


Georgia Department of Natural Resources

1200 Glynn Avenue, Brunswick, Georgia 31523-9990

J. Leonard Ledbetter, Commissioner
Duane Harris, Director
Coastal Resources Division
912/264-7218

July 7, 1989

TO: All Interested Persons and Parties

FROM: Duane Harris 

SUBJECT: Notice of Proposed Rule Making

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 Rule 391-2-4 regulating saltwater fishing. The amendment would add new rules implementing seasons, creel limits, and size limits for Spanish mackerel, king mackerel, cobia, dolphin, bluefish, red snapper, gag grouper, amberjack, black sea bass, blue marlin, white marlin, sailfish, sheepshead, tarpon, Atlantic sturgeon, spotted seatrout, and red drum, and no sale provisions for billfish.

The proposed action (copy attached) will be considered by the Board of Natural Resources on August 23, 1989 at 9:30 a.m. at Suite 1252, Floyd Towers East, 205 Butler Street, S.E., Atlanta, Georgia. If the proposed amendment is adopted, Chapter 391-2-4 of the Rules of the Georgia Department of Natural Resources will be affected.

To provide the public an opportunity to comment upon this rule, public hearings will be held in Savannah on Monday, July 17 at 7:00 p.m. in the Commissioners' Meeting Room 607 of the Chatham County Courthouse at 133 Montgomery Street and in Brunswick on Tuesday, July 18 at 7:00 p.m. in the Glynn Academy Cafeteria at 1001 Mansfield Street. Any participant at the hearing may present data, make a statement, or offer a viewpoint or suggestion. Oral statements are acceptable, but for accuracy of record, lengthy statements and comments should be supported in writing. Statements should be concise (not more than three minutes) to permit everyone an opportunity to be heard. Participants in the hearing are requested to register on arrival and to notify the registering official of their intent to make a statement. Registration will begin 30 minutes prior to the hearing; persons will be called to speak in the order in which they have registered. Hearing participants will not be subject to questioning from the audience, but may be questioned by the hearing officer for clarification of technical points or to develop better understanding of statements.

For those unable to attend this meeting, written statements may be submitted for consideration prior to close of business (4.30 p.m.) on July 18, 1989. Statements should be mailed to:

Georgia Department of Natural Resources
Coastal Resources Division
Coastal Fisheries Section
1200 Glynn Avenue
Brunswick, Georgia 31523

DH/SS:lw

Attachment

RULES OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION

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By authority of the Game & Fish Code, (O.C.G.A., Title 27), as amended, it is hereby proposed to amend Chapter 391-2-4, "Saltwater Fishing Regulations," as indicated below.

CHAPTER 391-2-4
SALTWATER FISHING REGULATIONS

Chapter 391-2-4, "Saltwater Fishing Regulations," is hereby amended by adding new rules numbered 391-2-4.04 to read as follows:

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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, creel limits, and minimum sizes for certain finfish.

2) Definitions.

(a) "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.

(b) "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.

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

3) Seasons. The following species may be taken in accordance with the seasons set forth below, except as otherwise specifically provided herein:

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SPECIES	SEASON
(a) Spanish mackerel	Mar. 16 - Nov. 30
(b) King mackerel	All year
(c) Cobia	Mar. 16 - Nov. 30
(d) Red snapper	All Year
(e) Gag grouper	All Year
(f) Amberjack	Mar. 16 - Dec. 31
(g) Black sea bass	All Year
(h) Bluefish	Mar. 16 - Nov. 30
(i) Sheepshead	All Year
(j) Sailfish	All Year
(k) Blue marlin	All Year
(l) White marlin	All Year
(m) Tarpon	Mar. 16 - Nov. 30
(n) Atlantic sturgeon	Feb. 15 - Apr. 15
(o) Spotted seatrout	All Year
(p) Red drum	All Year
(q) Dolphin	All Year

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4) Daily Creel Limits. The following species may be taken in accordance with the daily creel limits set forth below, except as otherwise specifically provided herein:

SPECIES	DAILY CREEL LIMIT
(a) Spanish mackerel	10
(b) King mackerel	3
(c) Cobia	3
(d) Red snapper	10
(e) Gag grouper	10
(f) Amberjack	3
(g) Black sea bass	No limit
(h) Bluefish	10
(i) Sheepshead	25
(j) Sailfish	1
(k) Blue marlin	1
(l) White marlin	1
(m) Tarpon	1
(n) Atlantic sturgeon	5
(o) Spotted sea trout	25
(p) Red drum	10
1. It shall be unlawful to have in possession more than two red drum greater than thirty-two inches (32") total length.	
(q) Dolphin	10

