South Carolina Department of Natural Resources Marine Resources Division

Summary of Channel Net Laws

2020-2021

This document should be kept on board any vessel having onboard or using channel net as a 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 50-5-325, Section 50-5-360]

Saltwater Commercial License	$25.00
Channel Net License	$250.00
Wholesale Dealer License	$100.00

Definitions:

"Channel net" means any conical-shaped, fixed, or stationary net used for taking shrimp which:
(a) is attached to poles, stakes, anchors, buoys, or other fixed objects; and
(b) has a mesh size of less than two and one-half inches when the mesh is stretched; and is also known as a set net. **[Section 50-5-15 (9)]**

Channel net licenses; restrictions.

The Department may grant up to sixty channel net licenses per year. Applicants who held channel net licenses in the previous license year and who were not in violation of conservation laws or regulations are given preference for licenses. An applicant must be at least sixteen years old and a resident of South Carolina. Licenses must be applied for in person, and only one license may be issued to a person. **[Section 50-5-335]**

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

While using a channel net the licensee must display the license or keep it on his person. The license must be produced on demand of Department personnel or other law enforcement personnel. Licenses are not transferable. When a channel net is operated the licensee must be present. **[Section 50-5-350]**

Channel nets; season; observation of use by department; restrictions as to possession; requirements applicable to use of net and possession of license; penalties.

The Department annually may set the channel net season for up to ninety days between September 1 and December 15 of the same year. **[Section 50-5-510 (A)]**

A person licensed to use a channel net must allow designated Department personnel to board or accompany any vessel using a channel net. **[Section 50-5-510 (B)]**

It is unlawful to possess a channel net aboard a boat during the closed season or to possess an unlicensed channel net aboard a boat. **[Section 50-5-510 (C) (D)]**

The width of a channel net at the mouth measured across the float or head line must not exceed eighty feet, and no channel net may be operated from a trawler. **[Section 50-5-510 (E) (1) (2)]**

A channel net must be marked with three international orange buoys, one attached to each staff, constructed of solid foam or polyvinylchloride and not less than forty inches in circumference so as to be clearly visible at all times above the water's surface. One buoy attached to the tail bag must have the name, address, and license number of the owner thereon. A channel net set at night must be marked by a white light clearly visible from a distance of one-quarter of a nautical mile. **[Section 50-5- 510 (E) (3) (4)]**

It is unlawful for a person to set, retrieve, or remove catch from a channel net unless the properly licensed owner of the net is present and has his license in his immediate possession. **[Section 50-5-510 (F)]**

No channel net may be left unattended for more than twenty-four hours. A net not fished for more than twenty-four hours or containing decomposed fish is contraband and will be removed by the Department. **[Section 50-5-510 (G)]**

Channel nets to be used only in designated areas; Turtle Excluder Device requirements; penalties.

Channel nets may be used only in areas designated by the Department. **[Section 50-5-515 (A)]**

A functional soft or hard Turtle Excluder Device (TED) must be correctly installed in any channel net in use, except in the area east of a line in Winyah Bay from the front range on Big Marsh Island, running southeast to day marker No. 18, thence running south southeast to red Nun Buoy No.16. Any channel net used west of this line must use an approved Turtle Excluder Device. Turtle Excluder Devices are not required in channel nets used in North Santee Bay. However, the Department may require TEDs in any open area if a significant threat to sea turtles is determined**. [Section 50-5-515 (B) (1) (4)]**

A soft TED must be constructed and installed so as to conform to the specifications of the National Marine Fisheries Service for soft TED's. **[Section 50-5-515 (B) (2)]**

A hard TED must conform to the following specifications:

(a) the TED must be a single, rigid, oval deflector grid which is made of steel rod or pipe not less than one-third inch diameter, aluminum rod or pipe not less than one-half inch diameter, or fiberglass rod of comparable strength;

(b) the TED must be installed so that it is at a thirty to forty-five degree angle from the horizontal when in use;

(c) the minimum inside diameter may not be less than thirty inches;

(d) the minimum (slit) escape opening is thirty-five inches;

(e) the maximum spacing between the bars is four inches; there is no minimum spacing;

(f) all 'hard' TEDs must be top exiting only;

(g) an optional, rectangular flap may be installed over the escape opening, provided it is attached only on its forward edge, does not extend more than four inches aft of the escape opening, is no wider than thirty-six inches, and the mesh size is no larger than two inches stretch. **[Section 50-5-515 (B) (3)]**

A sea turtle accidentally taken must be released immediately unless it is apparent that resuscitation is required. If resuscitation is required, the fisherman must retain the turtle until the turtle has recovered sufficiently and is capable of swimming. **[Section 50-5-515 (B)(5)]**

Channel net violations; forfeiture of license; seizure of equipment.

