

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION**

CHAPTER 391-2-4

SALTWATER FISHING REGULATIONS

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391-2-4-.09 Commercial Fishing. Requirements for Keeping and Reporting Records.

(1) Purpose. The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to set standards, methods and times for submitting commercial fishing records.

(2) Definitions used in this Rule.

(a) "Atlantic Coastal Cooperative Statistics Program" means a cooperative state, regional and federal agency initiative designed to coordinate, improve and standardize commercial and recreational

seafood harvest data collection and management for the Atlantic coast.

(b) "Commercial crab harvester" means anyone who is licensed or authorized by the state to fish for crabs for commercial purposes pursuant to O.C.G.A. 27-4-150.

(c) "Commercial fishing records" means the information on the form approved by, or provided by, the Department to seafood dealers and commercial seafood harvesters who are required to report the purchase, landing or harvest of seafood pursuant to this rule.

(d) "Commercial seafood harvester" means anyone who sells or barter any portion of the catch from any fishing trip.

(e) "Commercial shrimp castnet harvester" means anyone who is licensed by the state to fish for shrimp with castnet gear for commercial purposes pursuant to O.C.G.A. 27-4-205.

(f) "Department" means the Department of Natural Resources, Coastal Resources Division.

(g) "Fishing trip" means the time during which a person is actively engaged in fishing, or in water-based activities in support of fishing, regardless of platform.

(h) "Marine fishery product" means seafood as defined in O.C.G.A. 27-1-2(63).

(i) "Seafood dealer" means any person or entity other than the final consumer who purchases, ships, consigns, transfers, barter, accepts, maintains, or packs any marine fishery products received from commercial seafood harvesters or marine aquaculturists for the first time and is licensed as such pursuant to O.C.G.A. 27-4-136. ~~Any marine fishery products landed in Georgia must be~~

~~reported by a dealer or a commercial seafood harvester acting as a dealer. Any commercial seafood harvester or marine aquaculturist who sells, consigns, transfers, or barter marine fishery products to anyone other than a dealer would himself be acting as a dealer and shall be responsible for reporting as a dealer. This definition is for reporting purposes only and does not define a seafood dealer for purposes of licensing. Where any commercial crab, seafood, or shrimp castnet harvester or marine aquaculturist sells, consigns, transfers, or barter marine fishery products to anyone other than a Georgia seafood dealer licensed pursuant to O.C.G.A. 27-4-136, such commercial crab, seafood, or shrimp castnet harvester or marine aquaculturist is himself acting as a seafood dealer and is subject to all requirements associated therewith including but not limited to the reporting requirements of this Rule and the licensing provisions of O.C.G.A. 27-4-136.~~

(j) “Landed” means to bring fish to shore in this state, regardless of the jurisdiction from which they were taken or harvested.

(3) Persons required to report commercial fishing records.

~~(a) Effective October 1, 1998 all~~ All seafood dealers, ~~commercial crab harvesters, and commercial shrimp castnet harvesters~~ are required to report fishing trip level records on a monthly basis directly to the Department as specified below.

(b) All commercial crab, seafood, and shrimp castnet harvesters shall submit fishing trip level records to the seafood dealer at the time of transaction as specified below. Such fishing trip level records must be recorded at the time of the transaction on forms approved by the Department.

(4) Methods. Monthly commercial fishing records are to be submitted on a form supplied by the Department or on an alternate

form approved by the Department. All requests for approval of an alternate form must be submitted to the Department in writing with a copy of the proposed alternate form attached or included with the request. The alternate form must provide identical information and follow the same format as the Department form. Upon receipt of a request for approval of an alternate form, the Department will review the form for the required information within 5 days of the receipt of the request. All persons that use an approved alternate form shall be responsible for all costs associated with the printing and use of such forms. Forms approved by participating Atlantic Coastal Cooperative Statistics Program will be accepted by the Department.

(5) **Times.** Seafood dealers, ~~commercial crab harvesters, and commercial shrimp castnet harvesters~~ are required to submit written monthly commercial fishing records to the Department by the tenth day of the subsequent month. These records may be hand delivered or submitted via mail, or electronically. Permission to submit records electronically must be obtained from the Department. All other commercial seafood harvesters are required to submit fishing trip level records directly to the seafood dealer at the time of transaction.

(6) Commercial Fishing Record Content.

