

SOUTH CAROLINA STATE REGISTER DISCLAIMER

While every attempt has been made to ensure the accuracy of this State Register, the Legislative Council makes no warranties or representations regarding its accuracy or completeness, and each user of this product understands that the Legislative Council disclaims any liability for any damages in connection with its use. This information is not intended for commercial use and its dissemination by sale or other commercial transfer is not authorized, absent a written licensing agreement with the Legislative Council. For further information contact the Legislative Council at 803-212-4500.

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

STEPHEN T. DRAFFIN, DIRECTOR
ANNE F. CUSHMAN, EDITOR
DEIRDRE BREVARD-SMITH, ASSOCIATE EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

Published December 26, 2008

Volume 32 Issue No. 12

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2009 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	1/9	2/13	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/23	2/27	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

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.

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$100.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

X-----X-----X

South Carolina State Register
Subscription Order Form

Name	Title
Firm	
Mailing Address	
Billing Address (if different from mailing address)	
Contact Person(s)	E-mail Address
Phone Number	Fax Number
Number of subscriptions: (Cost is \$100.00 per subscription. Checks payable to: Legislative Council)	
	Electronic
	Printed

Mail this form to:
South Carolina State Register
Deirdre Brevard-Smith, Associate Editor
P.O. Box 11489
Columbia, SC 29211
Telephone: (803) 212-4500

TABLE OF CONTENTS

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates..... 1
Committee List of Regulations Submitted to General Assembly..... 2

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Air Quality Re: EPA Control Techniques Guideline (CTG) Rule 3
Certification of Need 5
Infectious Waste Estimated to be Generated in 2009..... 7

DRAFTING NOTICES

PILOTAGE, COMMISSIONERS OF

Conform Existing Regulations to Requirements of the U.S. Department of Homeland Security..... 9

PUBLIC SERVICE COMMISSION

Workers' Compensation Insurance and Use of Leased Vehicles..... 9

PROPOSED REGULATIONS

EDUCATION, STATE BOARD OF

Document No. 4050 Nutrition Standards for Elementary (K-5) School Food Service
Meals and Competitive Foods..... 10
Document No. 4049 Use and Dissemination of Test Results..... 12

EMERGENCY REGULATIONS

CLEMSON UNIVERSITY

State Crop Pest Commission

Document No. 4048 Designation of Asian Citrus psyllid as Plant Pest and Quarantine..... 14

NATURAL RESOURCES, DEPARTMENT OF

Document No. 4046 Mourning Dove Seasons and Dove Management Area Regulations 16
Document No. 4045 Seasons, Limits, Methods of Take and Special Use Restrictions on
Wildlife Management Areas 24
Document No. 4044 Species or Subspecies of Non-game Wildlife 37

PILOTAGE, COMMISSIONERS OF

Document No. 4047 Enforcement of Pilot Statutes and Maritime Homeland Security 41

TABLE OF CONTENTS

FINAL REGULATIONS

CLEMSON UNIVERSITY

Livestock-Poultry Health Commission

Document No. 4025	State Meat Inspection Regulation	43
Document No. 4024	State Poultry Products Inspection Regulation	44

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC NO.	RAT NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
3202			Requirements for Licensure as a Physical Therapist	2/11/09	LLR - Board of Physical Therapy
3201			Mobile Dental Facilities and Portable Dental Operations	2/12/09	LLR - Board of Dentistry
3196			S.C. National Guard College Assistance Program	3/03/09	Commission on Higher Education
3206			Application, Renewal and Continuing Education	3/11/09	LLR - Board of Chiropractic Examiners
3207			Board of Veterinary Medical Examiners Chapter Revision	3/11/09	LLR - Bd of Veterinary Medical Examiners
3204			Licensing Standards for Continuing Care Retirement Communities	3/12/09	Department of Consumer Affairs
3199			South Carolina Trauma Care Systems	3/12/09	Department of Health and Envir Control
3209			Operation of Public Pupil Transportation Services	4/07/09	State Board of Education
3214			Fire Prevention and Life Safety	4/22/09	LLR - Office of State Fire Marshal
3215			Fire Prevention and Life Safety for Special Occupancies	4/22/09	LLR - Office of State Fire Marshal
3216			Explosives	4/22/09	LLR - Office of State Fire Marshal
3217			Portable Fire Extinguishers and Fixed Fire Extinguishing Systems	4/22/09	LLR - Office of State Fire Marshal
3218			Liquefied Petroleum (LP) Gas	4/22/09	LLR - Office of State Fire Marshal
3219			Fireworks and Pyrotechnics	4/22/09	LLR - Office of State Fire Marshal
3220			Fire Prevention and Life Safety in Local Detention Facilities	4/22/09	LLR - Office of State Fire Marshal
3213			Annual Audited Financial Reporting Regulation	4/30/09	Department of Insurance
3208			Contact Information from Traffic Stops	5/13/09	Department of Public Safety
3205			Tax Credits for Fortification Measures	5/13/09	Department of Insurance
3197			Annual Reporting Requirements for Designated Eligible Telecommunications Carriers	5/13/09	Public Service Commission
3203			Telephone Utilities Offering Regulated Prepaid Local Exchange Services and Bonds	5/13/09	Public Service Commission
3210			Licensing of Onsite Wastewater System Master Contractor	5/13/09	Department of Health and Envir Control
3198			Solid Waste Management: Demonstration-of-Need	5/13/09	Department of Health and Envir Control
4004			Federal Government Construction Contracts	5/13/09	Department of Revenue
4003			Donors and Goods Given Away for Advertising Purposes	5/13/09	Department of Revenue
3225			Hazardous Waste Management	5/13/09	Department of Health and Envir Control
3222			Interruption of Service, Computation of Time, Emergency Procedures, and Service Between Parties of Record	5/13/09	Public Service Commission
4005			Deed Recording Fee	5/13/09	Department of Revenue
Committee Requested Withdrawal:					
3184			Restructuring ATF Regulations - Pyrotechnic Safety		LLR - Board of Pyrotechnic Safety
Permanently Withdrawn:					
3166			SCDOT Chief Internal Auditor		Department of Transportation

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
3202	Requirements for Licensure as a Physical Therapist	Medical, Military, Pub & Mun Affairs	Medical Affairs
3201	Mobile Dental Facilities and Portable Dental Operations	Medical, Military, Pub & Mun Affairs	Medical Affairs
3196	S.C. National Guard College Assistance Program	Education and Public Works	Education
3206	Application, Renewal and Continuing Education	Medical, Military, Pub & Mun Affairs	Medical Affairs
3207	Board of Veterinary Medical Examiners Chapter Revision	Agriculture and Natural Resources	Labor, Commerce and Industry
3204	Licensing Standards for Continuing Care Retirement Communities	Medical, Military, Pub & Mun Affairs	Medical Affairs
3199	South Carolina Trauma Care Systems	Medical, Military, Pub & Mun Affairs	Medical Affairs
3209	Operation of Public Pupil Transportation Services	Education and Public Works	Education
3214	Fire Prevention and Life Safety	Labor, Commerce and Industry	Labor, Commerce and Industry
3215	Fire Prevention and Life Safety for Special Occupancies	Labor, Commerce and Industry	Labor, Commerce and Industry
3216	Explosives	Labor, Commerce and Industry	Labor, Commerce and Industry
3217	Portable Fire Extinguishers and Fixed Fire Extinguishing Systems	Labor, Commerce and Industry	Labor, Commerce and Industry
3218	Liquefied Petroleum (LP) Gas	Labor, Commerce and Industry	Labor, Commerce and Industry
3219	Fireworks and Pyrotechnics	Labor, Commerce and Industry	Labor, Commerce and Industry
3220	Fire Prevention and Life Safety in Local Detention Facilities	Labor, Commerce and Industry	Labor, Commerce and Industry
3213	Annual Audited Financial Reporting Regulation	Labor, Commerce and Industry	Banking and Insurance
3208	Contact Information from Traffic Stops		
3205	Tax Credits for Fortification Measures		
3197	Annual Reporting Requirements for Designated Eligible Telecommunications Carriers		
3203	Telephone Utilities Offering Regulated Prepaid Local Exchange Services and Bonds		
3210	Licensing of Onsite Wastewater System Master Contractors		
3198	Solid Waste Management: Demonstration-of-Need		
4004	Federal Government Construction Contracts		
4003	Donors and Goods Given Away for Advertising Purposes		
3225	Hazardous Waste Management		
3222	Interruption of Service, Computation of Time, Emergency Procedures, and Service Between Parties of Record		
4005	Deed Recording Fee		
Committee Requested Withdrawal:			
3184	Restructuring ATF Regulations - Pyrotechnic Safety	Labor, Commerce and Industry	Labor, Commerce and Industry
Permanently Withdrawn:			
3166	SCDOT Chief Internal Auditor	Education and Public Works	Transportation

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

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

The South Carolina Department of Health and Environmental Control (Department) is publishing this public notice to provide interested persons the ability to comment on the Department's response to meet obligations of the United States Environmental Protection Agency (EPA). Specifically, the Department proposes to address the requirements of the EPA regarding the Control Techniques Guideline (CTG) Rule, pursuant to Section 182(b)(2)(A) of the CAA. To be considered, comments must be received by January 26, 2009, the close of the drafting comment period. The Department is also providing the public with the opportunity to request a public hearing on the issue. If requested, a public hearing will be held on Tuesday, February 3, 2009, at 1 p.m., in room 3141 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. The public is invited to attend. However, pursuant to 40 CFR 51.102, if no request for a public hearing is received by the close of the comment period (January 26, 2009), the hearing will be cancelled. If the public hearing is cancelled, the Department will notify the public at least one week prior to the scheduled hearing via the "Scheduled Public Hearings" link on the Air Quality Regulation Development webpage at <http://www.scdhec.gov/environment/baq/regulatory.aspx>. Interested persons may also contact Maeve S. R. Mason, Regulatory Development Section, Bureau of Air Quality, at 2600 Bull Street, Columbia, SC 29201, or via phone at (803) 898-2230 for more information or to find out whether the public hearing will be held.

Synopsis:

The Clean Air Act (CAA) (section 183(e)) directs the EPA to list regulated categories of consumer and commercial products that account for at least 80 percent of the volatile organic compounds (VOC) emissions in areas that violate the National Ambient Air Quality Standards (NAAQS) for ozone. The CAA further directs EPA to divide the list of categories to be regulated into four groups.

The EPA published the initial list in the *Federal Register* on March 23, 1995. Since then, however, the EPA has revised the list several times, with the most recent being May 2006.

