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Appendix A

SOUTH CAROLINA CODE OF REGULATIONS

CHAPTER 123

Department of Natural Resources

ARTICLE 5

Non-game and Endangered Species

123-150 Non-Game and Endangered Species.

1. The following list of species or subspecies of non-game wildlife are faced with extinction in the foreseeable future and are added to the official State List of Endangered Wildlife Species of South Carolina.

I. Birds

1. Bachman's Warbler (*Vermivora bachmanii*)
2. Bewick's Wren (*Thryomanes bewickii*)
3. Eskimo Curlew (*Numenius borealis*)
4. Kirtland's Warbler (*Dendroica kirtlandii*)
5. Piping Plover (*Charadrius melodus*)
6. Red-cockaded Woodpecker (*Picoides borealis*)
7. Swallow-tailed Kite (*Elanoides forficatus*)
8. Wood Stork (*Mycteria americana*)

II. Fish

1. Shortnose Sturgeon (*Acipenser brevirostrum*)
2. Pinewoods Darter (*Etheostoma mariae*)

III. Mammals

1. Atlantic Right Whale (*Eubalaena glacialis*)
2. Blue Whale (*Balaenoptera musculus*)
3. Bowhead Whale (*Balaena mysticetus*)
4. Eastern Cougar (*Felis concolor cougar*)
5. Finback Whale (*Balaenoptera physalus*)
6. Florida Manatee (*Trichechus manatus*)
7. Humpback Whale (*Megaptera novaengliae*)
8. Indiana Bat (*Myotis sodalis*)
9. Sei Whale (*Balaenoptera borealis*)
10. Sperm Whale (*Physeter catodon*)
11. Rafinesque's Big-eared Bat (*Plecotus rafinesquii*)

IV. Reptiles

1. Atlantic Leatherback Turtle (*Dermochelys c. coriacea*)
2. Atlantic Ridley Turtle (*Lepidochelys kempii*)
3. Gopher Tortoise (*Gopherus polyphemus*)
4. Atlantic Hawksbill Sea Turtle (*Eretmochelys imbricata*)

V. Amphibians

1. Flatwoods Salamander (*Ambystoma cingulatum*)
2. Webster's Salamander (*Plethodon websteri*)
3. Carolina Gopher Frog (*Rana c. capito*)

VI. Molluscs

1. Atlantic Pigtoe Mussel (*Fusconaia masoni*)
2. Brother Spike Mussel (*Elliptio fraterna*)

2. It shall be unlawful for any person to take, possess, transport, export, process, sell, or offer for sale or ship, and for any common carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on the list of "Endangered Wildlife Species of South Carolina", except by permit for scientific and conservation purposes issued by the South Carolina Department of Natural Resources.

Permits for conservation purposes shall be issued only for relocation, if warranted, and the incidental take of Red-cockaded Woodpeckers as part of the statewide Habitat Conservation Plan for Safe Harbor and for other mitigation purposes approved by the U.S. Fish and Wildlife Service.

3. The penalty for the violation of this Rule and Regulation shall be that prescribed by 50-15-80, 1976 S.C. Code of laws.

HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 22, Issue No. 4, eff April 24, 1998; State Register Volume 26, Issue No. 6, Part 2, eff June 28, 2002; State Register Volume 31, Issue No. 6, eff June 22, 2007; State Register Volume 33, Issue No. 8, eff August 28, 2009.

123-150.1 Cheloniidae and Dermochelyidae (Sea Turtles).

1. The remaining species of the families Cheloniidae and Dermochelyidae (sea turtles) not listed in South Carolina Wildlife and Marine Resources Department Regulation 123-150 are considered threatened and in need of management.

2. That is shall be unlawful for any person to take, possess, barter, trade, transport, export, process, sell or offer for sale or ship, and for any contract carrier knowingly to transport or receive for shipment any such species or products or parts or eggs thereof except by permit for scientific or educational purposes issued by the South Carolina Wildlife and Marine Resources Department, except that incidental catch of sea turtles while engaged in otherwise legal fishing, trawling or research activities at sea would be exempt under the taking clause of this regulation.

