

Summary of Commercial Fishing Laws for Other Equipment/Trotlines and General Commercial Fishing Information

2018-2019

This document is a legal reference to regulations, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

	<u>Resident</u>	<u>Non-Resident</u>
Commercial Saltwater License	\$25.00	\$300.00
Trotline license	\$10.00 per 50 hooks/line	\$50 per 50 hooks/line
Cast net license	\$10.00	\$50.00
Gig license	\$10.00	\$50.00
Hook and Line license	\$10.00	\$50.00
Other Equipment (specify)	\$10.00	\$50.00
Hand Held Equipment to harvest Shellfish	no charge	

Definitions:

Cast Net- means non-baited circular webbing having a weighted peripheral line which is thrown by hand and retrieved by a central line connected to radiating tuck lines attached to the peripheral line.

Commercial Saltwater License – Historically called “land and sell” license; only one license per person per fiscal year is needed; this license allows the fish to be sold to a licensed wholesale dealer. Commercial saltwater fisherman can only sell their catch to a SC licensed wholesale dealer. This license is needed before you can purchase any additional commercial license types (i.e. channel net, crab, eel, herring, shad, shellfish, trawl, other equipment (including cast net, gig, set hook, hook and line, dip net), trotlines and seine/gill nets.

Commercial Equipment- any trawl, haul seine, gill net, channel net, bull rake, seed fork, grabs, escalator, or dredge; and any net, seine, trap, pot, tongs, rake, fork, trotline, or other device or appliance when used for taking or attempting to take fish for a commercial purpose.

Commercial Purpose- (a) being engaged in buying or selling fish; (b) taking or attempting to take fish in order to derive income or other consideration; (c) using commercial equipment; and (d) otherwise being engaged in the fisheries industry with the intent to derive income.

Gig- means a device used to spear fish by hand; to take fish by hand by use of a prong, spear, or similar device and includes bow and arrow.

Hand Held Equipment - equipment used to harvest shellfish, including but not limited to tongs, rakes and forks.

Hook and Line- rod and reel.

Salt Waters- means all waters of the rivers and their tributaries, streams, and estuaries lying seaward of the dividing line between salt water and freshwater and all impounded waters

seaward of the dividing line between salt water and freshwater which are intermittently filled or drained by the action of the tide.

Short lines- fishing lines containing 50 or fewer hooks and measuring less than 500 yards in length.

Trotline- means a single line or wire having numerous hooks or baits and is also called long line.

General

For the privilege of taking or landing anadromous fish, saltwater fish, or fisheries products for commercial purposes, a nonresident must obtain a nonresident commercial saltwater fishing license for a fee of three hundred dollars unless specifically exempted in this article. A nonresident must also obtain a commercial saltwater fishing license for the privilege of selling, exchanging, or bartering such fish or product taken or landed by the nonresident. To act as a striker, a nonresident need not acquire a commercial saltwater fishing license. **50-5-310**

Except as provided in subsection (G), a person or entity who buys, receives, or handles any live or fresh saltwater fish or any saltwater fishery products landed in this State regardless of where taken and packs, processes, ships, consigns, or sells such items at other than retail, and not solely as bait, must first obtain a wholesale seafood dealer license. A person who buys or receives such product solely from licensed wholesale seafood dealers is not required to obtain a wholesale seafood dealer license. The fee for a resident wholesale seafood dealer license is one hundred dollars, and the fee for a nonresident license is five hundred dollars. Each location at which products are to be packed, processed, shipped, consigned, or bought, or to be sold at wholesale must be a permanent, nonmobile establishment, and must be separately licensed.

