

**BACKGROUND AND SYNOPSIS OF  
PROPOSED AMENDMENTS TO THE RULES OF THE  
GEORGIA DEPARTMENT OF NATURAL RESOURCES  
COASTAL RESOURCES DIVISION  
RELATING TO  
CHAPTER 391-2-4, SALTWATER FISHING REGULATIONS  
AND  
WILDLIFE RESOURCES DIVISION  
RELATING TO  
CHAPTER 391-4-3, FISHING REGULATIONS**

**Background**

Annually, commercial fishing in Georgia produces approximately \$15 million in direct sales with an expanded economic impact of over \$40 million per year. The harvest, processing and sale of shrimp, crab, shellfish and finfish employs over 1,000 persons and is an important economic engine in many coastal communities.

The Georgia Department of Natural Resources (DNR) has managed commercial fishing since the early 1970's relying on oftentimes sparse and incomplete information about harvest, harvester, and dealer. This makes it difficult for DNR to accurately determine which species are being harvested for sale, the quantity of those species harvested for sale, the value of those species once sold, and the disposition of those species once sold. Consequently, state resource managers are hindered in their ability to effectively manage commercial fishing to ensure that it is sustainable and in the best interest of the State of Georgia. Additionally, DNR represents the State of Georgia in interstate and federal fishery management and is required to report commercial catch and effort data to the Atlantic States Marine Fisheries Commission and the National Marine Fisheries Service.

During the 2017 session, the Georgia General Assembly passed House Bill 208, which was signed into law by Governor Deal on April 25. This bill made sweeping changes to Georgia law regarding licensing of hunters and fishers including creating a seafood dealer license and giving DNR authority to create endorsements to the personal commercial fishing license. These endorsements will authorize the holder of a valid commercial fishing license to harvest the species or species complex identified in the endorsement.

Current practice allows the purchaser of a personal commercial fishing license to 'voluntarily' check a box to identify the species or species group they intend to harvest during their commercial fishing activities. Since no fee is associated with checking the species or species complex boxes, many fishermen check all the boxes making the personal commercial fishing license of little use for determining who is fishing for a specific species or species group.

Through House Bill 208, DNR is authorized to create endorsements to the personal commercial fishing license with associated fees not to exceed \$5 per endorsement for Georgia residents and \$10 per

endorsement for non-residents. By requiring these endorsements and charging a modest fee, it is believed that commercial fishers will only purchase endorsements for those species or species groups they intend to harvest. This will make the personal commercial license and associated endorsements a credible and useful source of information about commercial fishing in Georgia. A similar approach is used in most states where commercial fishing occurs.

As it is necessary for state resource managers to know who is harvesting fish and marine life for sale, it is equally important for them to know who is selling the harvested fish and marine life to the consumer as food. By documenting both harvester and seller, DNR can better fulfill its responsibility to provide sound management of Georgia's natural resources. The Georgia General Assembly recognized the need for better information on commercial fishing and created a seafood dealer license, to be administered by DNR in House Bill 208. This license will be required of any entity that is the first point of sale to the consumer. The new license will affect roughly 200 persons and businesses. The current regulatory definition of a seafood dealer will be adjusted to match that as defined in House Bill 208.

A definition for the term "landed" is proposed in order to clarify the intent that all commercially-harvested fish and marine life removed from its natural habitat and brought ashore in Georgia is reported no matter whether it was caught within the boundaries of Georgia or outside of those boundaries.

Housekeeping.

In Rule 391-2-4-.10, License Lotteries, the Department is defined as the Wildlife Resources Division, Law Enforcement Section. The Law Enforcement Section as referenced in this rule no longer exists and is instead a separate division within DNR. Also, staff of the Coastal Resources Division actually conduct the lotteries referenced in this rule. This proposed housekeeping measure will strike the reference to the Wildlife Resources Division, Law Enforcement Section and simply leave the Department of Natural Resources, One Conservation Way, Brunswick, Georgia.

In Rule 391-2-4-.11, Bait Minnow Trapping the term 'USCG licensed captain' is proposed to be changed to 'salt water fishing guide.' The original bait minnow rule pre-existed O.C.G.A. 27-2-23.2 that created the salt water fishing guide license. It was the intent of the original rule that salt water fishing guides were allowed to have more traps and bait than recreational anglers but the term salt water fishing guide did not exist in law at the time.

### **Purpose**

The purpose of the proposed amendments is to provide more accurate and timely information to DNR for the purposes of managing commercial fishing to ensure it is sustainable and in the best interests of the State of Georgia.

### **Main Features**

The primary feature of the proposed amendment is the creation of species or species group endorsements. Endorsements are proposed for bait shrimp, bait minnows, cannonball jellyfish,

catfish in saltwater, crab, eel, finfish, food shrimp, horseshoe crab, shad, shellfish, and whelk in Saltwater Fishing Regulations, Chapter 391-2-4. Endorsements are also proposed for freshwater mussels, catfish baskets and Lake Seminole gill nets in Fishing Regulations, Chapter 391-4-3.

