



MARK WILLIAMS  
COMMISSIONER

TED WILL  
DIRECTOR

October 27, 2022

**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. 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 use of blueback herring as bait. The proposed amendment (copy attached hereto), when adopted, amends Rule 391-4-3-.13 pertaining to fishing methods.

**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 rule are reflective of the biological status of blueback herring in Lake Allatoona and responsive to customer desires.

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.gohuntgeorgia.com](http://www.gohuntgeorgia.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 November 30, 2022. Written statements should be emailed to [FM.comments@dnr.ga.gov](mailto: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 December 7, 2022 meeting at Brasstown Valley Resort, 6321 Highway 76, Young Harris, GA 30582. Please bring this notice to the attention of interested acquaintances.

TW/jwb

Attachment: Proposed Rule

SUBJECT	PROPOSED CHANGE	CURRENT REGULATION	CHANGE	JUSTIFICATION
<b>391-4-3-.13 Fishing Methods</b>				
Use of blueback herring	Adds Lake Allatoona to the list of waterbodies where possession and use of blueback herring as bait is allowed	Use and possession of blueback herring as bait is prohibit on Lake Allatoona.	Allows anglers and guides fishing on Lake Allatoona to use and possess blueback herring as bait.	<p>Blueback Herring, <i>Alosa aestivialis</i> (BLH), is a fish native to the Atlantic coastal waterways of the eastern United States and Canada. Historically introduced into nonnative inland waterways as forage, the species is now prolific in many reservoirs outside of its native range and is noteworthy for its impacts to sportfish populations.</p> <p>BLH were first documented in Allatoona Reservoir in 2020, though the initial introduction likely occurred earlier. Since the introduction, anglers and guides fishing on Lake Allatoona have expressed concern that they could be cited for illegal possession of a baitfish that: 1) was legally captured in Allatoona with intent to use as bait there, and 2)</p>

<b>SUBJECT</b>	<b>PROPOSED CHANGE</b>	<b>CURRENT REGULATION</b>	<b>CHANGE</b>	<b>JUSTIFICATION</b>
				cannot be reliably distinguished from legally caught baitfish by most anglers. WRD's biological surveys of Lake Allatoona's BLH population indicate the species has become established in Lake Allatoona.

**RULES  
OF  
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**WILDLIFE RESOURCES DIVISION  
CHAPTER 391-4**

**FISHING REGULATIONS  
SUBJECT 391-4-3**

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391-4-3-.13 Fishing Methods

**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 through October 31 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) 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.

(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.**