"CAA section 172(c)(1) provides that state implementation plans (SIPs) for nonattainment areas must include 'reasonable available control measures (RACM),' including RACT, for sources of emissions. CAA section 182(b)(2)(A) provides that for certain nonattainment areas, States must revise their SIPs to include RACT for each category of VOC sources covered by a CTG document issued between November 15, 1990, and the date of attainment" (72 FR 57218).

The EPA defines RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology (i.e., devices, systems, process modification, or other apparatus or techniques that reduce air pollution) that is reasonably available considering technological and economic feasibility. The RACT requirement is meant to ensure that all moderate and above nonattainment areas, have in place all RACT for source categories covered by a CTG document and for major sources that are not subject to a CTG.

States must adopt control methods for sources in its nonattainment area(s) subject to a CTG. Alternatively, a State may also declare that there are no sources in its nonattainment area(s) subject to a RACT requirement, and therefore, the requirement to adopt a rule for those sources does not apply.

4 NOTICES

On April 30, 2004, the EPA designated and classified a portion of York County, South Carolina within the Rock Hill Fort Mill Area Transportation Study (RFATS) Metropolitan Planning Organization (MPO) as a moderate nonattainment area for the 8-hour ozone NAAQS as part of the Charlotte-Gastonia-Rock Hill, North Carolina – South Carolina nonattainment area. As a result of this designation, the Department is required to amend the SIP, in accordance with the requirements of the CAA, as amended (42 U.S.C. 7401 et seq.). On August 31, 2007, the Department submitted a Reasonably Available Control Technology (RACT)/Reasonably Available Control Measures (RACM) SIP and the Rock Hill-Fort Mill Area Transportation Study (RFATS) 8-Hour Ozone Attainment Demonstration (SIP Amendment) for the Charlotte/Gastonia/Rock Hill (York County, SC) 8-hour ozone nonattainment area to the EPA which addressed the CTGs that had been promulgated up to that point (May 2006). Since then, additional CTGs have been promulgated.

On October 9, 2007, (as a result of the 2006 revisions) a final CTG for the Group III (Paper, Film, and Foil Coatings, Metal Furniture Coating and Large Appliance Coatings) sources was published in the *Federal Register* (72 FR 57215). The CAA section 182(b)(2) provides that any CTG issued after 1990 specify the date by which States are required to submit a SIP revision. For the Group III sources (the subject of this Notice), the EPA provides that States should submit their SIP revisions within one year of the date that the CTGs are finalized, or October 9, 2008.

The Department has reviewed its permit files and emissions inventory and has determined that there are no stationary sources or emitting facilities located in the York County ozone nonattainment area that are subject to the following Group III CTG category sources as defined by the aforementioned *Federal Register* Notice. Pending any comments received, a letter to this effect will be sent to the EPA.

Category	North American Industry Classification System Code	Examples of affected entities
Paper, film, and foil coatings	322221, 322222, 322223, 322224, 322225, 322226, 322229, 325992, 326111, 326112, 326113, 32613, 32791, 339944.	Facilities that apply coatings to packaging paper, paper bags, laminated aluminum foil, coated paperboard, photographic film, abrasives, carbon paper, and other coated paper, film and foil products.
Metal furniture coatings	337124, 337214, 337127, 337215, 337127, 332951, 332116, 332612, 337215, 335121, 335122, 339111, 339114, 337127, 81142.	Facilities that apply coatings to metal furniture components or products.
Large appliance coatings	335221, 335222, 335224, 335228, 333312, 333319.	Facilities that apply coatings to household and commercial cooking equipment, refrigerators, laundry equipment, laundry drycleaning and pressing equipment.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication December 26, 2008, 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 Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Establishment of a home health agency restricted to serve Aiken County
Intrepid USA Healthcare Services
Aiken, South Carolina
Project Cost: \$90,234

Construction of a freestanding imaging center wholly owned by Aiken Regional Medical Centers providing Computed Tomography (CT) and Magnetic Resonance Imaging (MRI) services to be located at 430 Society Hill Drive, Aiken, South Carolina
Southside Imaging Center, LLC
Aiken, South Carolina
Project Cost: \$7,397,412

Affecting Anderson County

Upfit of shelled space for the addition of a fourth cardiac catheterization laboratory
AnMed Health Medical Center
Anderson, South Carolina
Project Cost: \$1,697,785

Change of licensure of three (3) previously approved skilled nursing beds to rehabilitation beds for a total bed capacity of forty (40) rehabilitation beds
AnMed Rehabilitation Hospital
Anderson, South Carolina
Project Cost: \$500

Affecting Beaufort County

Addition of one (1) operating room (OR) for a total of three (3) ORs and two (2) endoscopy rooms restricted to gastroenterology procedures only
Outpatient Surgery Center of Hilton Head
Hilton Head, South Carolina
\$400,000

6 NOTICES

Affecting Berkeley County

Construction of a new hospital by transferring fifty (50) acute care beds from Roper Hospital to include a multi-slice Computed Tomography (CT) scanner and a 1.5T Magnetic Resonance Imaging (MRI) unit for a total license bed capacity of fifty (50) acute care beds at Roper St. Francis Berkeley and 318 total licensed beds at Roper Hospital; the facility will be located on Highway 17A in Goose Creek, South Carolina

Roper St. Francis Hospital – Berkeley

Goose Creek, South Carolina

Project Cost: \$112,978,119

Affecting Chesterfield County

Addition of three (3) nursing home beds that will not participate in the Medicaid (Title XIX) Program for a total of one hundred twenty (120) nursing home beds

Cheraw Healthcare, Inc.

Cheraw, South Carolina

Project Cost: \$6,750

Affecting Lexington County

Renovation for the relocation and addition of one (1) diagnostic cardiac catheterization laboratory for a total of two (2) diagnostic cardiac catheterization laboratories and the provision of emergency (primary) percutaneous coronary intervention (PCI) services

Lexington Medical Center

West Columbia, South Carolina

Project Cost: \$4,060,282

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning December 26, 2008. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Anderson County

Renovation for the replacement of an existing 0.35T Magnetic Resonance Imaging (MRI) unit with a closed 1.5T MRI unit

AnMed Health Women's and Children's Hospital

Anderson, South Carolina

Project Cost: \$2,394,195

Affecting Georgetown County

Construction for the replacement of the existing Georgetown Memorial Hospital which will not include the addition of any new clinical health services and the subsequent reduction in licensed bed capacity from one hundred-thirty-one (131) beds to one hundred-twenty-four (124) total licensed beds to be located at the Intersection of Hwy 701 & Wedgefield Road, Georgetown, South Carolina

Georgetown Memorial Hospital

Georgetown, South Carolina

\$154,647,000

Affecting Greenville County

Addition of eighteen (18) residential treatment beds resulting in a total bed capacity of sixty (60) residential treatment beds

Excalibur Youth Services, LLC

Simpsonville, South Carolina

Project Cost: \$91,379

Conversion of twenty-two (22) of the forty-four (44) institutional nursing home beds to non-institutional nursing home beds previously approved in SC-07-41 located on the campus of The Cascades Verdae, a continuing care retirement community; the twenty-two (22) non-institutional beds will not participate in the Medicaid (Title XIX) Program

Skilled Nursing Center at Cascades Verdae

Greenville, South Carolina

Affecting Greenwood County

Construction and renovation for the expansion of the cancer center that involves the consolidation of the Chemotherapy, Outpatient Infusion, Radiation Therapy and Medical Oncology departments; modernization to the main wing of the 1st floor to include development support services space; and the replacement of an existing linear accelerator for a continued total of two (2) linear accelerators

Self Regional Healthcare

Greenwood, South Carolina

Project Cost: \$26,508,521

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

S.C. Department of Health and Environmental Control

Bureau of Land and Waste Management

Infectious Waste Estimated to be generated in South Carolina in 2009

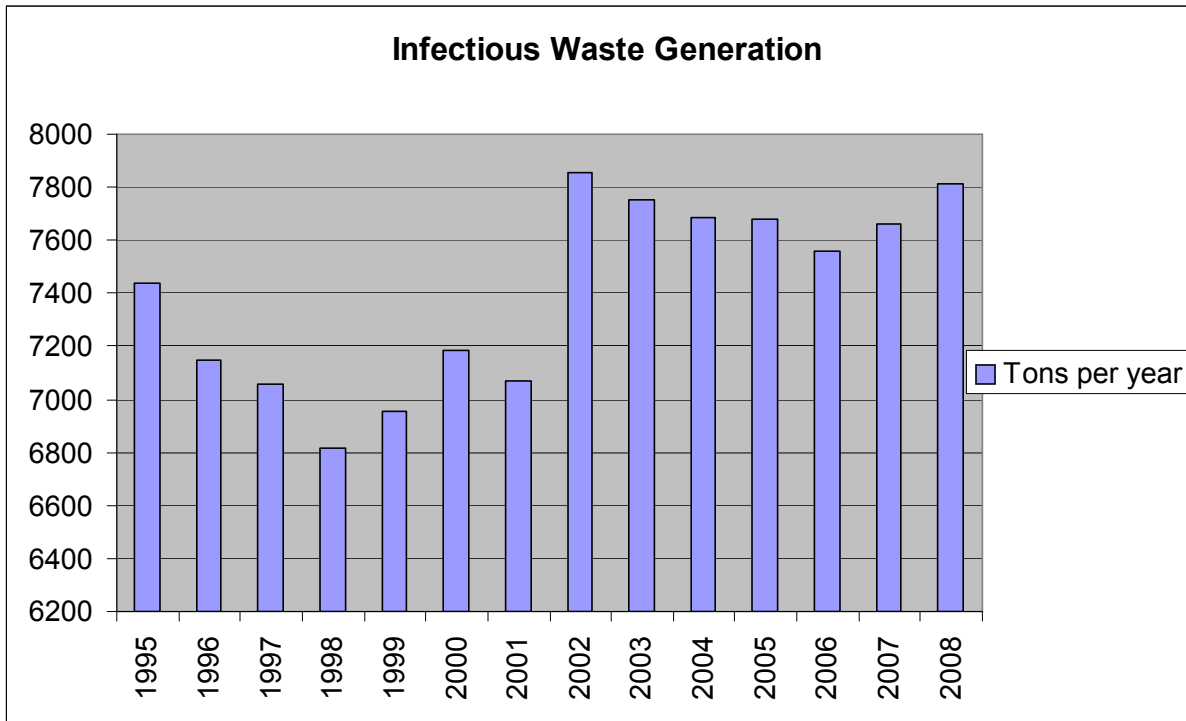
As required by the South Carolina Infectious Waste Management Act, the Department of Health and Environmental Control (the Department) annually publishes a projection of the estimated amount of infectious waste to be generated in South Carolina for the next calendar year. This report fulfills this requirement.