3. Sea turtles captured incidentally to legal fishing and/or research activities which appear vigorous when removed from the net, will be immediately returned to the water, exercising due care to prevent injury. Release should be from a location on the vessel which will minimize the possibility of the turtle being damaged by the vessel's propeller. The release will be made only when all sets of trawl doors or otter boards are hanging from the boom or outriggers.

4. Sea turtles which show no sign of life or those that are obviously weak, will be turned on their back and held on deck until they regain their strength or it appears that the turtle is definitely dead. In no cases, will weakened or apparently dead turtles be released until they have been held on deck for 30 minutes and attempts at revival have been made, i.e., pressing or pumping plastron (belly shell) to expel water and stimulate breathing.

5. That the penalty for the violation of this Rule and Regulation shall be prescribed by Section 50-15-80, 1976 South Carolina Code of Laws, as amended.

6. That except as modified or changed hereby, all prevailing laws, rules and regulations concerning wildlife in South Carolina shall remain in full force and effect.

123-150.2 Birds, Fish, Reptiles, Amphibians and Mammals.

The following list of species or subspecies of non-game wildlife are considered to be threatened and are added to the official state list of Non-game Species in Need of Management.

I. Birds

1. American Peregrine Falcon (*Falco peregrines anatum*)
2. Bald Eagle (*Haliaeetus leucocephalus*)
3. Bewick's Wren (*Thryomanes bewickii*)
4. Common Ground Dove (*Columbina passerina*)
5. Least Tern (*Sterna albifrons*)
6. Wilson's Plover (*Charadrius wilsonia*)

II. Fish

1. Carolina Pygmy Sunfish (*Elassoma boehlkei*)
2. Broadtail Madtom (*Noturus sp.*)

III. Reptiles

1. American Alligator (*Alligator mississippiensis*)
2. Atlantic Loggerhead Sea Turtle (*Caretta caretta*)
3. Atlantic Green Sea Turtle (*Chelonia mydas*)
4. Coal Skink (*Eumeces anthracinus*)
5. Bog Turtle (*Clemmys muhlenbergii*)
6. Spotted Turtle (*Clemmys guttata*)
7. Southern Hognose Snake (*Heterodon simus*)

IV. Amphibians

1. Dwarf Siren (*Pseudobranchius striatus*)
2. Pine Barrens Treefrog (*Hyla andersonii*)

V. Mammals

1. Small-footed Bat (*Myotis leibii*)

HISTORY: Amended by State Register Volume 18, Issue No. 5, eff May 27, 1994; State Register Volume 26, Issue No. 6, Part 2, eff June 28, 2002; State Register Volume 31, Issue No. 6, eff June 22, 2007; State Register Volume 33, Issue No. 8, eff August 28, 2009.

123-150.3 Scientific Collecting Permit Required.

That a scientific collecting permit under the terms of Section 50-11-2190, 1976 Code of Laws, shall be required for the collecting of all nongame species or subspecies of the Classes Pices (Fish), Amphibia (Amphibians), Reptilia (Reptiles), Aves (Birds) and Mammalia (Mammals).

SOUTH CAROLINA CODE OF LAWS

CHAPTER 11
Protection of Game

ARTICLE 6
Special Depredation Permits, Collection Permits, Closing Seasons, Special Seasons

SECTION 50-11-1180. Authority of department to issue permits to collect protected wildlife for scientific or propagating purposes; penalties.

For purposes of this section:

(a) “Take” means to harass, hunt, capture, or kill.

(b) “Protected wildlife” means any wildlife, part, product, egg, offspring nest, dead body, or part thereof which is managed or protected or the taking of which is specifically regulated by the department.

