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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
THE LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY

STEPHEN T. DRAFFIN, DIRECTOR  
LYNN P. BARTLETT, EDITOR

P.O. BOX 11489  
COLUMBIA, SC 29211  
TELEPHONE (803) 734-2145

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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.

## 2005 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

## **REPRODUCING OFFICIAL DOCUMENTS**

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## **PUBLIC INSPECTION OF DOCUMENTS**

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## **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  
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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
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2970		Seasons, Limits, Restrictions on WMA's, Turkey Hunting	4/11/06	Department of Natural Resources
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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

**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 EXECUTIVE ORDERS**

### **EXECUTIVE ORDER NO. 2005-18**

**WHEREAS**, the Grand Jury of Horry County indicted James Russell Herring, a member of the City Council of the City of Loris, on August 25, 2005, for two counts of Distribution of Marijuana; two counts of Distribution of Marijuana in Close Proximity to School/Park; Possession of Oxycontin, a Schedule II Drug; Possession of Prescription Drugs without Prescription; four counts of Distribution of Schedule I, II, III Drug (Hydrocodone/"Lorcet"); and four counts of Possession with Intent to Distribute Controlled Substance Near School in violation of South Carolina Code of Laws; and

**WHEREAS**, copies of the indictments against James Russell Herring have been provided to me; and

**WHEREAS**, Article VI, Section 8 of the South Carolina Constitution provides that "[a]ny officer of the State or its political subdivisions . . ., who has been indicted by a grand jury for a crime involving moral turpitude or who has waived such indictment if permitted by law may be suspended by the Governor until he shall have been acquitted. . ."; and

**WHEREAS**, James Russell Herring is an officer of the State or its political subdivisions; and

**WHEREAS**, the above-referenced indictments are for crimes that involve moral turpitude; and

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend James Russell Herring from the office of City Council of the City of Loris. This suspension shall remain in effect until such time as he shall be formally acquitted or convicted.

This action in no manner addresses the question of the guilt or innocence of Mr. Herring and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 29th DAY OF AUGUST, 2005.**

**MARK SANFORD  
GOVERNOR**

### **EXECUTIVE ORDER NO. 2005-19**

**WHEREAS**, the states of Alabama, Louisiana, and Mississippi have been impacted by Hurricane Katrina resulting in massive damages and have requested assistance from the State of South Carolina under the terms of the Emergency Management Assistance Compact, as provided in Section 25-9-420 of the South Carolina Code of Laws; and

**WHEREAS**, the civil authorities in the states of Alabama, Louisiana, and Mississippi have specifically requested the support of the South Carolina National Guard to assist in security, transportation, communications, and resource distribution in response to this disaster; and

**WHEREAS**, the South Carolina National Guard is prepared to provide the personnel and equipment necessary to assist the impacted areas.

**NOW THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby direct the Adjutant General to place on state duty and utilize the South Carolina National Guard personnel and equipment requested through the Emergency Management Division and in consultation with the Governor's Office, to fulfill the mission in support of the states of Alabama, Louisiana, and Mississippi. National Guard personnel and equipment deployment and mission requirements should be coordinated through the Emergency Management Division in accordance with the Emergency Management Assistance Compact.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 1<sup>st</sup> DAY OF SEPTEMBER, 2005.**

**MARK SANFORD  
GOVERNOR**

**EXECUTIVE ORDER NO. 2005-20**

**WHEREAS**, on August 31, 2005, the United States Secretary of Health and Human Services issued an Order of Determination that a Public Health Emergency Exists in the states of Alabama, Florida, Louisiana, and Mississippi; and

**WHEREAS**, conditions exist which require action by the undersigned to assist in implementation of the federal Order in the State of South Carolina for the purpose of receiving casualties and health care providers for the treatment of those casualties from areas identified in the federal Order; and

**WHEREAS**, the health care facilities and resources of South Carolina are needed to provide shelter, care and treatment for patients in areas impacted by Hurricane Katrina;

**NOW, THEREFORE**, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby order:

1. That as of September 2, 2005, the South Carolina Emergency Operations Plan be placed in effect and require state agencies to support the responsibilities and tasks herein. I further authorize the Director, Emergency Management Division, to seek reimbursement from the State Contingency Fund for any expenditures required to respond to Hurricane Katrina.
2. That the appropriate licensing authorities may waive all licensing and credentialing requirements under state law for the period of the federally declared public health emergency under the conditions as may be established by such authorities in consultation with the Governor's Office, to enable out of state health care providers to render care and treatment to patients evacuated from the geographic areas identified in the federal order.