The data used to calculate this estimate has been derived from in-state generators. According to the South Carolina Infectious Waste Management Regulation, R.61-105, any person producing infectious waste in South Carolina must register with the Department annually in writing on a Department registration form. The registration form includes the name of the business, address of the site of generation (each site of generation must apply separately), and the amount of infectious waste generated monthly (estimated within + or -20%). The data upon which this estimate is based was derived from the generator registration forms.

For the one-year period of October 2, 2007 through October 1, 2008, 5,192 generators have reported they produce an estimated 651.35 tons of infectious wastes per month or 7,816.2 tons of infectious waste in a one-year period. Based on these most recent monthly generation rates, the Department expects approximately 7,816.2 tons to be generated in calendar year 2009. Infectious Waste generated in private households is excluded from the Infectious Waste Management Act and is not included in this report.

8 NOTICES

The Table below illustrates past generation rates.



TOTAL AMOUNT OF INFECTIOUS WASTE GENERATED IN SOUTH CAROLINA	
SHARPS: Needles, syringes, lancets and scalpel blades.	270,637.91 pounds per month
MICROBIOLOGICALS: Specimens, cultures and stocks of human pathogenic agents.	149,593.19 pounds per month
BLOOD AND BLOOD PRODUCTS: Unabsorbed human blood, or blood products, or absorbed blood and bloody body fluids.	513,520.22 pounds per month
PATHOLOGICAL: Tissues, organs, limbs, products of conception and other body parts removed from the whole body.	110,917.90 pounds per month
ANIMAL: Animal carcasses, body parts and bedding of animals intentionally exposed to human pathogens during research.	31,447.00 Pounds per month
ISOLATION: Biosafety Level Four, highly communicable diseases classified by the Centers.	135,424.75 pounds per month
OTHER: Other waste material desinated by the generator as infectious waste.	91,166.69 pounds per month

TOTALS OF ALL WASTE STREAMS: 1,302,707.66 POUNDS PER MONTH
(651.35 tons per month)

TOTAL NUMBER OF GENERATORS REGISTERED: 5192

COMMISSIONERS OF PILOTAGE

CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-70 and 54-15-140

Notice of Drafting:

The Commissioners of Pilotage proposes changes to conform existing regulations to requirements of the United States Department of Homeland Security. Written comments can be submitted to Randall L. Bryant, Board Administrator, at 110 Centerview Drive, 2nd Floor, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of this regulation is to propose changes to conform existing regulations to requirements of the U.S. Department of Homeland Security.

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: 1976 Code Section 58-3-140

Notice of Drafting:

The Public Service Commission of South Carolina proposes to amend its regulations regarding workers' compensation insurance in its transportation regulations and the responsibility of lessees in the use of leased vehicles. Interested persons may submit comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2008-442-T. To be considered, comments must be received no later than 4:45 p.m. on January 30, 2009.

Synopsis:

The Commission intends to review certain regulations to determine if they should be deleted and/or amended. Regarding Regulation 103-181, the Commission seeks to delete this duplicative regulation, since South Carolina statutory law governs workers' compensation insurance. Additionally, the Commission seeks to clarify Regulation 103-220(d) to state the responsibility of lessees regarding the use of leased vehicles and the lessee's complete assumption of public responsibility, including the procurement of insurance.

Legislative review of these proposals will be required.

10 PROPOSED REGULATIONS

Document No. 4050
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-10-310

43-168. Nutrition Standards for Elementary (K–5) School Food Service Meals and Competitive Foods

Preamble:

The State Board of Education proposes to amend Regulation 43-168 (I)(B)(1), Nutrition Standards for Elementary (K–5) School Food Service Meals and Competitive Foods. The amendments will allow the school meal program to receive USDA subsidies; school meals must meet nutrition standards for saturated fat, vitamins, minerals, protein, calories, and portion sizes.

The proposed regulation will not require legislative review.

A Notice of Drafting for the proposed regulation was published in the South Carolina State Register on October 24, 2008.

Section by Section

Section I(B) The amendments to 43-168 (I)(B)(1) are being made to change milk choice from “three” to “two” and delete 2 percent fat. These amendments are needed in order for school districts to apply for a federal grant.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina State Board of Education on February 11, 2009, to be held in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Chair will consider items on its agenda in the order presented. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Todd A. Bedenbaugh, Interim Director, Office of School Food Services and Nutrition, 3710 Landmark Drive, Suite 300, Columbia, SC 29201 or by e-mail to TABedenb@ed.sc.gov. Comments must be received no later than 5:00 p.m. on January 26, 2009. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on February 11, 2009. Comments received by the deadline shall be submitted to the State Board of Education in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-168. Nutrition Standards for Elementary (K–5) School Food Service Meals and Competitive Foods.

Purpose: Section I(B) of Regulation 43-168 (I)(B)(1) is being amended to change milk choice from “three” to “two” and delete 2 percent fat. These amendments are needed in order for school districts to apply for a federal grant.

Legal Authority: The legal authority for Regulation 43-168 is Sections 59-5-60 (2004) and 59-10-310 (Supp. 2007), S.C. Code of Laws.

Plan for Implementation: The proposed regulation will take effect upon publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with a Web site link to view and obtain copies of the regulation.

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

N/A

DETERMINATION OF COSTS AND BENEFITS:

N/A

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

N/A

Statement of Rationale:

Revisions to the Nutrition Standards for Elementary (K–5) School Food Service Meals and Competitive Food regulation amendments will allow the school meal program to receive USDA subsidies; school meals must meet nutrition standards for saturated fat, vitamins, minerals, protein, calories, and portion sizes.

Text:

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

12 PROPOSED REGULATIONS

Document No. 4049
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-20-60

43-260. Use and Dissemination of Test Results

Preamble:

The State Board of Education proposes to amend R 43-260 in response to amendments to the Education Accountability Act of 1998 (EAA), S.C. Code Ann. § 59-18-310 (Supp. 2008).

The proposed regulation will require legislative review.

Section by Section

- Section 1 Updates reference to the Education Finance Act. Deletes the reference to the Basic Skills Assessment Program legislation of 1978 (BSAP). Updates reference to the Education Accountability Act of 1998 (EAA), S.C. Code Ann. § 59-18-310 (Supp. 2008).
- Section 2 Changing wording of agency to South Carolina Department of Education and deleting the word State.

Notice of Drafting for the proposed amendments was published in the State Register on October 24, 2008.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education on February 11, 2009, to be held in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC. The meeting will commence at 1:00 p.m., at which time the Chair will consider items on its agenda in the order presented. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Elizabeth Jones, Director, Office of Assessment, Division of Accountability, South Carolina Department of Education, 1429 Senate Street, Rutledge Building, Room 603-G, Columbia, SC 29201, or by e-mail to EJONES@ed.sc.gov. Comments must be received no later than 5:00 p.m. on January 27, 2009. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on February 11, 2009. Comments received by the deadline shall be submitted to the State Board of Education in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-260. Use and Dissemination of Test Results.

Purpose: Regulation 43-260 is being amended to update reference to the EFA, delete references to BSAP, and language will be added to conform with amendments to the EAA.

Legal Authority: 1976 Code Section 59-5-60 (2004) and 59-20-60 (2004).

Plan for Implementation: The proposed regulation will take effect upon publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with a Web site link to view and obtain copies of the regulation.

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

N/A

DETERMINATION OF COSTS AND BENEFITS:

N/A

UNCERTAINTIES OF ESTIMATES:

N/A

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

N/A

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

N/A

Statement of Rationale:

Revisions to the Use and Dissemination of Test Results will delete references to BSAP, and language will be added to conform with amendments to the EAA.

Text:

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

14 EMERGENCY REGULATIONS

Filed: December 1, 2008 9:00am

Document No. 4048
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-15, 46-9-40 and 46-9-60

27-137. Designation of Asian citrus psyllid as plant pest and quarantine

Emergency situation:

Asian citrus psyllid (ACP), *Diaphorina citri* Kuwayama, has been discovered in Charleston County, South Carolina. It is the primary vector for citrus greening, also called Huanglong bing or yellow dragon disease, which is one of the more serious diseases of citrus. Citrus greening disease is a threat to the US citrus industry and has been found throughout Florida and in Orleans Parish, Louisiana. This emergency regulation adds ACP to the list of designated plant pests and promulgates emergency procedures in dealing with the recent discovery of ACP in Charleston County, South Carolina.

Text:

1. Asian citrus psyllid (ACP), *Diaphorina citri* Kuwayama, is hereby designated a plant pest, pursuant to Title 46, Chapter 9, Section 15, SC Code of Laws.

2. Effective immediately, a quarantine is placed on Charleston County for ACP. Regulated articles as cited below may not be moved into or within unregulated areas of South Carolina from Charleston County except as outlined hereafter.

3. The following are regulated articles based on the fact that they are plants or plant parts that are hosts of ACP: All plants, budwood, cuttings, or other fresh or live plant parts, except seed and fruit, of: *Aegle marmelos*, *Aeglopsis chevalieri*, *Afraegle gabonensis*, *A. paniculata*, *Atalantia monophylla*, *Atalantia spp.*, *Balsamocitrus dawaei*, *Bergera (=Murraya) koenigii*, *Calodendrum capense*, *X Citroncirus webberi*, *Citropsis articulata*, *Citropsis gilletiana*, *C. schweinfurthii*, *Citrus madurensis (= X Citrofortunella microcarpa)*, *Citrus spp.*, *Clausena anisum-olens*, *C. excavata*, *C. indica*, *C. lansium*, *Eremocitrus glauca*, *Eremocitrus hybrid*, *Fortunella spp.*, *Limonia acidissima*, *Merrillia caloxylon*, *Microcitrus australasica*, *Microcitrus australis*, *M. papuana*, *X Microcitronella spp.*, *Murraya spp.*, *Naringi crenulata*, *Pamburus missionis*, *Poncirus trifoliata*, *Severinia buxifolia*, *Swinglea glutinosa*, *Tetradium ruticarpum*, *Toddalia asiatica*, *Triphasia trifolia*, *Vepris (=Toddalia) lanceolata*, and *Zanthoxylum fagara*.

