, Afternoons Only. 2nd & 3rd seasons – Open Mon. – Sat., Afternoons Only.

****CLARENDON**

Santee Cooper – Santee Dam WMA

From the south end of SC 260 follow gravel road at Base of dam for approx. 5 mi., 137 acres. Sept. 3, 17, Oct. 1, Nov. 26, Jan. 7. Afternoons Only. Dove Hunting Only

****CLARENDON**

SC Forestry Commission Oak Lea WMA.

From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right. Sept. 3, 17, Oct. 1, Nov. 26, Jan 7. Afternoons Only. Dove Hunting Only

****COLLETON**

DNR - Bear Island WMA

About 17 miles southeast of Green Pond on Sec Rd 26, 100 acres – Sept 7, 14 & 28; Nov 26. Afternoons only

****COLLETON**

DNR - Donnelley WMA

From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres. Sept 7, 14, & 28; Nov 26; Dec 21; Jan. 4 & 11. Afternoons only. On site lottery for 120 hunters on Sept. 7.

DARLINGTON

DeWitt Property From I-20 (Exit 137) go South on SC 340 (towards Timmons ville) 2.1 miles to Meander Rd. Right on Meander. Go 1.7 miles to Lake Swamp Rd. Right on Lake Swamp Rd. Go 0.5 miles to Oak Stump Rd. Bear left on Oak Stump. Field 1 mile on left. 50 acres. Wed. Afternoons Only, Dove Hunting Only

EDGEFIELD/ MCCORMICK

U.S. Forest Service - Forks WMA

1 mile east of SC 28 on Sec Rd 112 near Furey's Ferry, 22 acres - 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat.

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EDGEFIELD/MCCORMICK

US Forest Services – Forks WMA

1.5 miles east of SC-28 on Sec Rd 112, 0.2 miles north on USFS Rd 661 (Philpot Rd), 40 acre seed tree. 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons – Open Mon-Sat.

GEORGETOWN

DNR Samworth WMA

15 miles north of Georgetown off US 701, Follow Signs, 65 acres. Saturdays, Afternoons Only, Dove Hunting Only

****HAMPTON**

DNR - Webb Wildlife Center

3 miles west of Garnett on Augusta Stage Coach Rd., 100 acres - Sept 7 & 21, Oct. 1, Nov. 23, Dec. 21, Jan 14 Afternoons Only. (803) 625-3569

HORRY

DNR - Waccamaw River Heritage Preserve, Schultz Tract.

From Stephens Crossroads on SC 9, Turn north on Sec Rd 57 & Proceed 2.2 miles, Left on Sec Rd 111 & Proceed 2 miles, Left on Oscar Rd., Bear Left & Then Right to Field Entrance, 32 acres. Saturdays only, Afternoons only

KERSHAW

Landfill, 5 miles north of Camden on US 1, Right on Sec Rd 489 for 1 mile, Right on Sec Rd 331 for .1 mile, Left at Gate under Power Line, 25 acres. Saturdays Only, Afternoons Only. Dove Hunting Only.

LAURENS

DNR - Gray Court Tract

8 miles north of Laurens on SC 14, Right on tar & gravel road for .2 miles, Right on dirt road for .1 mile, 12 acres. 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat. Afternoons Only.

LEE

Atkinson Property

From I-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper=s Mill Rd. To Mt. Zion AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401, Go 1.1 miles northwest on Dog Island Rd., 70 acres. Wednesday Afternoons only. Dove Hunting Only.

LEXINGTON

Hallman Field

From I-20 take 178 south for 2.5 miles to Truex Rd. take left 0.5 miles to Tom Adams Rd. take right, to 0.9 miles to stop sign, turn left on Rish Rd., go 0.3 miles to parking area. 45 acres. Saturdays Only, Afternoons Only – Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA

Northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., 50 acres. Saturdays, Afternoons Only. Dove Hunting Only

***MCCORMICK**

U.S. Army Corps of Engineers - Clarks Hill WMA

Waterfowl Area, 2.5 mi. south of Bordeaux on Sec. Rd. 110, 40 acres. Sept. 3 & 21; Nov. 23, Jan 11 only, Afternoons Only.

