

# The State of South Carolina



## Office of the Attorney General

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November 24, 1987

The Honorable D.N. Holt, Jr.  
Member, House of Representatives  
Post Office Box 70093  
North Charleston, South Carolina 29406

Dear Representative Holt:

You have asked whether it is lawful under Acts 154 and 204 of 1987 (S.543 and S.392, respectively) for the Wildlife Department to net and sell redfish (spottail bass) harvested from the Waddell Mariculture Center. The fish sold are netted from artificial impoundments at the Center.

Act No. 154 of 1987, which adds § 50-17-115 to the 1976 Code of Laws of South Carolina, prohibits the use of certain kinds of fish nets "in the waters of this State from the saltwater-freshwater dividing line...." Act No. 204 of 1987 prohibits the use of commercial fishing methods to take "[s]potted sea trout (winter trout), *Cynoscion nebulosus*, and red drum (channel bass), *Sciaenops ocellatus*..." but permits the collection of red drum and spotted sea trout using commercial fishing equipment at "[b]ona fide mariculture operations."

I am informed by the Wildlife Department that the names red drum, redfish, and spottail bass all refer to the same species of fish. Assuming this to be the case, the commercial taking of redfish at the Waddell Center is clearly permitted by the second paragraph of Act No. 204 of 1987. See also, § 50-5-40, 1976 Code of Laws as amended.

Sincerely yours,

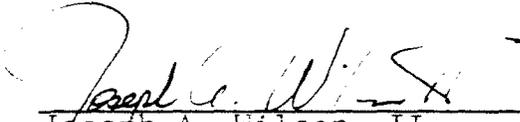
Handwritten signature of Kenneth P. Woodington in cursive script.

Kenneth P. Woodington  
Senior Assistant Attorney General

KPW:jca

The Honorable D.N. Holt, Jr.  
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Page 2

REVIEWED AND APPROVED BY:

  
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