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5) Minimum Size Limits. It shall be unlawful to have in possession the following species less than the minimum size limits set forth below, except as otherwise specifically provided herein:

SPECIES		MINIMUM SIZE LIMIT
(a) Spanish mackerel	twelve inches (12") fork length	
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.		
(b) King mackerel	fifteen inches (15") fork length	
(c) Cobia	thirty-three inches (33") fork length	
(d) Red snapper	twelve inches (12") total length	
(e) Gag grouper	twelve inches (12") total length	
(f) Amberjack	twenty-eight inches (28") fork length	
(g) Black sea bass	eight inches (8") total length	
(h) Bluefish	twelve inches (12") fork length	
(i) Sheepshead	eight inches (8") fork length	
(j) Sailfish	fifty-seven inches (57") lower jaw fork length	
(k) Blue marlin	eighty-six inches (86") lower jaw fork length	
(l) White marlin	sixty-two inches (62") lower jaw fork length	

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5) (cont'd)

SPECIES	MINIMUM SIZE LIMIT
(m) Tarpon	forty inches (40") fork length
(n) Atlantic sturgeon	seventy-five inches (75") fork length
(o) Spotted seatrout	twelve inches (12") total length
(p) Red drum	fourteen inches (14") total length
(q) Dolphin	eighteen inches (18") fork length

6) 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) Billfish (Sailfish, Blue marlin, White marlin) harvested from its management unit as defined in Federal Regulations, 50 CFR Part 644.2.

1. A billfish that is possessed by a seafood dealer or processor will be presumed to have been harvested from its management unit unless it is accompanied by documentation that it was harvested outside its management unit. Such documentation must contain information specified in Federal Regulations, 50 CFR Part 246 for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce, and must contain the information specified in Federal Regulations, 50 CFR Part 644.24.

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BACKGROUND

Demand for Georgia's marine fishery resources continues to increase from both recreational and commercial fishermen. From 1985 to 1987 the number of saltwater recreational fishing trips by coastal residents increased 35%, from 349,000 to 472,000 trips per year. Commercial demand also remained high in response to a record per capita consumption of seafood products. In 1987 Americans consumed an average of 15.4 pounds of seafood.

Effective management and conservation of Georgia's marine fishery resources requires regulations to protect certain fish stocks from overfishing. Recognizing this need, the Georgia General Assembly in 1989 passed Act 644. This law empowered the Board of Natural Resources to adopt rules and regulations to control the harvest of 17 species of marine fish. Provisions were included to regulate harvest through establishment of fishing seasons, minimum size limits, daily creel limits, and prohibition of sale of these species, if appropriate.

Rationale and justification for the proposed regulations for each species are presented below. If adopted by the Board of Natural Resources, these regulations would govern harvest of these species in Georgia's coastal waters to 3 miles offshore. Where appropriate, these regulations are compatible with federal regulations, developed by the South Atlantic Fishery Management Council and adopted by the Secretary of Commerce, which control harvest of fish in waters from 3-200 miles offshore. The proposed regulations are also compatible with fishery management plans developed by the Atlantic States Marine Fisheries Commission for species which primarily inhabit the states' territorial seas within three miles offshore.

Mackerels

King mackerel and Spanish mackerel are among Georgia's most important offshore finfish. Both species are managed under a federal fishery management plan for coastal migratory pelagics. The Atlantic Spanish mackerel stock is considered overfished, while king mackerel are at or near maximum exploitation. Georgia's proposed creel limits for both species and minimum size limit for Spanish mackerel are identical to federal limits, thereby enhancing enforcement and conservation of these highly migratory stocks. Georgia's proposed minimum size limit for king mackerel will have negligible impact on anglers since the average king landed in Georgia measures 33 inches. Proposed creel and size limits should have little impact on Georgia's commercial fishery. Individuals fishing with a valid commercial federal permit will be exempted from the daily creel limit. The proposed bycatch allowance of undersized Spanish mackerel will offset the impact of this regulation on the state's trawling industry while minimizing impacts to stocks. This bycatch allowance is the same as in federal regulations. The recommended seasons for Spanish and king mackerel reflect the seasonal occurrence of each species in waters offshore

Georgia. The more limited season for Spanish mackerel also falls well within the period federal waters have remained open in recent years. The proposed measures will reduce mortalities and maintain existing stocks while ensuring long term availability of king and Spanish mackerel to Georgia fishermen.