Permits may be granted by the department to any properly accredited competent person permitting him to collect protected wildlife for strictly scientific or propagating purposes only. No permit is required for the collecting or taking of nonprotected wildlife. Applications for a permit must be made to the department which shall investigate the applicant and the project or program for which the collection is to be made. The application must be accompanied by a payment of a ten-dollar fee to cover the cost of the examination and the issuing of the permit. If the department considers the applicant to be qualified and the program or project to be necessary or desirable, it shall issue a permit which expires on December thirty-first of the year in which it is issued. Permits may be renewed for one year upon application and the payment of a ten-dollar renewal fee if the department determines the applicant and the program or project is still qualified. Permits are not transferable but any student assistant working under the direct supervision of the permittee in collecting activities may participate under the permit. All collecting or taking must be conducted so as to adhere to recognized scientific methods. Wherever practicable, data, results, and specimens must be made available to the public upon request. The permittee shall submit a report at the end of the permit period of the specimens collection and of other information as may be included on the report form, which must be furnished by the department. Collecting permits for endangered species must be issued only in accordance with Section 50-15-40. The provisions of Section 50-17-70;;;MI;;0000000; are not superseded by the provisions of this section.

Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in an amount of not less than twenty-five dollars nor more than one hundred dollars or imprisoned for a term not to exceed thirty days and any permit issued to that person is revoked.

HISTORY: [Derived from former Sections 50-1130 (1962 Code Section 28-303; 1952 Code Section 28-303; 1942 Code Section 1787; 1932 Code Section 1787; Cr. C. ‘22 Section 740; 1919 (31) 269; 1952 (47) 2179); 50-11-2190 (1962 Code Section 28-469; 1968 (55) 2430; 1979 Act No. 148, Section 1)]; 1988 Act No. 561, Section 1; 1993 Act No. 181, Section 1262.

ARTICLE 10
Wildlife Management Areas

SECTION 50-11-2200. Establishment, operation, and maintenance of wildlife management areas; prohibited conduct; penalties.

(A) Subject to available funding, the department shall acquire sufficient wildlife habitat through lease or purchase or otherwise to establish wildlife management areas for the protection, propagation, and promotion of fish and wildlife and for public hunting, fishing, and other natural resource dependent recreational use. The department may not have under lease at any one time more than one million six hundred thousand acres in the wildlife management area program. The department may not pay more than fair market value for the lease of lands in the area. The department may not lease land for the program which, during the preceding twenty-four months, was held under a private hunting lease. However, this restriction does not apply:

- (1) if the former lessee executes a voluntary consent to the proposed wildlife management area lease;
- (2) if the lessor cancels the lease; or
- (3) to any lands which, during the twenty-four months before June 5, 1986, were in the game management area program.

(B) The department may promulgate regulations for the protection, preservation, operation, maintenance, and use of wildlife management areas and Heritage Trust areas and those other lands owned by the department.

(C) The following acts or conduct are prohibited and shall be unlawful on all wildlife management areas, state lakes and ponds owned or leased by the department, heritage preserves owned by the department, and all other lands owned by the department; provided, however, the department may promulgate regulations allowing any of the acts or conduct by prescribing acceptable times, locations, means, and other appropriate restrictions not inconsistent with the protection, preservation, operation, maintenance, and use of such lands and areas:

- (1) hunting or taking wildlife or fish;
- (2) exceeding bag or creel limits;
- (3) hunting or taking wildlife or fish by unauthorized methods, weapons, or ammunition;
- (4) hunting or taking wildlife or fish during closed seasons, days, or times;
- (5) hunting or taking wildlife by aid of bait or feeding or baiting wildlife;
- (6) hiking;
- (7) rock climbing or rappelling;
- (8) operation of motorized and nonmotorized vehicles;
- (9) swimming;
- (10) camping;
- (11) horse riding;
- (12) staging or participating in "paintball", "airsoft", or similar games;
- (13) possession of pets and specialty animals;
- (14) use of fire, fireworks, or explosives;
- (15) polluting or contaminating any land or water;
- (16) acting in a disorderly manner or creating any noise which would result in annoyance to others and no person shall operate or use electronic sound devices except as permitted by the department;