MCCORMICK

US Army Corps of Engineers – Key Bridge WMA

0.25 mile north of Parksville on SC-28, 22 acres. 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons – Open Mon.- Sat

MCCORMICK

U.S. Army Corps of Engineers - Key Bridge WMA

2 miles west of Plum Branch on Sec Rd 57, 30 acres. 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat.

NEWBERRY

International Paper Company

From Intersection of Hwy 56 & 39 near Chappells, Go 1 mile northwest on Hwy 39 & Turn Left on gravel road at Sign, 20 acres. 1st season – Saturdays Only, Afternoons Only
2nd & 3rd seasons Open Mon-Sat. Afternoons Only.

NEWBERRY

SCDOT McCullough Field

From I-26 North on Hwy 121 towards Whitmire 9.2 mi. Right on McCullough Rd., 0.7 mi. Field on right. Saturdays Only Beginning Sept 10, Afternoons Only, Dove Hunting Only

OCONEE

S.C. Forestry Commission - Piedmont Nursery

From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres. Saturdays Only, Afternoons Only. Dove hunting only. 3rd season – Closed.

OCONEE

U.S. Forest Service - Ross Mtn. Field

About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres. Saturdays, Afternoons Only, Beginning Sept 10

****ORANGEBURG**

Santee Cooper - Santee Cooper WMA

.5 miles northeast of Eutaw Springs, 70 acres. Entire WMA under Dove Area Regulations. Sept 17; Oct. 1; Nov. 19. Afternoons Only. Dove Hunting Only.

PICKENS

Crescent Resources

From Seneca Take SC 130 north to SC 183, Turn Right on SC 183. Go about 1.5 miles to Gated road, Field on Left, 20 acres

1st season - Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon –Sat. Afternoons Only.

PICKENS

DNR Property

South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres. Saturdays Only, Afternoons Only.

PICKENS

Clemson University - Gravely WMA - Causey Tract

From SC 11 Go south on Sec Rd 112 at Cendy's Store, Turn east on Sec Rd 114 & Go 0.5 miles; 25 acres. Saturdays Only, Afternoons Only.

PICKENS

38 EMERGENCY REGULATIONS

Porter Field

183 from Pickens, Go 5 miles to Mtn. View Church Rd. Right 1/10 miles, Field on Right Saturdays - Afternoons Only, Beginning Sept. 10. 3rd Season – Closed.

***RICHLAND**

Richland County - Landfill

From Columbia Take SC 215 north from I-20 for about 6 miles, Turn Left, Then back Right at Landfill Signs & Follow Arrows to Field, 30 acres. Sept 3 & 17 only. 1 pm – 6pm. Dove Hunting Only.

SALUDA

S.C. Electric and Gas, Murray WMA

12 mi. N of Saluda on SC-121, 1 mi. E on Tostie Creek Rd., 40 acres. Saturdays Only. Afternoons Only.

SPARTANBURG

Santee Cooper

From intersection of US 176 & West Main St. (Sec. Rd. 227) approx. 2.5 miles W. of Pacolet, go 0.1 mile east on West Main St. and turn left on Goldmine Rd. (Sec. Rd. 108) for 4.3 miles then turn right on Hatchet Dr. Field at end of road. 15 acres. Saturdays only, Afternoons Only.

***SPARTANBURG**

Spartanburg Co Parks & Recreation Dept. – Inman Tract

3.5 mi. northwest of Inman on New Cut Rd. (Sec. Hwy 52). Field is on left (west) side of the road. 20 acres. Saturdays Only, Afternoons Only, Dove Hunting Only.

SUMTER

S.C. Forestry Commission - Manchester State Forest

Field locations posted at Forestry Headquarters, Batten's at SC 261 & SC 763 in Wedgefield, or Shop-N-Go on SC 120, the Pinewood Rd., multiple fields, 150 acres. 1st season - Wed or Sat Afternoons (Designated Fields). 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

***UNION**

DNR Thurmond Tract

4.3 miles North on SC9 from the intersection of SC 9 and SC 49 at Lockhart. Field is on left. 15 acres. 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons open Mon – Sat. Afternoons Only.

UNION

U.S. Forest Service

3 miles E of Cross Keys on Sec Rd 18 at Intersection of Sec Rd 80 near Sedalia , 15 acres. 1st season – Saturdays – Afternoons Only, Beginning Sept. 10. 2nd & 3rd seasons - Open Mon - Sat. Afternoons Only.

