



DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
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MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

August 8, 2022

MEMORANDUM

TO: Members, Board of Natural Resources
FROM: Doug Haymans
SUBJECT: Proposed Amendment to the Rules of the Georgia Department of Natural Resources, Saltwater Fishing Regulations, Chapter 391-2-4

The Coastal Resources Division is proposing to amend the Rules of the Georgia Department of Natural Resources, Saltwater Fishing Regulations, Chapter 391-2-4. The proposed amendment will decrease the Red Drum daily creel limit to three (3) and establish a vessel limit of nine (9) while prohibiting retention by guides and mates while on charter.

Included in this packet are the following:

- Proposed Notice Page A-2
- Background and Synopsis Pages A-3 thru 6
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I respectfully submit this item for your consideration and look forward to presenting to you at the August meeting.

DH/kk

Attachments



MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

August 24, 2022

NOTICE OF PROPOSED REGULATION CHANGES

TO: All Interested Persons and Parties

FROM: Doug Haymans

SUBJECT: Notice of Rule Making for Saltwater Finfishing for Red Drum

Notice is hereby given that, pursuant to authority contained in the Game and Fish Code (Official Code of Georgia Annotated, Title 27; O.C.G.A. §27-1-4), the Board of Natural Resources proposes to amend the Rules of the Georgia Department of Natural Resources, Saltwater Fishing Regulations, Chapter 391-2-4. The proposed amended Rule, when adopted, will decrease the Red Drum daily creel limit to three (3), establish a Red Drum vessel limit of nine (9), and prohibit the retention of Red Drum by guides and mates while on charter.

Public hearings on the proposed amendments will be held in Savannah, Georgia on Wednesday, September 21, 2022, and Brunswick, Georgia on Thursday, September 22, 2022, each at 6:00 PM. The Brunswick meeting will also include virtual access for those who cannot attend in person. Written public comment will be received through Thursday, October 6, 2022. Comments should be legible, concise, and limited to the proposed rule change.

Following the comment period, the Board of Natural Resources will consider the proposed rule on October 25, 2022, at 9:00 AM at Fort McAllister State Park, 3894 Fort McAllister Road, Richmond Hill, GA 31324.

Mail or email comments to: Kathy Knowlton
Coastal Resources Division
One Conservation Way
Brunswick, GA 31520
kathy.knowlton@dnr.ga.gov

Additional information is available at www.coastalgadnr.org.

**BACKGROUND AND SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
RELATING TO
SALTWATER FISHING REGULATIONS, CHAPTER 391-2-4**

Background

The Red Drum *Sciaenops ocellatus* is the state saltwater fish of Georgia and one of the most popular saltwater angling species in the state. Red Drum are long-lived and have a complex life history. They spawn near the mouths of estuaries and their larvae are transported into the estuaries and creeks where they spend the next 2-3 years before migrating to the nearshore ocean. Adult Red Drum spend most of their adult life in the ocean and return to estuaries to spawn. Red Drum can live to be over 60 years old and grow to more than 90 lb. Males mature between ages 1-4 and females between 3-6. This life history means Red Drum use a variety of habitats and are exposed to a range of threats and fishing pressures.

The Coastal Resources Division (CRD) of the Department of Natural Resources conducts seven surveys that encounter Red Drum including the NOAA Fisheries Marine Recreational Information Program (MRIP). Data and trends from these sampling programs suggest that Red Drum numbers are variable, but stable over time. During 2019-2020 there was a decline in numbers throughout the state, but 2021 saw a rebound. These annual fluctuations were in-line with patterns of Red Drum abundance observed in the past. The trend data from CRD's multiple state indices and MRIP all tend to agree over the available timeframe, suggesting a clear signal in population data.

Tagging data indicate 56% of legal-sized Red Drum are released when caught by anglers. From 2017-present, annual fishing mortality (the proportion of fish removed from the population by harvest and dead discards) is low, averaging approximately 0.08 annually, and is relatively stable. Regional stock assessments conducted by the Atlantic States Marine Fisheries Commission in 2009 and 2017, incorporating CRD data, determined that Southern Red Drum stocks (those in South Carolina, Georgia, and Florida) were not undergoing overfishing and that recruitment was relatively stable, but variable. Effort, as measured by MRIP, has been increasing steadily in Georgia over time, and this may be impacting the availability of fish to anglers.

