

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-15-15, 50-15-70,50-15-80

ARTICLE 5

Non-Game and Endangered Species

123-151.1. Regulations for Spotted Turtle (*Clemmys guttata*).

A. Spotted Turtle Protection

1. A person shall not take, possess, transport, import, export, process, sell, purchase, offer for sale, trade, gift, barter, ship, or receive for shipment any spotted turtle (*Clemmys guttata*) without a permit from the Department.

B. Spotted Turtle Permits

1. No new permit for the possession of spotted turtles shall be issued by the Department unless for scientific and/or conservation purposes pursuant to Regulation 123-150, et seq. at the discretion of the Department.

2. Any person in possession of a Spotted Turtle Permit granted by the Department as of the adoption of this regulation has 90 days from the adoption of this regulation to register with the Department the current number of Spotted Turtles, both wild-caught and captive born, in their possession. Spotted turtles will be assigned a unique number and must be shell notched with the identification number provided by Department personnel.

a. Permit applicants will shell notch spotted turtles in their possession as prescribed by the Department with the Department issued identification numbers. Permit applicants must provide evidence of applied shell notches and signed affidavit confirming all individual turtles in their possession were shell notched as directed by the Department and that they understand the regulations as they pertain to spotted turtles. Upon completion, the Department will issue a permit for the registered spotted turtles.

3. Current permit holders as of the date of adoption of this regulation may not add additional spotted turtles to their collection or allow reproduction

4. Current permit holders' as of the date of adoption of this regulation permits are valid for five (5) years from the date of issue; however, upon completion and certification of marking, the Department will issue a new permit valid for 1 year. Subsequent permits will be valid for 1 year and may be renewed at the discretion of the Department.

5. The Department may set permit conditions consistent with the protection of spotted turtles. Permit conditions include but are not limited to:

a. Sale, purchase, trade, exchange, gift, or barter of any spotted turtles is prohibited.

b. No wild-caught spotted turtles may be collected.

c. All spotted turtles must be individually marked via shell notching with a unique identification number issued by the Department.

d. No unmarked spotted turtles may be possessed, unless covered by a scientific collection permit.

e. Reproduction of captive spotted turtles is prohibited unless authorized by the Department for scientific or conservation purposes. Offspring from unauthorized reproduction must be surrendered to the Department.

C. Permit Reporting Requirements

1. At the time of permit renewal, spotted turtle permit holders will report to the Department the number of wild-caught and captive-bred spotted turtles in their possession and provide evidence documenting the identification number indicated by shell notch.

2. Any death or disposition of a spotted turtle must be reported to the Department immediately.

D. The penalties for violations of this regulation are prescribed in Section 50-15-80. Each spotted turtle taken or possessed in violation of these regulations shall constitute a separate offense.

123-151.2. Regulations for Southern Hognose Snake.

1. It is unlawful for any person to take, possess, transport, import, export, process, sell, offer for sale, ship, or receive for shipment any southern hognose snake without a permit from the department. Permits will be issued only for research and educational purposes.

123-151.3. Exchange and Transfer for Certain Native Reptiles and Amphibians

A. No native reptile or amphibian, including parts, products, eggs, and derivatives may be sold, purchased, traded, exchanged, bartered, exported or shipped, transferred and/or re-homed, except:

1. Transferring possession of a native reptile or amphibian to the Department or the Department's designated recipient. The circumstances of acceptance shall be at the Department's discretion.

2. Transferring possession of native reptiles or amphibians when lawfully possessed and transfer is specifically authorized pursuant to other applicable federal or state laws, including those in Title 50. With respect to S.C. Code Section 50-16-60 this exception shall not apply and the provisions of S.C. Code Section 50-15-15 and the associated regulations in 123-151.3 and 123-151.4 shall have priority concerning possession and transfer of reptiles and amphibians.

3. Zoos and Aquaria maintaining accreditation or certification by the Association of Zoos and Aquariums, accredited research institutions under Institutional Care and Use Committees, and schools and educational displays open to the public may transfer and receive transferred reptiles and amphibians and must provide written notification to the Department specifying the number and species prior to transfer. Any such transfer may not be a sale, purchase, barter, or other commercial transaction. This exception also applies to the donor of a native reptile or amphibian to the above entities.

4. Venom or venom derivatives obtained or produced by a laboratory.

5. Any non-native phenotype (*i.e.* – “morph” or genetic mutation) of native snake species.

6. Any native wild phenotype of the following species reproduced in captivity and under 10 inches in total length, eastern garter snake (*Thamnophis sirtalis*), mole king snake (*Lampropeltis calligaster*), and eastern milksnake (*Lampropeltis triangulum*).

7. Any native wild phenotype of the following species reproduced in captivity and under 20 inches in total length, corn snake (*Pantherophis guttatus*), rat snake (*Pantherophis sp.*), and eastern king snake (*Lampropeltis getula*)

8. Any native wild phenotype of the following species reproduced in captivity and, or under 24 inches in total length, pine snake (*Pituophis melanoleucus*).

9. The yellow-bellied slider (*Trachemys scripta*) species and the common snapping turtle (*Chelydra serpentina*) species if these turtles were taken from a) a permitted aquaculture facility or b) 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 five yellow-bellied sliders (*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. A person selling, offering to sell, or purchasing these species must have documentation from the aquaculture facility or permitted private pond as to the origin of the turtles.

10. American alligators (*Alligator mississippiensis*), alligator eggs, alligator parts, and alligator products, while subject to regulation under other provisions of Title 50.