***YORK**

DNR - Draper Tract

3.5 miles E of McConnell on SC 322, Turn Right on Sec Rd 165, Go .5 miles, Turn Right, Two 30 acres Fields. 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons Open Mon - Sat. Afternoons Only. Opening day participants selected by drawing. Apply in writing by Aug 19 to DNR, 1571 Rock Hill Hwy., York, SC 29745. Limited space available.

YORK

York County – Worth Mountain WMA

From Hickory Grove at the intersection of SC Hwy 97 and SC Hwy 211, take Hwy 211 South approx. 4 miles and turn left on Scenic View Rd, go .75 miles and field is on right. 25 acres planted. 1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons Open Mon-Sat, Afternoons Only.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 5 to 15 years of age. The following regulations also apply on Special Youth Dove Hunts: (1) Adults may actively participate in hunting, but adults may not shoot while accompanying youths are shooting. Adult's gun must be unloaded when accompanying youth is shooting; youths' guns must be unloaded when adult is shooting. (2) Bag limit is 12 birds per youth participant. Birds harvested by adult hunters will count towards this bag limit. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 12 birds.

ABBEVILLE YOUTH HUNT

U.S. Forest Service – Parson Mountain WMA
Sept. 3. Participants selected by drawing.

NEWBERRY YOUTH HUNT

SCDOT – McCullough Field
September 3. Limited Space Available.

OCONEE YOUTH HUNT

U.S. Forest Service, Ross Mtn. Field
September 3. Participants selected by drawing. Apply by Aug. 16 to DNR, 153 Hopewell Rd., Pendleton, SC 29670. Limited Space Available.

****ORANGEBURG YOUTH HUNT**

Santee Cooper – Santee Cooper WMA
0.5 mi. northeast of Eutaw Springs, 70 acres. Sept. 3. No pre-registration required.

PICKENS YOUTH HUNT

Porter Field -- Sept 3
Participants selected by drawing. Apply by Aug. 16 to DNR, 153 Hopewell Rd., Pendleton, SC 29670. Limited Space Available.

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield
September 3. Limited space available.

UNION YOUTH HUNT

U.S. Forest Service near Sedalia
September 3. Participants selected by drawing. Apply in writing or call by Aug 19 to DNR, 124 Wildlife Dr., Union, SC 29379. Limited space available.

YORK YOUTH HUNT

DNR Draper WMA
September 3. Participants selected by drawing. Apply in writing or call by Aug 19 to DNR, 1571 Rock Hill Hwy., York, SC 29745. Limited Space Available.

** Hunters must sign in and out on all hunts. No entry until 12:00 noon.

40 EMERGENCY REGULATIONS

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates changed as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts extend until February 15, it is necessary to re-file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: November 29, 2005, 8:32 am

Document No. 3039
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40 and 123-52. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Because the hunting seasons on many of these areas extends until March 1 it is necessary to re-file these regulations as emergency.

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-51.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas are as follows:

(A) Game Zone 1

Keowee WMA

No hunting is allowed in research and teaching areas of Keowee WMA (research and teaching areas are posted with white signs) except those special hunts for youth or mobility-impaired conducted by the Department.

(B) Game Zone 2**Keowee WMA**

No hunting is allowed in research and teaching areas of Keowee WMA (research and teaching areas are posted with white signs) except those special hunts for youth or mobility-impaired as conducted by the Department.

Fants Grove WMA

Quality Deer Management Area - bucks must have at least 4 points on one side. A point must be at least one inch long. Hunters must sign in at the Clemson DNR Office check point. The Clemson DNR check point will open 2 hours before official sunrise for deer hunts. Hunters are required to wear a hat, coat or vest of international orange while hunting.

(D) Game Zone 4**Draper WMA**

Small Game

Quail	1st and 2 nd Sat. in Dec., 3rd and 4th Wed. In Dec., 1 st and 2 nd Wed. And Sat. in Jan. Sunrise until 4:00 PM.	10 per day
Rabbit	1st Wed. after Thanksgiving, Wed. in Dec. prior to the 2 nd Sat. in Dec., Wed. and Sat. in Jan. following the last scheduled quail hunt until Mar. 1.	3 per day
Other Small Game No open season on fox squirrels	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 4 limits apply.	Game Zone 4 limits

(F) Samworth WMA

Deer

Archery only hunts For deer (no dogs) (impoundments only)	Thursdays through Saturdays in October.	2 deer per day, either-sex Hogs no limit.
Special gun hunts For youth (no dogs) (upland only)	Hunters selected by drawing.	1 deer per day, either-sex, Hogs no limit.

