

Summary of Seine and Gill Net Laws (Saltwater)

2018-2019

This document should be kept on board all vessels using seines or gill nets as a legal reference, not to supersede knowledge of the pertinent laws. Complete laws can be found at www.scstatehouse.gov.

*****This summary does not include shad and herring net requirements*****

License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-325 (A)(4)]

	<u>Resident</u>	<u>Non-Resident</u>
Commercial Saltwater	\$25.00	\$300.00
Gill Net, Haul Seine	\$10.00/100 feet or fraction thereof	\$50.00/100 feet or fraction thereof
Commercial Shrimp Seine	\$10.00	\$50.00
Commercial Vessel Decal	No Charge	No Charge

Definitions:

- A gill net is a net designed to hang vertically and capture fish by entanglement usually of the head, gill covers, or preopercles, and does not include a gill net for taking shad unless specified in the law. **[Section 50-5-15 (28)]**
- A shrimp seine is an unanchored net having a stretched mesh of not less than one inch but no greater than one and three-quarters inches, the webbing of which does not exceed forty feet in length or six feet in depth, which is continually moved through the water by human and not mechanical power, and which has no tail bag or cod. **[Section 50-5-15 (52)]**
- A haul seine is a net of twine no smaller than #9 with a stretched mesh size no smaller than two inches and no larger than two and seven-eighths inches, one end of which is anchored to the shore and the other end is moved through the water by a vessel to take fish by encircling the fish and then being mechanically drawn to the shore. **[Section 50-5-15 (29)]**

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

To use a gill net or haul seine the cost is ten dollars per one hundred net feet or a fraction thereof for residents and fifty dollars per one hundred net feet or a fraction thereof for nonresidents. **[Section 50-5-325 (A)(4)]**

Recreational fishing exceptions; minnow traps for commercial purposes; retrieving unattended recreational equipment.

A person may use a shrimp seine in the salt waters for recreational purposes without being commercially licensed. **[Section 50-5-330 (A)]** However, if using a shrimp seine for recreational purposes both parties must have a saltwater recreational fishing license. **[Section 50-9-560 (A)]**

A person may use a lawful gill net non-commercially without a commercial saltwater fishing license; however, an equipment license and a saltwater recreational fishing license are required. **[Section 50-5-330 (B)] [Section 50-9-560 (A)]**

Net use requirements and restrictions; mariculture impoundment net use permit.

Haul seines must be fully returned to the beach within one and one-half hours of being set. **[Section 50-5-505 (F)]**

INSHORE WATERS

Use of nets:

Gill nets not more than one hundred yards in length with a mesh size no smaller than three inches stretched mesh and up to five and one half inches stretched mesh may be used in designated areas (Little River, map designates areas) of the inshore saltwaters of the State. The legal gill net area designated by the Department is in Little River Inlet seaward of the Atlantic Intracoastal Waterway, excluding all tributary creeks. It is depicted on the attached map. Shrimp seines may be used in inshore saltwaters of the State. **[Section 50-5-500 (A)]**

ATLANTIC OCEAN WATERS

Use of Nets:

Gill nets not more than one hundred feet in length with a mesh size no smaller than three inches stretched mesh and up to, but not including, four and one half inches stretched mesh may be used in the Atlantic Ocean seaward of the beaches and the COLREGS demarcation lines depicted on National Ocean Survey charts. Shrimp seines and haul seines may be used in the Atlantic Ocean seaward of the beaches and the COLREGS demarcation lines depicted on National Ocean Survey charts. **[Section 50-5-500(B)]**

Recreational fishing exceptions; minnow traps for commercial purposes; retrieving unattended recreational equipment.

No person may retrieve any unattended recreational equipment unless the owner is present, or with the written permission of the owner but no fish may be retained. **[Section 50-5-330 (D)]**

Net use requirements and restrictions; mariculture impoundment net use permit.

A gill net used in saltwater must have at least one end buoy, international orange in color, which shows the name and license number of the owner. The operator of a gill net must be within five hundred feet of the net and have visual contact with the net at all times when deployed. **[Section 50-5-505 (A)]**

A haul seine greater than one hundred feet in length must be marked with buoys, international orange in color, not less than twenty inches in diameter, which float in a manner to be clearly visible at all times. **[Section 50-5-505 (C)]**

No haul seine may be set within five hundred yards on any public fishing pier. **[Section 50-5-505 (D)]**

A buoy must be attached to the float line of any haul seine every three hundred feet, and a buoy must be attached to each end of any haul seine. **[Section 50-5-505 (E)]**

No haul seine may be set, hauled, or both, for a period exceeding one and one-half hours without being fully returned to the beach. **[Section 50-5-505 (F)]**

Unlawful deployment of net; penalty.