Red Drum abundance in Georgia and the southeast region is likely driven by broad environmental conditions. Regional threats to Red Drum populations include increased overall fishing effort, increased targeting of adults in catch-and-release fisheries, possible regional shifts due to climate, and human impacts on habitat. Increased targeting of adult Red Drum has been observed in Georgia and other South Atlantic states and, even though it is a non-harvest fishery, the increased handling and discard mortality is detrimental to the health of the population as a whole.

Angler concerns about Red Drum populations in Georgia prompted CRD to conduct satisfaction surveys in 2017 and 2021 to assess angler and guide perceptions of the Red Drum fishery. Both were conducted by a research firm with decades of natural resources survey experience. Resident anglers were randomly selected from a list of Georgia Saltwater Information Program (SIP) permit holders and participated through either a telephone or online survey. Only anglers who participated in saltwater fishing in Georgia during the previous 12 months were asked to complete the surveys. Responses were collected until the number of completed surveys necessary to achieve a 95% confidence interval (with a sampling error of at most $\pm 2\%$) was achieved. Additionally, all licensed resident guides were offered the opportunity to participate in the survey.

When compared to 2017, results of the 2021 survey show declining satisfaction among both anglers and guides in all four satisfaction categories (Red Drum fishing in general, number caught, size caught, and current regulations), although for recreational anglers general satisfaction remained above 50%. When those responses are compared based on avidity, more avid Red Drum anglers (those fishing for Red Drum more than ten days per year) are dissatisfied as compared to less avid anglers. The majority of anglers and guides support establishing a Red Drum vessel limit. Though most anglers still prefer a creel limit of five or more fish, a larger percentage of anglers now support a decreased creel limit. In both 2017 and 2021, when presented with changes to slot size limits or no change, anglers and guides supported a change in slot size.

The results of the 2021 satisfaction survey were presented to the Board of Natural Resources in May 2022. Board members requested CRD collect additional input from the public on various regulatory options for consideration. Town Hall meetings were conducted on June 6 and 9, in Savannah and Brunswick, respectively. Attendance was strong with 55 in Savannah and 97 in Brunswick (including 25 via webinar). The meetings included presentations on the status of Red Drum research as well as a summary of the satisfaction surveys. The research and satisfaction surveys results, data summaries, and presentations (including videos of the presentations) were uploaded to the CRD website (<https://coastalgadnr.org/RedDrumTownHall>). The public was invited to complete a survey indicating their choices on five potential Red Drum regulatory actions (with status quo available as a choice in every question). Of the 316 responses, 81% were anglers and 17% were guides. Results of this “opt-in” survey mirrored the satisfaction survey results relative to the majority of anglers and guides supporting establishment of a vessel limit and opposing a Red Drum Season. The majority of anglers and guides opposed status quo relative to both the daily creel limit and slot size limit. The fifth potential regulatory action related to whether charter fishing guides and mates should be allowed to retain their creel limit. This question was not included in the satisfaction survey, but arose during CRD Finfish Advisory Panel meetings, comments from the public, and a 2022 proposed change in Florida. Both anglers (75%) and guides (83%) supported changing the regulations such that guides and mates would not be allowed to retain their creel limit. A majority of CRD’s Finfish Advisory Panel supported establishing a vessel limit, changing the daily creel and slot size limits, prohibiting guides and mates from retaining a creel limit, and opposed establishment of a Red Drum season.

Fishing regulations are often changed based on results of a regional stock assessment. However, additional reasons for change include supporting other management options such as increased abundance (Spotted Seatrout), concerns with increasing effort (Sheepshead), and constituent request (Tripletail, billfish). For Red Drum, there is a social component such that the majority of

anglers and guides that participated in either the satisfaction survey or Town Hall survey support a regulatory change for Red Drum. In the last 10 years, the estimate of angler trips in Georgia state waters (i.e., rivers and sounds) has increased 40%. This increase is statistically significant, and likely to continue: “Georgia continues to grow at greater than 1% per year, which makes it one of the faster growing states (12th) in the country” (<https://worldpopulationreview.com/states/georgia-population>). Reducing the daily creel limit and establishing a vessel limit would help decrease large individual catches when immature Red Drum are vulnerable to fishing mortality and reduce the risk of localized overfishing.