#### **4 EXECUTIVE ORDERS**

3. The deployment of state resources by applicable state agencies in consultation with the Governor's office as may be necessary for the response to the public health emergency resulting from the effects of Hurricane Katrina and its aftermath.

**AND IT IS SO ORDERED.**

**GIVEN UNDER MY HAND AND THE GREAT SEAL  
OF THE STATE OF SOUTH CAROLINA, THIS 6th  
DAY OF SEPTEMBER, 2005.**

**MARK SANFORD  
GOVERNOR**

#### **EXECUTIVE ORDER NUMBER 2005-21**

**WHEREAS**, on September 9, 2005, the National Hurricane Center determined that the coastline of the State of South Carolina was vulnerable to the effects of a strengthening hurricane that continued to develop in the Atlantic Ocean; and

**WHEREAS**, I have been advised that Hurricane Ophelia is advancing in a direction that represents a potential threat to the safety, security, welfare, and property of citizens and transients in South Carolina.

**NOW, THEREFORE**, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I directed that the South Carolina Emergency Operations Plan be placed into effect and the required state agencies support the responsibilities and tasks therein. I have also directed that all prudent preparations be taken at the individual, local, and state levels to protect against the possible effects of Hurricane Ophelia. I further directed that the South Carolina National Guard be placed on a standby status and at the discretion of the Adjutant General, in consultation with the Governor's Office, and in coordination with the South Carolina Emergency Management Division, that specified units be placed on state active duty to assist civil authorities and to take all reasonable precautions necessary for the preservation of life and property. I further authorize the Director, Emergency Management Division, to seek reimbursement from the State Contingency Fund for any expenditures required to respond to Hurricane Ophelia.

Further Proclamations and Orders deemed necessary to ensure the fullest possible protection of life and property during the State's response to Hurricane Ophelia shall be issued verbally by me, and thereafter published for dissemination within the succeeding twenty-four hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 12TH DAY OF SEPTEMBER, 2005.**

**MARK SANFORD  
GOVERNOR**

**EXECUTIVE ORDER NUMBER 2005-22**

**WHEREAS**, the State of North Carolina has been impacted by Hurricane Ophelia and has requested assistance from the State of South Carolina under the terms of the Emergency Management Assistance Compact, as provided in Section 25-9-420 of the South Carolina Code of Laws; and

**WHEREAS**, the civil authorities in the State of North Carolina have specifically requested the support of the South Carolina National Guard to assist with aviation support; and

**WHEREAS**, the South Carolina National Guard is prepared to provide the personnel and equipment necessary to assist the impacted area;

**NOW THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby direct the Adjutant General to place on state duty and utilize the South Carolina National Guard personnel and equipment requested through the Emergency Management Division in consultation with the Governor's Office, to fulfill the mission in support of the State of North Carolina. National Guard personnel and equipment deployment and mission requirements should be coordinated through the Emergency Management Division in accordance with the Emergency Management Assistance Compact.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF  
THE STATE OF SOUTH CAROLINA, THIS 15th DAY OF  
SEPTEMBER, 2005.**

**MARK SANFORD  
GOVERNOR**

## 6 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 September 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 Berkeley County

Replacement of the existing single slice scanner with at multi-slice CT scanner, renovation of the CT area and temporary use of a mobile CT scanner during the renovation.

Roper St. Francis Medical Center Berkeley  
Moncks Corner, South Carolina  
Project Cost: \$755,480

#### Affecting Horry County

Construction of a freestanding radiation oncology center to include the purchase and installation of a Siemens Oncor Impression Linear Accelerator with IMRT.

