

Summary of Crab Laws

2017-2018

This document should be kept on board all vessels engaged in commercial crabbing as a legal reference, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-360, Section 50-5-360 (B)]

	<u>Resident</u>	<u>Non-Resident</u>
Commercial Saltwater License	\$25.00	\$300.00
Crab Pots (up to 50 pots)	\$25.00	\$125.00
Each additional pot	\$1.00	\$5.00
Wholesale Seafood Dealer License	\$100.00	\$500.00
Peeler Crab License	\$75.00	\$375.00
(Must have Wholesale License)		

Note: Any person or firm engaged in processing or picking crabs must obtain certification from the South Carolina Department of Health and Environmental Control (DHEC).

Dividing line between salt and fresh water on rivers.

The dividing line between saltwater and freshwater on the rivers listed are defined in this section, and all waters of the rivers and their tributaries, streams, and estuaries lying seaward of the dividing lines are considered salt waters, and all waters lying landward or upstream from all dividing lines are considered freshwaters purpose of licensing and regulating commercial and recreational fishing. Except as otherwise provided below, the saltwater/freshwater dividing line is U.S. Highway 17:

- (1) On Savannah River the dividing line is the abandoned Seaboard Railroad track bed located approximately one and three-fourths miles upstream from the U.S. Highway 17A bridge.
- (2) Wright River is salt water for its entire length.
- (3) On Ashepoo River the dividing line is the Old Seaboard Railroad track bed.
- (4) On New River the dividing line is at Cook's Landing.
- (5) Wallace River, Rantowles Creek, Long Branch Creek, and Shem Creek are salt water for their entire lengths.
- (6) On the Edisto River the dividing line is the abandoned Seaboard Railroad track bed near Matthews Canal Cut.
- (7) On the Ashley River the dividing line is the confluence of Popper Dam Creek directly across from Magnolia Gardens.
- (8) On the Cooper River the dividing line is the seaward shoreline of Old Back River at the confluence of Old Back River downstream from Bushy Park Reservoir.
- (9) Wando River is salt water for its entire length.
- (10) On the Intracoastal Waterway in Horry County the dividing line is the bridge across the Intracoastal Waterway at the intersection of S.C. Highway 9 and U.S. Highway 17. **[Section 50-5-80]**

Unlawful activities affecting others; penalty.

It is unlawful:

- (1) to remove, willingly damage, or interfere with any fishing equipment belonging to another;

- (2) to remove the catch without possessing written permission of the owner of the equipment, except channel nets must be operated only by the licensee; or
(3) to willingly interfere with or impede lawful fishing activity. **[Section 50-5-105 (A)]**

Commercial equipment licenses and fees; specification of vessel on which used; tagging of equipment; penalties.

No person may hold or apply for more than one trap license. **[Section 50-5-325 (D)]**

Display of licenses, permits, and vessel's identification decal; transfer of licenses; penalty.

While exercising the privilege of a license or permit the license, operator, or permittee must display or keep on his person the license or permit, and the license or permit must be produced on demand of Department personnel or other law enforcement personnel. **[Section 50-5-350 (A)]**

Licenses and permits are not transferable; however, any licensed commercial saltwater fisherman may operate any licensed commercial equipment with written permission of the owner except:

- (1) channel nets; and
(2) any commercial equipment licensed at the resident fee when the nonresident fee is greater if the operator is a non resident. **[Section 50-5-350 (B)]**

The operator and the owner of a vessel used for commercial purposes must have aboard the required commercial equipment licenses and permits and display the vessel's identification decal provided by the Department. **[Section 50-5-350 (C)]**

Denial of or limitations on nonresident licenses.

The Department may deny issuance of any license or permit for commercial fishing equipment or activities to residents of any coastal state which denies the same privilege to South Carolina residents. The Department may limit the type of fishing equipment used, seasons, and areas where nonresidents may fish in accordance with comparable limitations placed upon South Carolina fisherman by the nonresident's state. **[Section 50-5-390]**

Commercial crab traps; escape vent requirements; peeler trap exemption.

Except as provided in this section, from June 1 through March 14, a trap used for taking blue crab used for commercial purposes must have at least two unobstructed, circular escape vents (rings) which must be two and three-eighths inches or greater in inside diameter and located on vertical surfaces. At least one vent (ring) must be in the upper chamber. All vents (rings) must be within two inches of the horizontal partition or the base of the trap.

