

Summary of Eel Laws

2017-2018

This document should be kept on board all vessels employed for commercial eel/elver fishing as a reference to regulation, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

License Requirements:

| | <u>Resident</u> | <u>Non-Resident</u> |
|----------------------------------|--|---|
| Saltwater License Requirements: | | |
| Saltwater Commercial License | \$25.00 | \$300.00 |
| Equipment: POTS/TRAPS | \$25.00 for 1 st 50, \$1 for each additional | \$125.00 for 1 st 50 \$5 for additional |
| DIP NET | \$10.00 each | \$50.00 each |
| FYKE NET | \$10.00 each | \$50.00 each |
| SC Dealers: Wholesale | \$100.00 | \$500.00 |
| Bait | \$25.00 | \$125.00 |
| Freshwater License Requirements: | | |
| Commercial License | \$50.00 | \$1000.00 |
| Equipment: TRAP/POT TAG | \$5.00 each | \$50.00 each |

Permits:

A permit must be obtained prior to fishing for any stage of the American eel with any type of gear in all waters of the State. Permit conditions apply to both fresh and marine waters within those areas, which have been designated as open to eel fishing. Permits will be issued to individual fisherman by gear type and river system.

Commercial eel taking permits; conditions; penalty:

Permits granted under this section may be limited in number and may be conditioned so as to designate seasons, size limits, take or catch limits, hours, areas, fishing methods, type and amount of equipment, and catch reporting requirements. **[Section 50-5-1555 (B)]**

The Department may define an approved fyke net for the taking of eels in the waters of this State and may permit and limit its use by means of permits granted under this section. **[Section 50-5-1555 (C)]**

A commercial fisherman who sells shad, herring, or eels must sell to either a licensed wholesale seafood dealer or a licensed bait dealer or must be licensed as a wholesale seafood dealer or bait dealer. **[Section 50-5-1556]**

A person taking shad, herring, or eels for commercial purposes:

- (1) in the salt waters of this State, must obtain a commercial saltwater fishing license and a commercial saltwater equipment license and related permits;
- (2) in the freshwaters of this State, must obtain a commercial freshwater license and a commercial saltwater equipment license and related permits. **[Section 50-9-420]**

A person taking shad, herring, or eels for recreation:

- (1) in the saltwaters of this State must have a recreational saltwater fishing license; if using a gill net or eel pot, must have an annual recreational saltwater license and a saltwater commercial equipment license and related permits;
- (2) in the freshwaters of this State must have a recreational freshwater fishing license; if using a gill net or eel pot, must have an annual recreational freshwater fishing license and a saltwater commercial equipment license and related permits. **[Section 50-9-545]**

It is unlawful for a recreational fisherman to take more than fifty eels per day. Each eel must be at least six inches in length. **[Section 50-13-645]**

Elver fyke net and dip net licenses/ permits are limited to a maximum of 10 fishermen in SC. Each year fishermen who held an elver fyke net and/ or dip net license/ permit in the previous year, received no conservation violations during the previous year, complied with all permit conditions including reporting requirements the previous year will receive preference the following year. All licenses and permits are issued in the Charleston Commercial License Office, if you have any questions please call (843) 953-9311.

All permits must be obtained through the Permitting Office at the Office of Fisheries Management at 217 Fort Johnson Road, Charleston, SC 29412.

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.

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.

Eel Harvest Reporting

- 1) All commercial and recreational fishermen harvesting eel must submit trip report forms to the Marine Resources Division's Fisheries Statistics Program, P.O. Box 12559, Charleston, SC 29422-2559 on a **MONTHLY** basis for all trips taken during the month.
- 2) Reports must be received by the 10th of the following month regardless of whether or not fish were caught. If you **DID NOT FISH** during a month, a single form must be submitted indicating you **DID NOT FISH FOR MONTH (month)**. If reports are not received by the 10th, you will forfeit your right to participate in the fishery.
- 3) Reports should be complete and accurate. This data will be utilized by the Department to manage the eel fishery, therefore your cooperation is not only required, but greatly appreciated.
- 4) Eel harvest report forms can be mailed to license holders. Contact Angel Brown at 843-953-9311 or brownac@dnr.sc.gov for report forms.

Information for the 2017-2018 Eel Fishery

Just a reminder, if you plan to catch eels and **sell** your catch you **MUST**:

- Buy a commercial license.
- Buy equipment license (fyke net, pots/traps, or dip net)
- Be a licensed SC wholesale Seafood Dealer/ SC Bait Dealer OR sell only to a licensed SC Wholesale Seafood Dealer/ SC Bait Dealer
- Obtain a PERMIT for your gear
- **Complete** and return **Mandatory Eel Harvest Report Forms** to SCDNR.

Just a reminder, if you are a *recreational* fisherman you **MUST**:

- Buy a recreational fishing license
 - Buy equipment licenses (eel pot/ trap tags)
 - Obtain a PERMIT for your gear
 - **Complete** and return **Mandatory Eel Harvest Report Forms** to SCDNR.
- * Recreational fishermen are prohibited from selling their catch ***

Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, **MUST** be fined \$155-\$1,088 or imprisonment for 30 days. In addition, any catch, load, or shipment of seafood in the possession of those violators may be seized and sold, with the proceeds held pending the disposition of the case.

Please fill out all blanks on Mandatory Eel Harvest Forms and return them by the 10th of the following month. Reports must be returned by the 10th of the month even if you did not fish. It is important for the management of the species to know:

- **What river you are fishing**
- **What type of gear you are using (fyke net, pots, or dip net)**
- **How long your gear is in the water (How long you fish per trip)**
- **Number or pounds of Eel caught**

If you have any questions or concerns, feel free to contact SCDNR personnel.

Commercial Licensing (843) 953-9301 then press 4

Permitting (843) 953-9311

Bill Post (843) 953-9821