



September 22, 1999

TO: All Interested Persons and Parties

FROM: Duane Harris

SUBJECT: Notice of Revision to Proposed Rulemaking

Notice is hereby given that pursuant to authority contained in the Game and Fish Code, O.C.G.A. Title 27, it is proposed to amend Chapter 391-2-4 of the Rules of the Georgia Department of Natural Resources regulating saltwater fishing by revising Rule 391-2-4-.04 addressing seasons, daily creel and possession limits, minimum size limits, and seasonal sale restrictions. The proposed revision of this rule would modify the minimum size limits, seasons, and/or daily creel and possession limits for amberjack, king mackerel, black sea bass, gag grouper, sailfish and Spanish mackerel. Additionally, the proposed rule would place seasonal restrictions on the sale of amberjack and gag grouper and would close Georgia territorial waters to the harvest and possession of red porgy.

The proposed rule (copy attached) has been revised in response to a federal action closing the red porgy fishery in the South Atlantic Region (federal waters), effective September 8, 1999. This fishery was closed in federal waters based on stock assessment data indicating the fishery to be in a state of severe decline and possibly on the verge of collapse. The proposed closure of Georgia waters to the harvest and possession of red porgy will make Georgia regulations compatible with federal efforts to initiate the recovery of red porgy stocks in the South Atlantic Region. Changes to the earlier draft proposed rule have been designated in italics, bold print and/or as strike-throughs. Rationale for these changes is included in the Background on Revisions to the Proposed Rule (attached).

The revised proposed action will be considered by the Board of Natural Resources at a meeting to be held at 9:00 am on Wednesday, October 27, 1999. The meeting will be held in the Ballroom of the Jekyll Island Club Hotel located on Jekyll Island. To provide the public an opportunity to comment on this revised proposed rule, written comments are being accepted for consideration prior to the close of business (4:30 p.m.) on Tuesday, October 12, 1999.

Please forward all written comments on the proposed rule to:

**ATTN: Clark Evans
Georgia DNR/CRD
One Conservation Way, Suite 300
Brunswick, GA, 31520-8687
email: clark@fisheries.dnr.state.ga.us
Fax 912-262-2318**

**Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way
Brunswick, GA 31520-8687
(912) 264-7218
FAX: (912) 262-3143**

Background on Revisions to the Proposed Rule

As a result of recent a federal action closing the red porgy fishery in federal waters in the South Atlantic Region, Coastal Resources Division has recommended revision of red porgy regulations proposed earlier for state waters. At the time of the first Notice of Rulemaking, issued August 16, 1999, a recommendation by the South Atlantic Fishery Management Council for an immediate moratorium on the harvest of red porgy in the South Atlantic EEZ was pending review by the U.S. Secretary of Commerce. For this reason, the Background, Synopsis, and Rationale for the Proposed Rule attached to the initial Notice of Proposed Rulemaking noted that more stringent state management measures might be necessary for red porgy if the recommended federal closure was implemented.

Following approval by the U.S. Secretary of Commerce, an emergency rule to close the red porgy fishery in federal waters in the South Atlantic Region became effective September 8, 1999. The recommendation by the South Atlantic Fishery Management Council to close the red porgy fishery in federal waters and its subsequent approval was based on recent stock assessment data that indicated 99% and 97% declines in recruitment and spawning biomass, respectively, from 1973-1997. These data indicate that regional red porgy stocks are in a severe state of decline and possibly on the verge of collapse. Although red porgy are found primarily in adjacent federal waters, the proposed closure of Georgia waters to the harvest and possession of red porgy will complement federal efforts to initiate stock recovery, facilitate enforcement, and promote effective management of this species throughout its range.

The revisions to the proposed rule (attached) that enact a harvest moratorium for red porgy in state waters have been designated in bold italics. The winter season closure previously proposed for this species has been replaced by the year-round harvest moratorium now proposed. This specific revision is designated in italics with a strike through proposed paragraph (6)(e). Proposed regulations for all other species remain unchanged from the original Notice of Proposed Rulemaking.

RULE 391-2-4-.04
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
CHAPTER 391-2-4
SALTWATER FISHING REGULATIONS

By authority of the Game & Fish Code, O.C.G.A. Title 27, Rule 391-2-4-.04, relating to Saltwater Finfishing under Chapter 391-2-4, Saltwater Fishing Regulations, is hereby amended by striking in their entirety subparagraphs 391-2-4-.04(4)(a), (4)(e), (4)(f), (4)(g), (5)(b), (5)(e), (5)(g) and (5)(j) and inserting in lieu thereof new subparagraphs 391-2-4-.04(4)(a), (4)(e), (4)(f), (4)(g), (5)(b), (5)(e), (5)(g) and 5(j). Rule 391-2-4-.04 is further amended by adding new subparagraphs (3)(t), (4)(t), (5)(t), (6)(c), and (6)(d) to read as follows:

CHAPTER 391-2-4
SALTWATER FISHING REGULATIONS

391-2-4-.04. Saltwater Finfishing. Amended.

DRAFT

(3) Seasons.

SPECIES

SEASON

(t) Red porgy

No Open Season has been established by the Board of Natural Resources.

(4) Daily Creel and Possession Limits.

SPECIES

DAILY
CREEL LIMIT

POSSESSION
LIMIT

(a) Spanish mackerel

15

15

(e) Gag grouper

2

2

(f) Amberjack

1

1

(g) Black sea bass

20

20

(t) Red porgy

This species may not be taken or possessed as no Open Season has been established by the Board of Natural Resources.

(5) Minimum Size Limits.

SPECIES

MINIMUM SIZE LIMIT

(b) King mackerel

twenty-four inches (24") fork length

- | | | |
|-----|----------------|---|
| (e) | Gag grouper | twenty-four inches (24") total length |
| (g) | Black sea bass | ten inches (10") total length |
| (j) | Sailfish | sixty-three inches (63") lower jaw fork length |
| (t) | Red porgy | <i>This species may not be taken or possessed as no Open Season has been established by the Board of Natural Resources.</i> |

(6) Restrictions on Sale.

(c) From April 1 through April 30, no person may sell amberjack harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale during April does not apply to amberjack that were harvested, landed ashore, and sold prior to April 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of amberjack harvested from another management area other than Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.

(d) From March 1 through April 30, no person may sell gag grouper harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale from March 1 through April 30 does not apply to gag grouper that were harvested, landed ashore, and sold prior to March 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of gag grouper harvested from another management area other than Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.

~~(e) From March 1 through April 30, no person may sell red porgy harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale from March 1 through April 30 does not apply to red porgy that were harvested, landed ashore, and sold prior to March 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red porgy harvested from another management area other than Georgia or the South Atlantic, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.~~

Authority O.C.G.A. Title 12; O.C.G.A. Section 27-1-4 and 27-4-130.1

DRAFT

Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way, Suite 300
Brunswick, GA 31520-8687