

## Summary of Shad Fishing Laws

2025

This document should be kept on board all vessels employed for commercial shad fishing as a reference to regulation, not to supersede knowledge of the pertinent laws. Complete laws can be found at [www.scstatehouse.gov](http://www.scstatehouse.gov).

**License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-325, Section 50-5-1500]**

	<u>Resident</u>	<u>Non-Resident</u>
Saltwater Commercial License	\$25.00	\$300.00
Shad Gill Net License	\$10/100 yards or fraction	\$50/100 yards or fraction
Commercial Vessel Decal	No Charge	No Charge
Shad Gill Net Permit	No Charge	No Charge
Freshwater Commercial License	\$50.00	\$1000.00

**Legal definitions important to shad fishermen are located at S.C. Code Ann. §50-5-15 and including but is not limited to:**

- “Anadromous” identifies fish which undertake adult migration from brackish or salt waters into freshwaters to spawn, except striped bass or rock fish and hybrid bass, and includes landlocked stocks of those fish.
- “Cast net” means nonbaited 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.
- “Catadromous” identifies fish which undertake adult migration from freshwater into brackish or salt water to spawn.
- “Commercial equipment” means:
  - (a) any trawl, haul seine, gill net, channel net, bull rake, seed fork, grabs, escalator, or dredge; and
  - (b) 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” means:
  - (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.
- “Fish” means finfish, shellfish including mollusks, crustaceans, horseshoe crabs, whelks (conchs), turtles, and terrapin or products thereof.
- “Freshwater” all waters of the river and their tributaries, streams and estuaries lying above the dividing line.
- “Gill net” means a net which is designed to hang vertically and capture fish by entanglement usually of the head, gill covers, or preopercles, and does not include gill net for taking shad unless specified.
- “Herring” means any or all life stages of the river herrings being blueback herring (*Alosa aestivalis*) and alewife (*Alosa pseudoharengus*).
- “Recreational fishermen” means persons taking or attempting to take saltwater fish for recreation only, and not for commercial purposes
- “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.

- “Saltwater gamefish” means any species of saltwater fish designated as a saltwater gamefish in this title.
- “Shad” means American or white shad (*Alosa sapidissima*) and hickory or skip-jack shad (*Alosa mediocris*).
- “Striker” means a person, other than a licensed saltwater commercial fisherman, who under immediate supervision assists a licensed commercial saltwater fisherman, but does not use separate commercial equipment on a vessel which is engaged in commercial fishing.
- “Take” means to harass intentionally, hunt, capture, gather, harvest, remove, catch, wound, or kill or attempt to harass, hunt, capture, gather, harvest, remove, catch, wound, or kill.
- “Territorial sea” means that portion of the Atlantic Ocean under the jurisdiction of the State of South Carolina as depicted on charts of the National Oceanic and Atmospheric Administration or its successor agency.
- “Skim-bow net” means a net constructed of webbing not greater than two and one-half inches, stretched mesh, hung within a frame formed by a length of wood or other material looped and attached upon itself end to end forming a loop having no distance across greater than fifteen feet.
- “Stretch” as used to describe the measure of mesh of nets means that the material is pulled snugly but not to the point of lengthening the single or multi-strand line of the netting. Measurement is made across the widest dimension of the mesh when so pulled.

➤ **The maximum amount of allowable commercial shad gill net yards in SC waters is limited to a total of 200 yards or fraction of shad nets (not to exceed five nets total).**

➤ **Additionally, the maximum amount of allowable commercial shad gill net yards on the Edisto, Combahee, and Black Rivers is limited to 100 yards or fraction (one 100 yards or fraction shad net).**

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

In the salt waters of this State, must obtain a commercial saltwater fishing license and a commercial saltwater equipment license and related permits; **[S.C. Code Ann. §50-9-420 (1)]**

In the freshwaters of this State, must obtain a commercial freshwater license and a commercial saltwater equipment license and related permits. **[S.C. Code Ann. §50-9-420 (2)]**

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

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; **[S.C. Code Ann. §50-9-545 (1)]**

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. **[S.C. Code Ann. §50-9-545 (2)]**