4. In order to be eligible to move interstate from ACP quarantined areas, regulated articles must meet the following requirements:

A. Treatment. All regulated articles moving from Charleston County must be treated with any approved treatment for ACP either listed in 7 CFR 305 or listed below in this Order¹ using an Environmental Protection Agency (EPA)-approved product labeled for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, and all restrictions and precautions, including statements pertaining to Worker Protection Standards.

i. Regulated articles not intended for consumption must be treated with a drench containing imidacloprid as the active ingredient within 30 days prior to shipping and also be treated with a foliar spray with a product containing either acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient within 10 days prior to movement.

ii. Or, in the case of regulated articles intended for consumption or decorative use, such as fresh curry leaf (*Bergera (=Murraya) koenigii*), or mock orange (*Murraya paniculata*) leaves that are incorporated into leis or

floral arrangements, this plant material must be treated prior to the interstate movement in accordance with APHIS treatment schedule T101-n-2 (methyl bromide fumigation treatment for external feeding insects on fresh herbs) at the times and rates specified in the treatment manual and safeguarded until movement. As an alternative to methyl bromide fumigation, regulated materials originating from an area not quarantined for CG may be irradiated in accordance with 7 CFR 305.

B. Inspection. All regulated articles that have been treated as provided above must be inspected by an inspector and found free of the ACP within 72 hours prior to shipping. Inspection of curry leaf that is treated with methyl bromide fumigation will not be required since the treatment is considered to be effective in killing all life stages of ACP that might be present.

C. Compliance Agreements. Any person engaged in the business of growing or handling regulated articles for intrastate movement shall enter into a compliance agreement with the Department of Plant Industry to facilitate the movement of regulated articles in accordance with all of the requirements of the above requirements. Such persons must agree to handle, pack, process, treat, and move regulated articles in accordance with state regulations; to use all permits and certificates in accordance with instructions; and to maintain and offer for inspection such records as may be required.

D. Cancellation. Any compliance agreement may be cancelled by an inspector if the inspector finds that the person who entered into the compliance agreement has failed to comply with all of the regulatory requirements.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 27-137. Designation of Plant Pest and Quarantine.

Purpose. Regulation 27-137 is a new regulation to provide for the quarantine of an important plant pest, harmful to the citrus industry.

Legal Authority. The legal authority for Regulation 27-137 is Section 46-9-40, South Carolina Code of Laws.

Plan for Implementation. The proposed regulation will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing copies to the regulated community and media notices to the general public.

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

The proposed regulation will provide a greater degree of protection to the agricultural community by focusing efforts at preventing the further introduction and spread of ACP into the State.

DETERMINATION OF COSTS AND BENEFITS:

Agriculture will benefit if ACP is not brought into South Carolina, and if the regulated articles exported from quarantined areas is properly treated prior to movement.

16 EMERGENCY REGULATIONS

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation should allow a greater probability that ACP will not be introduced into or spread within this State.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

If this regulation is not adopted, there is the possibility that ACP will spread within this State and adversely affect the export of plant materials.

Filed: November 26, 2008 9:53am

Document No. 4046

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10 and 50-11-2200

123-40 and 123-52. Dove Management Area Regulations

Emergency Situation:

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

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2008-09

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 ALL hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! Migratory Bird Permit Required.

Season Dates:

September 1 - October 4 (Sept. 1-6 Afternoons Only): November 22 - November 29: December 19 - January 15

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 1 – October 4).

ABBEVILLE

U.S. Forest Service, Parson Mountain WMA

5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 40 acres. Special Youth Hunt on Sept. 1 (see Youth Hunt List for details).

1st season - Saturdays Only beginning Sept. 13, Afternoons Only. 2nd and 3rd season - Open Mon - Sat.

AIKEN

US Dept of Energy, Crackerneck WMA

From SC 125/CR62 (Silverton Rd) in Jackson, take Silverton 0.4 mi. to Main St., left on Main for 0.4 mi., then right on Brown Rd. for 2.1 mi. Turn left on gravel road, at end of pavement go 0.2 mi. to check station, 40 acres. 1st season - Sept. 3 & 17; Oct. 1. Afternoons Only. 2nd & 3rd season - Fridays, Saturdays & Thanksgiving Day Only.

ANDERSON

Evans Property - US 178 at Lebanon, 25 acres Saturdays Only, Afternoons Only, Dove Hunting Only.

Opening day participants selected by drawing. Apply by Aug. 15 at Clemson DNR office.

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. Sept. 1 & Saturdays Only, Afternoons Only. FIELD CLOSED OCT. 4TH.

***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. 6, 20; Oct. 4; Nov. 22; Afternoons Only. Dove & Pigeon Hunting Only.

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. 6, 20; Oct. 4; Nov. 22; Afternoons Only. Dove & Pigeon Hunting Only.

CHARLESTON

Botany Bay Plantation WMA

Located on Edisto Island south of Charleston. To reach WMA take Hwy 174 from US17 towards Edisto Beach. Turn left onto Botany Bay Rd, 8.5 mi. south of the McKinley Washington Bridge (just beyond the Edisto Serpentarium). Proceed down Botany Bay Rd. approx. 2 mi. until just before it ends, the entrance to the WMA is on the left. The dove fields are located approx. 2 mi. from the entrance. Sept. 3, 17, Nov. 29, Dec. 27 & Jan. 10. Afternoons Only.

CHEROKEE

Gaffney Board of Public Works

From the intersection of I-85 (Exit 95) & Pleasant School Rd (Sec Hwy 82) go 1.2 mi. north on Pleasant School Rd around Lake Whelchel and field is on left (west) side of road, 20 acres. Sept. 1 & 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 - Sept. 1 and 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 Flory Pond Rd for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres.

18 EMERGENCY REGULATIONS

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

SC Forestry Commission - Sand Hills State Forest

Davis Field. From the intersection of US 1 and SC 102 in Patrick: Go southeast on SC 102 approx. 1 mi. Bear left on SR 80 and proceed approx. 1.5 mi. Left on Campbell Lake Rd. Continue 0.2 mi. then left on Griggs Loop Rd. Field entrance 0.1 mi. on the right. 30 acres. 1st season - Sept. 1 & Wednesdays Only beginning Sept. 10, Afternoons Only.

2nd & 3rd seasons - Open Mon. - Sat., Afternoons Only.

*CLARENDON

Santee Cooper - Santee Dam WMA

From the south end of SC 260 follow gravel road at Base of dam for approx. 5 mi., 137 acres. Sept. 1, 13, 27; Nov. 29, Jan. 3. Afternoons Only. Dove Hunting Only.

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. 135 ac. Sept. 1, 13, 27; Nov. 29, Jan. 3. Afternoons Only. Dove Hunting Only.

*COLLETON

DNR - Bear Island WMA

From US 17 E of Green Pond, go SE on Rd 26 13 mi., turn left at sign marking entrance, 100 acres. Sept 3 & 17; Nov 29. Afternoons Only.

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. 3 & 17; Nov 29; Dec 20; Jan. 7 & 14. Afternoons Only. On site lottery for 120 hunters on Sept. 3.

DARLINGTON

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

EDGEFIELD/ MCCORMICK

U.S. Forest Service - Forks WMA

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

FAIRFIELD

Crescent Resources LLC

From Ridgeway take US21 N for 9.0 mi., turn right on S-20-101 (River Rd), go 10.8 mi. to 2nd Rockbridge Rd S-20-291, turn left for 0.8 mi. to Island Rd, turn right 0.5 mi. to field, 25 acres. Sept. 1 & Saturdays Only, Afternoons Only. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA

15 mi. North of Georgetown off US Hwy 701 North. Cross the Black River. Turn right at Cooter's Store. Travel approx. 6 mi. to Samworth Loop Rd. Turn right onto gravel road and follow signs to Samworth WMA, 60 acres - Saturdays, Afternoons Only, Dove Hunting Only.

***HAMPTON**

DNR - Webb Wildlife Center

3 miles west of Garnett on Augusta Stage Coach Rd., 35 acres - Sept 3, 17, & 27; Nov. 26, Dec. 20, Jan 10 Afternoons Only.

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. Sept. 1 & Saturdays only, Afternoons Only.

LAURENS

DNR - Gray Court Tract

From the intersection of SC Hwy 101 and SC Hwy 14 in Gray Court, go 0.9 mi. south on SC Hwy 14 then left on Dove Rd for 0.3 mi., field is on right (south) side of road, 12 acres.

1st season - Sept. 1 & 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. Wednesdays Only, Afternoons Only. Dove Hunting Only.

LEXINGTON

Hallman Field

From I-20 take 178 East for 2.4 mi. to Truex Rd. Turn left on Truex and go 1.2 mi. to Rish Rd. Turn right on Rish and go 0.1 mi. to parking area on left.

Sept. 1 & Saturdays Only, Afternoons Only. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA

Northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., from Hwy 9 (west of Bennettsville) turn left on Beauty Spot Rd, go 1.9 mi. Field on right. 50 acres.

Saturdays, Afternoons Only. Closed Labor Day. Dove Hunting Only.

MCCORMICK

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

Bordeaux Work Center, 2.5 mi. south of Bordeaux on Sec. Rd. 110, 40 acres. Sept. 1 & 17; Nov. 26, Jan. 7 only, Afternoons Only.

US Army Corps of Engineers - Key Bridge WMA

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

U.S. Forest Service - Key Bridge WMA - Cunningham Fields - 5 mi. E of Plum Branch on SC 283, 1 mi. south on Forest Service Rd 688, 40 acres. 1st season - Sept. 1 and Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat.

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

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

20 EMERGENCY REGULATIONS

U.S Forest Service, Clarks Hill WMA, McCombs Tract

11 mi. south of Abbeville or 10 mi. north of McCormick on SC-28, 1.5 mi. west on SR-19. One field on SR-19 and one field on Forest Service Rd F579, 60 acres. 1st season - Sept. 1 and Saturdays Only, Afternoons Only. 2nd and 3rd season - Open Mon-Sat.

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 6, Afternoons Only. Dove Hunting Only.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center

From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres.

Sept. 1 and Saturdays Only, Afternoons Only. Dove hunting Only. 3rd season – Closed.

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.

1st Season, Saturdays - Afternoons Only, Beginning Sept 6. Open 2nd & 3rd seasons - Saturday Afternoons Only.

*ORANGEBURG

Santee Cooper - Santee Cooper WMA

From Santee, Take Highway 6 east approximately 12 miles to Eutaw Springs. Left on FredCon Rd. for 0.3 miles. Left on Ferguson Landing Road for 0.3 miles Left at Santee Cooper WMA sign. Field is 0.3 miles from entrance. 50 acres. Entire WMA under Dove Area Regulations.

Sept. 13 & 27; Nov. 26; Jan. 3. Afternoons Only. Dove Hunting Only.

PICKENS

DNR Property

South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres. Open 1st, 2nd & 3rd seasons. Sept. 1 & Saturdays Only, Afternoons Only. Dove Hunting Only.

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. Open 1st, 2nd & 3rd seasons.

Sept. 1 & Saturdays Only, Afternoons Only.

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. 6. 3rd Season - Closed. Dove Hunting Only.

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. 1 & 13 Only. 1 pm – 6pm. Dove Hunting Only.