- (17) consumption of alcoholic beverages or possession of open containers of alcoholic beverages on lands and areas designated for hunting or fishing;
- (18) conducting commercial activity or using the area for commercial gain, except by permit;
- (19) gathering, damaging, or destroying rocks, minerals, fossils, artifacts, geological formations, or ecofacts, except by permit;
- (20) gathering, damaging, or destroying plants, fallen vegetation, animals, and fungi except to the extent these activities are authorized by permit, or are incidental to other activities authorized in wildlife management areas by this title;
- (21) entering a closed area or unauthorized entry;
- (22) launching or landing parachutes or parasails or aircraft including models or remotely piloted aircraft and similar devices, except for law enforcement or emergencies;
- (23) placing temporary or permanent structures on these lands and areas, except permitted stands and blinds;
- (24) obstructing or creating a hazard to land or water traffic or obstructing a watercourse;
- (25) operating a motor vehicle in or across watercourses other than at designated fording sites;
- (26) posting bills, signs, or other notices;
- (27) indecently exposing one's person or performing an indecent act in public;
- (28) abandoning vehicles, equipment, or other material;
- (29) defacing, altering, destroying, or removing any sign, marker, guidepost, fence, gate, lock, barrier, improvement, building, bridge, culvert, structure, natural landmark, or feature;
- (30) geocaching;
- (31) use or possession of metal detectors, except by permit;
- (32) digging or excavating, except by permit;
- (33) use of herbicides or pesticides, excluding insect repellent;
- (34) introducing nonnative or cultivated plants or other organisms, or releasing an animal;
- (35) cutting or collecting of firewood, except by permit;
- (36) discharging weapons or target shooting, except in areas designated by the department;
- (37) trapping;
- (38) shooting onto or across WMA areas closed to hunting or attempting to take wildlife on WMA areas closed to hunting;
- (39) use or operation of watercraft; and
- (40) depositing refuse, garbage, or other waste materials.

(D) The department or emergency service personnel may undertake these activities for enforcement, emergencies, or management purposes.

(E) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than two hundred dollars or be imprisoned for not more than thirty days, or both.

(F) As used in this section "bait", "baiting", or "feeding" means placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or food stuffs to constitute an attraction, lure, or enticement for wildlife to, on, or over an area. "Baited area" means an area where bait or feed is directly or indirectly placed, deposited, exposed, distributed, or scattered, and the area remains a baited area for ten days following the complete removal of all bait or feed. Nothing in this section prohibits the hunting and taking of wildlife on or over lands or areas that are not otherwise baited and where:

(1) there are standing crops on the field where grown, including crops grown for wildlife management purposes; or

(2) shelled, shucked, or unshucked corn, wheat, or other grain, or seeds that have been distributed or scattered solely as the result of a normal agricultural practice as prescribed by the Clemson University Extension Service or its successor.

(G) An activity permitted by regulation may be temporarily suspended for up to one hundred eighty days if the activity is adversely affecting natural resources or human health or safety.

(H) Nothing contained in this section shall interfere with the use and management of lands by a state agency in charge of these lands in the functions of the agency as authorized by law.

HISTORY: 1988 Act No. 561, Section 1; 1993 Act No. 181, Section 1262; 1996 Act No. 372, Section 3; 2001 Act No. 70, Section 1; 2007 Act No. 84, Section 1, eff June 14, 2007; 2009 Act No. 63, Section 1, eff June 2, 2009; 2014 Act No. 234 (S.1177), Section 1, eff June 2, 2014.

SECTION 50-11-2210. Abuse of wildlife management area land, Heritage Trust land, or department owned land or improvements; penalties.

The abuse, misuse, damage, or destruction of wildlife management area land, Heritage Trust land, or department owned land or improvements on these lands is unlawful. A person who abuses, misuses, damages, or destroys these lands or improvements on them including, but not limited to, roads, vegetation, buildings, structures, or fences or leaves refuse, trash, or other debris on the property, or who otherwise abuses, damages, destroys, or misuses these lands is guilty of a misdemeanor and, upon conviction, must be fined two hundred dollars and be required to make restitution to the landowner in an amount determined by the court to be necessary to repair, rebuild, clean up, or restore the property to its condition before the abuse occurred. A person failing to make restitution within the time limit set by the court must serve a mandatory ten-day sentence in the county jail which may not be suspended in whole or in part. The provisions of this section are in addition to other criminal penalties.