North Strand Radiation Oncology Center  
North Myrtle Beach, South Carolina  
Project Cost: \$5,847,358

#### Affecting Newberry County

Development of a freestanding oncology center that will offer radiation and medical oncology services to cancer patients and the purchase of a Varian Clinac iX Linear Accelerator (6/10 MV) system and Eclipse IMX Treatment Planning System.

Newberry Oncology Associates, LLC  
Newberry, South Carolina  
Project Cost: \$2,397,076

#### Affecting Richland County

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

Columbia Heart Clinic  
Columbia, South Carolina  
Project Cost: \$2,004,199

#### Affecting Spartanburg County

Establishment of a diagnostic imaging center in a medical office building to provide Magnetic Resonance Imaging (MRI) services with a GE 1.5 Tesla, Computed Tomography (CT) Scanner services with a GE Lightspeed 16 slice system and other diagnostic imaging services.

The Imaging Center at Pelham  
Spartanburg, South Carolina  
Project Cost: \$6,142,821

## Affecting York County

Construction of an ambulatory surgery facility with three (3) operating rooms.

Carolina Orthopaedic Surgery Associates

d/b/a The Center for Orthopaedic Surgery

Rock Hill, South Carolina

Project Cost: \$7,171,186

Replacement of the existing mobile Positron Emission Tomography (PET) unit operating two (2) days per week with a mobile Positron Emission Tomography/Computerized Tomography (PET/CT) unit to operate two (2) days per week.

Piedmont Medical Center

Rock Hill, South Carolina

Project Cost: \$465,000

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 September 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 Berkeley County

Replacement of the existing single slice scanner with a multi-slice CT scanner, renovation of the CT area and temporary use of a mobile CT scanner during the renovation.

Roper St. Francis Medical Center Berkeley

Moncks Corner, South Carolina

Project Cost: \$755,480

## Affecting Charleston County

Construction of a replacement hospital with the addition of 40 general acute care beds and four Level II Neonatal Intensive Care bassinets to include replacement of a mobile Magnetic Resonance Imaging (MRI) service with a fixed MRI unit and replacement of an existing Computed Tomography (CT) scanner with a multi-slice CT Scanner.

East Cooper Regional Medical Center

Mount Pleasant, South Carolina

Project Cost: \$156,990,441

## Affecting Charleston County

Construction of a new hospital by transferring 85 acute care beds from Roper Hospital to include a multi-slice Computed Tomography (CT) scanner, a 1.5T Magnetic Resonance Imaging (MRI) unit, for a total licensed capacity of 85 acute care beds at Roper St. Francis Mount Pleasant Hospital and 316 acute care beds and 39 rehabilitation beds at Roper Hospital.

Roper St. Francis Mount Pleasant Hospital

Mount Pleasant, South Carolina

Project Cost: \$123,235,586

## 8 NOTICES

### Affecting Greenville County

Addition of a third comprehensive cardiac catheterization laboratory.  
St. Francis Hospital, Inc.  
Greenville, South Carolina  
Project Cost: \$3,192,619

### Affecting Horry County

Purchase and installation of a linear accelerator and the development of a freestanding radiation oncology facility adjacent to Conway Medical Center in Conway, South Carolina.  
South Carolina Radiation Oncology Center, LLC  
Conway, South Carolina  
Project Cost: \$2,810,406

### Affecting Newberry County

Expansion and improvements in support areas to include the laboratory, general surgery, physical therapy, imaging area, third floor nursing unit, addition of a C-section room and the replacement of the 1.0T Magnetic Resonance Imaging (MRI) unit.  
Newberry County Memorial Hospital  
Newberry, South Carolina  
Project Cost: \$4,945,838

### Affecting Richland County

Upgrade of current Multi-Slice Computerized Tomography (CT) scanner with a Positron Emission/Computerized Tomography (PET/CT) unit.  
South Carolina Oncology Associates, P.A.  
Columbia, South Carolina  
Project Cost: \$1,609,703