It is unlawful to use or deploy any net or similar device or any part thereof including line and attached devices so that any part thereof extends more than one-half the width of any saltwater creek, stream, channel, slough, or other salt water regardless of the stage of the tide, river stage, or method of net deployment. [Section 50-5-525 (A)]

Placement of stationary and channel nets; time for setting and removal of channel nets; penalty.

It is unlawful to set any stationary nets, within six hundred feet of any other net or device for taking fish except traps. [Section 50-5-530 (A)]

Placement of fishing equipment near public fishing pier or man-made jetty equipped with fishing walkway.

It is unlawful to set any net within six hundred feet of a public fishing pier or man-made jetty equipped with a fishing walkway in the waters of the Atlantic Ocean. This applies only to a fishing pier open to the public or man-made jetty equipped with a fishing walkway open to the public. [Section 50-5-535]

Use of seine or gill net in state park; shrimp net exception.

It is unlawful to use a seine or gill net in a lagoon, impoundment, or lake within the boundaries of a state park, except that lawful shrimp seines and cast nets for taking shrimp are allowed. [Section 50-5-540]

Taking of saltwater game fish; importation by wholesale or retail seafood dealer of red drum or spotted seatrout.

It is unlawful for a person to have in possession a saltwater gamefish while fishing or transporting a seine or a gill net or other commercial fishing equipment. A saltwater gamefish caught in the net or commercial fishing equipment must be returned to the water immediately. [Section 50-5-1700 (C)]

Catch limits.

Saltwater game fish are spotted seatrout (winter trout), red drum (channel bass), tarpon, and any species of billfish of the Family Istiophoridae are saltwater gamefish. [Section 50-5-1705 (A)]

Shark catch limits; boat or vessel permit to take sharks for commercial purposes; equipment requirements and prohibitions.

The use of gill nets to harvest sharks is prohibited in state waters at all times, and all sharks taken in a gill net must be released immediately. [Section 50-5-2725 (B)]

*****This summary does not include shad and herring net requirements.*****

Due to the Atlantic Large Whale Take Reduction Plan new regulations apply to all gillnets 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. Additional restrictions apply from November 15 – April 15 for areas designated as part of the Southeast U.S. Restricted Area North (includes waters within 35nm of the SC shoreline; Little River Inlet, SC is not included in this area). To see a detailed list of the regulations or to get additional information visit

<http://www.nero.noaa.gov/whaletrp/>.

September 1 – May 31 Restrictions

• Includes all U.S. waters bounded on the north from 72°30' W. long. south to 36°33.03' N. lat., and east to the eastern edge of the EEZ, and bounded on the south by 32°00' N. lat, and east to the eastern edge of the EEZ.

For All Gillnet Gear:

- Gillnet 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), BLUE, mark midway along the buoy line.

For Anchored Gillnets:

• Compliance with the **Universal Requirements:**

- 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.
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength no greater than 1,100 lbs;
- All gillnet panels are required to have weak links with the breaking strength of no greater than 1,100 lbs in the center of the floatline of each net panel up to and including 50 fathoms (100yds; 300ft), or at least every 25 fathoms (50yds; 150ft) for longer panels (page 46).
- Gillnets that do not return to port with the vessel must be configured with five or more weak links per net panel, depending on panel length, with a breaking strength no greater than 1,100 lb, and be anchored with the holding power of at least a 22-lb Danforth-style anchor at each end of the net string (must be a burying anchor; no dead weights). The weak link placement must meet one of two configuration options (visit <http://www.nero.noaa.gov/whaletrp/> for details). The same configuration will be required for all gillnet net panels in a string;*
- All groundlines must be made of sinking line.

For Drift Gillnets:

- Fishing with driftnet gear at **night** (i.e., anytime between one-half hour before sunset and one-half hour after sunrise) is **prohibited** unless that gear is tended (i.e., attached to the vessel);
- All driftnet gear must be removed from the water and stowed on board before a vessel returns to port.

*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.

Southeast U.S. Restricted Area North: November 15 – April 15 Restrictions

- Includes waters north of 29°00' N. (near Ponce de Leon Inlet, FL) to 32°00' N. (near the GA/SC border) from the shoreline eastward to 80°00' W, and off South Carolina, within 35 nautical miles of the shoreline. Little River Inlet, SC, is not located in the Southeast U.S. Restricted Area North.

For All Gillnet Gear:

- Fishing with or possessing gillnets during the restricted period is prohibited.
 - Exemption for vessels in transit with gillnets aboard if:
 - All nets are covered with canvas or other similar material and lashed or otherwise securely fastened to the deck, rail, or drum; and
 - All buoys, high flyers, and anchors are disconnected from all gillnets.
- **No fish may be possessed aboard such a vessel in transit.

