



MARK WILLIAMS
COMMISSIONER

TED WILL
DIRECTOR

June 29, 2023

MEMORANDUM

TO: INTERESTED PERSONS AND ORGANIZATIONS

FROM: Ted Will

SUBJECT: **NOTICE AND SYNOPSIS OF PROPOSED RULE MAKING**

Notice is hereby given that, pursuant to authority contained in the Game and Fish Code (Official Code of Georgia Annotated, Secs. 271-3, 27-1-4, 27-4-10, 27-4-11, 27-4-11.1, 27-4-12, 27-4-36, and 27-4-51), the Board of Natural Resources proposes to amend Department of Natural Resources rules governing the designation of delayed harvest streams. The proposed amendment (copy attached hereto), when adopted, amends Rule 391-4-3-.06, Rule 391-4-3-.13, and Rule 391-4-3-.14 pertaining to size limits, fishing methods, and catch and release fishing, respectively.

SYNOPSIS AND MAIN FEATURES

The purpose of fishing regulations is to manage Georgia's fishery resources according to sound principles of fish management and to meet public objectives for use of these renewable natural resources. Changes to the existing rules are responsive to customer desires related to trout fishing.

This notice and synopsis of the proposed rule revisions, together with an exact copy of proposed rule revisions, is being mailed to all persons who have requested in writing that they be placed on the mailing list and have tendered the actual cost of such mailing. Copies of all these documents are also available by electronic mail and are available for review on the Division web page (www.gofishgeorgia.com). Please call the Fisheries Management Section at (706) 557-3305 to request a copy.

Members of the public may comment on these proposed changes electronically by email through the Division website, by telephone (706-557-3305), or by submitting written statements by close of business on July 28, 2023. Written statements should be emailed to FM.comments@dnr.ga.gov or mailed to the attention of Fisheries Management Section at:

Department of Natural Resources
Wildlife Resources Division
2067 U.S. Highway 278, S.E.
Social Circle, Georgia 30025

The Board of Natural Resources will consider the proposed rule and any comments received during the public comment process at its August 22, 2023, meeting at 9:00 A.M. at 2 Martin Luther King, Jr. Drive, SE, Suite 1252, Atlanta, Georgia. Please bring this notice to the attention of interested acquaintances.

TW/jwb

Attachment: Proposed Rule

SUBJECT	PROPOSED CHANGE	CURRENT REGULATION	CHANGE	JUSTIFICATION
391-4-3-.06(f) Size Limits				
Size Limits on Trout	Remove size limits for trout in Waters Creek (Lumpkin County)	Brook Trout (18-in.), Rainbow Trout (22-inches), and Brown Trout (22-inches)	No size limit.	Expands harvest opportunities after the Delayed Harvest season.
391-4-3-.13(3) Fishing Methods				
Delayed Harvest Season Dates and Streams with Fishing Tackle Restrictions	Change dates of the Delayed Harvest season to October 15 – April 14 and add two new streams.	Season: November 1 – May 14 on five streams with fishing tackle restrictions.	Season: October 15 – April 14. Add specified reaches of Waters Creek and Raccoon Creek to the list of streams with fishing tackle restrictions.	Starting the opening date two weeks sooner will take advantage of the fall leaf season when visitation to the mountains is high. Moving the ending date one month earlier will allow more anglers to take advantage of harvest opportunities before water temperatures reach the upper threshold for trout.
391-4-3-.14(1) and (4) Catch and Release Fishing				
Delayed Harvest Streams	Designate two new streams as Delayed Harvest.	Five streams currently regulated under Delayed Harvest: Amicalola Creek, Chattahoochee River, Chattooga River, Smith Creek, Toccoa River	Add Waters Creek upstream of its junction with Dick’s Creek. Also, add Raccoon Creek from Norfolk Southern railway crossing upstream to the Silver Comet Trail.	Adding two new streams is responsive to public requests for increased delayed harvest trout fishing opportunities in underserved areas of Northcentral and Northwest Georgia.

**(STRIKETHROUGH VERSION)
RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4
WILDLIFE RESOURCES**

**SUBJECT 391-4-3
FISHING REGULATIONS
TABLE OF CONTENTS**

391-4-3-.06	Size Limits
391-4-3-.13	Fishing Methods
391-4-3-.14	Catch and Release Fishing

Rule 391-4-3-.06. Size Limits

(1) Pursuant to O.C.G.A. § 27-4-10 and in keeping with sound principles of wildlife research and management, fish of the following sizes may not be taken.