### Affecting Spartanburg County

Establishment of a diagnostic imaging center in a medical office building to provide Magnetic Resonance Imaging (MRI) services with a GE 1.5 Tesla, Computed Tomography (CT) Scanner services with a GE Lightspeed 16 slice system and other diagnostic imaging services.  
The Imaging Center at Pelham  
Spartanburg, South Carolina  
Project Cost: \$6,142,821

Renovation to add twenty-five (25) hospital based nursing home beds that will not participate in the Medicaid (Title XIX) Program for a total of 97 licensed acute care beds and 25 hospital based nursing home beds.  
Spartanburg Hospital for Restorative Care  
Spartanburg, South Carolina  
Project Cost: \$944,628



## Affecting Williamsburg County

Transfer of ownership of Dr. Ronald E. McNair Memorial Nursing Center, an 88-bed nursing home, to HealthCare Panascope, Inc. and the sale of the property to Rural Business Corp., to be known as Dr. Ronald E. McNair Nursing and Rehabilitation Center.

Dr. Ronald E. McNair Nursing and Rehabilitation Center

Lake City, South Carolina

Project Cost: \$2,750,000

## Affecting York County

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

Carolina Cardiology Associates, P.A.

Rock Hill, South Carolina

Project Cost: \$2,017,860

Construction of a 64 bed acute care hospital to include a Magnetic Resonance Imaging (MRI) unit, a Computed Tomography (CT) scanner, and a diagnostic cardiac catheterization laboratory.

Carolinas Medical Center – Fort Mill

Fort Mill, South Carolina

Project Cost: \$73,421,664

Construction of a 64 bed acute care hospital and 12 skilled nursing home beds for a total of 76 licensed beds with provisions for a Magnetic Resonance Imaging (MRI) unit, a Computed Tomography (CT) scanner, Linear Accelerator and a diagnostic cardiac catheterization laboratory.

Lake Wylie Regional Medical Center

Fort Mill, South Carolina

Project Cost: \$78,422,700

Construction of a 64 bed acute care hospital to include a Magnetic Resonance Imaging (MRI) unit, a Computed Tomography (CT) scanner, and a diagnostic cardiac catheterization laboratory.

Presbyterian Hospital – York

Fort Mill, South Carolina

Project Cost: \$83,513,000

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BUILDING CODES COUNCIL**

**NOTICE OF GENERAL PUBLIC INTEREST**

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to update the National Electrical Code, 2002 Edition to the National Electrical Code, 2005 Edition.

The Council specifically requests comments concerning sections of this edition, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Gary F. Wiggins, Board Administrator, at 110 Centerview Drive, 1<sup>st</sup> Floor, Columbia, SC, 29211-1329, (803) 896-4620, on or before October 20, 2005.

## **10 NOTICES**

The South Carolina Building Codes Council will accept comments for 180 days and, if appropriate, convene a study committee pursuant to Section 6-9-40 for the consideration of the comments regarding the 2005 Edition of the National Electrical Code.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 61**

Statutory Authority: S.C. Code Section 44-55-2310 and 44-1-140(7) et. seq..

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-51, *Public Swimming Pools*. Interested persons should submit their views in writing to Jeff deBessonnet, S.C. Dept. Of Health and Environmental Control, Bureau of Water, 2600 Bull Street, Columbia, S.C., 29201. To be considered, comments should be received no later than October 23, 2005, the close of the initial drafting comment period.

**Synopsis:**

The Department intends to make changes to clarify various portions of the regulation and make other minor revisions related to design issues for issuance of construction permits. One such clarification involves clarifying when elevated structures near pools need increased barriers. Other design issues include safety improvements and flexibility related to newer equipment .