Cobia

Cobia are managed under the federal fishery management plan for coastal pelagics. Regional managers are concerned that cobia may be overfished and are considering implementation of a two-fish creel limit in addition to the existing minimum size applicable in federal waters. Georgia's proposed creel limit and minimum size are the same as existing and proposed federal regulations, while the proposed season provides additional protection against overexploitation. The two-fish creel would impact few anglers since recreational catches are typically low. Commercial fishermen with valid federal permits would be exempt from this regulation. Most fishermen abide by the 33" minimum size limit in effect in federal waters since 1983, but a compatible regulation in Georgia waters will improve enforceability. The season closure would have some impact on commercial cobia landings by restricting landings taken incidentally by the year-round, offshore snapper-grouper fishery. However,, an average of only 329 lb has been historically landed during the period slated for closure.

Red Snapper

Red snapper are managed under the federal fishery management plan for snapper and grouper. Georgia's year-round season and minimum size recommendations are identical to regulations already in effect for red snapper in offshore waters. Implementation of these limits on a state level will complement regional efforts towards maintaining necessary spawning stocks and allow dockside enforcement. The state's proposed creel limit for red snapper anticipates future federal management directions and promotes additional protection needed by this important recreational and commercial species. Relatively few anglers will be impacted since most red snapper landed exceed the minimum size and since few recreational catches exceed the proposed creel limit. Since commercial fishermen with a valid federal commercial permit will be exempted from the creel limit, the state's commercial fishery will be relatively unaffected by the proposed state regulations.

Gag

Gag are managed with other reef fish under a federal fishery management plan for snapper and grouper. Under this plan, there are no seasons or other regulations for gag, although some size limits are in effect for other species of grouper. Anticipating future federal management decisions, Georgia's proposed creel limit and minimum size proposal are

intended to address ongoing declines in gag landings and prevent continued overfishing of these stocks. The minimum size and creel limit will reduce the harvest of juvenile gag and will limit catches by recreational fishermen. Relatively few anglers will be impacted because most gag are taken offshore and exceed the minimum size, and few anglers catch more than the proposed creel limit. Commercial activities will not be affected by the proposed state regulations since commercially landed gag are usually well above the minimum size and fishermen with valid federal commercial permits will be exempt from the daily creel limit.

Greater Amberjack

Greater amberjack and other reef fish are managed under the federal fishery management plan for snapper and grouper. Amberjack are currently regulated in federal waters with gear restrictions and area closures. Due to rapidly expanding recreational fishing pressure and increased market demand, the regional fishery management councils are proposing additional regulations, including creel and size limits. Georgia's proposed creel limit, minimum size, and season reflect similar concerns and anticipated federal actions. The proposed creel limit will have little impact since most recreational anglers and charterboats rarely land more fish than the proposed creel. Commercial operators with a valid federal permit will not be affected. Minimum size may affect some fishermen who feel smaller fish are more suitable for eating, but generally most anglers target larger fish for sport and release. The season will not affect Georgia's recreational fishery since weather and other factors limit offshore activities. The season closure would have some impact on commercial amberjack landings by restricting landings taken incidentally by the year-round offshore snapper-grouper fishery. However, landings during the period of closure have historically averaged less than 1000 lb:

Black Sea Bass

Black sea bass are managed under a federal fishery management plan for snapper and grouper. Georgia's unlimited creel, year-round season, and proposed minimum size are identical to federal regulations already in effect for black sea bass. Implementation of this regulation will enhance dockside enforcement and promote conservation by allowing black sea bass to reach spawning age before being harvested. Recreational and commercial fishing for this species occurs almost exclusively in offshore waters beyond the state's territorial sea and landings of undersized sea bass in Georgia waters are insignificant. Since landings from state waters are low and since fishermen are already operating under existing federal regulations for black sea bass, few anglers will be affected by the proposed state regulations.

Bluefish

A joint interstate/federal fishery management plan for bluefish scheduled to go into effect in federal waters during fall 1989 proposes the same creel limit as Georgia's proposal. The minimum size limit will target age one and older bluefish and maintain long-term yields from the fishery. The proposed season corresponds with the period bluefish are targeted in Georgia's inshore and offshore waters. Proposed measures will enhance management of bluefish throughout its range, prevent recruitment overfishing, reduce waste in the fishery, and maintain traditional uses of bluefish. Georgia fishermen will not be significantly impacted because less than one percent of Georgia's saltwater trips harvests more than ten bluefish and fishermen with valid federal commercial permits will be exempt from the daily creel limit.