42 EMERGENCY REGULATIONS

Special hog hunt Shotgun with slug or muzzleloader, no buckshot, hunting from elevated stands only. (impoundments only).	1st & 4th Thurs., Fri. and Sat. in March	Hogs only, no limit, no live hogs to be removed from WMA.
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(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts. During deer hunts when dogs are used buckshot only is permitted. On either-sex deer hunts with dogs, all deer must be checked in by one hour after legal sunset. Hogs may only be taken during deer hunts and special hog hunts.

Total of 8 deer for all
gun hunts on the Francis
Marion.

(L) Santee Delta WMA

Deer

Archery only hunts For deer (no dogs)	Thursdays through Saturdays in October.	2 deer per day, either-sex Hogs no limit.
Special hog hunt Shotgun with slug or muzzleloader, no buckshot, hunting from elevated stands only.	2 nd & 3 rd Thurs., Fri. and Sat. in March	Hogs only, no limit, no live hogs to be removed from WMA.

(N) Bear Island WMA

Hog Hunts with dogs (Pistols Only)	1 st Thurs. - Sat. in March	No limit.
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Hog hunters are required to wear a hat, coat or vest of international orange color while hunting. Hogs may not be taken from Bear Island alive and all hogs harvested must be checked at the check station. No more than 4 dogs per party.

(R) Santee Coastal Reserve WMA

Deer Hunts

(No dogs)

Archery	1 st and 3 rd Mon. through Sat. in Nov.	2 deer per day, either-sex. Hunting on mainland only. Hogs no limit. No possession of handguns or sidearms during archery only hunts.
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Archery and Muzzleloader	1 st Thur. through Sat. in Dec.	1 deer per day, either-sex. Hogs no limit.
Quail	Wed. and Sat. only, 1 st Wed. after Jan. 20 through Mar. 1.	Limit 8 per day.
Other Small Game No open season on fox squirrels	Wed. and Sat. only, 1 st Wed. after Jan. 20 through Mar. 1.	Game Zone 6 bag limits.
Raccoon/Opossum	Tues. and Fri. nights, 1 st Tues. After Jan. 20 through Mar. 1.	Game Zone 6 bag limits.

(U) Manchester State Forest WMA

Squirrel and Rabbit	Thanksgiving Day - Mar. 1 Except no squirrel or rabbit hunting on Bland Tract during scheduled quail hunts.	Game Zone 8 bag limits.
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(GG) McBee WMA

Still Gun Hunts (No dogs, no buckshot)	Oct. 1 – Sat. after Thanksgiving	Total of 10, 2 per day, buck only except on specified Game Zone 5 either-sex days during the McBee WMA still gun hunt season. Total not to include more than 5 bucks.
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(LL) Sandy Island WMA

Hunting from vehicles prohibited. (delete data card requirement)

(VV) Bonneau Ferry WMA

Horse riding is prohibited. No camping is allowed. All terrain vehicles are prohibited. Hunting access by boat is prohibited. Fishing restricted to youth who must be accompanied by one or two adults 18 years old or older. Adults with youth may also fish. For hunting, Adult/youth Side A is open only to youth 8-17 years old who must be accompanied by only one adult 21 years of age or older. Youth hunters must carry a firearm and hunt. Adults with youth hunters may also carry a firearm and hunt. For deer and small game hunting Sides A and B will alternate each year. All hunters must sign in and sign out upon entering or leaving Bonneau Ferry WMA. Bonneau Ferry WMA is closed to public access one hour after sunset until one hour before sunrise except, for special hunts regulated by DNR. All impoundments and adjacent posted buffers are closed to all public access Nov. 1 – Mar. 1 except for special waterfowl hunts regulated by DNR during the regular waterfowl season.

