



COASTAL RESOURCES DIVISION  
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

July 25, 2024

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, Rule 391-2-4-.11

The Coastal Resources Division is proposing one amendment to the Rules of the Georgia Department of Natural Resources, Saltwater Fishing Regulations, Rule 391-2-4-.11. The proposed amendment would increase the number of bait minnow traps that a licensed bait dealer may fish at any given time from 10 to 20 but does not increase the total allowable harvest.

Included in this packet are the following:

- Proposed Notice Page B-2
- Background and Synopsis Pages B-3
- Date, time and place of Board action Page B-3
- Explanation of the Minimal Public Participation Plan Page B-4
- Analysis of Small Business Impacts Page B-5
- Strikethrough Copy of Amended Rule Pages B-6 thru 8
- Exact Copy of Amended Rule Pages B-9 thru 11

I respectfully submit these items for your consideration. The Coastal Resources Division looks forward to presenting these at the August meeting.

DH/cb

Attachments



COASTAL RESOURCES DIVISION  
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WALTER RABON  
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DOUG HAYMANS  
DIRECTOR

August 27, 2024

NOTICE OF PROPOSED REGULATION CHANGES

TO: All Interested Persons and Parties

FROM: Doug Haymans

SUBJECT: Notice of Rule Making for Saltwater Finfishing for Bait Minnow Harvest

Notice is hereby given that, pursuant to authority contained in O.C.G.A. §27-1-4, the Board of Natural Resources proposes to amend the Saltwater Fishing Regulations, Rule 391-2-4-.11. The proposed amended Rule, when adopted, will increase the number of bait minnow traps a licensed commercial bait dealer can fish at a given time. Currently licensed bait dealers are allowed to employ 10 or fewer traps at a given time; the requested change would increase the number of traps employed to 20 while not possessing more than 100 quarts of bait minnows at any time.

Written public comments will be received through Tuesday, October 1, 2024. Mailed comments must be postmarked by October 1<sup>st</sup> and e-mailed comments will be accepted through close of business (4:30 pm) on October 1<sup>st</sup>. Comments should be legible, concise and limited to the proposed rule change.

Following this comment period, the Board of Natural Resources will consider the proposed amendment on Tuesday, October 22, 2024, at 9:00 a.m. in the DNR Boardroom, 2 Martin Luther King, Jr. Drive, SE, Suite 1252 East, Atlanta, GA 30334.

Mail or email comments to: Carolyn Belcher  
Coastal Resources Division  
One Conservation Way  
Brunswick, GA 31520  
Email: carolyn.belcher@dnr.ga.gov

Additional information is available at [www.coastalgadnr.org](http://www.coastalgadnr.org). Click in the “News and Public Notices”.

**BACKGROUND AND SYNOPSIS OF  
PROPOSED AMENDMENTS TO THE RULES OF THE  
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-2  
COASTAL RESOURCES**

**SUBJECT 391-2-4  
SALTWATER FISHING REGULATIONS**

**Background:**

The proposed change will amend Rule 391-2-4-.11, Bait Minnow Trapping, to increase the number of traps a bait dealer can employ to catch bait minnows from 10 to 20 traps at any time.

In 1999, the Board promulgated rules and regulations to specify allowable gear, license requirements, and possession limits for the harvest of bait minnows, also commonly known as mud minnows. Initially the Board established a 50-quart limit for licensed commercial bait dealers, but in 2006 the limit was increased to 100 quarts to address an increased recreational demand. In 2017, an endorsement was added to licensure requirements, and in 2021 editorial corrections were made.

The commercial harvest of bait minnows remains a small fishery with only 21 licensed bait dealers holding a commercial license with the mud minnow endorsement. It is assumed a smaller number are actively involved in harvesting because only five (5) of the 21 have reported landings.

The proposed rule change will increase the number of traps from 10 to 20. Because bait dealers would still be limited to 100 quarts, this proposed change would have minimal biological impacts while allowing for a potential increase in catch efficiency.

**Main Feature:**

The main feature of the proposed amendment to Rule 391-2-4-.11 is to increase the trap limit defined in subparagraph (3)(a)1 from “10” to “20”. This change is the only difference between the current Rule and the proposed amended Rule.

**Date , Time, and Place of Board Action:**

Board Action: Tuesday, October 22, 2024, at 9:00 a.m. in the DNR Boardroom, 2 Martin Luther King, Jr. Drive, SE, Suite 1252 East, Atlanta, GA 30334.

**Public Participation Plan**  
**Amendment to Saltwater Fishing Regulations, Rule 391-2-4-.11**

- August 27, 2024 - CRD presents proposed amended Rule 391-2-4-.11 to the Board of Natural Resources, Coastal Committee.
- August 28, 2024 - Public Notice of the Proposed Rule Change is advertised through various print media, Gov Delivery and on CRD website. Additionally, the notice will be mailed to all persons who have requested in writing that they be placed upon a mailing list which shall be maintained by the agency for advance notice of its rule-making proceedings and who have tendered the actual cost of such mailing as from time to time estimated by the agency.
- October 1, 2024 – Public comment period closes.
- October 22, 2024 - Consideration of public comment and final action on proposed amendments.



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July 22, 2024

**MEMORANDUM**

**TO:** Board of Natural Resources

**FROM:** Doug Haymans

**SUBJECT:** Economic Impact of Proposed Amended Rule on Small Businesses: Rule 391-2-4-.11, Saltwater Fishing Regulations

The Administrative Procedure 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.