SPARTANBURG

Santee Cooper

From intersection of US 176 & West Main St. (Sec. Hwy 227) approx. 2.5 miles W. of Pacolet, go 0.1 mile east on West Main St. and turn left on Goldmine Rd. (Sec. Hwy 108) for 4.3 mi. then turn right on Hatchet Dr. Field at end of road. 15 acres. 1st season - Sept. 1 and Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon. - Sat., Afternoons Only.

Spartanburg Co Parks & Rec. Dept. - Inman Tract

From the intersection of SC Hwy 292 and New Cut Rd (Sec Hwy 52) near Inman take New Cut Rd to the northwest for 4.8 mi. and field is on the left (southwest) side of the road. 20 acres. Sept. 1 and Saturdays Only, Afternoons Only. Dove Hunting Only.

SUMTER

S.C. Forestry Commission - Manchester State Forest

1st season - Sept. 1 and Sat Afternoons Only (Designated Fields) 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Directions from Wedgefield

Bland Field 1 - Take Hwy 261 North 0.7 mi. to Bland entrance sign, turn right and follow dirt road to field.

50 acres Sept. 1 is Youth Hunt Only.

Bland Field 2 - Take SC 763 (Wedgefield Rd) 1.8 mi. then left on Knott Rd & follow dirt road 0.4 mi. to field.

50 acres.

Bird Haven Field - Takes SC 763 (Wedgefield Rd) 4 mi. to stop sign. Left on St. Paul Ch. Rd., go 1 mi. to field on right. 25 acres.

Tuomey Field - Take SC 763 (Wedgefield Rd) 4 mi. to stop sign. Right on St. Paul Ch. Rd., go 3 mi. to field on right. 50 acres.

Brunson Field - Take SC 763 (Wedgefield Rd) 4 mi. to stop sign. Right on St. Paul Ch. Rd., go 3.7 mi. then right on Rt. 120; go 1.3 mi.; right on Starkes Ferry Rd.; go 1.6 mi. then left on dirt road; go 0.3 mi. to field on left. 15 acres.

Mary Williams Field - Take Hwy 261 South 3.3 mi.; left on Bells Mill Rd., go 0.5 mi. to field on left. 20 acres.

UNION

DNR Thurmond Tract

From the intersection of SC Hwy 9 and SC Hwy 49 at Lockhart go 4.3 mi. north on SC Hwy 9 and the field is on the left (south) side of road. 15 acres. 1st season - Sept. 1 and Saturdays Only, Afternoons Only. 2nd & 3rd seasons open Mon - Sat., Afternoons Only.

Sedalia (U.S. Forest Service)

From the intersection of SC 49 and Old Buncombe Rd (Sec Hwy 18) near Cross Keys, go 3.6 mi. east on Old Buncombe Rd and turn left on Sedalia Fire Tower Rd (Sec. Hwy 80) for 0.2 mi. and field is on left (northwest) side of road. 15 acres.

1st season - Saturdays - Afternoons Only, Beginning Sept. 6. 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 (Brattonville Rd), Go .5 miles, Turn Right, Two 30 acres fields.

1st season - Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons Open Mon - Sat., Afternoons Only. Opening day participants selected by drawing. Apply in writing by Aug. 15 to DNR, 124 Wildlife Dr, Union, SC 29379. Limited space available.

22 EMERGENCY REGULATIONS

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. 40 acres planted. 1st season - Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons Open Mon-Sat, Afternoons Only.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age and younger. 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 15 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 15 birds.

ABBEVILLE YOUTH HUNT

U.S. Forest Service - Parson Mountain WMA

September 1. Participants selected by drawing. Apply in writing or call by August 15 to SCDNR, 2751 Hwy 72 East, Abbeville, SC 29620. Limited space available.

NEWBERRY YOUTH HUNT

SCDOT - McCullough Field

September 1. Limited Space Available.

OCONEE YOUTH HUNTS

U.S. Forest Service - Long Creek Tract

In order to hunt, adults must have at least 1 or 2 youth age 17 or younger. Disability hunters must contact the U.S. Forest - Andrew Pickens Office for permit requirements and access. From Westminster take Hwy 76 to Long Creek, take a left on Orchard Rd, proceed $\frac{3}{4}$ mi. to field on right. 20 acres 1st season - Sept. 1 - Oct. 4 (Saturdays Only - Afternoons Only). 2nd season - November 22. (Afternoons Only). 3rd season - Closed.

U.S. Forest Service, Ross Mtn. Field

September 1. Participants selected by drawing. Limited Space Available.

***ORANGEBURG YOUTH HUNT**

Santee Cooper - Santee Cooper WMA

0.5 mi. northeast of Eutaw Springs, 50 acres. September 1. No pre-registration required.

PICKENS YOUTH HUNT

Porter Field - September 1. Participants selected by drawing. Limited Space Available.

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield. Bland Tract - Field 1. September 1. Limited space available.

UNION YOUTH HUNT

U.S. Forest Service near Sedalia - September 1. Limited space available. Participants selected by drawing.

YORK YOUTH HUNT

DNR Draper WMA. September 1. Participants selected by drawing. Limited Space Available.

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 change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts began on September 2 and continue through January 15, it is necessary to re-file these regulations as emergency.

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

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123-40, 123-51 and 123-52 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits, and methods of taking wildlife; special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

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

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

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts continue until January 15, it is necessary to re-file these regulations as emergency so they will continue to be in effect.

DETERMINATION OF COSTS AND BENEFITS:

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

24 EMERGENCY REGULATIONS

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Fiscal Impact Statement:

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

Filed: November 26, 2008 9:52am

Document No. 4045

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations

123-52. Either-sex Days for Private Lands in Game Zones 1-6

123-55. Regulations for the Use of Fertility Control or Other Chemical Substances in Wildlife

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 Wildlife Management Areas. Because the hunting seasons on many of these areas began September 1 and continue through January 1, it is necessary to re-file these regulations as emergency.

The addition of Regulation 123-55 is necessary due to the passage of H.4952 (SC Code Section 50-11-96) relating to the use of fertility control or other chemical substances in wildlife. This new law prohibits the introduction of fertility control or other chemical substances into wildlife without a permit from the Department. Licensed pesticide applicators that use registered pesticides in the control of birds not protected by South Carolina law (feral pigeons, English sparrows, and European starlings) will not be required to be permitted.

Text:

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-52.

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

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-52.

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

(B) Game Zone 2

John C. Calhoun, Cokesbury, Clarks Hill, Parsons Mountain, Key Bridge, Forks, Ninety-six, Goldmine, Murray, Enoree, Fairforest, Keowee, Fant’s Grove, Carlisle, Broad River, Dutchman, Wateree and Worth Mountain WMA’s.

Primitive Weapons Hunts (No dogs)	Oct. 1 - Oct. 10	2 Deer, buck Only for muzzleloaders except either-sex on days specified in Reg. 4.2. Archery, either-sex.
--------------------------------------	------------------	---

(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. On all still gun and muzzleloader either-sex hunts for all units, all does must be tagged with an individual antlerless deer tag except when harvested on county-wide either-sex days. Individual antlerless deer tags are valid on days not designated as either-sex after Sept. 15 for still hunting only.	Total of 8 deer for all gun and muzzleloader hunts on the Francis Marion.
--	---

(H) Moultrie

Deer	Total of 8 deer per season.
------	-----------------------------

Unless in an elevated stand, there shall be no hunting or shooting from, on, or across any road during gun hunts for deer.

26 EMERGENCY REGULATIONS

(I) Santee Cooper WMA

Data cards required for hunter access. Completed data cards must be returned daily upon leaving Santee Cooper WMA.

Deer Total 8 deer per season for all hunts combined, no more than 2 bucks.

Quality Deer Management Area – Only antlerless deer, spike bucks (2 points) and bucks with a minimum 4 points on one side or a 12-inch minimum antler spread. A point must be at least one inch long measured from the nearest edge of main beam to the top of the point. Campground is open during scheduled deer hunts only.

Archery First full week in Oct.
(Mon. – Sat.) 2 deer per day, either-sex,
no more than 1 buck per day.

Archery and Muzzle Loader Second full week in Oct.(Mon.-
Sat.), First full week in Nov.(Mon.
- Sat.), Second full week in Dec.
(Mon. – Sat.) 2 deer per day, either-sex,
no more than 1 buck per day.

Small Game 1st Mon. after the closing
of the last deer hunt through Mar. 1,
except raccoon hunting each Fri. and
Sat. Game Zone 6 Bag limits,
except Quail - 8 per day.

(J) Webb WMA

Quail Hunts
Quail hunters must pick-up and return data cards at kiosk 2nd and 4th Wed. in Jan.
2nd and 4th Sat. in Jan.
1st and 3rd Sat. in Feb.
1st and 3rd Wed. in Feb. 8 quail per day.

Still Hog Hunts (no dogs)
Archery, crossbows,
centerfire rifles, muzzleloading
rifles, centerfire handguns and
shotguns with slugs only. 3rd Thurs. – Sat. in March
2nd Thurs. – Sat. in May
1st Thurs. – Sat. in Sept. No limit.

(L) Santee Delta WMA

Deer and hog hunters must sign in and out and complete a data card on harvested animals at the check Station on the East Side of the Delta.

Special hog hunt Shotgun with slug or muzzleloader, no buckshot, hunting from elevated stands only.	3 rd Wed., Thurs., Fri. in March. (impoundments only)	Hogs only, no limit, no live to be removed from WMA.
Special hog hunt with dogs	3 rd and 4 th Sat. in March (impoundments only)	Hogs only, no limit, handguns only, limit 4 bay or catch dogs per party. No live hogs removed from WMA.

(P) Pee Dee Station Site WMA

Deer Total of 3 for all hunt periods
combined.

Still hunting only, no deer dogs, no buckshot, no hunting or shooting from or on any roads open to vehicular traffic. The scouting seasons are 3-day periods on Saturday through Monday immediately proceeding hunt periods. Data cards required for access. Completed data cards must be returned daily upon leaving Pee Dee Station Site WMA.

(R) Santee Coastal Reserve WMA

Deer hunters must sign in and sign out and complete a data card on harvested animals.

(S) Other Small WMAs

Aiken, Lexington and Richland Counties

Deer Still Gun Hunts and Archery (No dogs)	No hunting before Sept. 1 or after Jan. 1.	Game Zone 3 bag limits. Buck only, except on Game Zone 3 either-sex days as specified in Reg. 4.2. Individual antlerless deer tags are valid on other "unnamed" WMAs starting Sept. 15. Tags do not alter daily or season bag limits.
---	---	---

28 EMERGENCY REGULATIONS

Chesterfield, Kershaw, Dillon & Marlboro Counties

Still Gun Hunts
and Archery
(No Dogs)

Sept. 15 - Jan. 1

Total 10 deer for all gun
hunts, 2 per day, buck only
except on Game Zone 4 either-
sex days as specified in Reg.