In addition to any other penalty, a person who violates channel net laws forfeits the privilege to hold a channel net license for the next thirty open season days. Any boat, motor, boat trailer, and equipment used in aid of a violation related to channel nets or during the period for which the channel net license has been suspended or revoked must be seized and disposed of as provided in South Carolina law. This seizure requirement does not apply to requirements related to lighting of channel nets, distances from marked navigation channels, and distances between channel nets and other fishing devices. **[Section 50-5-520]**

Unlawful deployment of net; penalty.

It is unlawful to use or deploy a channel net or any part thereof so that it extends more than one-half the width of any water body 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 a channel net within two hundred feet of any other channel net. No channel net may be set within four hundred feet of the centerline of a marked navigation channel. Channel nets must be removed not later than the close of the channel net season. Lines, buoys, anchors, and associated equipment may be set no earlier than three days before the opening of the season and must be removed not later than three days following the close of the season. **[Section 50-5-530 (A)]**

Persons who may not obtain or hold shrimp baiting license; penalty.

A person licensed to use a channel net may not obtain or attempt to obtain a shrimp baiting license. No person holding a shrimp baiting license may be licensed to use a channel net. **[Section 50-5-1102]**

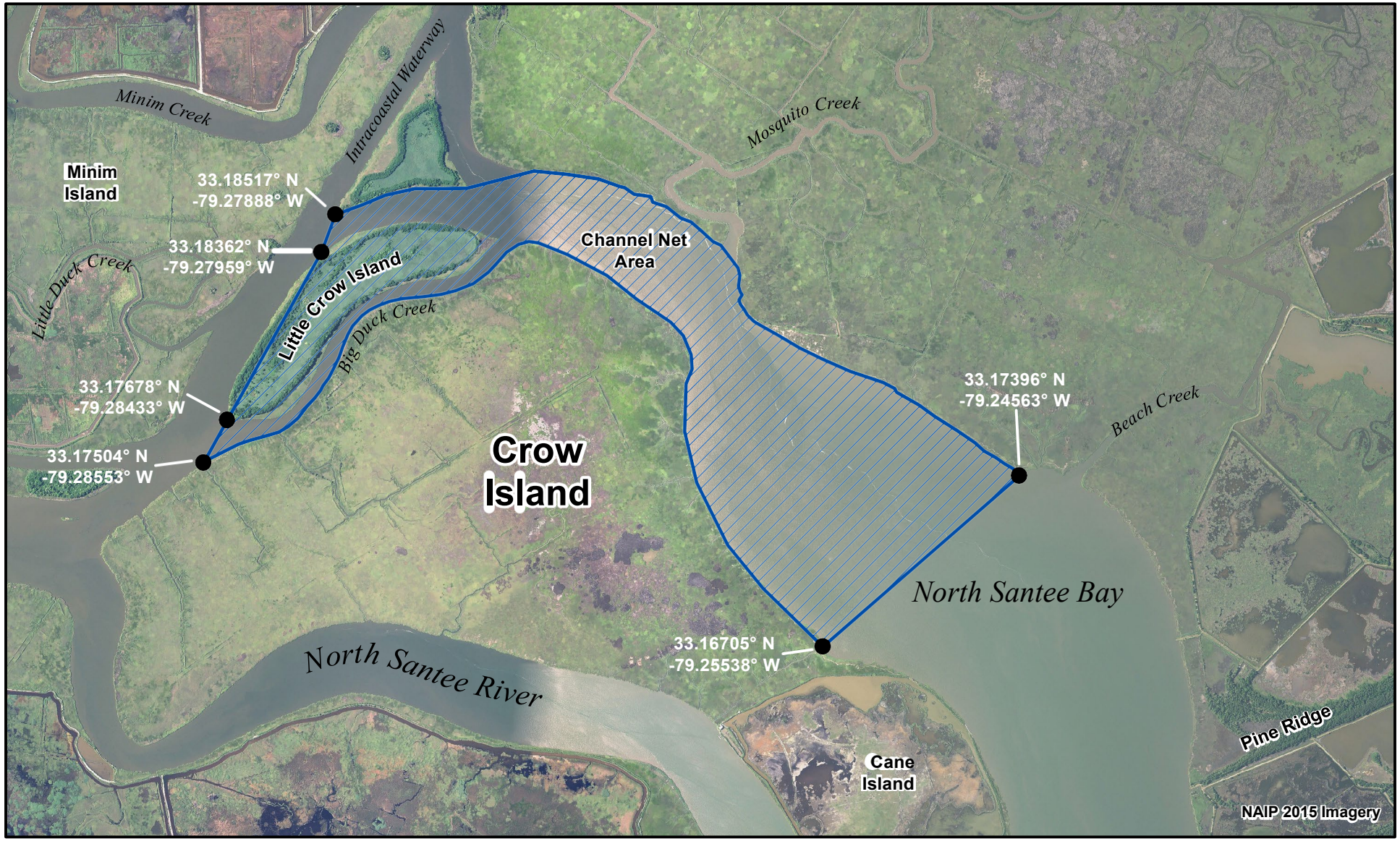
* If you no longer need your license please be sure to surrender it to the Commercial License office in Charleston (PO Box 12559 Charleston, SC 29422). If you have questions about surrendering your license, please call (843)953-9311.