**Licenses and permits requirements; penalty for unlawful taking.**

The department may restrict the number of nets for taking shad in any body of water where the numbers of nets or fishermen must be limited due to statutory limitations on placement of nets, to prevent congestion of nets or watercraft, or for conservation purposes. The department may grant permits to

licensed commercial saltwater fishermen for this purpose. Permits may be limited in number and may be conditioned so as to designate areas, size and take limits, hours, type and amount of equipment, and catch reporting requirements. **[S.C. Code Ann. §50-5-1500 (B)]**

**Special provisions as to shad and herring.**

It is unlawful to take shad by hook and line or by skim-bow net while operating or possessing any commercial fishing equipment for taking shad or herring. **[S.C. Code Ann. §50-5-1510 (A)(1)]**

It is unlawful for a recreational fisherman to take shad with any other fishing equipment except cast nets, skim-bow nets, and hook and line which includes rod and reel, provided that a properly licensed gill net may be used to take shad for recreational purposes. Except from sanctuaries designated by the department, a recreational fisherman may take shad:

- [a] by hook and line and cast net at any time of the year,
  - [b] by skim-bow net from February 1 – April 30; and
  - [c] by licensed gill net during those times provided in this article for commercial fishing.
- [S.C. Code Ann. §50-5-1510 (A)(2)]**

It is unlawful to possess saltwater or freshwater gamefish or fishing tackle capable of taking saltwater or freshwater gamefish while using shad gill nets. **[S.C. Code Ann. §50-5-1510 (A)(3)]**

Nongame fish taken in lawfully fished shad nets or skim-bow nets may be kept by the fisherman. Any Atlantic sturgeon and any gamefish must be returned immediately to the water. **[S.C. Code Ann. §50-5-1510 (A)(4)]**

It is unlawful to set a net in a fixed position in the navigation channel of the Atlantic Intracoastal Waterway. **[S.C. Code Ann. §50-5-1510 (A)(5)]**

A gill net used for taking or attempting to take shad in the inshore salt waters of this State must have a stretched mesh size of no smaller than five and one-half inches and a length not exceeding nine hundred feet. Gill nets for taking shad in the inshore salt waters of this State may be drift fished or set in accordance with this chapter. Only one shad gill net may be drift fished by occupants of a boat, and the drift net must be attended at all times when deployed. Additional boats in tow may not be used to increase the number of authorized nets. **[S.C. Code Ann. §50-5-1510 (A)(9)]**

Except as otherwise provided by law or by regulation promulgated under this article, any gill net used for taking or attempting to take shad in the freshwaters of this State must have a stretched mesh size of no smaller than five and one-half inches and be no longer than six hundred feet. Gill nets for taking shad in the freshwaters of this State may be freely drift fished or set in accordance with the provisions of this chapter. Only one shad gill net may be drift fished by occupants of a boat, and the drift net must be attended at all times when deployed. Additional boats in tow may not be used to increase the number of authorized nets. **[S.C. Code Ann. §50-5-1510 (A)(10)]**

A gill net used for taking or attempting to take shad in the salt waters of this State must have at least one end buoy attached which has the name and license number of the owner clearly marked on it. A buoy not less than twenty inches in diameter must be attached to each end of the net, and in any net more than three hundred feet in length a buoy not less than ten inches must be attached every three hundred feet on the float line. All buoys must be international orange in color and must float so as to be clearly visible at all times. **[S.C. Code Ann. §50-5-1510 (A)(13)]**

A gill net used for taking or attempting to take shad in the freshwaters of this State must be marked with buoys, international orange in color and not less than six inches in diameter, which float in a manner to be clearly visible at all times. One buoy must be attached to the float line of the net every three hundred

feet, and a buoy must be attached to each end of each net. At least one end buoy attached to the net must have the name and license number of the owner clearly marked on it. **[S.C. Code Ann. §50-5-1510 (A)(14)]**

Skim-bow nets must be used or fished only from high land or from a pier, dock, or other structure permanently affixed to high land without the aid of any power assisted device. Only shad, herring, and other nongame fish may be retained. No such fish may be sold. **[S.C. Code Ann. §50-5-1510 (A)(15)]**