4.2. Individual antlerless deer tags
are valid on other "unnamed" WMAs
starting Sept. 15. Tags do not alter
daily or season bag limits. Limit of
10 may not include more than 5
bucks. Male deer required 2 inches
of visible antler above the hairline
to be legal. Male fawns (button
bucks) are considered antlerless
deer, legal only during either-sex
hunts; however, they apply toward
the buck limit.

Darlington, Lee & Sumter Counties

Archery

Sept. 1 - Jan. 1

Total 5 deer per season, buck
only, except on Game Zone 5
either-sex days as specified in
Reg. 4.2. Individual antlerless deer
tags are valid on other "unnamed"
WMAs starting Sept. 15. Tags do not
alter daily or season bag limits.

Still Gun Hunts
(No dogs)
No buckshot.

Sept. 15 - Jan. 1

Total 5 deer per season, buck
only except on Game Zone 5
either-sex days as specified in
Reg. 4.2. Individual antlerless deer
tags are valid on other "unnamed"
WMAs starting Sept. 15. Tags do not
alter daily or season bag limits.

(T) Woodbury WMA

Special Hog
Still Hunt (No dogs)
Archery, crossbows, centerfire
rifles, muzzleloading rifles,
centerfire handguns and shotguns
with slugs only.

Mar. 1 – 3rd Sat. in Mar.

Hogs no limit.

Raccoons

Wed. - Sat. nights beginning
Sat. after Thanksgiving – last Wed.
or Sat. in Feb.

3 per party per night.

(W) Marsh WMA

Special Hunt Area for Youth and Mobility Impaired Hunters	No open season except for hunters selected by drawing.	1 deer per day, either-sex.
---	--	-----------------------------

Special Hog Still Hunt (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	3 rd Mon. in Nov. – following Sat. Mar. 1st – 3rd Sat. in Mar.	Hogs Only, no limit, no bay or catch dogs.
--	--	--

(X) Hamilton Ridge WMA

Deer Muzzleloader and archery (No dogs)	1 st full week in Nov.	2 deer per hunt period, either-sex, only 1 buck. Hogs no limit.
--	-----------------------------------	---

Special Hog Still Hunt (no dogs) Archery, crossbows, Centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	3 rd Thurs. – Sat. in March 2 nd Thurs. – Sat. in May 1 st Thurs. – Sat. in Sept.	No limit.
--	--	-----------

Quail Hunts Quail hunters must pick-up and return data cards at kiosk	2 nd and 4 th Wed. in Jan. 2 nd and 4 th Sat. in Jan. 1 st and 3 rd Sat. in Feb. 1 st and 3 rd Wed. in Feb.	8 quail per day.
--	--	------------------

(AA) Little Pee Dee River Complex WMA

Raccoon	Wed. – Sat. nights beginning Sat. after Thanksgiving – the last Wed. or Sat. in Feb.	3 per party per night.
---------	--	------------------------

Special Hog Still Hunt (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	March 6 - 3 rd Sat. in March	Hogs only, no limit, no bay or catch dogs.
--	---	--

30 EMERGENCY REGULATIONS

(BB) Great Pee Dee River WMA

Deer Hunts

Total 3 deer for all hunts.

For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset. Data cards required for hunter access. Completed data cards must be returned daily upon leaving Great Pee Dee River WMA. Still hunting only, no deer dogs, no buckshot, no hunting from motor vehicles or boats, no hog dogs. Hogs may be taken only during deer hunts or special hog hunts. Firearms must be unloaded and cased and not readily accessible when not in legal use.

Special Hog Still Hunt (no dogs)	1st Mon. in Dec. – the following Sat.	Hogs only, no limit.
Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	2 nd Mon. in Dec. – the following Sat.	
	3 rd Mon. in Dec. – the following Sat.	
	1st Mon. in Feb. - the following Sat.	
	2 nd Mon. in Feb. – the following Sat.	

(CC) Hickory Top WMA

Data cards required for hunter access. Completed data cards must be returned daily upon leaving Hickory Top WMA.

(DD) Palachucola WMA

Deer Hunts

Deer hunting or shooting will not be allowed from or on roads open to vehicle traffic. All deer hunters are required to sign-in and sign-out daily.

Archery (No Dogs)	Sixteen hunting days beginning the last Wed. in Sept.	3 deer, either-sex, except only 1 buck with a minimum 4 points on one side or a minimum 12-inch antler spread.
-------------------	---	--

Muzzleloader and Archery (No dogs)	3 rd Thurs. – Sat. in Dec.	3 deer, either-sex except only 1 buck with a minimum 4 points on one side or a minimum 12-inch antler spread.
------------------------------------	---------------------------------------	---

Quail Hunts

Quail hunters must pick-up and return data cards at kiosk	2 nd and 4 th Wed. in Jan. 2 nd and 4 th Sat. in Jan. 1 st and 3 rd Sat. in Feb. 1 st and 3 rd Wed. in Feb.	8 quail per day.
---	--	------------------

Still Hog Hunts (no dogs)	3 rd Thurs. – Sat. in March	No limit.
Archery, crossbows,	2 nd Thurs. – Sat. in May	
centerfire rifles, muzzleloading	1 st Thurs. – Sat. in Sept.	
rifles, centerfire handguns and		
shotguns with slugs only.		

(EE) St. Helena Sound Heritage Preserve WMA

Otter Island		
Raccoon	Sat. during Jan. & Feb.	Game Zone 6 limits.

(FF) Waccamaw River Heritage Preserve WMA

Deer		Total 2 deer per season Hogs no limit.
------	--	---

Hog hunt with dogs	1 st & 2 nd Sat. in March	No limit, sidearms only, no More than 4 bay or catch dogs per party, no live hogs removed from WMA.
--------------------	---	--

(HH) Canal WMA

Hunters must pick up and return data cards at access points. Shotguns must be plugged so as not to hold more than 3 shells.

Quail	1 st Wed. after opening day of quail season and every other Wed. and Sat. thereafter until Mar. 1.	Total 8 per day.
-------	---	------------------

(OO) Santee Dam WMA

Small Game	Jan. 2 through Mar. 1.	Game Zone 5 bag limits.
No open season on fox squirrels.		

(UU) Wee Tee WMA

Raccoon	Sept. 15 – March 1 (nights only)	3 per party per night.
---------	----------------------------------	------------------------

(VV) Bonneau Ferry WMA

No camping is allowed. No person hunting on Bonneau Ferry WMA may possess, consume, or be under the influence of intoxicants including beer, wine, liquor or illegal drugs. All terrain vehicles are prohibited. Hunting access by boat is prohibited. Adult/youth fishing only. For fishing, youth must be accompanied by no more than two adults 18 years old or older. For hunting, Adult/youth Side A is open only to youth 17 years old or younger 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

32 EMERGENCY REGULATIONS

Bonneau Ferry WMA. All deer must be checked out at the main entrance. Bonneau Ferry WMA is closed to public access one hour after sunset until one hour before sunrise except, for special hunts regulated by DNR. Hunters may not enter WMA prior to 5:00 AM on designated hunts. All impoundments and adjacent posted buffers are closed to all public access Nov. 1 – Mar. 1 except for special draw deer hunts and waterfowl hunts regulated by DNR during the regular waterfowl season. No fox or bobcat hunting. Hogs may be harvested during any scheduled hunt.

Side A (Adult/Youth Only)

Draw deer hunts are for two and one half days (afternoon on the first day and 2 full days). Hunt periods begin in September and continue until early December. Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day). Area is closed to the general public access during scheduled deer, turkey and waterfowl hunts.

Quail (Side B)	Open every other Sat. beginning	Limit 8 per day.
Shotguns must be plugged to	Feb. 1 through Mar. 1.	
Hold no more than 3 shells.		
Hunters must pick up,		
Accurately fill out and return		
data card at the main entrance.		

(YY) Botany Bay Plantation WMA

All hunters, fishermen, and visitors must sign in and sign out upon entering or leaving Botany Bay Plantation WMA. Botany Bay Plantation WMA is closed to public access one hour after sunset until one hour before sunrise, except for special events regulated by DNR. Area is closed to general public access during scheduled deer and turkey hunts. Hunting in designated areas only. Hunting access by boat is prohibited. Fishing in the Jason's Lake complex and all other ponds is adult/youth catch and release only on designated days. For adult/youth fishing, youth must be accompanied by no more than two adults 18 years old or older. Adult may also fish.

Deer

Archery	1 st Mon. after Sept. 15 until the 1 st Sat. in Oct.; 3 rd Mon. in Dec. until the following Sat.	Total 3 deer, either-sex but only 1 buck with a minimum 4 points on one side or a 12" minimum antler spread.
Still Gun Hunts (No dogs)	No open season except for hunters selected by computer drawing.	Total 3 deer, either-sex but only 1 buck with a minimum 4 points on one side or a 12" minimum antler spread.

Draw deer hunts are for two and one half days (afternoon on the first day and 2 full days). Hunt periods begin in September and continue into December. Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day) at the designated check station. All harvested deer must be checked in at the designated check station.

Small Game	Jan. 2 – Mar. 1	Game Zone 6 bag limits, except
No open season for fox squirrels or foxes. Dogs allowed during gun seasons only.	Wed. and Sat. Only	quail 8/day.
Raccoons and Opossum	Jan. 2 – Mar. 1	Game Zone 6 bag limits.

(ZZ) Old Island Heritage Preserve WMA

Deer

Archery	Sept. 15 – Jan. 1	Total 2 deer per season. 1 deer per day, either-sex.
---------	-------------------	---

2.6 On all WMA lands, baiting or hunting over a baited area is prohibited. As used in this section, "bait" or "baiting" means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. "Baited area" means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait. Salt/minerals are not considered bait.

2.7 On WMA lands construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands and temporary screw-in type climbing devices are permitted provided they are not permanently affixed or embedded in the tree. All stands must be removed by the end of the deer hunting season.

2.11 While participating in a hunt on WMA's, no person may possess, consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

3.1 On WMA lands hunters may use any shotgun, rifle, bow and arrow, crossbow or hand gun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire or smaller rifles/handguns or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns or drugged arrows are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.).

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow, crossbow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge. There are no restrictions on ignition systems (e.g. flintstone, percussion cap, shotgun primer, disk, electronic, etc.). During primitive weapons season, no revolving rifles are permitted.

4.2 Deer either-sex days for gun hunts are as follows:

Game Zone 1: The first three Saturdays in November.