11. Bull Frogs *Lithobates (Rana) catesbeianus*.

12. Native reptiles and amphibians may be transferred to department-permitted wildlife rehabilitators for the purpose of rehabilitation and release. Any transfer may not be a sale, purchase, barter, or other commercial transaction. Wildlife rehabilitators may be permitted by the Department by demonstrating the following:

- a. All captive reptiles and amphibians must receive proper care to ensure:
 - i. appropriate bedding, cover, temperature regulation, and secure shelter;
 - ii. potable water is accessible at all times or sufficient to meet daily requirements;

iii. food of a quantity and nutritive value to meet normal requirements; and
iv. an effective program for the control of diseases, parasites, and pests is established and maintained.

b. Any permitted wildlife rehabilitator must show proof of veterinary care either:

i. by being a licensed veterinarian; or

ii. with a letter from the treating or consulting veterinarian, or veterinary practice, listing the permit holder and those species for which the veterinary practice will provide treatment or consultation.

c. Providing an annual report documenting all reptiles and amphibians transferred to the permitted individual or facility and from the permitted individual or facility and will describe the final disposition of each individual.

13. Native American Indian tribes recognized Federally or by the State of South Carolina's Commission for Minority Affairs, pursuant to S.C. Code Section 1-31-60, and their members may transfer possession of parts of dead native reptiles when such parts are or will be incorporated in Native American cultural items and religious items, including but not limited to regalia, decorative attire, religious items, and musical instruments. This exception does not apply to live animals.

B. An otherwise lawful collection of native reptiles or amphibians may be exported from the State of South Carolina if an export permit is first obtained from the Department. Export permits are only available when an individual or legal entity is permanently relocating to another state.

C. Temporary export permits for native reptiles and amphibians may be granted at the discretion of the Department for the purposes of education, rehabilitation, and conservation where the animals will return to their state of origin.

D. Any state endangered or threatened and in need of management species are subject to the protections provided by S.C. Code Sections 50-15-10, *et seq.* and shall not be possessed or transferred except by permit issued by the Department.

E. The penalties for violation of this regulation are prescribed in S.C. Code Section 50-15-80.

Regulation 123-151.4. Possession Limits for Certain Native Reptiles and Amphibians

A. A person shall not possess any species listed as endangered or threatened and in need of management pursuant to S.C. Code Sections 50-15-10, *et seq.* except by permit issued by the Department.

B. A person shall not possess more than 10 native turtles in aggregate.

C. Any person in possession of more than 10 native turtles and in excess of the established possession limits as of September 28, 2020 has 90 days from September 28, 2020 to register with the Department the current number by species of native turtles, both wild-caught and captive born, in their possession. No additional turtles may be acquired until such time as the number of turtles in possession is below the limit set in regulation.

D. A person shall not possess more than 2 eastern box turtles (*Terrapene carolina*). Any person in possession of eastern box turtles in excess of the established possession limits as of September 28, 2020 has 90 days from September 28, 2020 to register with the Department the current number of eastern box turtles, both wild-caught and captive born, in their possession. No new turtles may be acquired until such time as the number of turtles in possession is below the limit set in regulation. Registered turtles will be assigned a unique identification number and must be shell notched with the identification number provided.

1. Permit applicants will shell notch turtles in their possession as prescribed by the Department with the Department issued identification numbers. Permit applicants must provide evidence of applied shell notches and signed affidavit confirming all individual turtles in their possession were shell notched as directed by the Department and that they understand the regulations as they pertain to eastern box turtles. Upon completion, the Department will issue a permit for the registered box turtles.

2. Box turtle permit holders will be required to submit an annual report on the status and number of registered box turtles on a Department provided form.

E. A person shall not possess more than 2 diamondback terrapins (*Malaclemys terrapin*). This provision does not prohibit the incidental catch of diamondback terrapins by persons engaged in a lawful fishery when the terrapins are returned immediately to the water.

F. A person shall not possess more than 5 turtles total from any of the following species/subspecies: Florida cooter (*Pseudemys floridana*), river cooter (*Pseudemys concinna*), chicken turtle (*Deirochelys reticularia*), eastern painted turtle (*Chrysemys picta*), spiny softshell turtle (*Apalone spinifera*), Florida softshell turtle (*Apalone ferox*), eastern mud turtle (*Kinosternon subrubrum*), striped mud turtle (*Kinosternon bauri*), common musk turtle (*Sternotherus odoratus*), yellow-bellied slider (*Trachemys scripta*) and common snapping turtle (*Chelydra serpentina*). The above limit does not apply to the lawful possession of yellow-bellied slider (*Trachemys scripta*) species and the common snapping turtle (*Chelydra serpentina*) species pursuant to Regulation 123-151.3.

G. The Department may issue scientific collection permits as described in Regulation 123-150.3 in excess of the above limits for scientific and conservation purposes.

H. Zoos and Aquaria maintaining accreditation or certification by the Association of Zoos and Aquariums, accredited research institutions under Institutional Care and Use Committees, schools and educational displays open to the public, and Department permitted wildlife rehabilitators may request a permit to exceed the above listed possession limits at the discretion of the Department.

I. Pursuant to S.C. Code Section 50-15-15(B), no native reptiles or amphibians may be possessed or transferred pursuant to S.C. Code Section 50-16-60 except as provided in Regulations 123-151.3 and 123-150.4.

J. The penalties for violation of this regulation are prescribed in S.C. Code Section 50-15-80.