HISTORY: [Derived from former Section 50-11-1610 (1986 Act No. 502, Part II, Section 2)]; 1988 Act No. 561, Section 1; 1993 Act No. 181, Section 1262; 2002 Act No. 257, Section 1; 2009 Act No. 63, Section 2, eff June 2, 2009.

SECTION 50-11-2220. Abuse of wildlife area land, Heritage Trust land, or department owned land or improvements; additional penalties.

A person convicted of abusing, damaging, or destroying wildlife management area land, Heritage Trust land, or department owned land or improvements loses the privilege of entering onto these lands for one year. A person who enters onto wildlife management land, Heritage Trust land, or department owned land after losing the privilege to enter is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days, or both and, in addition, shall lose the privilege to enter these lands for an additional two years and the privilege to hunt and fish for one year. The provisions of this section are in addition to other criminal penalties.

HISTORY: [Derived from former Section 50-11-1620 (1986 Act No. 502, Part II, Section 2)]; 1988 Act No. 561, Section 1; 1993 Act No. 181, Section 1262; 2002 Act No. 257, Section 2; 2007 Act No. 84, Section 2, eff June 14, 2007; 2009 Act No. 63, Section 3, eff June 2, 2009.

SOUTH CAROLINA CODE OF LAWS

CHAPTER 15
Nongame and Endangered Species

ARTICLE 1
Nongame and Endangered Wildlife Species

SECTION 50-15-10. Definitions.

As used in this article:

(1) "Ecosystem" means a system of living organisms and their environment, each influencing the existence of the other and both necessary for the maintenance of life.

(2) "Endangered species" means any species or subspecies of wildlife whose prospects of survival or recruitment within the State are in jeopardy or are likely within the foreseeable future to become so due to any of the following factors:

(a) the destruction, drastic modification, or severe curtailment of its habitat, or

(b) its over-utilization for scientific, commercial, or sporting purposes, or

(c) the effect on it of disease, pollution, or predation, or

(d) other natural or manmade factors affecting its prospects of survival or recruitment within the State, or

(e) any combination of the foregoing factors. The term shall also be deemed to include any species or subspecies of fish or wildlife appearing on the United States' List of Endangered Native Fish and Wildlife as it appears on July 2, 1974, (Part 17 of Title 50, Code of Federal Regulations, Appendix D) as well as any species or subspecies of fish and wildlife appearing on the United States' List of Endangered Foreign Fish and Wildlife (Part 17 of Title 50 of the Code of Federal Regulations, Appendix A), as such list may be modified hereafter.

(3) "Management" means the collection and application of biological information for the purposes of increasing the number of individuals within species and populations of wildlife up to the optimum carrying capacity of their habitat and maintaining such levels. The term includes the entire range of activities that constitute a modern scientific resource program including, but not limited to, research, census, law enforcement, habitat acquisition and improvement, and education. Also included within the term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(4) "Nongame species" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this State as a game species.

(5) "Optimum carrying capacity" means that point at which a given habitat can support healthy populations of wildlife species, having regard to the total ecosystem, without diminishing the ability of the habitat to continue that function.

(6) "Person" means any individual, firm, corporation, association, or partnership.

(7) "Take" means to harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill wildlife.

(8) "Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal or any part, product, egg or offspring, or the dead body or parts thereof.

HISTORY: 1962 Code Section 28-726; 1974 (58) 2384; 1993 Act No. 181, Section 1264; former 1976 Code Section 50-15-20; 2014 Act No. 159 (S.714), Section 1, eff April 14, 2014.

SECTION 50-15-20. Investigations on nongame wildlife by department; regulations; management programs; public hearings; prohibited acts.

