



August 16, 1999

TO: All Interested Persons and Parties

FROM: Duane Harris

SUBJECT: Notice of 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 (copy attached) would set the season, daily creel and possession limits, and minimum size limits for red porgy and 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, red porgy, and gag grouper.

In response to implementation of revised management measures for reef fishes, coastal pelagics, and sailfish in adjacent federal waters, Coastal Resources Division is proposing modifications to state management measures for amberjack, black sea bass, gag grouper, red porgy, king mackerel, Spanish mackerel, and sailfish. Stock assessments indicate black sea bass, gag grouper, red porgy, and sailfish to be overfished and king mackerel to be fully utilized. Fisheries-dependent information indicates amberjack to be in a state of decline. The proposed rule is necessary to conserve these stocks and to curb any further decline in overfished and fully exploited stocks. Spanish mackerel stocks are considered to be fully recovered and an increase in the daily creel/possession limit will better enable recreational anglers to harvest their allocation of the Total Allowable Catch. The daily creel and possession limits, minimum size limits, and restrictions on sale, as proposed, would make state and federal regulations for these species consistent. Further explanation and additional rationale for this rule change is included in the attached Synopsis, Background, and Rationale for the Proposed Rule.

The 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 proposed rule, public hearings will be held in Richmond Hill and Brunswick on the dates and time listed on the reverse side of this announcement. Written comments are also being accepted for consideration prior to the close of business (4:30 p.m.) on Wednesday, September 15, 1999. Written comments should be mailed to the address listed on the reverse side of this announcement.

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

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**

Public Hearing Schedule

**Wednesday - September 1, 1999
6:00 p.m.
Conference Room
DNR, Coastal Regional Headquarters
One Conservation Way
Brunswick, Georgia**

**Thursday - September 2, 1999
6:00 p.m.
New Council Chambers
Richmond Hill City Hall
40 Richard R. Davis Drive
(on the corner of Ford Avenue next to railroad tracks)
Richmond Hill, Georgia**

Synopsis, Background and Rationale for the Proposed Rules

Under O.C.G.A. 27-4-130.1, the Board of Natural Resources has the authority to establish seasons, minimum size limits, and daily creel and possession limits for several marine finfish species, including sailfish, king mackerel, Spanish mackerel, gag grouper, amberjack, black sea bass, and red porgy. Current proposals seek to modify existing regulations for sailfish, king mackerel, gag grouper, amberjack, black sea bass, and Spanish mackerel, as well as establish a season, minimum size limit, and daily creel and possession limits for red porgy. Additionally, it is proposed to place seasonal restrictions on the sale of amberjack, red porgy, and gag grouper.

Sailfish

Western Atlantic billfish stocks, including sailfish, are overfished. In order to limit landings of sailfish and promote survival to spawning, the National Marine Fisheries Service (NMFS) recently finalized regulations that increased the minimum size limit for sailfish to 63 inches LJFL (Lower Jaw Fork Length). A similar increase in the minimum size limit for sailfish to 63 inches LJFL is proposed for state waters to improve enforcement and compliance, as well as to address overfishing and promote rebuilding of sailfish stocks.

King Mackerel

Based on current assessments, king mackerel stocks are fully utilized. The proposed increase to a 24" FL (Fork Length) minimum size will extend spawning opportunities for younger fish and ensure continued recruitment at levels necessary to sustain current stock health. Implementation of a minimum size limit in federal waters is pending, and similar state regulations will facilitate enforcement and compliance for this species throughout its range.

Spanish Mackerel

South Atlantic Spanish mackerel represent a fully recovered stock, with current assessments indicating a Spawning Potential Ratio (SPR) of 55%, which is well above the target SPR of 40%. The proposed increase to a 15-fish daily bag limit not only reflects the improved health of this fishery, but also recognizes fishermen for their role in the stock's recovery since implementation of bag limits over 10 years ago. With a similar increase anticipated for federal waters, complementary state regulations will improve enforcement and compliance, as well promote the continued recovery of regional Spanish mackerel stocks.

Gag Grouper

Gag grouper stocks are below the overfishing threshold established by the South Atlantic Fishery Management Council (SAFMC). The proposed reductions in daily creel and possession limits to 2 fish and an increased minimum size of 24" TL (Total Length) are intended to reduce fishing pressure on the stock's critical spawning component. The proposed no-sale provision during March-April will limit fishing pressure on the species' highly susceptible spawning aggregations that peak off the southeastern coast during these months. Similar state and federal regulations will facilitate enforcement and compliance for this species throughout its range.

Amberjack

Scientific analysis of South Atlantic amberjack stocks suggests a significant decline in recruitment and the abundance of young fish. The proposed decrease in daily creel and possession limits to one fish will reduce fishing pressure on these age classes, as well as increase overall survival rates for the species. The proposed April no-sale provision will enhance needed recruitment by limiting fishing pressure on seasonal spawning aggregations. Similarly, the proposed prohibition against the sale of recreationally caught fish during closures of the commercial fishery for amberjack will not only significantly facilitate enforcement efforts, but also limit excessive landings. Overall consistency with current federal regulations will also enhance regulatory enforcement and compliance for this species throughout the year.

Black Sea Bass

South Atlantic black sea bass stocks are overfished. The implementation of a 20-fish daily creel and possession limit is needed to address overfishing, while the proposed 10" Total Length (TL) minimum size will promote greater survival of female fish and increase spawning opportunities. Consistent with recently implemented federal regulations, these measures will also improve enforcement and compliance for black sea bass throughout its range.

Red Porgy

The combination of a 5-fish daily creel and possession limit and a 14" TL minimum size limit for red porgy is proposed to reduce fishing mortality and initiate rebuilding of the stock, while allowing for continued harvest. The no-sale provision during March and April will further enhance rebuilding by significantly limiting fishing pressure during the species' maximum spawning period. Proposed measures reflect existing federal regulations currently in effect for red porgy and will improve enforcement and compliance for this species throughout its range. It should also be noted that recent (March, 1999) stock assessments for red porgy indicate more substantial declines in biomass and recruitment levels for South Atlantic red porgy stocks than previously thought. Based on this information, it is felt that this species is on the verge of collapse. A total federal moratorium on the harvest of red porgy in the South Atlantic is pending review by the U.S. Secretary of Commerce and may necessitate more stringent State management measures if a year-round federal closure is implemented. At this time, however, the proposed 5-fish creel and possession limit and 14" TL minimum size limit constitutes a prudent interim step towards red porgy conservation.

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), (6)(d), and (6)(e) to read as follows:

CHAPTER 391-2-4
 SALTWATER FISHING REGULATIONS

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

(3) Seasons.

<u>SPECIES</u>	<u>SEASON</u>
(t) Red porgy	All Year

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(4) Daily Creel and Possession Limits.

<u>SPECIES</u>	<u>DAILY CREEL LIMIT</u>	<u>POSSESSION LIMIT</u>
(a) Spanish mackerel	15	15
(e) Gag grouper	2	2
(f) Amberjack	1	1
(g) Black sea bass	20	20
(t) Red porgy	5	5

(5) Minimum Size Limits.

<u>SPECIES</u>	<u>MINIMUM SIZE LIMIT</u>
(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 | fourteen inches (14") total length |

(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

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