The definition of a seafood dealer is proposed to be amended to match the legislative definition created by the 2017 General Assembly. The amended definition, along with a new definition for the term ‘landed’ and the species endorsements will make clear the responsible party for reporting commercial harvested fish and marine life landed in Georgia.

Two housekeeping measures are also included in the proposed rule amendments.

### **Differences**

- 1) 391-2-4-.09 Commercial Fishing. Requirements for Keeping and Reporting Records is proposed to be amended to redefine seafood dealers, create a definition for the term “landed” and establish responsible parties for reporting the commercial harvest of fish and marine life. In addition to seafood dealers, the current rule requires individuals using a castnet to harvest shrimp for sale as food and individuals harvesting crab for food to report their catch to DNR. The proposed amendments do not change these reporting requirements. Instead, it will require all harvesters who are the first point of sale to the consumer to obtain a seafood dealer license. By requiring proper licenses, repetitive reporting sections in paragraphs (6) (c) and (6) (d) can be deleted thereby reducing the overall length of the rule. The proposed amendment also clarifies that fish and marine life landed in Georgia must be reported before being exported to other states.
- 2) 391-2-4-.10 License Lotteries, proposes to amend the definition of ‘Department’ by removing the reference to the Wildlife Resources Division, Law Enforcement Section.
- 3) 391-2-4-.11 Bait Minnow Trapping, changes the term ‘United States Coast Guard licensed captain’ to ‘salt water fishing guide.’
- 4) 391-2-4-.17 Commercial Fishing Species Endorsements, will be a completely new rule and will contain endorsements for bait shrimp, bait minnows, cannonball jellyfish, catfish in saltwater, crab, eel, finfish, food shrimp, horseshoe crab, shad, shellfish, and whelk.
- 5) 391-4-3-.10 Commercial Fishing, will be amended by adding commercial fishing endorsements to use gill nets in Lake Seminole, to use catfish baskets and to harvest freshwater mussels.

### **Date, Time, and Place of Board Action:**

Board Action: October 25, 2017, 9:00 AM, DNR Board Room, 2 Martin Luther King, Jr. Drive, S.E., Suite 1252 East, Atlanta, Georgia 30334.

### **Targeted Public Participation Plan**

Amendments to Saltwater Fishing Regulations, Chapter 391-2-4, Saltwater Fishing Regulations and Fishing Regulations, 391-4-3. A targeted public participation plan was chosen as there are a large number of affected persons, namely all commercial fishermen in Georgia.

- July 1, 2017 – Effective date for HB 208.
- July 2017 – CRD/WRD drafts proposed amendments
- August 30, 2017 – Brief the Board of Natural Resources on proposed amended Rule.
- August 31, 2017 – Public Notice of proposed rule-making issued.
- September 20, 2017 – Public meeting in Brunswick, CRD headquarters.
- October 2, 2017 - Public comment period closes.
- October 25, 2017 - CRD presents the final draft of proposed amended Rule, taking into account public comment, to the Coastal Committee of the Board of Natural Resources. Assuming affirmative vote by the Coastal Committee:
  - October 25, 2017 - Board adopts amended Rules.
  - December 1, 2017 - Commissioner's office files amended Rule with Secretary of State to be effective January 1, 2018. (Species Endorsements will be sold for the 2018 fishing year beginning April 1, 2018.)



MARK WILLIAMS  
COMMISSIONER

A.G. 'SPUD' WOODWARD  
DIRECTOR

August 10, 2017

**MEMORANDUM**

**TO:** Board of Natural Resources

**FROM:** Spud Woodward

**SUBJECT:** Economic Impact of Proposed Amended Rule on Small Businesses:  
Chapter 391-2-4, Saltwater Fishing Regulations and Chapter 391-4-3,  
Fishing Regulations

The Administrative Procedures Act requires that during the formation and adoption of any rules attempts shall be made to reduce the economic impact of the rules on small businesses. This applies to businesses that are independently owned and operated, are not dominant in the field and employ 100 employees or less.

Essentially all of the businesses affected by this rule employ less than 100 persons. The seafood dealer license was created through statute and rule making is required to ensure consistency between law and regulation. Individuals who harvest shrimp and crabs to sell as seafood will be required to buy a \$40 seafood dealer license as will seafood dealer businesses that have not been previously licensed. Through its approval of House Bill 208, the Georgia General Assembly indicated it did not consider cost of the seafood dealer license to be unduly burdensome.

The list of species endorsements is thorough, but at a cost of \$5 each, the impact will be minimal and presents no negative economic impact on commercial fishers. Conversely, this modest investment by commercial fishers will improve management of the natural resources on which they depend for a livelihood.

SW/dh