(a) Seafood Dealer. At the time of the transaction the seafood dealer is required to record the information referenced below. All information must be complete and accurate. Reporting records of subsequent sales between dealers is not required. The information contained in the record shall include the following:

1. Trip date - date the fishing trip started.

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2. Vessel ID - Coast guard documentation or state registration number.
3. Individual ID - Personal commercial fishing license number
4. Trip number - used only if there is more than one fishing trip per day
5. Species - each species landed, sold, or discarded
6. Quantity - the amount of each species landed, sold or discarded
7. Units of measurement - landed units (pounds, each, bushels, etc)
8. Disposition – ~~commercial~~ food, ~~discards~~, bait, pet food, personal use
9. Ex-vessel value or price - dollar value or price per unit of species sold
10. County or port landed - location where product was unloaded (dock, boat ramp)
11. State landed - state where product was landed
12. Dealer ID - dealer identification number
13. Unloading date - the date of landing at the dealer
14. Market - market category that effects the price (count size etc)
15. Grade - landing condition that affects price (fillet, gutted)
16. Gear - type of gear used to catch landed species
17. Quantity of gear - number of pots, etc.
18. Days at sea - days from the start of the fishing trip to dock in days and hours
19. Number of crew - number including captain
20. Fishing time - total amount of time gear was in the water
21. Area fished - specific area within water body where fishing occurred
22. Number of sets - total number of sets or tows per trip

(b) Commercial Crab, Seafood, or Shrimp Castnet Harvesters. Commercial fishing records for each fishing trip made by commercial crab, seafood, or shrimp castnet harvesters must be submitted to the seafood dealer to whom the product was sold at the time of the transaction. Commercial fishing records submitted to the seafood dealer by commercial crab, seafood, or shrimp castnet harvesters must contain all of the information specified in subparagraphs (6)(a)(1) through (6)(a)(22) above. All information must be complete and accurate.

~~—(c) Commercial Shrimp Castnet Harvester. Written commercial fishing records must be submitted directly to the Department by each commercial shrimp castnet harvester and shall contain the information specified in subparagraphs 6(c)(1) through 6(c)(18) below. Effective January 1, 2000, commercial shrimp castnet harvesters that operate as dealers shall submit records on the dealer forms provided by the Department. Additionally, commercial shrimp castnet harvesters not operating as dealers shall report landings to the seafood dealer at the time of the transaction as specified in subparagraph 6(b) above.~~

- ~~—1. Trip date—date the fishing trip started~~
- ~~—2. Vessel ID—Coast guard documentation or state registration number~~
- ~~—3. Individual ID—Personal shrimp castnet fishing license number~~
- ~~—4. Species—each species of shrimp sold (white, brown etc)~~
- ~~—5. Quantity—the amount of each species of shrimp landed, sold~~
- ~~—6. Units of measurement—landed units (pounds, each, bushels, etc)~~

- ~~—7. Disposition—Commercial food or bait~~
- ~~—8. Market—market category that affects the price (count size etc)~~
- ~~—9. County or port landed—location where product was unloaded (dock, boat ramp)~~
- ~~—10. State landed—state where product was landed~~
- ~~—11. Retail sales—total daily retail sales in pounds~~
- ~~—12. Area fished—river/ sound system fished~~
- ~~—13. Fishing time—total hours fished per fishing trip~~
- ~~—14. Gear—gear mesh size and diameter/ radius~~
- ~~—15. Quantity of gear—number of nets used per trip~~
- ~~—16. Dealer ID—dealer identification number—name of dealer including, city and state located, to whom shrimp was sold~~
- ~~—17. Number of crew—number of crew including captain~~

~~—(d) Commercial Crab Harvester. Written commercial fishing records must be submitted directly to the Department by each commercial crab harvester and shall contain the following information:~~

- ~~—1. Trip date—date the fishing trip started~~
- ~~—2. Vessel ID—Coast guard documentation or state registration number~~
- ~~—3. Individual ID—Personal commercial crabbing license number~~
- ~~—4. Species—each species landed or sold (i.e. blue crab)~~
- ~~—5. Quantity—the amount of crab landed, sold~~
- ~~—6. Units of measurement—landed units (pounds, each, bushels, etc)~~
- ~~—7. Market—market category that affects the price (#1, #2, etc)~~
- ~~—8. County or port landed—location where product was unloaded (dock, boat ramp)~~
- ~~—9. Retail sales—total daily retail sales in pounds~~
- ~~—10. Area fished—river/ sound system fished~~

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- ~~—11. Quantity of gear— number of pots fished per fishing trip~~
- ~~—12. Fishing time— total hours fished per fishing trip~~
- ~~—13. Dealer ID— dealer identification number— name of dealer including, city and state located, to whom crabs were sold~~
- ~~—14. Number of crew— number of crew including captain~~
- ~~—15. Gear— pots~~

(7) **Penalties.** Pursuant to O.C.G.A. Sections 27-1-36 and 27-2-25, failure to comply with the provisions of this rule may result in a civil penalty imposed by the commissioner of up to \$1000.00 and/or a suspension of or refusal to renew the person's commercial fishing license for up to two years.