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 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 Laws for Use of Channel Nets with Legal References
2017-2018
Designated Channel Areas in North Santee Bay



Channel nets may be used only in areas of North Santee Bay and Winyah Bay designated by the Department of Natural Resources, as depicted on maps provided by the Department. No channel net may be set within four hundred feet of the centerline of a marked navigation channel.

N

0 0.25 0.5 1 Miles

A Turtle Excluder Device (TED) is not required in the designated channel net area of North Santee Bay. However, the Department may require TEDs in any open area if a significant threat to sea turtles is determined.

Attachment to Summary of Laws for Use of Channel Nets with Legal References
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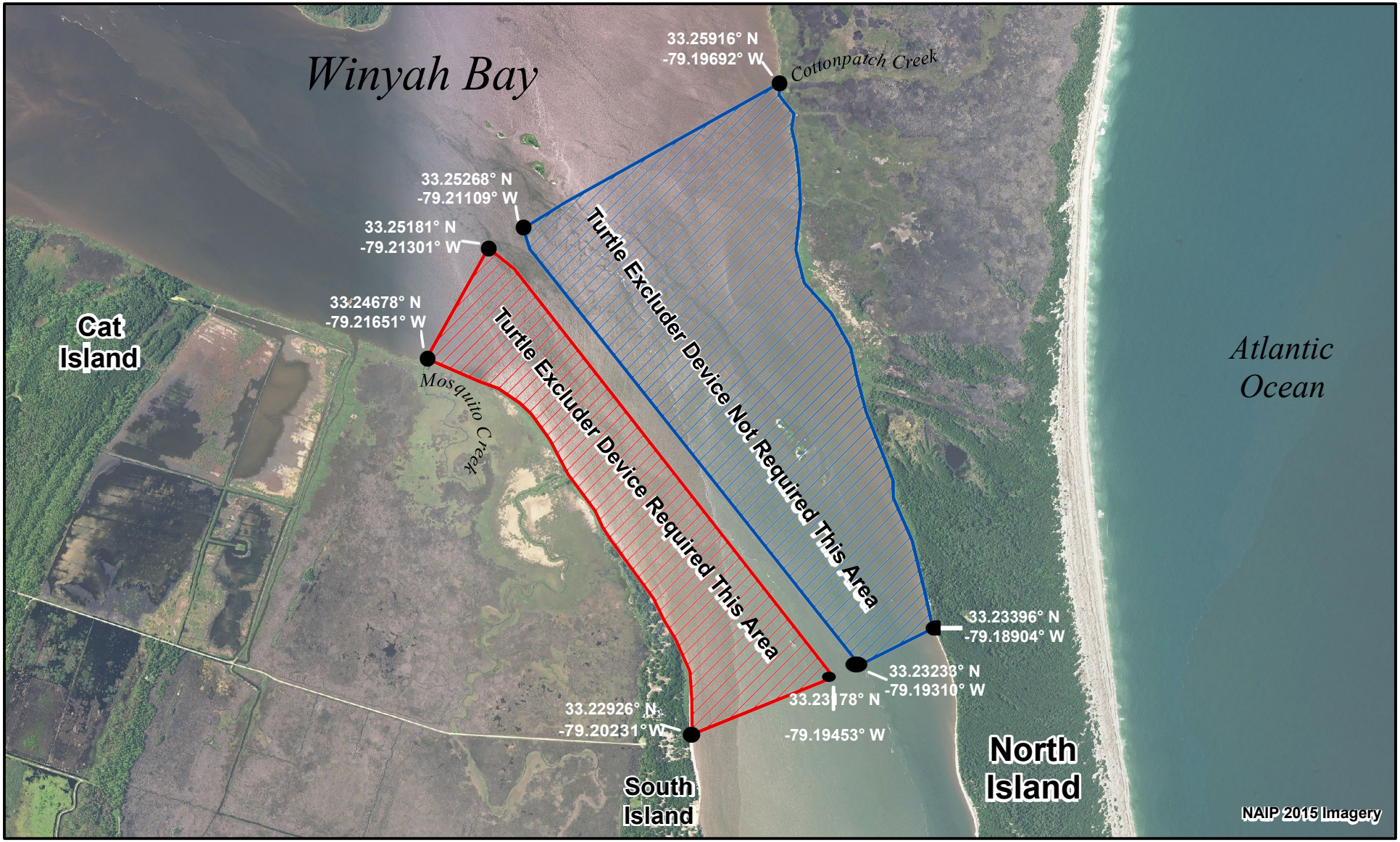

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