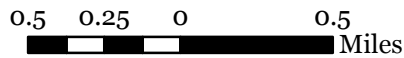
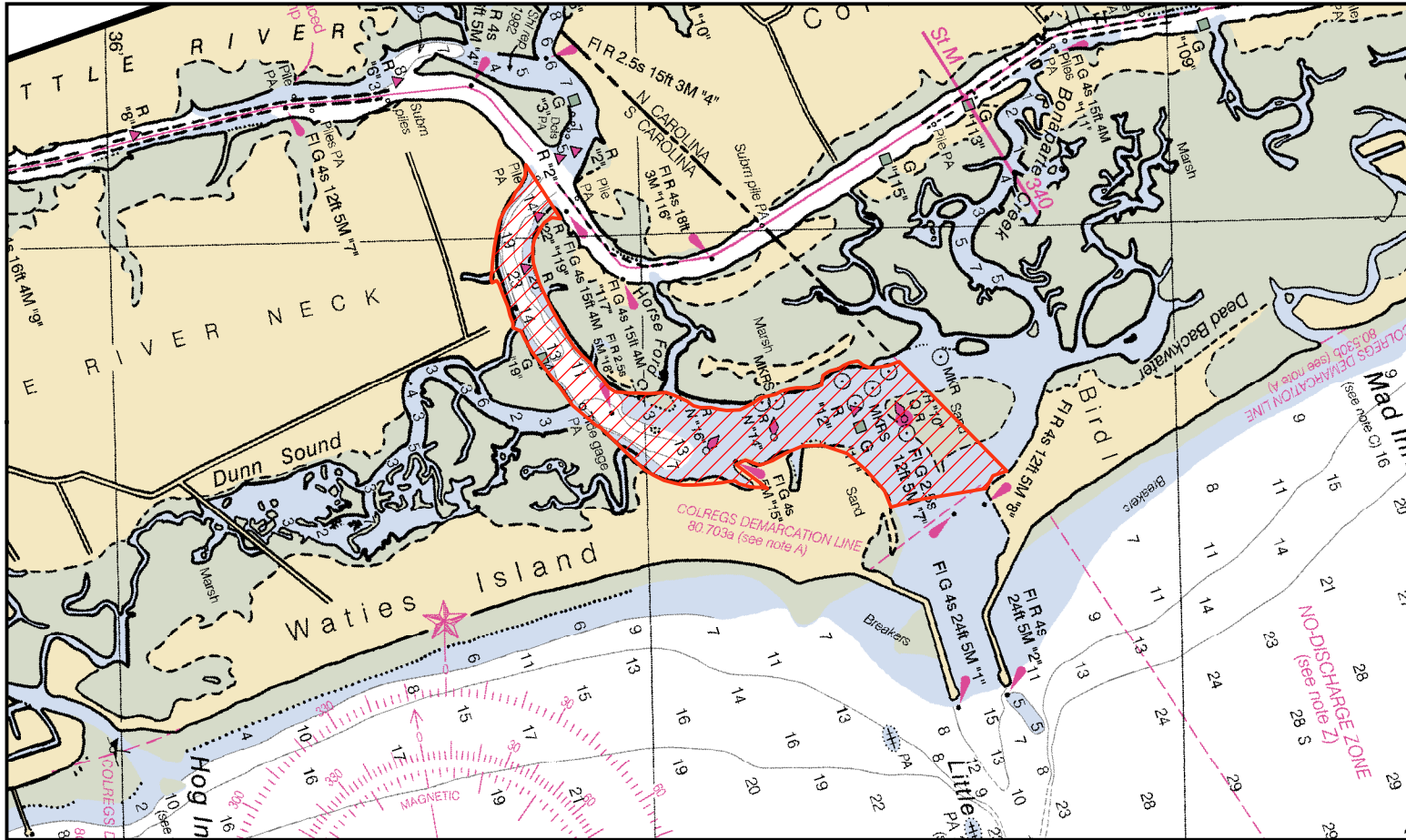
* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license please call (843)953-9311.

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. 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).

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 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.

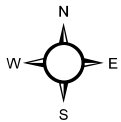
Attachment To Summary of Regulation for Use of Series and Gill Nets in Saltwaters of South Carolina with Legal References



Lawful Gill Net Area

Lawful Inshore Gill Net Area

Gill nets not more than one hundred yards in length with a mesh size no smaller than three inches stretched mesh and up to five and one half inches stretched mesh may be used in the portion of Little River and Little River Inlet indicated hereon. Designated under authority of Section 50-5-500(A)(10). S.C. Code of Laws. Other restrictions apply and shad and herring nets. See title 50, Chapter 5, Article 15 of SC the Code of Laws.



Map Prepared by E. Koch
October 2013
SCDNR, MRR I GIS Lab