(8) **Commercial Crab Harvester License Renewal.** Any commercial crab harvester who has not submitted all harvest records for the previous year, as required by this rule, shall be ineligible for license renewal until such time as the required records have been submitted and all penalties paid.

Statutory Authority O.C.G.A. Title 12, Secs. 27-1-4, 27-1-36, 27-2-25, 27-4-118, 27-4-136, 27-4-150.

391-2-4-.10 License Lotteries

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to conduct lotteries for the purpose of issuing commercial fishing licenses.

(2) **Definitions used in this rule.**

(a) "Department" means the Department of Natural Resources, ~~Wildlife Resources Division, Law Enforcement Section, One Conservation Way, Suite 201, Brunswick, Georgia.~~

(3) **Lottery Application.** Individuals interested in obtaining lottery commercial crab licenses or lottery commercial food shrimp cast netting licenses to be issued through a lottery pursuant to O.C.G.A. 27-4-150(e)(4) and O.C.G.A. 27-4-206(c) must make application in person to the Department by the times specified in subparagraph 391-2-4-10 (4) of this Rule. Applications must be submitted on forms provided by the Department. No more than one application per individual may be submitted. Individuals submitting more than one application, or false information, will be disqualified. Incomplete, incorrect or duplicate applications will be rejected. Individuals submitting an application which is disqualified or rejected will be notified of the reason for rejection or disqualification.

(4) **Lottery Application Deadline.** For the 1998/99 license year only applications for lottery commercial food shrimp cast netting licenses must be submitted by the close of business (4:00 p.m.) on October 15, 1998. Beginning on April 1, 1999, applications for lottery commercial crab licenses or lottery commercial food shrimp cast netting licenses to be selected by lottery may be submitted no earlier than April 1 of each license year and must be submitted by the close of business (4:00 p.m.) on June 1 of each license year.

(5) **Random Drawing.** Applicants will be selected through a random computer drawing. All applicants will be listed in numerical order as selected following the drawing.

(6) **Notice of Selection.** Applicants chosen to receive a license will be notified of their selection via certified mail. These applicants must purchase the license by July 1 of that year. The notice of selection must be presented to the Department at the time of purchase. The notice of selection is not transferable.

(7) **Sales of Un-issued Commercial Food Shrimp Cast Netting Licenses.** After August 1 of each year, the Department may offer for sale available commercial food shrimp cast netting licenses on a first-come, first-served basis at the Coastal Regional Headquarters in Brunswick.

Statutory Authority O.C.G.A. Title 12, Secs. 27-1-4, 27-4-150, 27-4-206.

391-2-4-11 Bait Minnow Trapping.

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to regulate the times, places, numbers, species, sizes, manner, methods, ways, means, and devices of taking, capturing, transporting, storing, selling, and using wildlife so as to conserve bait minnows.

(2) **Definitions.**

(a) "Bait Minnow" means any member of the family Fundulidae, including but not limited to mummichog killifishes, commonly known as mud minnows, but not including domestic fish.

(b) "Bait Minnow Trap" means a rectangular or cylindrical cage or structure which is constructed of hardware cloth, wire, plastic or similar material used for catching minnows to be used as bait. Maximum dimensions shall not exceed 24"X18"X9" for rectangular traps, or 24" in length and 30" in circumference for cylindrical traps. A bait minnow trap used commercially shall be constructed of materials with a mesh size no smaller than 1/2" bar mesh; except, however, the funnel or muzzle to the trap shall be constructed of materials of mesh no smaller than 1/4" bar mesh. A bait minnow trap used recreationally shall be constructed of materials with a mesh size no smaller than 1/4" bar mesh. The round throat (opening)

of the funnel or muzzle to a bait minnow trap shall not exceed 3/4" in diameter. Each trap must have attached thereto a tag bearing the name and address of the owner of the trap, or must have tethered to each trap a float bearing the name and address of the person using such gear. If the trap is used for commercial purposes, the tag or float must also include the commercial bait dealer license number of the person using such gear or the license number of the bait dealer employing the person using the gear.

(c) "Department" means the Department of Natural Resources, Coastal Resources Division.

(3) Commercial and Recreational Bait Minnow Trapping.