The department may require applicants to specify the activities in which the applicant intends to engage. The department may provide information provided in the application to the South Carolina Department of Agriculture and the South Carolina Department of Health and Environmental Control. **50-5-360**

A person or entity who:

- (1) offers for sale any live or fresh fish or any saltwater fishery products, other than a licensed commercial saltwater fisherman licensed as a wholesale seafood dealer; or
 - (2) transports live or fresh fish or any saltwater fishery products, other than a licensed commercial saltwater fisherman transporting his catch to a licensed wholesale seafood dealer;
- must have in his possession dated bills of lading, invoices, receipts, bills of sale, or similar documents showing the quantity of each species and type of saltwater fishery product being offered for sale or transported and the name of the licensed commercial saltwater fisherman or licensed wholesale seafood dealer from whom the products were purchased or received. (B) A person or entity including a licensed commercial saltwater fisherman who takes saltwater licensed under this section or else he must be licensed as a wholesale seafood dealer under this fishery products and sells the catch must sell the catch only to a wholesale seafood dealer section. **50-5-365**

It is unlawful for a person to take or have in possession more than five black drum in any one day, it is unlawful for a person to take or possess more than ten flounder taken by means of gig, spear, hook and line, or similar device in any one day, not to exceed twenty flounder in any one day on any boat, it is unlawful for a person to take or have in possession more than one weakfish in any one day, it is unlawful for a person to take or possess more than ten sheepshead in any one day, not to exceed thirty sheepshead in any one day on any boat, It is unlawful for a person to take or possess in any one day more than fifty of a combination of the following: spot, whiting, and Atlantic croaker taken by hook and line. **50-5-1705**

Trotline

A trotline used in the inshore salt waters of this State must have at least one end buoy, international orange in color, which shows the name and license number of the owner. Recreational trotlines must be marked by the name and address of the owner in lieu of a license number. Any trotline used in the territorial sea must be marked with a buoy not less than twenty inches in diameter at each end, international orange in color, which floats in a manner to be clearly visible at all times. **50-5-505 B**

Cast Net

Cast nets may be used for herring and shrimp. When using a cast net for herring commercially, you must have your commercial license and a gear license and a permit obtained through the DNR permitting office.

Herring catch limits.

A person not licensed as a commercial saltwater fisherman taking or attempting to take herring by cast net or by hook and line, including rod and reel, may take or possess no more than an aggregate of one bushel of herring in any one day. In freshwaters, a person must hold a freshwater fishing license. **[Section 50-5-1520]**

Gigging

You cannot gig for flounder in saltwaters during day light hours.

It is unlawful to gig for sharks.

Unlawful to gig for red drum or spotted sea trout during December, January and February.

It is unlawful in Georgetown County to gig for fish in saltwaters from the northern tip of North Island to the northern tip of Magnolia Beach during daylight hours.

Hook and Line

Federal highly migratory species permit required when fishing for tuna, bill fish, sword fish, and sharks in federal waters. Additional federal permits may be required for targeting federally managed species. The same federal permit is also required for possession of these species in state waters with the exception of sharks. More information about federal permits can be found at

<https://sero.nmfs.noaa.gov/permits> ; highly migratory species permits <https://hmspermit.noaa.gov>

A complete list of federally managed species can be found at www.safmc.net

Shark landings using hook and line (rod and reel) and trotlines (long lines) are considered "directed", trawlers are considered "incidental". Permits are required for both if landing sharks in SC.

All fish caught in SC waters must go through a wholesale seafood dealer before entering commerce; if federal species, dealer must have a federal dealer permit to receive and sell federally managed species.

Horseshoe Crabs

Fisherman must obtain a commercial saltwater license before obtaining permit. In order to obtain a permit you must have a "sponsor". This sponsor will notify the department if you are an authorized harvester.

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- 51330 (F)]

The department may grant permits to institutions and persons engaged in science instruction or curation to possess horseshoe crabs or parts thereof for such purposes, and permittees are not required to be licensed under this chapter. 50-5-1330 E

* If a fisherman wants to obtain a horseshoe crab permit, he needs to obtain a sponsor (dealer who sells horseshoe crabs). The sponsor must contact the DNR permitting office to request a permit for the horseshoe crab harvester.

Trawlers must not keep horseshoe crabs at any time of the year.