This amendment will require review by the General Assembly.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD EXAMINERS FOR THE LICENSURE OF**  
**PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS,**  
**AND PSYCHO-EDUCATIONAL SPECIALISTS**

CHAPTER 36

Statutory Authority: 1976 Code Sections 40-1-70 and 40-75-60

**Notice of Drafting:**

The State Board of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists propose to update language and re-write the following sections of the Regulations of the Board: 36-01(1, 2, 4 and 11), 36-04(4), 36-04.1, 36-05(3), 36-05.1, 36-06(3, 4, 5), 36-07(4), 36-08(3), 36-09(3, 4, and 5), 36-12(1, 2, and 3), 36-13(1, 4, and 4d), 36-14(1 and 2), and 36-15. It also proposes to add Sections 36-07.1, 36-08.1, and 36-10.1 for parity for licensees of the Board, as well as add Sections 36-22 for a Code of Ethics for Supervisors and 36-23 for Standards for Supervision. Written comments can be submitted to Kate K. Cox, Administrator, South Carolina Board of Professional Counselors, Marriage and Family Therapists, and Psycho-educational Specialists, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

**Synopsis:**

The purpose of the re-writing of the Regulations is to update and clarify language; add language for parity for the licensure qualifications of licensees that share scopes of practice; and add a code of ethics for supervisors and standards for supervision for public protection.

## 12 DRAFTING

### MARITIME SECURITY COMMISSION

#### CHAPTER 80

Statutory Authority: 1976 Code Sections 54-17-40 and 54-17-50(B).

#### **Notice of Drafting:**

The South Carolina Maritime Security Commission proposes to draft new regulations that address the command structure of the Naval Militia. Also, such regulations will further address the organization, administration, coordination and facilitation of the activities of the Naval Militia relative to enhancing maritime homeland security. Interested persons may submit comments to Ms. Gitta Wombwell, Maritime Security Commission, P. O. Box 20244, Charleston, SC 29413-0244. To be considered, comments must be received no later than 5:00 p.m. on October 31, 2005.

#### **Synopsis:**

The General Assembly passed the South Carolina Maritime Security Act of 2003 (Section 54-17-10, et al) that reestablished the South Carolina Naval Militia, established a Maritime Security Commission, and requires that Commission to promulgate regulations that set forth the command structure of the Naval Militia. Further, the 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 operations. Prior to going operational, a Memorandum of Agreement must be in effect between the State and the United States Navy detailing fiduciary responsibilities, potential liability, and federal support issues. The establishment of the command structure is a prerequisite to this Memorandum of Agreement.

Legislative review of this proposal will be required.

Document 2987  
**DEPARTMENT OF REVENUE**  
 CHAPTER 7  
 Statutory Authority: 1976 Code Section 12-4-320

Regulation 7-200.2

**Preamble:**

The South Carolina Department of Revenue is considering amending SC Regulation 7-200.2 to no longer require the holder of a beer, wine or liquor permit or license to maintain the records of purchases of beer, wine or liquor at the location to which these beverages were delivered. This change would require that such records be maintained for three (3) years within South Carolina and be available for inspection by an authorized representative of the Department of Revenue or the State Law Enforcement Division upon ten days notice. This change will allow a person with multiple locations to consolidate the purchase records in one location within the State instead of having to maintain the purchase records for each location at that location as required now.

Discussion

The South Carolina Department of Revenue is considering amending SC Regulation 7-200.2 to no longer require the holder of a beer, wine or liquor permit or license to maintain the records of purchases of beer, wine or liquor at the location to which these beverages were delivered. This change would require that such records be maintained for three (3) years within South Carolina and be available for inspection by an authorized representative of the Department of Revenue or the State Law Enforcement Division upon ten days notice. This change will allow a person with multiple locations to consolidate the purchase records in one location within the State instead of having to maintain the purchase records for each location at that location as required now.

**Text:**

7-200.2 Every holder of a permit or license issued by the Department must keep and maintain at some location within the state records of all purchases of liquor, beer and wine. Such records must include the name of the seller and the date and quantity of the purchase. These reports of purchases must be kept for a period of three (3) years and upon ten days notice must be made available to the inspection of any authorized representative of the Department or the State Law Enforcement Division.

