



DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
ONE CONSERVATION WAY • BRUNSWICK, GA 31520 • 912.264.7218
COASTALGADNR.ORG

MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

November 17, 2021

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 allow for the landing of Billfish (blue marlin, white marlin, and sailfish) in Georgia for the first time in 20 years. Harvest of these species is tightly controlled by regulation of the National Marine Fisheries Service, Highly Migratory Species office. Anglers who land billfish in Georgia must be in full compliance with those federal regulations as well as possess a valid Georgia recreational fishing license.

Included in this packet are the following:

- Proposed Notice Page A-2
- Background and Synopsis Pages A-3 and 4
- Date, Time, and Place of Board Action Page A-4
- Explanation of the Public Participation Plan Page A-4
- Analysis of Small Business Impacts Page A-5
- Strike-thru Rule Pages A-6 thru 12

I respectfully submit this item for your consideration and look forward to presenting to you at the December meeting.

DH/cb

Attachments



MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

December 8, 2021

NOTICE OF PROPOSED REGULATION CHANGES

TO: All Interested Persons and Parties
FROM: Doug Haymans
SUBJECT: Notice of Rule Making for Saltwater Finfishing for Billfish

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 allow the landing of billfish (blue marlin, white marlin, and sailfish) in Georgia by recreational anglers who follow federal regulations for such harvest of billfish.

Written public comment will be received through Tuesday, January 11, 2022. Mailed comments must be postmarked by January 8th and e-mailed comments will be accepted through close of business (4:30 pm) on January 11th. 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 rules January 28, 2022, at 9:00 AM at the A.W. Jones Heritage Center, 610 Beachview Dr, St. Simons Island, GA 31522.

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

Additional information is available at www.coastalgadnr.org. Click in the “Quick Links”.

**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

Atlantic Blue Marlin, White Marlin, and Sailfish (i.e., Atlantic billfishes) are known as blue water species and found predominantly in open ocean habitats east of the Gulf Stream. Billfishes are fast growing, mature at young ages, and have life spans that range between 8 and 30 years. Billfishes have been identified as overfished since the late 1980's and overfishing continues to occur for both marlin species. Since 1988, directed fishing effort for billfishes has been reserved for the recreational sector. Federal regulations (implemented in 2006) are highly restrictive for these species and include permitting, reporting requirements, gear requirements, and minimum sizes (Blue Marlin: 99in; White Marlin 66in.; Sailfish 63in. all measured as lower-jaw fork length). The annual landings for Blue and White Marlin combined are limited to 250 fish across the Atlantic and Gulf coasts.

Federal regulations for recreational vessels with a federal permit require the vessel to abide by federal regulations regardless of where they are fishing unless a state has more restrictive regulations. Because Georgia has not allowed for the taking or possession of billfishes in State waters since 2001, federally permitted participants are not able to land their catch in Georgia.

Over the past 20 years, numerous members of the recreational fishing public have requested the opportunity to land these fish in Georgia, especially during offshore tournaments. These species are tightly regulated, and their harvest accounted for by federal regulation. Currently, Georgia is the only South Atlantic or Gulf coast state that prohibits their landing. Therefore, the Coastal Resources Division is hereby requesting a modification to Chapter 391-2-4-.04 that would allow for Georgia anglers meeting the federal fishery requirements for Atlantic billfishes to land their catches in Georgia.

Purpose

The purpose of the proposed amended rule is to allow for the landing of Atlantic Blue Marlin, White Marlin, and Sailfish in Georgia.

Main Features

The primary feature of the proposed amendment is the inclusion of a paragraph (5)(e) allowing for the landing of billfish in Georgia when following federal regulations. Additionally, a definition of "billfish" is included in 391-2-4-.04 which necessitates housekeeping of the remaining defined terms.

Differences

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

- 1) Added new subparagraph (2)(a), Definition of “Billfish,” to include Blue Marlin, White Marlin and Sailfish.
- 2) With the addition of a new letter (2) (a), resort and renumber all remaining defined terms.
- 3) Striking and reserving (3)(f), (3)(p) and (3)(aa).
- 4) Added new subparagraph (5)(e) allowing for the landing of billfish in Georgia so long as all applicable federal regulations regarding their harvest are adhered to.

Date, Time, and Place of Board Action:

Board Action: January 28, 2022, 9:00 AM at the A.W. Jones Heritage Center, 610 Beachview Dr, St. Simons Island, GA 31522.

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

A minimal public participation plan was selected due to the small universe of sportfishermen able to target these species and because the magnitude of change resulting from the proposed amendments should have little to no negative impact on recreational fishermen or fishing-related businesses.

Public Participation Plan

- December 7, 2021 - CRD presents proposed amended Rule 391-2-4-.04 to the Board of Natural Resources, Coastal Committee.
- December 8, 2021 - CRD Public Notices a written comment period. Advertised through various print media, Gov Delivery and on CRD website.
- January 11, 2022 - Public comment period closes.
- January 28, 2022 - CRD presents final draft of 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 Secretary of State such that the rule becomes effective on March 1, 2022.



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MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

November 17, 2021

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 allow landing of billfish in compliance with federal regulations 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 as more fishermen will target the species during tournaments and for potential state records.

DH/cb

**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*).

(a ~~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.

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

~~(b-f)~~ 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.

~~(b-f)~~ 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.

(e 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 (*Carchariastaurus*), 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*).

(~~d~~ j) "Sharks" means all species of sharks other than those comprising the small shark composite as defined in subparagraph 2(~~e~~ k), hammerhead sharks as defined in subparagraph 2(~~g~~ c), prohibited sharks as defined in subparagraph 2(~~h~~ i), and individual species regulated by this rule.

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

(~~f~~) "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.

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

~~(h) "Prohibited Sharks" means a group of sharks inclusive of sand tiger (*Carcharias taurus*), 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*), and oceanic whitetip shark (*Carcharhinus longimanus*).~~

Chapter 391-2-4

Saltwater Fishing Regulations

~~*Alopias superciliosus*), sharpnose sevengill shark (*Heptranchias perlo*), bluntnose sixgill shark (*Hexanchus griseus*), bigeye sixgill shark (*Hexanchus nakamurai*), and oceanic whitetip shark (*Carcharhinus longimanus*).~~

Saltwater Fishing Regulations

Chapter 391-2-4

(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) Blue marlin-Reserved	No Open Season has been established by the Board of Natural Resources.			
(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 60 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	5	14 TL	23TL
(n) Red Porgy	All Year	3	14 TL	
(o) Red Snapper	All Year	2	20 TL	
(p) Sailfish-Reserved	No Open Season has been established by the Board of Natural Resources.			
(q) Prohibited Sharks	Unlawful to possess.			
(r) Sharks	All Year	1 per person or boat	54 FL	
(s) Sheepshead	All Year	15	10 TL	
(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) White marlin-Reserved	No Open Season has been established by the Board of Natural Resources.			
(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)(~~f~~ 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.

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