(a) It shall be unlawful to take or possess largemouth bass as follows:

1. Less than fourteen inches (14") in total length from Lake Oconee;
2. Less than fourteen inches (14") in total length from West Point Reservoir;
3. Less than fourteen inches (14") in total length from all public fishing areas operated by the department; provided, however, this shall not apply to lakes at public fishing areas which have been posted as having a different length limit for largemouth bass;
4. Less than fourteen inches (14") in total length from Walter F. George Reservoir;
5. Less than fourteen inches (14") in total length from Lake Blackshear;
6. Less than fourteen inches (14") in total length from Lake Lanier; and
7. From fifteen inches (15") to twenty-two inches (22") in total length from Lake Lindsay Grace in Wayne County.
8. Less than twelve inches (12") in total length from all other waters of this state; provided, however, there shall be no limitations on the sizes of largemouth bass taken from lakes Burton, Juliette on the Rum Creek Wildlife Management Area, and Blue Ridge.

(b) It shall be unlawful to take or possess spotted bass less than fourteen inches (14") in total length from Lake Lanier.

(c) It shall be unlawful to take or possess shoal bass less than fourteen inches (14") in total length from Lake Lanier.

(d) It shall be unlawful to take or possess shoal bass less than twelve inches (12") in total length from the Flint River or any of its tributary streams downstream of Warwick Dam.

(e) It shall be unlawful to take or possess shoal bass less than fifteen inches (15") in total length from the Flint River or any of its tributary streams upstream of Warwick Dam.

~~(f) It shall be unlawful to take or possess brook trout less than eighteen inches (18") in total length or rainbow or brown trout less than twenty-two inches (22") in total length from Waters Creek upstream from its junction with Dick's Creek.~~

(~~g~~f) It shall be unlawful to take or possess mountain trout less than sixteen inches (16") in total length from Noontootla Creek or its tributaries within the Blue Ridge Wildlife Management Area.

(2) Except as otherwise provided by law, rule or regulation, there shall be no other size limits on freshwater fish species listed in O.C.G.A. § 27-4-10.

Authority: O.C.G.A. Secs. 27-1-3, 27-1-4, 27-4-10, 27-4-11, 27-4-11.1, and 27-4-12.

Rule 391-4-3-.13. Fishing Methods

(1) The following streams are artificial-lure streams:

(a) That portion of the Chattahoochee River from Georgia Highway 20 downstream to the boat ramp at the National Park Service Medlock Bridge Park immediately upstream of Georgia Highway 141;

(b) Noontootla Creek and its tributaries on the Blue Ridge Management Area;

(c) Coleman River and its tributaries from the junction with Tallulah River upstream to Forest Service Bridge No. 54;

(d) Jones Creek and its tributaries on U.S. Forest Service property upstream from the junction with the Etowah River;

(e) Mountaintown Creek and its tributaries above Mountaintown Creek Watershed Structure No. 2;

(f) Stanley Creek and its tributaries on the Rich Mountain Management Area;

(g) Hoods Creek and its tributaries on the Warwoman Management Area;

(h) Walnut Fork and its tributaries on the Warwoman Management Area; and

(i) Conasauga River upstream of the Georgia-Tennessee state line and its tributaries to that portion of the river; provided, however, Conasauga River and its tributaries shall not be artificial-lure streams from the last Saturday in March through October 31 of each year.

(2) It is lawful to fish with or possess only artificial lures with barbless hooks in that portion of Dukes Creek and its tributaries in White County on the Smithgall Woods-Dukes Creek Conservation Area, including the Georgia Highway 75 Alternate right-of-way.