**Notice of Public Hearing:**

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Greenville County Courthouse, Court Room No. 3, at 305 E. North Street, Greenville, South Carolina, 29601 for November 4, 2005 at 10:00 am if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to amend SC Regulation 7-200.2 to no longer require the holder of a beer, wine or liquor permit or license to maintain the records of purchases of beer, wine or liquor at the location to which these beverages were delivered. This change would require that such records be maintained for three (3) years within South Carolina and be available for inspection by an authorized representative of the Department of Revenue or the State Law Enforcement Division upon ten days notice. This change will allow a person with multiple locations to consolidate the purchase records in one location within the State instead of having to maintain the purchase records for each location at that location as required now.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. ' 1-23-111 (2000), to issue a report that the proposal to amend the regulation is needed and reasonable.

## **14 PROPOSED REGULATIONS**

### **Comments:**

All comments concerning this proposal should be mailed to the following address by October 24, 2005:

S.C. Department of Revenue  
Legislative Services - Mr. Meredith Cleland  
P.O. Box 125  
Columbia, South Carolina 29214

### **Preliminary Fiscal Impact Statement:**

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

### **Summary of the 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.

### **Statement of Rationale:**

The purpose of this proposal is to amend SC Regulation 7-200.2 to no longer require the holder of a beer, wine or liquor permit or license to maintain the records of purchases of beer, wine or liquor at the location to which these beverages were delivered. This change would require that such records be maintained for three (3) years within South Carolina and be available for inspection by an authorized representative of the Department of Revenue or the State Law Enforcement Division upon ten days notice. The proposal to amend this regulation is needed to allow a person with multiple locations to consolidate the purchase records in one location within the State instead of having to maintain the purchase records for each location at that location as required now. The proposal to amend this regulation is also reasonable in that it is the department's responsibility to maintain regulations that allow a permit or license holder to maintain records in an efficient manner that is consistent with the regulatory nature of the alcoholic beverage licensing and control law.

Document No. 2991  
**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 begin September 12 it is necessary to 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:

**(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

## 16 EMERGENCY REGULATIONS

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.

*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.

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### *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 begin on September 12, it is necessary to 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:** August 31, 2005 10:15 am

Document No. 2989  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Section 50-11-2200 and 50-11-2210

#### **Emergency Situation:**

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to allow a special deer herd reduction hunt on **Croft State Natural Area**. Because the hunts begin on September 15 it is necessary to file these regulations as emergency so they take effect immediately.

#### 123-40 Hunt Units and Wildlife Management Area Regulations

##### 1.2 (X) Croft State Natural Area WMA

Archery Only Deer Hunts	September 15-16 September 21-22	3 Deer Per Day, either-sex Max. 1 antlered buck per day
Archery-Crossbow Deer Hunts	October 12-13 November 9-10	3 Deer Per Day, either-sex Max.1 antlered buck per day