Game Zones 2 - 6: Every Saturday from October 1 to the Saturday after Thanksgiving day inclusive; Saturdays in December beginning 23 days after Thanksgiving day; and the last day of the open season.

34 EMERGENCY REGULATIONS

In Game Zones 1 and 2 hunters using archery equipment may take either-sex during any open season for deer.

On special mobility impaired and youth and deer hunts sanctioned by the department and during the statewide youth deer hunt day, participants may take antlerless deer, 2 per day.

5.2 On all WMA lands in Game Zones 1 and 2, beagles may not be used for rabbit hunting during still gun hunts for deer or bear. Beagles may be used from the close of the season for deer until the close of the rabbit season. Beagles may be trained for rabbit hunting from September 1 through September 30 (no guns).

5.4 The Department may permit deer hunting with dogs on WMA areas not located in Game Zones 1 and 2. For the purposes of tracking a wounded deer, a hunter may use one dog which is kept on a leash.

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters including small game 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 During the period 01 Nov. - 01 Mar. except for special hunts designated by the Department, Sandy Beach Waterfowl Area is closed to public access and impoundments on Bonneau Ferry WMA are closed to public access.

10.9 Broad River Waterfowl Management Area is closed to public access during the period 01 Nov.-01 Feb. except for special hunts designated by the Department.

10.10 Impoundments on Bear Island, Donnelly, Samworth, Santee Coastal Reserve and Santee Delta WMAs are closed to all public access during the period 15 Oct.- 8 Feb. except during special hunts designated by the Department. All public access during the period 01 Feb.- Oct. 14 is limited to designated areas. On Bear Island WMA, Mathews' Canal is closed to all hunting from Nov. 1 – Feb. 15 beyond a point 0.8 mile from the confluence of Mathews' Canal with the South Edisto River.

10.14 The Francis Marion National Forest and Crackerneck WMA, are open during special small game seasons within the regular migratory bird seasons; Fant's Grove WMA is open AM only on Wednesdays and Saturdays during the regular migratory bird seasons; Palachucola WMA, Tillman Sand Ridge WMA, Hamilton Ridge WMA and Webb WMA are open AM only for waterfowl hunting during special small game seasons within the regular migratory bird seasons.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), 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, Potato Creek Hatchery, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve and 40 Acre Rock 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
Waccamaw River HP	Wed. and Sat. AM only during the regular season.	Federal Limits

40 Acre Rock Sat. AM only during Federal Limits
regular season.

10.21 On Enoree River, Dunaway, Duncan Creek, Russell Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas.

10.22 Woodbury Waterfowl Management Area includes all SCDNR-owned property south of US Hwy 378 and bounded on the west by the Great Pee Dee River and Bluff Road and to the east by the Little Pee Dee River except no waterfowl hunting allowed in the area known as Hass Pond that is bounded on all sides by Hass Pond Road.

123-52. Either-sex Days for Private Lands in Game Zones 1-6.

Game Zone 1: The first three Saturdays in November.

Game Zone 2-6: Every Saturday from October 1 to the Saturday after Thanksgiving Day inclusive; Saturdays in December beginning 23 days after Thanksgiving Day; and the last day of the open season.

The daily bag limit on either-sex days is 2 antlerless deer.

In Game Zones 1 and 2 hunters using archery equipment may take either-sex during any open season for deer.

On special mobility impaired and youth and deer hunts sanctioned by the department and during the statewide youth deer hunt day, participants may take antlerless deer, 2 per day.

123-55. Regulations for the Use of Fertility Control or Other Chemical Substances in Wildlife (50-11-96).

A permit is not required by a licensed pesticide applicator using registered pesticides for the control of English sparrows, feral pigeons, and European starlings.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123-40, 123-51 and 123-52 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits, and methods of taking wildlife; special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

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

36 EMERGENCY REGULATIONS

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

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

Passage of S.691, commonly called the Game Zone conforming and cleanup bill, removed Department authority over deer on private lands in Game Zones 1 and 2. Certain aspects of either-sex deer hunting were set by Department Regulation pursuant to Section 50-11-310 which was amended by S.691. Specifically, archers in Game Zones 1 and 2 have historically been allowed to take either-sex of deer during any season open to deer hunting. This amendment will re-establish this provision and clarify the scheduling of either-sex days on private lands statewide pursuant to authority granted under 50-11-390 related to antlerless deer.

The addition of Regulation 123-55 is necessary due to the passage of H.4952 (SC Code Section 50-11-96) relating to the use of fertility control or other chemical substances in wildlife. This new law prohibits the introduction of fertility control or other chemical substances into wildlife without a permit from the Department. Licensed pesticide applicators that use registered pesticides in the control of birds not protected by South Carolina law (feral pigeons, English sparrows, and European starlings) will not be required to be permitted.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of Regulations 123-40, 123-51 and 123-52 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.

The addition of Regulation 123-55 will provide for the continued use, by licensed pesticide applicators, of pesticides registered for use in the control of birds not protected by South Carolina law. Other than allowing these applicators to continue to operate as they have in the past, no fiscal impact is expected.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Fiscal Impact Statement:

This amendment of Regulation 123-40 and 123-52 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. Regulation 123-55 will result in continuing the economic benefits of licensed pesticide applicators in control of English sparrows, feral pigeons and European starlings.

Filed: November 26, 2008 9:53am

Document No. 4044
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 1976 Code Section 50-15-65

123-151. Regulations for Species or Subspecies of Non-game Wildlife

Emergency Situation:

Act 179 (S452) was passed by the SC General Assembly and became law in February, 2008. This act established new alligator management options and specifies that the SC Department of Natural Resources will modify existing programs and create new programs for the management and harvest of alligators. Because there was not sufficient time to promulgate new regulations it is necessary to file emergency regulations that will replace the current 123-151 with these emergency regulations thus fulfilling the intent of the new law. Because the alligator management program has been implemented and the public holds parts and products under emergency regulation filed to implement this program, it is necessary to re-file these regulations as emergency.

Text:

123-151. Regulations for Species or Subspecies of Non-game Wildlife.

A. Alligator Harvest

1. The size and number of all alligators to be taken will be specified by the Department on permits provided with harvest tags. A permit holder may only take and/or possess alligators identified by the Department and only in the manner specified by the Department.

2. All who take or attempt to take an alligator must have a copy of the harvest permit along with an unused harvest tag with them while afield.

3. Once an alligator is killed and before it is transported, a harvest tag must be attached and locked within six inches of the tip of the tail. In the event that an alligator harvest tag is defective and is not usable for the purpose intended, or becomes detached from the alligator hide, the Department must be notified immediately. The Department will be responsible for the replacement of defective, but not lost, tags. The alteration of harvest tags is strictly prohibited.

4. Alligator meat may be used by the harvester but cannot be bought, sold or bartered except as provided in this regulation. All packages of meat not to be sold must have a tag with the name of the harvester and the harvest tag number attached.

5. Before shipping or transporting outside of the USA, carcasses or hides must have CITES tags attached. Anyone desiring to ship or transport such items from the country must contact select Department offices for CITES validation and tagging.

6. Any alligator carcass, hide or part that is not tagged or marked as required in this regulation is declared contraband and must be confiscated.

38 EMERGENCY REGULATIONS

B. Depredation Program

1. Depredation permits for alligator removal will be issued to property owners or control agents. There is no fee for participation in this program.
2. Qualifications and liability of Control Agents:
 - a. Control agents must possess the experience and ability to handle alligators.
 - b. Control agents must supply all equipment necessary to take alligators.
 - c. Control agents assume personal liability for their health, safety and welfare and that of their assistants.
 - d. Control agents are not employees of the Department, they are independent contractors.
 - e. Applications for selection as control agents will be reviewed by the Department. The number of appointed control agents will be based upon the need as determined by the Department.
3. Operation of Department designated alligator control agents:
 - a. Alligators may be skinned only at designated sites and in accordance with specific instructions provided by the Department.
 - b. The meat of alligators may be used by the control agents or his/her immediate family and may also be given to others but must not be bought, sold or transferred except as provided in this regulation. All packages of meat not be sold, transferred or bartered must have a tag attached that includes the name of the person who harvested the alligator and the harvest tag number.
 - c. Each control agent may be assisted by not more than two assistant control agents approved by the Department, provided that no such assistant shall operate or conduct any alligator trapping or transportation activity except under supervision of the control agent.
 - d. Alligator harvest tags issued to control agents are the property of the Department and shall remain the property of the Department.
 - e. Designation as an alligator control agent is discretionary with the Department and such designation may be revoked at any time.

C. Private Lands Alligator Program

1. Alligators may be taken from lands that are in the Private Lands Alligator Program. The season for taking alligators under this program is from September 1 until October 15. The Department will establish a quota and issue tags for each specific application. Alligators taken under this program must be at least 4 feet in length.
2. Applications for participating in the Private Lands Alligator Program must be received by the Department not later than August 1st of that year, and the applicant must report all harvested alligators and harvest information to the Department not later than the following December 1st.
3. If the application is approved by the Department for participation in the Private Lands Alligator Program and a permit is issued, alligators may be taken only from that area and only by a licensed hunter. In order to participate in the Private Lands Alligator Program, an alligator control agent as defined in Section B must also be a licensed hunter. Participants in the Private Lands Alligator Program must maintain accurate records for inspection by Department personnel and the records must be made available for immediate inspection at any and all reasonable hours at the request of the Department.
4. All areas identified in the Private Lands Alligator Program and facilities used for processing alligators must be open to Department personnel for inspection to determine compliance with the program and laws and regulations protecting alligators and to allow collection of biological information.
5. During the designated private lands season, alligators may only be taken by firearms, hand-held snares, hand-held harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. If devices other than firearms are used, a line must be securely attached to the hook, arrow or head of the device in such a manner to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or be attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Rimfire firearms and shotguns are prohibited for taking alligators except that these firearms can be used to dispatch an alligator secured by a line. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any device used to induce an alligator to move from a den prior to taking. All alligators taken under this program must be killed prior to transport off of the property named on the permit.

6. No person may use alligator harvest tags issued for privately-owned habitat on publicly-owned property.

7. A Department-supplied alligator harvest report form must be updated by the applicant or the person taking alligators on the property within 24 hours of the taking of each alligator. Alligator hunters, while on property designated under the Private Lands Alligator Program, may only possess tags for that property. Completed harvest forms must be returned to the Department by December 1st of each year. A participant who does not report is not eligible to participate in the program the following year.