(a) It shall be lawful to commercially harvest bait minnows of the family Fundulidae using bait minnow traps as defined in paragraph (2)(b) above, in the saltwaters of this state, provided such individual has a valid commercial fishing license pursuant to O.C.G.A. Sections 27-2-23 and 27-4-110, and a valid bait dealer license pursuant to O.C.G.A. Section 27-4-171, and provided that such individual meets the requirements for live bait shrimp facilities as specified in O.C.G.A. Section 27-4-171. An individual who is an employee of a licensed bait dealer and who possesses a valid personal commercial fishing license pursuant to O.C.G.A. Sections 27-2-23 and 27-4-110 and bait minnow endorsement pursuant to Rule 391-2-4-.17 may work the bait minnow traps of his or her employer.

(i) No holder of a bait dealer license commercially harvesting bait minnows may employ more than 10 traps at any given time.

(ii) The sale of commercially harvested bait minnows by a properly licensed bait dealer for resale purposes is allowed only to persons possessing a valid wholesale fish dealer license pursuant to

O.C.G.A. Sections 27-2-23 and 27-4-76.

(iii) A licensed bait dealer must maintain at all times a daily record book showing the amount of bait minnows harvested and sold daily. Written reports of such transactions shall be submitted to the Department no later than the fifth day of the subsequent month in a format prescribed by the Department.

(iv) No licensed bait dealer or licensed wholesale fish dealer may possess more than 100 quarts of bait minnows at any time.

(b) It shall be lawful to recreationally harvest bait minnows of the family Fundulidae using bait minnow traps as defined in paragraph (2)(b) above, in the saltwaters of this state, provided such individual complies with the recreational fishing license requirements as specified in O.C.G.A. Sections 27-1-2 and 27-2-23.

(i) No individual recreationally harvesting bait minnows may employ more than 2 traps at any time, except that a ~~United States Coast Guard~~ salt water fishing guide licensed ~~captain~~ pursuant to Code Section 27-2-23.2 may employ a maximum number of 4 traps at any time, provided that the bait minnows are not sold.

(ii) No individual recreationally harvesting bait minnows may possess more than 2 quarts of bait minnows at any given time, except that a ~~United States Coast Guard~~ salt water fishing guide licensed ~~captain~~ pursuant to Code Section 27-2-23.2 may possess no more than 10 quarts of bait minnows at any time, provided that the bait minnows are not sold.

Statutory Authority O.C.G.A Title 12, Sec. 27-1-4.

391-2-4-17 Commercial Fishing Species Endorsements

(1) Purpose. The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to designate species of wildlife or species grouping of wildlife that require a commercial fishing species endorsement.

(2) Endorsements. In addition to a commercial fishing license and commercial fishing boat license required by Code Sections 27-4-110 and 27-2-8, any person engaged in commercial fishing shall obtain a separate commercial fishing species endorsement for each species or species grouping listed below:

(a) Bait Minnows (family *Fundulidae*). A bait minnow endorsement is required of employees of a licensed bait dealer that are engaged in the harvest of bait minnows, other than those exempted by Code Section 27-4-171, but is not required of the licensed bait dealer.

(b) Bait Shrimp (*Penaeus spp.*). A bait shrimp endorsement is required of employees of a licensed bait dealer that are engaged in the harvest of bait shrimp, other than those exempted by Code Section 27-4-171, but is not required of the licensed bait dealer.

(c) Cannonball Jellyfish (*Stomolophus meleagris*). A cannonball jellyfish endorsement is required of any licensed commercial fisherman employed on board a trawl vessel harvesting or landing cannonball jellyfish unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(d) Catfish in Saltwater (families *Ariidae* and *Ictaluridae*). A catfish in saltwater endorsement is required of any licensed commercial fisherman harvesting or landing catfish in saltwater.

(e) Crab (*Callinectes spp.*) A crab endorsement is required of any licensed commercial fisherman employed by a commercial crab harvester or by a soft-shell crab-dealer, or employed on board a trawl vessel harvesting or landing crab, but is not required of a licensed commercial crab harvester or a licensed soft-shell crab dealer licensed pursuant to Code Section 27-4-150. Notwithstanding the foregoing, a crab endorsement shall not be required of a fisherman onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(f) Eel (*Anguilla spp.*) An eel endorsement is required of any licensed commercial fisherman harvesting or landing eel.