(A) The department shall conduct investigations on nongame wildlife in order to develop information relating to population, distribution, habitat, needs, limiting factors, and other biological and ecological data to determine management measures necessary for their continued ability to sustain themselves successfully. On the basis of such determinations the department shall issue proposed regulations and develop management programs designed to ensure the continued ability of nongame wildlife to perpetuate themselves successfully. Such proposed regulations shall set forth species or subspecies of nongame wildlife which the department deems in need of management pursuant to this section, giving their common and scientific names by species or subspecies. The department shall conduct ongoing investigations of nongame wildlife and may from time to time amend such regulations by adding or deleting therefrom species or subspecies of nongame wildlife.

(B) The department shall by such regulations establish proposed limitations relating to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment as may be deemed necessary to manage such nongame wildlife.

Such regulation shall become effective sixty days after being proposed during which period public comment shall be solicited and received. The board may hold a public hearing if deemed appropriate. On the basis of public comments received or the testimony at any such hearing the department may make such changes in the proposed regulation as are consistent with effective management of nongame wildlife.

(C) Except as provided in regulations issued by the department, it shall be unlawful for any person to take, possess, transport, export, process, sell, or offer for sale or ship nongame wildlife deemed by the department to be in need of management pursuant to this section. Subject to the same exception, it shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment nongame wildlife deemed by the department to be in need of management pursuant to this section.

HISTORY: 1962 Code Section 28-728; 1974 (58) 2384; 1993 Act No. 181, Section 1264; former 1976 Code Section 50-15-30; 2014 Act No. 159 (S.714), Section 1, eff April 14, 2014.

SECTION 50-15-30. Endangered species listed; review and amendment of list; unlawful to take, deal in, or transport species on lists.

(A) On the basis of investigations on nongame wildlife provided for in Section 50-15-20 and other available scientific and commercial data, and after consultation with other state agencies, appropriate federal agencies, and other interested persons and organizations, but not later than one year after July 2, 1974, the department shall by regulation propose a list of those species or subspecies of wildlife indigenous to the State which are determined to be endangered within this State, giving their common and scientific names by species and subspecies. Such regulation shall become effective sixty days after being proposed during which period public comment shall be solicited and received. The board may hold a public hearing if deemed appropriate. On the basis of public comments received or the testimony at any such hearing, the department may add to such proposed list additional species or subspecies which are determined to be endangered

within the State or delete therefrom such species or subspecies which are determined not to be endangered within the State.

(B) The board shall conduct a review of the state list of endangered species within not more than two years from its effective date and every two years thereafter and may amend the list by such additions or deletions as are deemed appropriate. The board shall submit to the Governor a summary report of the data used in support of all amendments to the state list during the preceding biennium.

(C) Except as otherwise provided in this article, it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship, and for any common or contract carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on any of the following lists:

(1) the list of wildlife indigenous to the State determined to be endangered within the State pursuant to subsection (A);

(2) the United States' List of Endangered Native Fish and Wildlife as it appears on July 2, 1974, (Part 17 of Title 50, Code of Federal Regulations, Appendix D); and

(3) the United States' List of Endangered Foreign Fish and Wildlife (Part 17 of Title 50, Code of Federal Regulations, Appendix A), as such list may be modified hereafter; provided, that any species or subspecies of wildlife appearing on any of the foregoing lists which enters the State from another state or from a point outside the territorial limits of the United States and which is transported across the State destined for a point beyond the State may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(D) In the event the United States' List of Endangered Native Fish and Wildlife is modified subsequent to July 2, 1974, by additions or deletions, such modifications whether or not involving species or subspecies indigenous to the State may be accepted as binding under subsection (C) if, after the type of scientific determination described in subsection (A), the department by regulation accepts such modification for the State. Any such regulation shall be effective upon promulgation.

HISTORY: 1962 Code Section 28-729; 1974 (58) 2384; 1993 Act No. 181, Section 1264; former 1976 Code Section 50-15-40; 2014 Act No. 159 (S.714), Section 1, eff April 14, 2014.

SECTION 50-15-40. Establishing and carrying out programs for management of nongame and endangered wildlife; removal, capture, or destruction of wildlife.