A trap used for taking blue crab constructed of a single chamber must have at least one two and three-eighths inch or larger inside diameter escape vent (ring) located on a vertical surface within two inches of the base of the trap. Peeler traps are exempt year round. **[Section 50-5-545(A)(B)]**

Trap buoy size, material, catch release feature and identification tag or other identifying information requirements; seizure of unmarked traps.

Other than minnow traps not used for a commercial purpose, and traps with lines attached to a shore based structure and not used for a commercial purpose, each trap set in the waters of this State must

have attached to it a buoy made of solid, buoyant material which does not sink if punctured or if cracked. A spherical or nonspherical primary buoy must be attached to each trap. A nonspherical buoy must be at least ten inches in length and five inches in diameter or width. A spherical buoy must be at least six inches in diameter. No plastic, metal, or glass bottles or jugs may be used as a buoy, and no buoy attached may be made of a material which could sink if punctured or cracked. No floating line or rope may be used. **[Section 50-5-550 (A)]**

The Department may require that each trap set in the salt waters of this State have catch release features and identification tags designated by the Department. **[Section 50-5-550 (B)]**

Each licensed commercial saltwater fisherman licensed to fish traps must acquire identification number assigned by the Department. The assigned identification number must be burned or branded on each primary trap buoy in numerals of at least two inches in height, must be clearly legible, must be in a color contrasting that of the buoy and must be unobstructed and visible when the buoy is at rest in the water. **[Section 50-5-550 (C)]**

The buoy of traps used by individuals for personal use as provided by law in lieu of the identification number required on commercial traps must bear the owner name and current address and must be yellow in color. **[Section 50-5-550 (D)]**

A trap not marked in accordance with this selection is contraband and must be seized and disposed of as provided in this chapter. **[Section 50-5-550 (E)]**

Trap placement and attention requirements; department inspection, removal, seizure, and disposal. No trap may be placed within six hundred feet of a public boat ramp or launching area. **[Section 50-5-555 (A)]**

No trap may be set so as to leave any portion of the trap dry at any stage of the tide. **[Section 50-5-555 (B)]**

No trap may be unattended for more than five days. Without having written permission of the owner, no person may retrieve or remove catch from any trap with a buoy of which is marked with a number assigned by the Department to another person. **[Section 50-5-555 (C)]**

No trap may be set so as to obstruct navigation in any creek or other navigable water course, access point, or mooring point. A trap determined by the Department to be in violation of this section may be removed by the Department and disposed of as provided in this chapter. **[Section 50-5-555 (D)]**

The Department may inspect traps for compliance with this section at any time. If the Department finds any trap:

- (1) set in violation of this section;
- (2) containing excessive dead catch or only dead catch; or
- (3) with buoy, line, or trap displaying excessive marine growth, the trap is contraband and must be seized and disposed of as provided in this chapter. **[Section 50-5-555 (E)]**

Blue crab traps on Cooper River.

Notwithstanding the provisions of Chapter 13 of Title 50, traps used for taking blue crabs may be fished on Cooper River upstream to the confluence of the east and west branches of Cooper River; provided that all requirements of Chapter 5 are complied with. **[Section 50-5-560]**

Taking of sponge crabs prohibited; import permits; penalties.

It is unlawful for a person to take, possess, sell, or offer for sale, any crab or female crab from which the sponge has been removed. It is not unlawful to temporarily take sponge crabs incidental to lawful crabbing operations so long as the sponge crabs are returned immediately to the water without further harm. **[Section 50-5-1300 (A)]**

The Department may grant permits to licensed wholesale seafood dealers to import and possess sponge crabs from states where taking and selling are lawful. **[Section 50-5-1300 (B)]**

The prohibitions of subsection (A) do not apply to the importation or sale of sponge crabs by a licensed wholesale seafood dealer who holds a permit granted under this section. **[Section 50-5-1300 (C)]**

Blue crabs; commercial taking at night prohibited; penalties.

Except as provided in this section, it is unlawful for a commercial saltwater fisherman licensed to set, move, fish, retrieve, or remove catch from traps which may be used to take blue crabs; or to transport aboard a vessel more than twenty-four blue crabs or parts or products thereof, during the following times:

(1) from 9:00 p.m. until 5:00 a.m. the following day, local time, from April 1 through September 15 inclusive; and

(2) from 7:00 p.m. until 6:00 a.m. the following day, local time, from September 16 through March 31 inclusive.

This prohibition does not apply to recreational fisherman using properly marked personal traps. A vessel rigged to use a licensed trawl may have blue crabs aboard at night if taken during lawful trawling activity; however, no vessel rigged for trawling may be used to set, move, retrieve, or remove catch from crab traps. **[Section 50-5-1305 (A)]**

Size limitations for blue crabs; peeler crab and clam mariculture exceptions.

