

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments have no effect on the environment or on public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED

There will be no detrimental effect on the environment or public health if the regulation is not amended.

**Statement of Rationale:**

The proposed amendments to the regulation will establish uniform, national standards governing reserve financing arrangements pertaining to term and universal life insurance policies with secondary guarantees.

**Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5027

**DEPARTMENT OF NATURAL RESOURCES  
CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-15-55 and 50-15-80

123-152. Regulations for Nonnative Wildlife. (New)

**Preamble:**

The South Carolina Department of Natural Resources is proposing to add Regulation 123-152 - Regulations for Nonnative Wildlife. The proposed regulation provides for the implementation of authority granted by S.C. Code of Laws section 50-15-55 and establishes the list of Restricted Nonnative Wildlife. This includes species that have the potential to become established in this State in sufficient numbers to become a nuisance and/or pose a demonstrable deleterious and widespread threat to wildlife, agriculture, or human health and safety. Regulations include restrictions on possession, sale, offer for sale, transfer of possession, import, release, reproduction, and escape of designated species and associated permitting. The Black and White Tegu (*Salvator merianae*) is added to the list of Restricted Nonnative Wildlife, and regulations establish specific provisions for the possession and permitting of this species.

The following is a section-by-section summary of the proposed additions:

123-152. Regulations for Nonnative Wildlife.

A. Specifies that the Department has determined that the following list of species as Restricted Nonnative Wildlife.

## 56 PROPOSED REGULATIONS

1. Adds Black and White Tegu (*Salvator merianae*) list of Restricted Nonnative Wildlife.
- B. Establishes restrictions on Restricted Nonnative Wildlife unless otherwise authorized.
- C. Allows the Department to issue permits for the prohibited activities with Restricted Nonnative Wildlife.
- D. Establishes additional provisions for specific species of Restricted Nonnative Wildlife.
  1. Establishes provisions applicable to Black and White Tegu (*Salvator merianae*).
    - i. Establishes Registration Period for Black and White Tegus and permitting.
    - ii. Requires Black and White Tegu to be microchipped with unique identification numbers prior to registration.
    - iii. Establishes permit requirement, duration, renewal, and conditions of surrender of the permit.
    - iv. Prohibits reproduction of this species.
    - v. Establishes containment and caging criteria both indoors and outdoors.
    - vi. Requires reporting of escapes and missing Black and White Tegu.
    - vii. States permits are void upon death of registered Black and White Tegu and that permit must be surrendered to the Department.
- E. References statutory penalties section.

The Notice of Drafting was published in the *State Register* on October 23, 2020.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on February 4, 2021 at 10:00 am in Room 335, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than January 25, 2021.

### **Preliminary Fiscal Impact Statement:**

The addition of Regulation 123-152 will result in limited fiscal impact and may prevent damage to the state's natural resources. These regulations are targeted to prevent the establishment of nonnative wildlife known to pose a threat to the State's resources. Preventing the introduction and establishment of these species will prevent negative fiscal impacts to State resources. Additionally, there are numerous other species available in the pet trade that can be bought, sold, and traded freely available to offset any impact by limitations on sale of an individual species of Restricted Nonnative Wildlife.

### **Statement of Need and Reasonableness:**

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

### **DESCRIPTION OF THE REGULATION:**

**Purpose:** These regulations add Regulation 123-152 in order to support the implementation of Act 177 and the authority granted under S.C. Code of Laws 50-15-55. These regulations establish criteria for wildlife species designated as Restricted Nonnative Wildlife and associated limitations on possession, sale, offer for sale, transfer, importation, release, reproduction, and permitting for the preceding activities for scientific and other special purposes. Regulations establish a list of species designated as Restricted Nonnative Wildlife and provide additional provisions for the designated species.

**Legal Authority:** Under Section 50-15-55, of the S.C. Code of Laws, it is unlawful for anyone to release nonnative wildlife from captivity in the State, unless otherwise authorized by law. Additionally, the Department is allowed promulgate regulations to prohibit or otherwise restrict certain species of nonnative wildlife that have the potential to become established in sufficient numbers so as to become a nuisance, pose a demonstrable deleterious and widespread threat to wildlife, agriculture, or human health and safety.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations into the website. The public will be notified through this publication and through news releases and other Department media outlets and publications.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The introduction and establishment of nonnative wildlife poses a significant potential threat to South Carolina's wildlife and agricultural resources as well as human health and safety. There are numerous examples of the dramatic impacts the introduction of nonnative species can have in novel environments. To combat the potential introduction and establishment of species that are known to pose a threat, should they become established, it is important to limit the legal pathways that these species can enter and be exchanged within the State. It is also important to establish clear restrictions on possession, sale, transfer, importation, release, and reproduction to protect the State's resources and in some cases human health and safety.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state and allows flexibility to identify species that pose demonstrable deleterious impacts to the State's resources. The regulation of these species of Restricted Nonnative Wildlife can prevent future costs associated with damage and impact as well as mitigation, extermination, and control costs.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no cost estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of these regulations benefits the environment and public health by allowing targeted regulation of deleterious species.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

This regulation is needed to help prevent detrimental impacts to public health and the environment by specific species of nonnative wildlife. If the regulation is not implemented, the Department will be unable to regulate specific species that pose a demonstrable deleterious impact to the State's resources and importation and trade of these species will be uncontrolled.

**Statement of Rationale:**

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations. These regulations have been developed with the input of staff, professional biologists, and stakeholders.

**Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.