In light of significant increasing angler effort in state salt waters, CRD recommends the following conservative approach:

- 1) Decrease the Red Drum daily creel limit from five (5) to three (3) fish: The majority of anglers and guides participating in the Town Hall surveys supported decreasing the Red Drum daily creel limit. Though the current creel limit is five (5) fish, most anglers on private and guide trips harvest three (3) or fewer Red Drum per trip. A reduction to a three fish creel limit could reduce annual Red Drum harvest by an estimated 11% (number of fish). Therefore, most angler trips would not be significantly impacted by this change.
- 2) Establish a vessel limit of nine (9) Red Drum: The majority of anglers and guides participating in both the satisfaction and Town Hall surveys supported creating a vessel limit for Red Drum. For trips with Red Drum harvest, private boat and guide trips have an average of three (3) or fewer anglers per vessel (average 2.2 and 2.8, respectively). It is estimated that implementation of a nine (9) fish vessel limit would reduce Red Drum harvest by 4% (number of fish). Therefore, most angler trips would not be significantly impacted by this change.
- 3) Prohibit guides and mates from retaining their creel limit: The majority of anglers and guides participating in the Town Hall surveys supported guides and mates no longer retaining their creel limit.
- 4) Do not change the slot size limit: The 2002 regional stock assessment last provided creel and slot size limit combinations that satisfied biological management goals and serves as the basis for current regulations. More recent regional stock assessments in 2009 and 2017 determined the Southern stock (consisting of South Carolina, Georgia, and Florida) was not undergoing overfishing and that recruitment was relatively stable though variable. Because the stock was considered healthy, the assessments did not result in management analyses for creel or size limit recommendations. CRD has requested the creel and slot size limit analysis relative to management goals be provided as part of the upcoming 2024 regional stock assessment. This updated analysis will allow CRD to make a better-informed decision about slot size as it pertains to management objectives and angler concerns. Therefore, a change in slot size is not being requested at this time.
- 5) Do not establish a Red Drum season: The majority of anglers and guides participating in both the satisfaction and Town Hall surveys opposed a season.

Purpose

The purpose of the proposed amended rule is to respond to angler and guide concerns of Red Drum overfishing. This proposed amendment to Chapter 391-2-4, Saltwater Fishing Regulations provides a conservative response to reduce harvest of Red Drum by approximately 10% through a decrease in the Red Drum daily creel limit from five (5) to three (3) fish, establishing a vessel limit of nine (9) Red Drum, and prohibiting the retention of a creel limit by guides and mates.

Main Features

The primary feature of the proposed amendment is to decrease the Red Drum daily creel limit to three (3) fish, establish a vessel limit of nine (9) Red Drum, and prohibit the retention of a creel limit of Red Drum by guides and mates.

Differences

Enumerated below are the primary differences between the current Rule 391-2-4-.04 and the proposed amended Rule:

- 1) Changed (3)(m) Daily Creel and Possession Limit of “Red Drum” to “3 per person not to exceed 9 per boat.”
- 2) Added new (3)(m) “1. Guides and mates are prohibited from retaining a daily creel or possession limit.”

Date, Time, and Place of Board Action:

Board Action: October 25, 2022, 9:00 AM at Fort McAllister State Park, 3894 Fort McAllister Road, Richmond Hill, GA 31324.

Targeted Public Participation Plan: Amendment to Saltwater Fishing Regulations, Chapter 391-2-4

A targeted public participation plan was chosen as there are a large number of affected persons, namely all saltwater anglers and guides in Georgia.

Public Participation Plan

- January - February 2022 – CRD conducted the “Georgia Saltwater Anglers’ and Captains’ Attitudes Toward Saltwater Fishing Issues” survey.
- May 24, 2022 – Survey results presented to the Board of Natural Resources.
- June 1, 2022 – Finfish Advisory Panel meeting.
- June 6 and 9, 2022 – Public Town Hall meetings conducted in Savannah and Brunswick, respectively.
- August 23, 2022 – CRD presents proposed amended Rule 391-2-4-.04 to the Board of Natural Resources, Coastal Committee.
- August 24, 2022 – CRD Public Notices a written comment period advertised through various print media, GovDelivery and on the CRD website.
- September 21, 2022 – Public meeting in Savannah, Georgia Southern University, Armstrong Center.
- September 22, 2022 – Public meeting in Brunswick, College of Coastal Georgia, Campus Center (will include virtual option).
- October 6, 2022 – Public comment period closes.
- October 25, 2022 – CRD presents proposed amended Rule, considering public comment, to the Coastal Committee of the Board of Natural Resources for final action.
- Assuming affirmative vote, amended rule filed with the Secretary of State such that the rule becomes effective on January 1, 2023.

MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

August 8, 2022

MEMORANDUM

TO: Board of Natural Resources

FROM: Doug Haymans

SUBJECT: Economic Impact of Proposed Amended Rule on Small Businesses:
Chapter 391-2-4, Saltwater Fishing Regulations

The Administrative Procedures Act requires that during the formation and adoption of any rules attempts shall be made to reduce the economic impact of those rules on small businesses. This applies to businesses that are independently owned and operated, are not dominant in the field, and employ 100 employees or less.

The proposal to decrease the Red Drum daily creel limit to three (3) fish, establish a vessel limit of nine (9) Red Drum, and prohibit the retention of a creel limit of Red Drum by guides and mates should have no negative impact on small business. If anything, the net long-term consequence should be positive to the sportfishing industry and charter guides.

DH/kk

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION**

CHAPTER 391-2-4

SALTWATER FISHING REGULATIONS

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391-2-4-.04 Saltwater Finfishing

391-2-4-.04 Saltwater Finfishing

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the seasons, methods of fishing, and disposition; size, possession, and creel limits; and gear and landing specifications for certain finfish.

(2) **Definitions.**

(a) "Billfish" means Blue Marlin (*Makaira nigricans*), White Marlin (*Tetrapturus albidus*) and Sailfish (*Istiophorus albicans*).

(b) "Daily creel limit" means the lawful amount of a species of finfish that a person may take in one day or possess at any one-time, except at one's place of abode or at a commercial storage facility provided the Board has not prohibited sale of that species.

(c) "Hammerhead Sharks" means a group of sharks inclusive of great hammerhead (*Sphyrna mokarran*), scalloped hammerhead (*Sphyrna lewini*) and smooth hammerhead (*Sphyrna zygaena*).

(d) "Handline" means a mainline to which no more than two hooks are attached and which is retrieved by hand without the aid of mechanical devices.

(e) "Landed" means to bring fish to shore in this state, regardless of the jurisdiction from which they were taken or harvested.

(f) "Minimum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, below which size it is unlawful to possess that finfish species.

(g) "Maximum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, above which size it is unlawful to possess that finfish species.

(h) "Open Season" means that specified period of time during which one may take from any of the waters of this state certain finfish species.

(i) "Prohibited Sharks" means a group of sharks inclusive of sand tiger (*Carcharia staurus*), sandbar shark (*Carcharhinus plumbeus*), silky shark (*Carcharhinus falciformis*), bigeye sandtiger (*Odontaspis noronhai*), whale shark (*Rhincodon typus*), basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), dusky shark (*Carcharhinus obscurus*), bignose shark (*Carcharhinus altimus*), Galapagos shark (*Carcharhinus galapagensis*), night shark (*Carcharhinus signatus*), reef shark (*Carcharhinus perezii*), narrowtooth shark (*Carcharhinus brachyurus*), Caribbean sharpnose shark (*Rhizoprionodon porosus*), smalltail shark (*Carcharhinus porosus*), Atlantic angel shark (*Squatina dumeril*), longfin mako (*Isurus paucus*), bigeye thresher (*Alopias superciliosus*), sharpnose sevengill shark (*Heptranchias perlo*), bluntnose sixgill shark (*Hexanchus griseus*), bigeye sixgill shark (*Hexanchus nakamurai*), and oceanic whitetip shark (*Carcharhinus longimanus*).

(j) "Sharks" means all species of sharks other than those comprising the small shark composite as defined in subparagraph

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2(k), hammerhead sharks as defined in subparagraph 2(c), prohibited sharks as defined in subparagraph 2(i), and individual species regulated by this rule.

(k) "Small Shark Composite" means a group of sharks inclusive of Atlantic sharpnose shark (*Rhizoprionodon terraenovae*), bonnethead (*Sphyrna tiburo*), and spiny dogfish (*Squalus acanthias*).