44 EMERGENCY REGULATIONS

Small Game

Quail (Side A) Adult/youth only	Open every other Sat. beginning Feb. 1 through Mar. 1.	Limit 8 per party.
Quail (Side B)	No open season except hunters selected by drawing.	Limit 8 per day.
Other Small Game No open season for fox squirrels or fox. Dogs allowed during gun seasons only.	Jan. 2 – Mar. 1 Except closed during draw quail hunts on Side B.	Game Zone 6 bag limits.
Raccoons and Opossum	Jan. 2 – Mar. 1, Tues. and Sat. nights only.	Game Zone 6 bag limits

3.3 On WMA lands, big game hunters are not allowed to use military or hard-jacketed bullets or .22 or smaller rimfire. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Palachucola, Waccamaw River Heritage Preserve, Donnelley, Francis Marion, Moultrie, McBee, Edisto and Bonneau Ferry WMAs.

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove, turkey and duck are exempt from this requirement while hunting for those species.

10.8 Sandy Beach Waterfowl Area and impoundments on Bonneau Ferry WMA are closed to public access during the period 01 Nov.-01 Mar. except for special hunts designated by the Department.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Oak Lea, Potato Creek Hatchery, Samson Island Unit (Bear Island), Tyger River, Marsh and Wee Tee Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Hickory Top Greentree Reservoir	Sat. AM only during regular season.	Federal Limits

10.17 On Hickory Top WMA public waterfowl hunting without a Wildlife Management Area(WMA) permit is allowed on all land and water below 76.8'. Waterfowl hunting at or above elevation 76.8' requires a WMA permit. A WMA permit is required for waterfowl hunting in the Hickory Top Greentree Reservoir.

10.20 On Enoree River Waterfowl Area each hunter is limited to 25 non-toxic shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed.

123-51. Turkey Hunting Rules and Seasons

AREA	DATES	LIMIT	Other Restrictions
Santee Coastal Reserve	April 1 – May 1	1/hunter	Youth Hunting by draw only.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts extend until March 1, it is necessary to re-file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulations 123.40 and 123-51 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: November 29, 2005, 8:32 am

Document No. 3037
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40 and 123-52. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Because the hunting seasons on many of these areas extends until February 25 it is necessary to re-file these regulations as emergency.

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-51.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas are as follows:

46 EMERGENCY REGULATIONS

(KK) Bucksport WMA

All hunting on Bucksport WMA is administered by the US Fish & Wildlife Service as part of Waccamaw National Wildlife Refuge.

Unit 1

Deer

Archery only hunts For deer (no dogs)	Sept. 12-24, Oct. 10-15	1 antlered buck per hunt session ; two antlerless deer per season only during coinciding Game Zone 7 & 9 antlerless deer days. Hogs – no limit
Archery/Muzzleloader hunts for deer (no dogs)	Oct. 24 – Nov. 12	1 antlered buck per hunt session ; two antlerless deer per season only during coinciding Game Zone 7 & 9 antlerless deer days. Hogs – no limit.
Modern weapon hunt for Deer (no dogs) ; muzzleloaders allowed.	Nov. 28 – Dec. 10	1 antlered buck per hunt session ; two antlerless deer per season only during coinciding Game Zone 7 & 9 antlerless deer days. Hogs – no limit
Squirrel (Gray squirrels only, No small game hunting During deer/hog hunts.	Nov. 14 – March 1 Hunting from boats prohibited	10 per hunter per day One treeing dog allowed per hunter. Non-toxic shot is Required for shotguns.
Waterfowl	Waterfowl hunting is allowed until 12 noon each Sat. during the State waterfowl season only on Refuge tracts in Unit 1 that are along the Great Pee Dee River. Tracts in Unit 1 along the Waccamaw River are closed to waterfowl hunting. Hunters may enter the Refuge no earlier than 5:00 am on hunt days and must be off of the Refuge by 2:00 pm.	Federal Limits
Raccoon	Dec. 12 – Feb. 25	Game Zone 7 & 9 limits.

Special Hunting Regulations:

Weapons

Carrying, possessing, or discharging firearms on a National Wildlife Refuge is prohibited unless specifically authorized. Concealed weapons are prohibited on the refuge. Discharging a weapon for a purpose other than to take legal game animals during established Refuge hunting seasons is prohibited. Discharging any firearm from a boat or vehicle is strictly prohibited. All firearms must be unloaded and dismantled (or cased) while being transported in a vehicle. Crossbows, blow guns, and poison tipped arrows are prohibited. Only muzzle loading rifles using a single projectile are permitted on the muzzle loader hunts.