## Hunt Procedure/ Special Rules and Regulations

1. All hunters are required to check-in and obtain a daily permit at the checkpoint at the Shop near the main gate each day of the hunt period. On or prior to opening day of each hunt period, all hunters must report to the checkpoint to check-in and present their hunting license for a daily permit. The check point will be open on the day of the hunt approximately 2 hours before official sunrise and the day before each hunt period from 3:00 pm to 8:00 pm.
2. All hunters must leave their hunt area immediately after dark and must report to the checkpoint to checkout no later than one hour after official sunset. Failure to checkout in a timely manner will result in a citation. Those persons needing to return to the hunt area to look for a wounded deer or to retrieve a dead deer must notify PRT or DNR personnel at that time.
3. Scouting is allowed during normal park hours and days prior to each hunt period.
4. Parking is allowed only on park property inside the property boundaries and along roads inside the interior portion of the park. The daily hunt permit must be displayed on the dash of all vehicles parked on state park property. A parking area will be provided near the old ammo dump just off Dairy Ridge Road but parking is not allowed along Dairy Ridge Road. Do not park where a gate is being blocked. See map for designated parking areas.
5. Portable stands may be placed one day prior to your scheduled hunt and must be removed no later than one day following each hunt period. Screw-in steps must be removed and no permanent spikes or nails are allowed.
6. Only archery equipment will be permitted during September hunts. Crossbows will not be allowed during the September hunts unless a person has an upper limb disability and has complied with all legal requirements (Section 50-11-565) to utilize a crossbow or persons 62 years old or older. Archery equipment or crossbows will be permitted during the October and November hunts. Hunters are allowed to carry only one type of equipment at a time.
7. Hunters must wear either a hat, coat or vest of international orange during all hunts except while occupying an elevated stand more than six feet above the surface level.
8. Hunters may use boats with electric trolling motors only to enhance hunter access. Running lights and all other safety equipment are required.
9. The use of a trail dog on a leash will be allowed for the recovery of wounded deer from 11:00 am to 3:00 pm and after dark. You must notify PRT or DNR before a dog is utilized.
10. Hunters will not be allowed to use ATV's.
11. Camping is available at Croft State Natural Area. Reservations for individuals (2 nights minimum) can be made in advance.
12. The daily bag limit is 3 deer per day including no more than one antlered buck.
13. Field dressing of deer is allowed in the woods but entrails should not be left closer than 200 yards from any road, trail or facility. Hunters should not attempt to dig in the ground to bury entrails because of safety concerns regarding buried ordnance (See safety requirements sheet). Field dressing of deer will not be allowed at the check station near the Shop.
14. All harvested deer must be promptly brought to the deer check station at the Shop near the main gate.
15. Firearms or alcoholic beverages are not allowed within the park.
16. All State Parks, Recreation and Tourism (PRT) and all Wildlife Management Area (WMA) rules and regulations apply.
17. All appropriate hunting licenses including a valid WMA Permit and Big Game Permit are required.

**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

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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 a special deer herd reduction hunt on Croft State Park. Because the hunts begin on September 15, it is necessary to file these regulations as emergency so they take effect immediately.

### Emergency Situation:

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to allow a special deer herd reduction hunt on **Santee State Park**. Because the hunts begin on September 20 it is necessary to file these regulations as emergency so they take effect immediately.

### 123-40 Hunt Units and Wildlife Management Area Regulations

#### 1.2 (Y) Santee State Park WMA

Archery-Crossbow Deer Hunts	September 20-21 October 4-5 October 18-19 November 1-2 November 15-16	3 Deer Per Day, either-sex Maximum 1 buck per day
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### Hunt Procedure/ Special Rules and Regulations

1. All hunters are required to check-in and obtain a daily permit at the checkpoint at the park shop near the park crossroads each day of the hunt period. On or prior to opening day of each hunt period, all hunters must report to the checkpoint to check-in and present their hunting license for a daily permit. The checkpoint will be open on the day of the hunt approximately 2 hours before official sunrise and the day before each hunt period from 3:00PM to 4:00PM.
2. All hunters must leave their hunt area immediately after dark and must report to the checkpoint to checkout no later than one hour after official sunset. Failure to check-out in a timely manner will result in a citation. Those persons needing to return to the hunt area to look for a wounded deer or to retrieve a dead deer must notify PRT or DNR personnel at that time.
3. Scouting is allowed during normal park hours and up to two days prior to each hunt period. Scouting is not allowed the two days prior to each hunt period.
4. Parking is allowed only on park property inside the property boundaries and along roads inside the interior portion of the park. The daily hunt permit must be displayed on the dash of all vehicles when parked on state park property. Do not park where a gate or road would be blocked. Designated parking areas will be shown on the hunt map.
5. Portable stands may be placed no earlier than Thursday before a scheduled Tuesday hunt date. All stands must be removed no later than one day following each hunt period. Screw-in steps must be removed and no permanent spikes or nails are allowed. Only one stand per hunter allowed.
6. Only archery or crossbow equipment will be allowed. Only one weapon per person is allowed.
7. Crossbows can not be cocked and loaded until after the hunter is in their stand. The weapon must be uncocked and unloaded before the hunter leaves his stand and remain this way until placed in the vehicle.
8. Hunters must wear a hat, coat or vest of solid international orange during all hunts except while occupying an elevated stand more than six feet above the surface level.
9. Hunters may use bicycles to enhance hunter access.
10. Access by boats is not allowed.
11. Hunters will not be allowed to use ATV's.