8. Alligator hides, parts or products may be retained and sold only in accordance with this regulation.

D. Alligator Hunting Season

1. The Department may issue a prescribed number of Alligator Hunting Season permits for the harvest of alligators. Those applicants randomly selected shall be issued instructions along with harvest tag(s). Alligators may be taken pursuant to permits from public and private areas where the person has legal access for the taking of alligators. Alligators taken under this program must be at least 4 feet in length. The season for hunting alligators under this program is from the 2nd Saturday in September until the 2nd Saturday in October and is open in Game Zones 3, 4, 5 & 6. These harvest permits cannot be used on property approved under the Private Lands Alligator Program. The Department may close, extend, delay or reopen the season if biological needs warrant.

2. During the designated season, alligators may only be taken by hand-held snares, hand-help harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. Any device may only be used when a line is securely attached to the hook or head of the device in such a manner as to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Only a handgun, a bangstick or sharp instrument used to sever the spine may be used for dispatch and only if a restraining line is attached to the alligator. A hand-held snare must be used to hold the alligator boatside or on land before it can be dispatched. Firearms may not be used to take free-swimming or basking alligators. The possession of a rifle or shotgun while taking or attempting to take alligators under this program is prohibited. All alligators taken under this program must be killed prior to transport by boat or vehicle. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any devices used to induce an alligator to move from a den prior to taking.

3. A Department-supplied alligator harvest report form must be updated by the person taking alligators within twenty-four (24) hours of taking each alligator and prior to transporting the alligator carcass to a processing facility. A copy of the alligator harvest report must accompany the alligator hide. Completed harvest forms must be returned to the Department by December 1st of each year.

4. A person who does not report is not eligible to participate in the program the following year.

5. Alligator meat may be retained by the harvester but cannot be bartered or sold. Alligator hides may be retained and sold only in accordance with this regulation.

E. Sale of Alligator Meat

1. The sale or barter of alligator meat taken under the alligator hunting season program is prohibited.

2. Meat taken from alligators harvested under the authority of depredation tags and the private lands program tags may be sold only under the following conditions:

a. Each package must be labeled to indicate the state, the number of pounds of meat enclosed, the date of packaging, the name of harvester, the processor, the State Food Inspection Department's inspection number, and the tag number corresponding to the alligator hide from which the meat was taken.

b. All cartons of alligator meat imported from other states shall bear an official marking from that state's wildlife agency.

c. Persons handling alligator meat for human consumption must comply with the sanitation requirements of all applicable federal, state and local authorities.

d. Those who harvest alligators must maintain accurate records of all alligator meat sales on standard forms supplied by the Department and such records shall be open to inspection by Department personnel.

3. No person may bring any alligator meat into this State, or possess alligator meat unless authorized by this regulation.

40 EMERGENCY REGULATIONS

4. Alligator meat transported into the State must bear evidence of having been legally taken.

5. Restaurants, canneries, nonfood meat processors and alligator meat wholesalers shall retain all alligator meat purchased in the original packages until the meat is prepared for consumption or processing. Such businesses and/or individual shall detach the original label with the accompanying data from each package when all meat from that carton has been prepared or processed and retain that label for the period of at least six months from the date of sale indicated on the label.

F. Sale, Barter or Transfer of Alligator Hides and Other Parts

1. Alligator skulls and other parts not discarded must be permanently marked with the alligator harvest tag number under which it was taken. Possession of any part without the tag number is prohibited. Parts that are found may be retained, sold bartered or transferred but the finder must contact the Department to obtain a tag number to permanently tag or mark the part. The parts may be sold, bartered or transferred but records must be kept indicating to whom the parts were sold, bartered or transferred.

2. Hides or alligators taken with Department issued permits may be sold but must be properly tagged and reported as provided in this regulation. Alligator hides and parts transported into this state for sale or processing must bear evidence of having been legally taken.

3. No person shall accept or possess an untagged alligator hide or unmarked or untagged alligator part for any purpose.

G. Sale of Finished Alligator Products

1. Products made from crocodilians may be sold in the State in accordance with the following:

a. Products made from the American alligator must be visibly labeled American alligator.

b. Products made from Caiman must be visibly labeled Caiman.

c. Products made from other crocodilians must be visibly labeled Crocodile.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Purpose: These regulations repeal regulations 123-151 and establish the alligator management system as prescribed by 50-15-65.

Legal Authority: Section 50-15-65 states that the department must establish an alligator management program that allows for the hunting and selective removal of alligators and must set the conditions for taking and disposition of parts.

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

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

Repeal of 123-151 and replacement of existing regulations is necessary because of passage of S. 452 of the 2007 General Assembly which contradicted 123-151 and stated that the Department would take this action.

These regulations set all the conditions under which the public can participate in the harvest of alligators and also allows and provides for the taking of nuisance alligators.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will require minimal costs to the state associated with administration of application and selection of alligator hunters. There will also be additional law enforcement costs associated with the enforcement of these regulations during hunting periods. Administration and law enforcement costs can be reasonably covered by existing staff and operations.

UNCERTAINTIES OF ESTIMATES:

Staff believes that increased costs can be covered by existing staff and operations, accordingly, no cost estimates and the uncertainties associated with these are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health. Environmental impacts will be positive since the proposed regulation will result in additional outdoor physical activity along with increased awareness of natural resources and the removal and management of alligators.

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

Detrimental impact on public health or safety could occur if regulations did not allow the removal of nuisance or dangerous alligators. Failure to implement this regulation will also prevent positive benefits for the public.

Fiscal Impact Statement:

This amendment of Regulation 123-151 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: December 3, 2008 3:00pm

Document No. 4047

COMMISSIONERS OF PILOTAGE**CHAPTER 136**

Statutory Authority: 1976 Code Sections 40-1-70 and 54-15-140

136-080. Enforcement of Pilot Statutes and Maritime Homeland Security

Emergency Situation:

The pilots licensed by the Commissioners are charged under Section 54-15-110 and 54-15-280 of the 1976 S.C. Code, as amended, as well as Part 136-070C, with ensuring that every vessel subject to maritime pilotage receives a pilot on board. No person, other than a duly licensed pilot, is permitted to conduct and pilot any vessel over the bar, into and out of any South Carolina harbor. Part 136-070C of the S.C. Code of Regulations requires that a licensed pilot shall consider any circumstance wherein a master or operator of any seagoing vessel refuses to take a pilot as a "hazardous condition" and must immediately be reported to the Coast Guard. Under Section 40-1-200 of the 1976 S.C. Code, as amended, a person acting as a pilot without licensure constitutes a Class C misdemeanor as defined in Section 16-1-100. Pilots and pilot vessels are the primary discovery agents of efforts to enter the harbor without authorization and serve a significant "law enforcement" role derived from the provisions of Chapter 17, Title 54, S.C. Code, as it pertains to maritime homeland

42 EMERGENCY REGULATIONS

security and the S.C. Naval Militia. The U.S. Department of Homeland Security considers terrorism to be a significant threat to port security. The State licensed pilots and their pilot vessels are designated by statute as part of Division II of the S.C. Naval Militia with distinct roles and missions in pursuing maritime domain awareness. Emergency enactment of the regulations allows the pilots to fulfill their responsibilities.

Text:

136-080. Enforcement of Pilot Statutes and Maritime Homeland Security.

A. Every pilot, or operator of any pilot vessel regulated pursuant to 1976 Code 54-15-170, who detects any apparent violation of 1976 Code Sections 54-15-270 and 54-15-280, and 1976 Code Section 40-1-200, wherein an unlicensed person is acting as a pilot, said pilot shall immediately report such circumstances to the sheriff of the county having jurisdiction, and/or to such other law enforcement authority designation by the Commissioners. The reporting pilot or pilot vessel operator shall thereupon identify the vessel by name, type, ownership, flag, homeport, and, if known or suspected, the vessel's apparent destination within the affected port, its present location and apparent speed, and any other particulars of interest. The pilot or pilot vessel operator shall provide any sheriff, or deputy sheriff, or other duly authorized law enforcement officer of the State with full details involving any attempts to inform such a vessel of the requirements of Title 54, Chapter 15, and/or 46 CFR 15. Further, the reporting pilot and/or any other licensed pilot or pilot vessel operator may assist the appropriate law enforcement agency in lawfully causing the vessel in violation to comply with State law. Such assistance might include the use of any pilot vessel that is under the command of a State-licensed pilot.

B. Notwithstanding the requirement of Part 136-070C to immediately report such violations of pilotage statutes as "hazardous conditions" to the U.S. Coast Guard, the pilot shall also initiate a voice Sécurité, call on VHF Channels 13 and 16. When and if such a vessel is indicating it is a U.S. flagged vessel, such message shall advise all marine traffic that a vessel requiring a pilot is underway on the bar and/or harbor may be in violation of federal laws and regulations with respect to manning.

C. The Commissioners consider this enforcement role of pilots, and by the pilot vessels under their command, as being in the interest of the safety and security of the port(s) at which the pilots are licensed. Pilots and pilot vessels constitute a major surveillance asset for achieving maritime domain awareness in order to protect the port, its population, its waterways and structures, and its marine environment from the consequences of a maritime disaster, accidental or deliberate, and other like illegal activities. Pilots and pilot vessel operators shall immediately report suspicious activities and events or other actions detected upon the bar and harbor that they may consider illegal to the sheriff and/or other law enforcement official designated by the Commissioners.

D. Pilots and pilot vessels are part of Division II of the S.C. Naval Militia pursuant to 1976 S.C. Code Section 54-17-50 and S.C. Regulation 80-010(5)(b). As such they shall immediately report to the Coast Guard any and all circumstances observed that are deemed to be of a suspicious nature and that might threaten the maritime security of the port and state. Pilot vessels are considered to be law enforcement vessels of the State of South Carolina.

E. The Commissioners authorize such pilot vessels, addressed in 1976 Code 54-15-170 and S.C. Regulation 136-040, to be employed in support of maritime homeland security missions in any Maritime Security (MARSEC) condition. Unless operational control is assumed by the U.S. Coast Guard, the use of these assets shall be controlled by the respective pilots in command of such vessels, and may include, but not be limited to, transportation for law enforcement boarding terms, surveillance and detection, surveys, logistics and other maritime domain awareness purposes.

Document No. 4025
CLEMSON UNIVERSITY
LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs and the Humane Methods of Slaughter Act of 1978. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on August 22, 2008.

Instructions:

Replace R.27-1023 with the following amendment.

Text:

27-1023. State Meat Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit required; fee; application; refusal, revocation or suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-320, 325, 329, 335,352 and 354, and Subchapter E, Parts 416-417, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2009 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

44 FINAL REGULATIONS

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.

2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Document No. 4024
CLEMSON UNIVERSITY
LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on August 22, 2008.

Instructions:

Replace R.27-1022 to the regulations.

Text:

27-1022. State Poultry Products Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Commission, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 416-417, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2009 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.