(3) It is lawful to fish with or possess only artificial lures with single hooks on the following waters; provided, however, this restriction does not apply to said waters from ~~May 15~~ April 15 through October ~~31~~ 14 of each year:

(a) Amicalola Creek from County Road 192 (Steele Bridge Road) downstream to Georgia Highway 53;

(b) Chattahoochee River from Sope Creek (off Columns Drive) downstream to US Highway 41 (Cobb Parkway);

(c) Chattooga River (in Rabun County) from Georgia Highway 28 upstream to the mouth of Reed Creek (Georgia);

(d) Raccoon Creek from Norfolk Southern railway crossing upstream to the Silver Comet Trail;

~~(e)~~ Smith Creek on Unicoi State Park from Unicoi Dam downstream to the Unicoi State Park property boundary; ~~and~~

~~(e)~~ Toccoa River on U.S. Forest Service land from 0.4 miles above the Shallowford Bridge upstream to a point 450 feet upstream of the Sandy Bottom Canoe Access; ~~and~~.

(g) Waters Creek upstream from its junction with Dicks Creek.

(4) Use of live blueback herring for bait and possession of live blueback herring is prohibited in all freshwaters of the state; provided, however, this provision shall not apply to the following waters:

(a) Lake Allatoona;

(b) Lake Bartlett's Ferry;

(c) Lake Blue Ridge;

(d) Lake Chatuge;

(e) Lake Goat Rock;

- (f) Lake Juliette;
- (g) Lake Lanier;
- (h) Lake Nottely;
- (i) Lake Oliver;
- (j) Lake West Point;
- (k) Altamaha River watershed downstream of the following dams:

1. Juliette on the Ocmulgee River;
2. Lake Juliette on Rum Creek;
3. Lake Tobesofkee on Tobesofkee Creek; and
4. Lake Sinclair on the Oconee River;

(l) watersheds of all other streams that flow directly into the Atlantic Ocean. The penalties of this paragraph are enforceable by all penalties applicable, including civil penalties.

Authority: O.C.G.A. Secs. 27-4-12, 27-4-36, 27-4-51.

Rule 391-4-3-.14. Catch and Release Fishing

(1) The following streams or portions of streams are declared to be delayed harvest streams, and all mountain trout caught from these streams must be immediately returned unharmed to the waters from which they were caught; provided, however, this restriction shall not apply to said streams or portions of streams from ~~May~~April 15 through October ~~31~~14 of each year:

- (a) That portion of Amicalola Creek from County Road 192 (Steele Bridge Road) downstream to Georgia Highway 53;
- (b) That portion of the Chattahoochee River from Sope Creek (off Columns Drive) downstream to US Highway 41 (Cobb Parkway);
- (c) That portion of Chattooga River (in Rabun County) from Georgia Highway 28 upstream to the mouth of Reed Creek (Georgia);
- (d) That portion of Raccoon Creek between from Norfolk Southern railway crossing upstream to the Silver Comet Trail;
- ~~(e)~~ That portion of Smith Creek on Unicoi State Park from Unicoi Dam downstream to the Unicoi State Park property boundary; ~~and~~

(ef) That portion of the Toccoa River on U.S. Forest Service land from 0.4 miles above the Shallowford Bridge upstream to a point 450 feet upstream of the Sandy Bottom Canoe Access; and,

(g) Waters Creek upstream from its junction with Dicks Creek.

(2) The following stream is declared to be a catch and release stream, and all fish caught from this stream must be immediately returned unharmed to the waters from which they were caught:

(a) That portion of Dukes Creek and its tributaries flowing through the Smithgall Woods-Dukes Creek Conservation Area, including the Georgia Highway 75 Alternate right-of-way;

(3) Possession of trout while fishing on a catch and release stream is prohibited; ~~and,~~

(4) Possession of trout while fishing on a delayed harvest stream is prohibited from ~~November 1 through May 14~~ October 15 through April 14 of each year.

Authority: O.C.G.A. Secs. 27-1-4, 27-4-10, 27-4-12, 27-4-51.

**(CLEAN VERSION)
RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4
WILDLIFE RESOURCES**

**SUBJECT 391-4-3
FISHING REGULATIONS
TABLE OF CONTENTS**

391-4-3-.06	Size Limits
391-4-3-.13	Fishing Methods
391-4-3-.14	Catch and Release Fishing

Rule 391-4-3-.06. Size Limits

(1) Pursuant to O.C.G.A. § 27-4-10 and in keeping with sound principles of wildlife research and management, fish of the following sizes may not be taken.