**Shad hook and line catch limits.**

A person taking shad by cast net, skim-bow net, or by hook and line may possess no more than a total of ten American and hickory shad per one day except in the Santee River where the limit is twenty per day. **[S.C. Code Ann. §50-5-1515 (B)]**

No shad taken by cast net, skim-bow net, or by hook and line may be sold, offered for sale, or purchased. In freshwaters, a person must hold a freshwater fishing license. **[S.C. Code Ann. §50-5-1515 (C)]**

**Unlawful taking of Atlantic sturgeon; penalties.**

Any sturgeon taken must be released immediately back into the waters where taken. **[S.C. Code Ann. §50-5-1525 (A)]**

**Taking of shortnose sturgeon prohibited; penalty.**

It is unlawful for anyone to take, possess, buy, sell, or ship shortnose sturgeon (*Acipenser brevirostrum*) or any part or product thereof. Any shortnose sturgeon taken incidentally to fishing activity must be returned unharmed immediately to the water from where taken. **[S.C. Code Ann. §50-5-1535]**

**Net placement.**

No shad net, including its cables, lines, or attached devices, either set or drift fished may be longer than one-half the normal width of the water body at the place where used, regardless of the stage of the tide, river stage, water level, or method of net deployment. **[Section 50-5-1540 (A)]**

[1] No net may be set within six hundred feet of any gill net previously set.

[2] No net may be drifted within six hundred feet of another drifting net.

[3] No net may be placed or set within seventy-five feet of the confluence of any tributary. **[Section 50-5-1540 (B)]**

A lawfully drifted gill net may pass within six hundred feet of a lawfully anchored gill net. **[Section 50-5-1540 (C)]**

**Removal of nets during off times and periods; penalties.**

During times and periods when taking of shad by net is not allowed, any net which could be used for taking herring must be removed from the waters. **[Section 50-5-1545 (A)]**

Any non-mesh, net-related fishing apparatus, including leads, cables, anchors, signs, and buoys must be removed from the waters and banks of the streams or water courses no later than three days after the close of the shad season. Any net or part thereof found in violation is contraband and must be seized and disposed of as provided by law. **[Section 50-5-1545 (D)]**

Anchors with attached line and buoys may remain in lawful waters during weekly closed periods of the open season. **[Section 50-5-1545 (E)]**

**Seizure of net or seine containing decomposed fish.**

Any net or seine set in the waters of this State which contains decomposed fish is contraband and must

be seized and disposed of as provided in this chapter. **[Section 50-5-1550]**

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 50-5-1557]**

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.

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### **Information for the Shad Fishery**

Just a reminder, if you plan to catch shad with commercial gear (shad gill net) you **MUST:**

- Buy a saltwater fishing license and/or freshwater fishing license (depending on where you are fishing). If you are recreationally fishing (NOT selling your catch) then you need your recreational fishing license.
- Buy license for type of gear type
- Obtain a permit from the OFM Permitting Office
- Sell to a **licensed** dealer
- **Complete** and return **Mandatory Shad Harvest Report Forms** to SCDNR.

If you plan to catch shad with commercial gear and **sell** your catch as a dealer (sell it yourself) you

**MUST:**

- Buy a saltwater commercial license and/or freshwater commercial license (depending on where you are fishing)
- Buy license for gear type
- Obtain a permit from the OFM Permitting Office

- Buy a wholesale dealer license or bait dealer license
- **Complete** and return **Mandatory Shad Harvest and Dealer Report Forms** to SCDNR.

Fishermen landing their catch and who **do not** have a commercial license are prohibited from selling or transferring any seafood product for personal gain to the public or to any business that **does not** have a primary wholesale dealers license or bait dealers license.

Please fill out all blanks on Mandatory Shad Harvest Forms and return them by the 10th of the following month. It is important for the management of the species to know:

- **What river you are fishing**
- **What type of gear you are using (Drift or Set nets, length of nets, how many)**
- **How long your gear is in the water (How long you fish per trip)**
- **Number and Sex of Shad caught and incidental catches (sturgeons, or hickory Shad)**