Except as provided in this chapter, it is unlawful for a person to take, possess, sell or offer for sale any blue crab (*Callinectes sapidus*) of a size smaller than five inches measured from tip of one lateral spine across the back of the shell to the tip of the opposite lateral spine. It is not unlawful to temporarily take blue crabs of a size smaller than five inches incidental to lawful fishing operations so long as the undersized crabs are returned immediately to the water without further harm. **[Section 50-5-1310 (A)]**

Any licensed commercial saltwater fisherman licensed to harvest blue crabs may harvest or transport peeler crabs of less than five inches but must first obtain a written acknowledgement from a licensed peeler crab dealer in a form prescribed by the Department stating that the peeler crab dealer will accept peeler crabs from the licensed commercial saltwater fisherman. The acknowledgement must be dated and is not effective beyond ninety days from the date thereon. A licensed commercial saltwater fisherman must deliver undersized peeler blue crabs only to licensed peeler crab dealers from whom he has received the written acknowledgement. **[Section 50-5-1310 (B)]**

The Department may issue permits to persons engaged in clam mariculture for the capture, temporary possession, and transport of blue crabs or stone crabs of any size. The permittee must return all

captured stone crabs and sublegal blue crabs alive to water of comparable salinity. A permittee using more than two traps may retain legal size blue crabs and stone crab claws only if licensed as a commercial saltwater fisherman and licensed to use traps. **[Section 50-5-1310 (C)]**

Importation of undersize blue crabs; penalties.

It is lawful for licensed wholesale food dealers to import blue crabs of less than the minimum size specified in this article when permitted by the Department. Each shipment of imported blue crabs must have with it a bill of sale or other documentation dated no earlier than three days preceding the shipment from a licensed commercial saltwater fisherman or seafood dealer in the jurisdiction of origin verifying the crabs were lawfully taken. **[Section 50-5-1315]**

Identification of vessels taking blue crabs by trap; buoy colors; penalty.

Any vessel used in aid of taking blue crabs by trap or transporting live blue crabs by traps for commercial purposes must display crab trap identification numbers assigned by the Department as authorized in Article 5 of this chapter. The numbers must be displayed permanently and conspicuously on the outside of the hull on both the port and starboard sides of the vessel near midship. Individual letters and numerals must be no less than eight inches in height and six inches in width and of a color contrasting that of the hull. An unobstructed circle no less than eight inches in diameter, in a contrasting color must be displayed next to the trap identification number. The circle must consist of any one or two colors, other than black or yellow, which match the color or color combination utilized on the buoys of the crab traps being used. If two colors are used, each must cover one half of the circle. Colors must be such of hue and brilliance as to be easily distinguished and seen. The Department may approve and require crab fisherman to register color choices. **[Section 50-5-1320 (A)]**

Stone crabs; claw size, removal and sale limitations; penalty.

It is unlawful to take or possess a stone crab or stone crab parts except as provided herein. **[Section 50-5-1325 (A)]**

A stone crab having two claws may be temporarily taken for removal of the larger claw provided the larger claw is two and three-fourths inches in length or larger measured by a straight line from the elbow to the tip of the lower immovable claw finger, and the crab must be returned immediately to the water. **[Section 50-5-1325 (B)]**

It is unlawful to possess a female stone crab bearing visible eggs or to remove visible eggs or either claw from a female stone crab bearing visible eggs. **[Section 50-5-1325 (C)]**

It is unlawful to possess, sell, or offer for sell any stone crab claw, which has a forearm (propodus) of less than the size provided in subsection (B). **[Section 50-5-1325 (D)]**

Horseshoe crab permits, taking and handling requirements; penalty.

Taking or possessing horseshoe crabs (*Limulus polyphemus*) is unlawful except under permit granted by the department. A permit is not required to possess a cast off or molted shell (exoskeleton) of a horseshoe crab. **[Section 50-5-1330 (A)]**

The department may permit the taking or possession of horseshoe crabs. Permits granted under this section may include provisions as to lawful fishing areas; minimum size requirements for horseshoe crabs; mesh size and dimensions of nets and other harvesting devices; by catch requirements; fishing times or periods; catch reporting requirements; holding facilities, conditions, and periods; and other conditions the department determines. **[Section 50-5-1330 (B)]**

Horseshoe crabs from which blood is collected for production of amebocyte lysate may be held in facilities approved by the department and must be handled so as to minimize injury to the crab. Horseshoe crabs collected in this State must be returned unharmed to state waters of comparable salinity and water quality as soon as possible after bleeding unless subsequent retention is permitted. **[Section 50-5-1330 (C)]**

The taking of horseshoe crabs incidentally during legal fishing operations does not violate this section if the crabs are returned immediately to the water unharmed. **[Section 50-5-1330 (D)]**

No horseshoe crab collected in South Carolina may be removed from this State. **[Section 50-5-1330 (F)]**

Use of blue crab traps in certain locations.