Shellfish

Shellfish Culture permittees must acquire a permit to take shellfish for replanting from state bottoms designated by the department for that purpose. Shellfish Mariculture permittees must acquire a permit from the department to take wild shellfish seed for use in mariculture. **[Section 50-5-945(A-B)]**

A person who takes shellfish commercially or takes more than the recreational limits allowed by law from the bottoms designated for commercial harvest must possess an individual harvesting permit. In order to obtain an individual harvesting permit, a person must be a licensed commercial saltwater fisherman, hold all other appropriate valid commercial licenses, and complete any shellfish training required by regulations promulgated by the South Carolina Department of Health and Environmental Control pursuant to Section [44- 1-140](#). The Department may limit the number of areas on which an individual may harvest commercially under permit. People holding Shellfish Culture or Mariculture Permits may allow others to harvest shellfish from bottoms permitted to them. In addition to the required Department permit, in the form of a hard card, harvesters must have a decal from the Shellfish Culture permittee or Shellfish Mariculture permittee for each area. No person may take or attempt to take shellfish from state-owned bottoms in quantities greater than that allowed for personal use without having in possession a valid individual commercial harvesting permit granted to him by the Department. No person may take or attempt to take shellfish from state-owned bottoms under permit for shellfish culture or mariculture without a valid individual harvester permit granted to him by the Department. **[Section 50-5-965 (A-G)]**

The Department may permit persons and entities engaged in shellfish mariculture operations to take, possess, and sell maricultured shellfish at any time during the year. **[Section 50-5-995]**

The department may issue an out-of-season harvest permit to a Shellfish Mariculture permittee for the privilege of harvesting or selling maricultured shellfish out of season. **[Section 50-5-997(A)]**

An authorized harvester acting under the provisions of a permittee's out-of-season harvest permit must first complete any shellfish training required by SCDHEC pursuant to Section [44-1-140](#). **[Section 50-5-997(D)]**

It is unlawful for any wholesale seafood dealer to purchase shellfish produced, taken, or landed in this State from anyone who is not either:(1) a properly licensed and permitted commercial saltwater fisherman; or (2) a properly licensed wholesale seafood dealer. **[50-5-1000(A)]**

No molluscan shellfish, shellfish tissues, or shells may be imported into this State and placed in waters in this State except under the provisions of a shellfish importation permit. No genetically modified shellfish, including polyploid shellfish, may be placed in the waters of this State or waters connected to the waters of this State, except under the provisions of a permit issued by the department. **[Section 50-5-1005 (A-B)]**

*** All commercial fishermen MUST sell their catch to a SC licensed wholesale seafood dealer or MUST be a SC licensed wholesale seafood dealer.**

***All fishermen commercially harvesting molluscan shellfish must have harvest tags, please contact SC DHEC Shellfish Sanitation for details.**

* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

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. Saltwater points are assessed in two categories: Recreational and Commercial. Upon an accumulation of eighteen (18) or more points in a category, the privileges of that category will be suspended for one year. While under Recreational Suspension, a person found guilty of a commercial saltwater violation will have all saltwater privileges suspended for one year. While under Commercial Suspension, a person found guilty of a recreational violation will have all saltwater privileges 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.

SCDHEC - Shellfish Commercial Harvester Regulations and Safety Guidelines

These safety guidelines include the requirements for commercial shellfish harvesters operating in South Carolina as required by Regulation 61-47 and enforced by the South Carolina Department of Health and Environmental Control (SCDHEC). The guidelines are set forth and required to protect human health and consumers from the unsafe harvesting, handling, transportation, and distribution of molluscan shellfish.