(A) The board shall establish such programs, including acquisition of land or aquatic habitat, as are deemed necessary for management of nongame and endangered wildlife. The board shall utilize all authority vested in the department to carry out the purposes of this section.

(B) In carrying out programs authorized by this section, the department may enter into agreements with federal agencies, political subdivisions of the State, or with private persons for administration and management of any area established under this section or utilized for management of nongame or endangered wildlife.

(C) The Governor shall encourage other state and federal agencies to utilize their authorities in furtherance of the purposes of this section.

(D) The department may permit the taking, possession, transportation, exportation, or shipment of species or subspecies of wildlife which appear on the state list of endangered species, or species in need of management on the United States' List of Threatened or

Endangered Native Fish and Wildlife, as amended and accepted in accordance with Section 50-15-30(D), or on the United States' List of Threatened or Endangered Foreign Fish and Wildlife, as such list may be modified hereafter, for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes.

(E) Upon good cause shown, and where necessary to alleviate damage to property or to protect human health, endangered species may be removed, captured, or destroyed but only pursuant to permit issued by the department and, where possible, by or under the supervision of an agent of the department; provided, that threatened or endangered species or species in need of management may be removed, captured, or destroyed without permit by any person in emergency situations involving an immediate threat to human life. Provisions for removal, capture, or destruction of nongame wildlife for the purposes set forth above shall be set forth in regulations issued by the department pursuant to Section 50-15-20(A).

HISTORY: 1962 Code Section 28-730; 1974 (58) 2384; 1993 Act No. 181, Section 1264; 2004 Act No. 246, Section 2; 2008 Act No. 179, Section 1, eff February 19, 2008; former 1976 Code Section 50-15-50; 2014 Act No. 159 (S.714), Section 1, eff April 14, 2014.

SECTION 50-15-50. Criteria of designating land as certified management area for endangered species; review and revision.

(A) The department shall promulgate regulations addressing criteria for designating land as certified management area for endangered species or of species in need of management in order to qualify a taxpayer for the income tax credit provided for in Section 12-6-3520.

(B) Every five years the department may review the population status of species subject to certified management agreements and shall revise the regulations accordingly. The department may revise criteria at that time as necessary for lands to retain their designation as certified management areas.

HISTORY: 1999 Act No. 100, Part II, Section 95; former 1976 Code Section 50-15-55; 2014 Act No. 159 (S.714), Section 1, eff April 14, 2014.

SECTION 50-15-55. Omitted by 2014 Act No. 159, Section 1, eff April 14, 2014.

SECTION 50-15-60. Promulgation of regulations.

The department shall promulgate such regulations as are necessary to carry out the purposes of this article.

HISTORY: 1962 Code Section 28-731; 1974 (58) 2384; 1993 Act No. 181, Section 1264; former 1976 Code Section 50-15-70; 2014 Act No. 159 (S.714), Section 1, eff April 14, 2014.

SECTION 50-15-65. Omitted by 2014 Act No. 159, Section 1, eff April 14, 2014.

SECTION 50-15-70. Removal of certain turtles from state; exceptions; penalties.

(A) It is unlawful for a person, or a group of individuals traveling in one vehicle, to remove, or attempt to remove from this State more than ten, either in one species or a combination of species, of the named species of turtles at one time with a maximum of twenty turtles of these species, either individually or in combination in any one year: yellowbelly turtle (*Trachemys*

scripta), Florida cooter (*Pseudemys floridana*), river cooter (*Pseudemys concinna*), chicken turtle (*Deirochelys reticularia*), eastern box turtle (*Terrapene carolina*), eastern painted turtle (*Chrysemys picta*), spiny softshell turtle (*Apalone spinifera*), Florida softshell turtle (*Apalone ferox*), and common snapping turtle (*Chelydra serpentina*).