12. The use of a trail dog on a leash will be allowed for the recovery of wounded deer from 11:00AM to 3:00PM and after dark. You must notify PRT or DNR before a dog is used. This can be done when you check in to begin your hunt.
13. Camping is available at Santee State Park. Reservations for individuals (2 nights minimum) can be made in advance.
14. The daily bag limit is 3 deer per day including no more than one antlered buck.
15. Field dressing of deer will not be allowed in the woods. An area near the checkpoint will be provided for field dressing of deer.
16. All harvested deer must be promptly brought to the check station at the park shop.
17. Firearms or alcoholic beverages are not allowed within the park.
18. All State Parks, Recreation and Tourism (PRT) and all Wildlife Management Area (WMA) rules and regulations apply.
19. All appropriate hunting licenses including a valid WMA Permit and Big Game Permit are required.

**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 a special deer herd reduction hunt on Santee State Park. Because the hunts begin on September 20, it is necessary to 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: August 31, 2005, 10:15 am

Document No. 2990  
**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 begins September 3 it is necessary to 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

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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

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).

1<sup>st</sup> season – **Saturdays Only beginning Sept. 17**, Afternoons only 2<sup>nd</sup> and 3<sup>rd</sup> 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. 1<sup>st</sup> season – Sept. 28 & Oct. 5, Afternoons Only 2<sup>nd</sup> & 3<sup>rd</sup> 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. 1<sup>st</sup> season – Saturdays only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> 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 Timmonsville) 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.

**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. 1<sup>st</sup> season – Saturdays Only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> 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.

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### 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. 1<sup>st</sup> season – Saturdays Only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> 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

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. 3<sup>rd</sup> 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. 1<sup>st</sup> season – Saturdays Only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> 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. 1<sup>st</sup> season – Saturdays only, Afternoons only. 2<sup>nd</sup> & 3<sup>rd</sup> 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.

## 26 EMERGENCY REGULATIONS

### 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.

### 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 begin on September 3, it is necessary to 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: August 31, 2005, 10:15 am

Document No. 2992  
**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 begin September 1 it is necessary to 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 <sup>nd</sup> Sat. in Dec., 3rd and 4th Wed. In Dec., 1 <sup>st</sup> and 2 <sup>nd</sup> 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 <sup>nd</sup> 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

## 28 EMERGENCY REGULATIONS

### (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.
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Special gun hunts For youth (no dogs) (upland only)	Hunters selected by drawing.	1 deer per day, either-sex, Hogs no limit.
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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.
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Special hog hunt Shotgun with slug or muzzleloader, no buckshot, hunting from elevated stands only.	2 <sup>nd</sup> & 3 <sup>rd</sup> Thurs., Fri. and Sat. in March	Hogs only, no limit, no live hogs to be removed from WMA.
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### (N) Bear Island WMA

Hog Hunts with dogs (Pistols Only)	1 <sup>st</sup> 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 <sup>st</sup> and 3 <sup>rd</sup> 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.
Archery and Muzzleloader	1 <sup>st</sup> Thur. through Sat. in Dec.	1 deer per day, either-sex. Hogs no limit.
Quail	Wed. and Sat. only, 1 <sup>st</sup> 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 <sup>st</sup> Wed. after Jan. 20 through Mar. 1.	Game Zone 6 bag limits.
Raccoon/Opossum	Tues. and Fri. nights, 1 <sup>st</sup> 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)

## 30 EMERGENCY REGULATIONS

### (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.

#### 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 begin on September 1, it is necessary to 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.

## 32 EMERGENCY REGULATIONS

**Filed:** August 31, 2005 10:15 am

Document No. 2988  
**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, 81<sup>st</sup> Congress, 2<sup>nd</sup> 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



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.

### 34 EMERGENCY REGULATIONS

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.

(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

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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.