- **HARVESTER TRAINING** – Shellfish harvesters are required to have DHEC-approved harvester education. SC DNR will not issue harvest permits until you have completed the DHEC-required training. This training is to make harvesters aware of human health concerns related to shellfish and thereby improve consumer safety.
- **PROTECTION FROM CONTAMINATION** - Harvesters **MUST** protect harvested shellstock from contamination at all times. Contamination can come from many different sources. Water from a closed area splashing on product as you head back to the landing or dock, animals on board vessels, transporting shellstock in vessels that allow bilge water to come into contact with shellstock are examples of potential sources of contamination.
- **APPROVED HARVESTING AREAS** - Shellstock must be harvested **ONLY** from shellfish growing waters that are classified as APPROVED by SCDHEC. It is important to know where you are harvesting. Areas which are NOT SAFE for harvest are marked in orange or red on the maps provided to you by SCDNR for State Shellfish Grounds. SCDHEC has closed these areas based on levels of bacteria that are in the water. Oysters and clams can concentrate bacteria from the water as they filter feed. Shellfish from SCDHEC-closed areas could contain high levels of bacteria that could make a consumer sick. Maps of the shellfish harvesting areas that have been closed to harvesting for the season can be located by going to www.scdhec.gov/shellfish
- **TEMPORARY CLOSURES** – In case of pollution events (e.g. spills) or heavy rainfall, harvest areas may be temporarily closed by SCDHEC. Such closures will be announced in your local newspaper and at <http://www.scdhec.gov/FoodSafety/ShellfishMonitoring/ClosureUpdates/>. SCDHEC also maintains a closure hotline 1-800-285-1618.
- **HARVESTING TIMES – Cooler Months** Shellstock must be delivered to a certified shellfish dealer within **18 HOURS** from initial harvest start time. Initial harvest start time is when the first oyster or clam is harvested and placed into a container. It is important to make sure that shellstock are delivered as soon as possible to the certified dealer to begin the cooling process. Shellfish already contain bacteria and warmer temperatures (such as the air) will cause the bacteria to multiply. The quicker the shellfish are cooled to below 50 degrees F., the lower the risk of an illness associated with the product.
- **HARVESTING TIMES –Warmer Months** SC DHEC designates warmer months as temperature

control months. This year the temperature control months are June through September. Harvesters operating during these months must have special permits from SCDNR and complete SC DHEC summer harvest training.

- **HARVEST TAGS** - Commercial harvesters shall affix a harvest identification tag to containers of shellstock prior to removal of the shellstock from the area in which it is harvested. Commercial Harvest Tags must be obtained from the Certified Shipper (=Dealer) who will purchase your product. This must be arranged with the Dealer PRIOR to harvest. The tag must be completely filled out and have the most precise location and time from when and where the shellstock was harvested on each individual container. This is a critical part of the tracking process in case someone becomes ill from eating the shellfish. When an illness occurs, officers use the tags to identify where the oysters or clams came from. If multiple people become ill from shellfish from the same area it is critical for SCDHEC to be able to identify all the shellfish harvested from that area and make sure it is removed from the marketplace to prevent further people from becoming sick.
 - **BULK TAG** - When shellstock are harvested from a single harvest area on a single day, and a harvest vessel utilizes open decks or holds, tubs or totes, or other similar largecapacity holding units for the transport of loose, bulk shellstock, the vessel may utilize a single harvest identification tag. ****Quantity of shellstock must be indicated on the bulk tag.***
- **BOAT CONSTRUCTION** –All vessels used in the gathering of shellstock shall be constructed, used, and maintained in a manner that will prevent product contamination; this includes bilge water. Elevated decks in boats can keep shellstock above any bilge water that has accumulated in the bottom of the boat. Fuel containers and any human waste containers should be stored so as to prevent any spillage on or near the shellstock or in the water. **Human Waste should never be discharged into the waters of a shellfish growing area!!!!** This could result in deadly bacteria being introduced to the shellfish which would later be harvested and sold to consumers. Always store any human waste in a container with a tight fitting lid or have on board a United States Coast Guard (USCG) approved Marine Sanitation Device. If a bucket with a tight fitting lid is used, it must be labeled HUMAN WASTE and not used for any other purposes. Once back to the land it should be emptied in a toilet or portable toilet only.
- **TRANSPORTATION** - Vehicles used to transport shellfish shall be constructed, operated, and maintained to prevent contamination, deterioration, and decomposition of shellfish. Shellfish transported in unenclosed vehicles shall at all times be protected by effective coverings. Enclosed vehicles such as refrigerated box trucks should be maintained and cleaned to prevent the buildup of unsanitary conditions. Refrigeration units on these trucks should be capable of maintaining an ambient air temperature of 45 degrees F. or less. When non-refrigerated vehicles are used to transport shellstock to a certified dealer, an effective covering should be used to prevent debris and road film from being sprayed onto shellstock. The coverings also help to prevent the shellstock from being in direct sunlight and increased post harvest temperatures.

For questions about any of this information contact your local SCDHEC Shellfish Officers:

Horry and Georgetown Counties: Myrtle Beach office – 843 -238-4378

Charleston County : Charleston office - 843-953-0160

Beaufort, Colleton and Jasper Counties: Beaufort office - 843-846-1030

Closure Hotline 1-800-285-1618