(B) The provisions of this section do not prohibit the sale, offer for sale, or purchase of the yellowbelly turtle (*Trachemys scripta*) species and the common snapping turtle (*Chelydra serpentina*) species if these turtles were taken from a permitted aquaculture facility or a private pond pursuant to a permit issued by the department at the request of the owner or owner's agent. Any person transporting more than ten yellowbelly turtle (*Trachemys scripta*) species or common snapping turtle (*Chelydra serpentina*) species must be in possession of a permit pursuant to which the turtles were taken or acquired and, upon request, must provide it to authorized agents of the department. A person selling, offering to sell, or purchasing these species must have documentation from the aquaculture facility as to the origin of the turtles. The department may charge twenty-five dollars for a permit.

(C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of up to two hundred dollars or up to thirty days in jail, or both. A violator also must have his permit permanently revoked and may never be issued another one. Each turtle removed or in possession of a person attempting to remove them is a separate violation of this section.

HISTORY: 2009 Act No. 6, Section 1, eff May 6, 2009; former 1976 Code Section 50-15-75; 2014 Act No. 159 (S.714), Section 1, eff April 14, 2014.

SECTION 50-15-75. Omitted by 2014 Act No. 159, Section 1, eff April 14, 2014.

SECTION 50-15-80. Penalties; searches and seizures; power to arrest; disposition of confiscated property.

(A) A person who violates Section 50-15-20 or a person who fails to procure or violates the terms of a permit issued under the regulations is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days and ordered to pay restitution.

(B) A person who violates Section 50-15-30(C) or regulations promulgated pursuant to it or a person who fails to procure or violates the terms of a permit issued pursuant to Section 50-15-40(D) and (E) is guilty of a misdemeanor and, upon conviction, must be fined one thousand dollars or imprisoned not more than one year, or both.

(C) An enforcement officer employed and authorized by the department or a police officer of the State or a municipality or county within the State may conduct searches as provided by law and execute a warrant to search for and seize equipment, business records, merchandise, or wildlife taken, used, or possessed in connection with a violation of this article. The officer or agency, without a warrant, may arrest a person who the officer or agent has probable cause to believe is violating, in his presence or view, the article or a regulation or permit provided for by it. An officer or agent who has made an arrest of a person in connection with a violation may search the person or business records at the time of arrest and seize wildlife, records, or property taken or used in connection with the violation.

(D) Equipment, merchandise, wildlife, or records seized under subsection (C) must be held by an officer or agent of the department pending disposition of court proceedings and forfeited to

the State for destruction or disposition as the board considers appropriate. Before forfeiture, the board may direct the transfer of wildlife seized to a qualified zoological, educational, or scientific institution for safekeeping. The costs of the transfer are assessable to the defendant. The department may promulgate regulations to implement this subsection.

HISTORY: 1962 Code Section 28-732; 1974 (58) 2384; 1985 Act No. 25, Section 1; 1993 Act No. 181, Section 1264; 1994 Act No. 386, Section 3; 2004 Act No. 246, Section 3; 2008 Act No. 179, Section 3, eff February 19, 2008; 2014 Act No. 159 (S.714), Section 1, eff April 14, 2014.

SECTION 50-15-90. Article not retroactive; certain importation not prohibited.

None of the provisions of this article shall be construed to apply retroactively or to prohibit importation into the State of wildlife which may be lawfully imported into the United States or lawfully taken or removed from another state or to prohibit entry into the State or possession, transportation, exportation, processing, sale or offer for sale, or shipment of any wildlife whose species or subspecies is deemed to be threatened with statewide extinction in this State but not in the state where originally taken if the person engaging therein demonstrates by substantial evidence that such wildlife was lawfully taken or removed from such state; provided, that this section shall not be construed to permit the possession, transportation, exportation, processing, sale or offer for sale, or shipment within this State of wildlife on the United States' List of Endangered Native Fish and Wildlife, as amended and accepted in accordance with Section 50-15-30(D), except as permitted in the proviso to Section 50-15-30(C) and Section 50-15-40(D).

HISTORY: 1962 Code Section 28-733; 1974 (58) 2384; 1993 Act No. 181, Section 1264; 2014 Act No. 159 (S.714), Section 1, eff April 14, 2014.