This remains a small fishery with a total of 41 participants. Currently 21 licensed bait dealers hold a commercial license with the mud minnow endorsement. It is assumed a smaller number are actively involved in harvesting, with only five (5) of the 21 reporting landings. Because mud minnow bait dealers are limited to 100 quarts at any time, the increase in traps would not have a negative effect on their catch but could affect the amount of time needed to catch their limit in a positive manner.

The Coastal Resources Division has determined that the proposed change to Rule 391-2-4-.11 will have no negative economic impact on small businesses.

DH/cb

**STRIKETHROUGH VERSION  
ADDITIONS ARE UNDERLINED AND DELETIONS ARE  
~~STRIKETHROUGH~~**

**RULES  
OF  
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-2  
COASTAL RESOURCES**

**SUBJECT 391-2-4  
SALTWATER FISHING REGULATIONS**

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**391-2-4.11 Bait Minnow Trapping**

**(1) Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to regulate the times, places, numbers, species, sizes, manner, methods, ways, means, and devices of taking, capturing, transporting, storing, selling, and using wildlife to conserve bait minnows.

**(2) Definitions.**

**(a)** "Bait Minnow" means any member of the family Fundulidae, including but not limited to mummichog killifishes, commonly known as mud minnows, but not including domestic fish.

**(b)** "Bait Minnow Trap" means a rectangular or cylindrical cage or structure which is constructed of hardware cloth, wire, plastic or similar material used for catching minnows to be used as bait. Maximum dimensions shall not exceed 24 inches in length, 18 inches in width, or 9 inches in height for rectangular traps, or 24" in

**Subject 391-2-4**

**Saltwater Fishing Regulations**

length and 30" in circumference for cylindrical traps. A bait minnow trap used commercially shall be constructed of materials with a mesh size no smaller than 1/2" bar mesh; except, however, the funnel or muzzle to the trap shall be constructed of materials of mesh no smaller than 1/4" bar mesh. A bait minnow trap used recreationally shall be constructed of materials with a mesh size no smaller than 1/4" bar mesh. The round throat (opening) of the funnel or muzzle to a bait minnow trap shall not exceed 1 inch in diameter. Each trap must have attached thereto a tag bearing the name and address of the owner of the trap or must have tethered to each trap a float bearing the name and address of the person using such gear. If the trap is used for commercial purposes, the tag or float must also include the commercial bait dealer license number of the person using such gear or the license number of the bait dealer employing the person using the gear.

(c) "Department" means the Department of Natural Resources, Coastal Resources Division.

**(3) Commercial and Recreational Bait Minnow Trapping.**

(a) It is lawful to commercially harvest bait minnows of the family Fundulidae using bait minnow traps as defined in paragraph (2)(b) above, in the saltwaters of this state, provided such individual has a valid commercial fishing license pursuant to O.C.G.A. Sections 27-2-23 and 27-4-110, and a valid bait dealer license pursuant to O.C.G.A. Section 27-4-171, and provided that such individual meets the requirements for live bait shrimp facilities as specified in O.C.G.A. Section 27-4-171. An individual who is an employee of a licensed bait dealer and who possesses a valid personal commercial fishing license pursuant to O.C.G.A. Sections 27-2-23 and 27-4-110 and bait minnow endorsement pursuant to Rule 391-2-4-.17 may work the bait minnow traps of his or her employer.

1. No holder of a bait dealer license commercially harvesting bait minnows may employ more than ~~10~~ **20** traps at any given time.

**Saltwater Fishing Regulations**

**Subject 391-2-4**

2. The sale of commercially harvested bait minnows by a properly licensed bait dealer for resale purposes is allowed only to persons possessing a valid wholesale fish dealer license pursuant to O.C.G.A. Sections 27-2-23 and 27-4-76.

3. A licensed bait dealer must maintain at all times a daily record book showing the amount of bait minnows harvested and sold daily. Written reports of such transactions shall be submitted to the Department no later than the fifth day of the subsequent month in a format prescribed by the Department.

4. No licensed bait dealer or licensed wholesale fish dealer may possess more than 100 quarts of bait minnows at any time.

(b) It is lawful to recreationally harvest bait minnows of the family Fundulidae using bait minnow traps as defined in paragraph (2)(b) above, in the saltwaters of this state, provided such individual complies with the recreational fishing license requirements as specified in O.C.G.A. Sections 27-1-2 and 27-2-23.

1. No individual recreationally harvesting bait minnows may employ more than 2 traps at any time, except that a salt water fishing guide licensed pursuant to O.C.G.A. Code Section 27-2-23.2 may employ a maximum number of 4 traps at any time, provided that the bait minnows are not sold.

2. No individual recreationally harvesting bait minnows may possess more than 2 quarts of bait minnows at any given time, except that a salt water fishing guide licensed pursuant to O.C.G.A. Code Section 27-2-23.2 may possess no more than 10 quarts of bait minnows at any time, provided that the bait minnows are not sold.

**Authority**

*O.C.G.A. § 27-1-4.*



**RULES  
OF  
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**SUBJECT 391-2-4  
SALTWATER FISHING REGULATIONS**

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**Subject 391-2-4****Saltwater Fishing Regulations**

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**Saltwater Fishing Regulations**

**Subject 391-2-4**

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2. No individual recreationally harvesting bait minnows may possess more than 2 quarts of bait minnows at any given time, except that a salt water fishing guide licensed pursuant to O.C.G.A. Code Section 27-2-23.2 may possess no more than 10 quarts of bait minnows at any time, provided that the bait minnows are not sold.

**Authority**

*O.C.G.A § 27-1-4.*