(g) Finfish. A finfish endorsement is required of any licensed commercial fisherman harvesting or landing finfish other than shad, catfish in saltwater or bait minnows. Notwithstanding the foregoing, a finfish endorsement shall not be required of a licensed commercial fisherman onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(h) Food Shrimp (*Penaeus spp.*) A food shrimp endorsement is required of any licensed commercial fisherman employed by a commercial shrimp castnet harvester or onboard a trawl vessel unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(i) Horseshoe crab (*Limulus Polyphemus*). A horseshoe crab endorsement is required of any licensed commercial fisherman harvesting or landing horseshoe crabs unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(j) Shad (*Alosa spp.*) A shad endorsement is required of any licensed commercial fisherman harvesting or landing shad.

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(k) Shellfish (*Crassostrea spp.* and *Mercenaria spp.*). A shellfish endorsement is required of any employee of a master collecting permittee actively involved in the harvest or landing of shellfish and includes the master collecting permit holder.

(l) Whelk (family *Busyconidae*). A whelk endorsement is required of any licensed commercial fisherman harvesting or landing whelk unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

Statutory Authority O.C.G.A Title 12, Secs. 27-1-4, 27-2-23.

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OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
WILDLIFE RESOURCES DIVISION**

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391-4-3-.10 Commercial Fishing. Amended.

391-4-3-.10 Commercial Fishing. Amended.

(1) It shall be lawful to commercially fish with gill nets on Lake Seminole as follows:

(a) From November 1 through January 31 in the Flint River Arm from Faceville Landing upstream to but not including the mouth of Big Slough, in the Spring Creek Arm from State Route 253 upstream to U.S. Route 84 and in Fish Pond Drain from State Route 253 upstream to County Road 1659 at the north end of Ray's Lake.

(b) Nets may not be set in waters exceeding eight (8') feet in depth or in stream channels.

(c) All game fish and catfish taken in gill nets must be released.

(d) All gill nets must be marked by visible buoys.

(e) Fisherman are limited to three hundred (300) linear feet of netting. Gill net mesh must be two inches (2") on the square.

(f) All nets must be clearly labeled with the name and commercial fishing license number of the person fishing them.

(g) A commercial fishing license and a Lake Seminole Gill Net commercial fishing species endorsement are required. All other commercial fishing laws and regulations shall apply.

(2) It shall be lawful to commercially fish with a basket in the Georgia portion of Clark Hill Reservoir, Richard Russell Reservoir, Hartwell Reservoir, Yonah Lake, Tugaloo (Toogaloo) Lake, Stevens Creek Lake and the impounded waters of the New Savannah Bluff Lock and Dam as follows:

(a), which The basket must be ~~is~~-constructed of one inch (1") mesh wire and must is-not be more than seventy-two inches (72") in length and sixty inches (60") in circumference.

(b) One throat of such basket shall be located at the extreme front of the basket and a second throat shall be located seventeen inches (17") behind the first. The second throat shall have one inch (1") square mesh webbing attached so that when such mesh is drawn taut by cords attached to each side, a horizontal opening is created which is not more than one inch (1") in height.

(c) It shall be unlawful to take any game fish except flathead catfish and channel catfish with such baskets.

(d) A commercial fishing license and a Catfish Basket commercial fishing species endorsement are required. All other commercial fishing laws and regulations apply.

(3) ~~Reserved.~~ A commercial fishing license and a Catfish Basket commercial fishing species endorsement are required to commercially fish with a basket as authorized by O.C.G.A Section 27-4-92. All other commercial fishing laws and regulations apply.

(4) It shall be lawful to commercially fish for ~~Commercial fishing for~~ mussels in fresh water as follows:-

(a) The following waters shall be opened from sunrise to sunset on Monday through Friday of each week from 1 April to 31 August each year, except Memorial Day and Independence Day, to the lawful harvest of mussels:

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1. Fresh waters of all streams are open to the lawful harvest of mussels that will not pass through a round ring with an inside diameter of four inches; and

2. Reservoirs over 500 acres in size which are not owned or operated by the Department are open to the lawful harvest of washboard mussels (*Megaloniais* sp.) that will not pass through a round ring with an inside diameter of four inches and to the harvest of all other mussels whose longest dimension will not pass through said ring.

(b) It shall be unlawful to harvest mussels in fresh water by any form of dredging, brailing, pumping, any form of mechanical scooping or by dragging any material over the mussels. Any person violating this provision is subject to the civil penalty provisions of O.C.G.A. Section 27-1-36.

(c) A commercial fishing license and a Freshwater Mussel commercial fishing species endorsement are required. All other commercial fishing laws and regulations shall apply.

Authority: O.C.G.A. Secs. 27-1-4, 27-1-28, 27-2-23, 27-4-70.