(3) Seasons, Daily Creel and Possession Limits, Minimum and Maximum Size Limits. The following species may be taken in accordance with the seasons, daily creel and possession limits, and minimum and maximum size limits set forth below, except as otherwise specifically provided herein:

SPECIES	SEASON	Daily Creel and Possession Limit	Minimum Size (inches)	Maximum Size (inches)
(a) Amberjack	All Year	1	28 FL	
(b) Atlantic croaker	All Year	25		
(c) Atlantic sturgeon	No Open Season has been established by the Board of Natural Resources.			
(d) Black drum	All Year	15	14 TL	
(e) Black sea bass	All Year	15	12 TL	
(f) Reserved				
(g) Bluefish	All Year	15	12 TL	
(h) Cobia	March 1 – October 31	1 per person not to exceed 6 per boat	36 FL	
(i) Dolphin	All Year	10 per person not to exceed 54 per boat.	20 FL	
1. Headboats with a valid certificate of inspection are allowed 10 dolphin per paying passenger.				
(j) Flounder (<i>Paralichthys spp.</i>)	All Year	15	12 TL	
(k) Gag grouper	All Year	2	24 TL	
(l) King mackerel	All Year	3	24 FL	
(m) Red Drum	All Year	53 per person not to exceed 9 per boat	14 TL	23TL
1. Guides and mates are prohibited from retaining a daily creel or possession limit.				
(n) Red Porgy	All Year	3	14 TL	
(o) Red Snapper	All Year	2	20 TL	
(p) Reserved				
(q) Prohibited Sharks	Unlawful to possess.			
(r) Sharks	All Year	1 per person or boat	54 FL	
(s) Sheepshead	All Year	15	10 TL	

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(t) Small Shark Composite	All Year	1	30 FL	
(u) Spanish mackerel	All Year	15	12 FL	
1. A catch of Spanish mackerel under the minimum size limit is allowed equal to five percent by weight of the total catch of Spanish mackerel on board a trawler.				
(v) Spot	All Year	25		
(w) Spotted sea trout	All Year	15	14 TL	
(x) Tarpon	All Year	1	68 TL	
(y) Tripletail	All Year	2	18 TL	
(z) Weakfish	All Year	1	13 TL	
(aa) Reserved				
(bb) American eel	All Year	25	9 TL	
(cc) Hammerhead Sharks	All Year	1 per person or boat	78 FL	
(dd) Shortfin Mako Shark	All Year	1 per person or boat	83 FL	

(4) Restrictions on Sale. It shall be unlawful for any person in this state to sell, purchase, or barter any of the following species or part thereof, except as otherwise specifically provided herein:

(a) No person operating as a dealer may buy or sell sharks, small shark composite species, hammerhead sharks, and shortfin mako sharks caught in state waters without first obtaining a federal Commercial Shark Dealer Permit and when state or federal quotas for species within those groups have been reached.

(b) Tarpon.

(c) No person may sell any fish managed under federal law and harvested from either Georgia waters or the South Atlantic Exclusive Economic Zone except when the catch of such fish is allowed by applicable federal law. This prohibition of sale does not apply to fish harvested, landed, and sold in compliance with applicable federal law and held in cold storage by a seafood dealer or processor. This prohibition also does not apply to a seafood dealer's purchase or sale of fish harvested from waters other than those of Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of legal harvest.

(d) Reserved

(e) Reserved

(5) Possession and Landing Specifications.

(a) All fish subject to restrictions specified in this Rule may be possessed in state waters or landed only with head and fins intact, except that when landed for commercial purposes, all sharks, small shark composite species, hammerhead sharks, and shortfin mako sharks may have the heads removed but fins and tail must remain naturally attached.

(b) It shall be unlawful to transfer at sea in State waters from a fishing vessel to any other vessel or person any fish caught which are subject to the restrictions specified in this Rule.

(c) Except as otherwise provided by law, it shall be unlawful to fish for sharks, small shark composite species, hammerhead sharks, or shortfin mako sharks for recreational purposes with any gear other than rod and reel or handline as defined in subparagraph (2)(d) above. Additionally, anglers must use non-offset, corrodible, non-stainless-steel circle hooks when fishing for sharks recreationally, except when fishing with flies or artificial lures.

(d) Except as otherwise provided by law, trawlers fishing for shrimp for human consumption pursuant to Code Section 27-4-133 shall be exempt from the creel and possession limits for spot and Atlantic croaker.

(e) Except as otherwise specifically provided herein, in state waters the size, catch, creel and possession limits, fishing period closures, and requirements pertaining to the taking, release, landing, sale, purchase, trade, or barter of billfish shall be prescribed by federal regulations implemented under the Fishery Conservation and Management Act (PL 94-265) and the Consolidated Atlantic Highly Migratory Species Fishery Management Plan.

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Saltwater Fishing Regulations

Authority: O.C.G.A. §§ 12-2-24, 27-1-4, 27-4-10.