It is unlawful to set a trap used for taking blue crab for commercial purposes within these waters of the State:

- (1) Pawley's Island Creek and Midway Creek on Pawley's Island in Georgetown County;
- (2) one hundred fifty feet of the mean low tide watermark on Atlantic Ocean shoreline of Pawley's Island in Georgetown County;
- (3) DeBordieu Creek and its tributaries and distributaries above the entrance to Bass Hole Creek and seaward of the causeways of Luvan Boulevard in Georgetown County;
- (4) the Sampit River above a line connecting the point on the eastern shoreline of Sampit River at its confluence with Winyah Bay at latitude 33° 21.08' N, longitude 79° 16.71' W and the point on the western shoreline of Winyah Bay generally south of its confluence with Sampit River at latitude 33° 20.68' N, longitude 79° 16.90' W in Georgetown County; and
- (5) Little Chechessee Creek in Beaufort County."

Individuals may set two crab pots for personal consumption and not for sale, (must have saltwater recreational fishing license). **[Section 50-5-1335] [Section 50-9-560 (A)]**

If you are convicted for an offense, there may be points assessed against your license or your privileges may be suspended if the statute requires it. Upon an accumulation of eighteen (18) or more points, the privileges of that license will be suspended for one year. Points and violations can be found in the SC DNR Rules and Regulations book or SC Code of Laws 50-5-2500(A).

If your license/ permit is suspended or revoked, you are entitled to an administrative appeal pursuant to the South Carolina Administrative Procedures Act. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Appeals must be filed and served within 30 days of suspension/ revocation notice with the Clerk of Court of Administrative Law Court 1205 Pendleton Street Suite 224 Columbia, SC 29201, telephone (803)734-0660.

As required by S.C. Code Section 8-29-10, applicants for a commercial license or permit are required to complete an affidavit entitled "Verification of Lawful Presence in the United States" certifying that the applicant is lawfully in the United States. The affidavit MUST be completed, notarized and returned with the application. If you are a US citizen, the properly filled out affidavit is all that is required. If you are not a US citizen, you will be required to provide documentation, which is subject to verification with the Department of Homeland Security. Specific types of documentation that may be provided can be found on Page 2 of the form, under "Accepted Immigration Documents." Your application for a commercial license or permit will be returned if the affidavit and documentation is not received and notarized. If your license/permit is in a company name the owner/responsible party for the company must complete the affidavit and indicate the business information on the bottom right of the form. The affidavit only needs to be completed once if you are a U.S. Citizen 18 years of age or older, all others will be required to resubmit the affidavit each time an individual applies for a commercial license or permit from the Department.

Due to the Atlantic Large Whale Take Reduction Plan new regulations apply to all pots set in the ocean (outside of the col regs line). The new regulations are required in waters off of the SC coast (state and federal waters) from September 1 - May 31. To see a detailed list of the regulations or to get additional information visit https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/docs/Outreach%20Guides%20Updated%20May%202015/alwtrp_bluecrabguide_2015.pdf.

New regulations include:

- No buoy line floating at the surface.
 - No wet storage of gear (all gear must be hauled out of the water at least once every 30 days).
 - Fishermen are encouraged, but not required, to maintain knot-free buoy lines.
 - Trap/pot surface buoys to be marked to identify the vessel or fishery with one of the following: the owner's motorboat registration number and/or U.S. vessel documentation number; the federal commercial fishing permit number; or whatever positive identification marking is required by the vessel's home-port state.
 - When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.
 - Buoy lines to be marked with one 4-inch (10.2 cm), ORANGE & BLUE, mark midway along the buoy line.
 - All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 600 lb* when inside the 100fa contour line and of no greater than 1500 lb* when outside of the 100fa contour line;
 - All groundlines must be made of sinking line.
- * Weak links must be chosen from the list of NMFS approved gear, which includes: off the shelf weak links, rope of appropriate breaking strength, hog rings, and other materials or devices approved in writing. Weak links must be designed in such a way that the bitter end of the buoy line is clean and free of any knots when the weak link breaks.