Ammunition

Non-toxic shot is required when hunting with shotguns with the only exception being slugs. Buckshot is prohibited on all Refuge hunts and may not be in possession at any time while on the Refuge. Use of full metal jacketed bullets or 22 caliber rimfire ammunition during big game hunts is prohibited.

The Refuge is closed every day from one hour after sunset until one hour before sunrise except when allowances are made for specific Refuge hunts. Hunters may enter the Refuge no earlier than 5:00 am on hunt days and must leave the Refuge no later than 1 hour after legal sunset except during the State waterfowl season where waterfowl hunting is allowed on the Refuge (see waterfowl regulations). Areas on the Refuge that are open to hunting will be closed to the general public during big game (deer, turkey and hog) hunts.

Alcohol

Alcohol is prohibited during Refuge hunts. Possession of an open container of alcohol while hunting on the Refuge is prohibited.

Other regulations

Use of ATV's and airboats to access Refuge lands is prohibited.

Permits

A Waccamaw NWR Refuge Hunt Permit, signed and dated by the hunter, along with proper State hunting license and photo identification (such as a state driver's license) are required for all hunts. All permits and licenses must be in hunters' possession at all times upon entering Refuge property. Hunters using the Refuge are subject to inspections of permits, licenses, hunting equipment, bag limits, vehicles, and their contents by USFWS or SCDNR Officers.

Baiting

Baiting and /or hunting in the vicinity of bait is prohibited. Baiting includes, but is not limited to, the distribution of grains, feeds, salts, mineral blocks, meats, fruits and food stuff.

Dogs

Dogs may be used for duck, snipe, raccoon, squirrel, and during special hog hunts. Dogs must be leashed and under control of the owner when not in pursuit of authorized game animals. All dogs are required to wear a collar displaying the owner's name, address, and phone number.

Vehicles

Only legally licensed vehicles are allowed on the Refuge. Vehicles are allowed only on established roads marked open. All other roads may be traveled on foot or by bicycle. On Refuge roads the speed limit is 15 mph unless otherwise posted. Vehicles may not block access gates and must be parked off of the road. ATVs are prohibited.

Hunter Education

Refuge hunters under the age of 16 must show proof of successfully completing a State approved hunter education program. Hunters under 16 years old must be directly supervised (within sight and normal voice range) by a properly licensed adult of at least 21 years of age.

48 EMERGENCY REGULATIONS

Youth Hunts

During any Refuge Big Game Youth Hunt (Turkey, Deer, Hog), an adult may only supervise one youth. Unless special regulations allow it, adults are prohibited from possessing or discharging firearms during the Youth Hunt. During small game hunts, each adult may supervise a maximum of two youths. A youth hunter is defined as a hunter under the age of 16. All youth hunters must be at least 8 years old to qualify for a youth hunt slot.

Tree Stands

Deer and feral hogs must be hunted from an elevated deer stand. Shooting a hog from a boat is prohibited. Only one portable stand per hunter is permitted. Placing deer stands on the Refuge more than three days prior to the opening day of a specific hunt is prohibited. All deer stands must be removed from the Refuge no later than three days after each Refuge big game hunt. The use of nails, screws, or bolts to attach a tree stand to a tree or hunting from a tree where a metal object has been driven to support a hunter is prohibited. Living trees or plants may not be trimmed, cut down or damaged in any manner.

Tree Marking

You may use flagging to mark entry sites from roads or trails and again at the stand site. You may use clothes pins with reflective tape between these sites to mark the route to the stand. Hunters must label all such markers with their full name and remove them at the end of the hunt.

Man-Driving

Deer and hog hunting by “man driving” is prohibited. A man drive is defined as an organized hunting technique including two or more hunters where an attempt is made to drive game animals from cover to shoot, kill, or move animals towards other hunters.

Pre Hunt Scouting

Scouting allowed all year during daylight hours except during the State waterfowl season. During the waterfowl season, scouting allowed Monday through Friday only. Persons scouting may not have firearm in possession and must be off the Refuge by 2:00 pm.

123-51. Turkey Hunting Rules and Seasons

Bucksport WMA Youth turkey hunt by special drawing.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts extend until February 25, it is necessary to re-file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulations 123-40 and 123-51 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.