Sheepshead

Sheepshead ranks among the six most popular marine sportfish with Georgia's recreational anglers. Fishing pressure on sheepshead has primarily increased on relatively limited offshore habitat where adults concentrate during winter and spring. Directed offshore bottom fishing has produced increasingly large catches during the peak spawning season of April and May. The recommended daily creel limit of 25 sheepshead per person will have negligible impact on the vast majority of Georgia saltwater fishermen but should reduce large catches of adult spawners from offshore waters.

Billfish

Blue marlin, white marlin, and sailfish are regulated under a federal fishery management plan for billfish. Georgia's proposed minimum size limits and no-sale provisions are identical to existing federal regulations, thereby enhancing enforcement and conservation of these highly migratory stocks. The proposed creel limit will provide additional protection while allowing record and trophy fish to be landed. Minimum size limits will reduce recreational harvest and maintain existing stocks. The no sale provision will maintain the traditional recreational fishery and optimize social and economic benefits. Few fishermen will be impacted because catches are infrequent, the season is short (primarily in late spring and summer) and fishermen/tournaments are promoting tag-and-release techniques and discouraging personal consumption.

Tarpon

The popularity of tarpon has increased dramatically in recent years with tarpon being the third most popular sportfish targeted by recreational anglers in 1987. The species' popularity should continue to increase concurrent

with the increase in saltwater fishing trips and sports fishing charter operations. Since most anglers release tarpon, little information is available on size or occurrence of this species in Georgia. Although harvest rates are believed to be low, impacts from increasing fishing pressure are unknown. The recommended minimum length, daily bag limit, and season restrictions will prevent excessive harvest.

Atlantic Sturgeon

Landings of Atlantic sturgeon in Georgia have declined drastically and remain low. Restoration of the sturgeon fishery will require severe regulation of fishing effort. A minimum size limit of 75 inches Fork Length will help conserve the spawning stock by allowing sturgeon to spawn before entering the fishery. This measure will reduce the retention of juvenile sturgeon caught as by-catch in the trawl fishery. A reduction of the season to February 15 - April 15 will permit the continuation of the sturgeon gillnet fishery in Georgia but will eliminate the harvest of immature females which occurs after April 15. The proposed creel limit of five fish per day will not impact fishermen because catches of more than 5 fish per day are very rare. Proposed regulations will reduce fishing mortality, resulting in increased spawning stocks and eventual recovery of the Atlantic sturgeon in Georgia. These regulations complement interstate management measures now under development by the Atlantic States Marine Fisheries Commission.

Spotted Seatrout

Spotted seatrout is the top species sought by Georgia saltwater fishermen. The minimum size of 12 inches established in 1986 has contributed to an expanding spotted seatrout population. However, approximately three percent of all fishing trips account for half the spotted seatrout harvested in Georgia. The recommended creel limit of 25 will help disperse the benefits of increasing stocks among more fishermen. This creel limit is the most generous allowable under Act 644, but will reduce catches by anglers who catch large quantities of seatrout to sell. This will help to meet the increasing fishing pressure of Georgia's recreational fishermen.

Red Drum

Red drum is the second most popular marine sportfish with Georgia's recreational fishermen. The 14 inch minimum size limit established in 1986 increased the average size of red drum harvested but has done little to increase the spawning stock. Over 99 percent of the red drum harvested by Georgia saltwater recreational anglers are juveniles less than two years old. The low abundance of sub-adult (3-4 year old) and young adult (5-12 year old) red drum indicates that survival of juveniles and recruitment of adults is extremely low. If this high inshore catch continues, there will be few

adult spawners and the red drum fishery may collapse. A 10 fish creel limit should increase recruitment to the spawning stock, and prohibition of harvest of fish over 32 inches will protect existing spawners.

Dolphin

Dolphin are an open-water offshore species managed under a federal fishery management plan for coastal pelagics. Dolphin have a fast growth rate, mature at a young age and relatively small size (14 inches), and have a high reproductive capacity. The proposed creel limit will enable anglers to capitalize on the infrequent opportunities when dolphin are abundant offshore of Georgia. Impacts of the creel limit on anglers will be negligible because only two percent of the South Atlantic charter trips catch more than 15 dolphin per person. Individuals fishing with a valid federal commercial permit will be exempted from the daily creel limit. The recommended minimum size will allow fish to grow to a reproductively active size before harvest, increasing the productivity of the fishery. Proposed measures will enhance management of dolphin throughout its range and maintain traditional uses of dolphin.