(a) It shall be unlawful to take or possess largemouth bass as follows:

1. Less than fourteen inches (14") in total length from Lake Oconee;
2. Less than fourteen inches (14") in total length from West Point Reservoir;
3. Less than fourteen inches (14") in total length from all public fishing areas operated by the department; provided, however, this shall not apply to lakes at public fishing areas which have been posted as having a different length limit for largemouth bass;
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6. Less than fourteen inches (14") in total length from Lake Lanier; and
7. From fifteen inches (15") to twenty-two inches (22") in total length from Lake Lindsay Grace in Wayne County.
8. Less than twelve inches (12") in total length from all other waters of this state; provided, however, there shall be no limitations on the sizes of largemouth bass taken from lakes Burton, Juliette on the Rum Creek Wildlife Management Area, and Blue Ridge.

(b) It shall be unlawful to take or possess spotted bass less than fourteen inches (14") in total length from Lake Lanier.

(c) It shall be unlawful to take or possess shoal bass less than fourteen inches (14") in total length from Lake Lanier.

(d) It shall be unlawful to take or possess shoal bass less than twelve inches (12") in total length from the Flint River or any of its tributary streams downstream of Warwick Dam.

(e) It shall be unlawful to take or possess shoal bass less than fifteen inches (15") in total length from the Flint River or any of its tributary streams upstream of Warwick Dam.

(f) It shall be unlawful to take or possess mountain trout less than sixteen inches (16") in total length from Noontootla Creek or its tributaries within the Blue Ridge Wildlife Management Area.

(2) Except as otherwise provided by law, rule or regulation, there shall be no other size limits on freshwater fish species listed in O.C.G.A. § 27-4-10.

Authority: O.C.G.A. Secs. 27-1-3, 27-1-4, 27-4-10, 27-4-11, 27-4-11.1, and 27-4-12.

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(g) Hoods Creek and its tributaries on the Warwoman Management Area;

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lure streams from the last Saturday in March through October 31 of each year.

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(3) It is lawful to fish with or possess only artificial lures with single hooks on the following waters; provided, however, this restriction does not apply to said waters from April 15 through October 14 of each year:

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(b) Chattahoochee River from Sope Creek (off Columns Drive) downstream to US Highway 41 (Cobb Parkway);

(c) Chattooga River (in Rabun County) from Georgia Highway 28 upstream to the mouth of Reed Creek (Georgia);

(d) Raccoon Creek from Norfolk Southern railway crossing upstream to the Silver Comet Trail;

(e) Smith Creek on Unicoi State Park from Unicoi Dam downstream to the Unicoi State Park property boundary; ~~and~~

(f) Toccoa River on U.S. Forest Service land from 0.4 miles above the Shallowford Bridge upstream to a point 450 feet upstream of the Sandy Bottom Canoe Access; and,

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(l) watersheds of all other streams that flow directly into the Atlantic Ocean. The penalties of this paragraph are enforceable by all penalties applicable, including civil penalties.

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Rule 391-4-3-.14. Catch and Release Fishing

(1) The following streams or portions of streams are declared to be delayed harvest streams, and all mountain trout caught from these streams must be immediately returned unharmed to the waters from which they were caught; provided, however, this restriction shall not apply to said streams or portions of streams from April 15 through October 14 of each year:

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(d) That portion of Raccoon Creek between from Norfolk Southern railway crossing upstream to the Silver Comet Trail;

(e) That portion of Smith Creek on Unicoi State Park from Unicoi Dam downstream to the Unicoi State Park property boundary;

(f) That portion of the Toccoa River on U.S. Forest Service land from 0.4 miles above the Shallowford Bridge upstream to a point 450 feet upstream of the Sandy Bottom Canoe Access; and,

(g) Waters Creek upstream from its junction with Dicks Creek.

(2) The following stream is declared to be a catch and release stream, and all fish caught from this stream must be immediately returned unharmed to the waters from which they were caught:

(a) That portion of Dukes Creek and its tributaries flowing through the Smithgall Woods-Dukes Creek Conservation Area, including the Georgia Highway 75 Alternate right-of-way;

(3) Possession of trout while fishing on a catch and release stream is prohibited.

(4) Possession of trout while fishing on a delayed harvest stream is prohibited from October 15 through April 14 of each year.

Authority: O.C.G.A. Secs. 27-1-4, 27-4-10, 27-4-12, 27-4-51.