



GEORGIA
DEPARTMENT OF NATURAL RESOURCES

WILDLIFE RESOURCES DIVISION

MARK WILLIAMS
COMMISSIONER

RUSTY GARRISON
DIRECTOR

March 26, 2019

MEMORANDUM

TO: Members, Board of Natural Resources

FROM: Rusty Garrison 

SUBJECT: **Briefing on Proposed Amendments to Fishing Regulations, Chapter 391-4-3, pertaining to Public Fishing Areas**

Proposed fishing regulations being presented for your information at the March meeting include language revisions on Public Fishing Areas that are necessary with ongoing customer service enhancements to increase fishing and camping opportunities.

This proposal will be given widespread distribution to the public for review and comment. This briefing requires no Board action at this time. We plan to present this proposal and any public comments received during the review process to the Board for consideration and adoption at the May 21, 2019 meeting.

Please do not hesitate to contact me if you have questions or need more information about any of the proposals in advance of our meeting. Thank you.

RG/tw

Attachment

D-1



MARK WILLIAMS
COMMISSIONER

RUSTY GARRISON
DIRECTOR

March 26, 2019

MEMORANDUM

TO: Members, Board of Natural Resources

FROM: Rusty Garrison *R 26*

SUBJECT: **Proposed Rules – Economic Impact**

The Administrative Procedures Act requires that in the formation and adoption of any rules which will have an economic impact on the businesses in the State, attempts be made to reduce the economic impact of the rule on small businesses. This rule applies to businesses that are independently owned and operated, are not dominant in the field and employ 100 employees or less. The Wildlife Resources Division has determined that the proposed changes to fishing regulations will have no negative economic impact on small business.

RG/tw

MARK WILLIAMS
COMMISSIONER

RUSTY GARRISON
DIRECTOR

March 28, 2019

MEMORANDUM

TO: INTERESTED PERSONS AND ORGANIZATIONS

FROM: Rusty Garrison *R 26*

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. 12-3-9, 27-1-3, 27-1-33, 27-2-23, 27-4-11.1, 27-4-12, and 27-4-51), the Board of Natural Resources proposes to amend Department of Natural Resources rules governing public fishing areas and the Georgia WRD Lands Pass. The proposed rules (copy attached hereto), when adopted, will amend applicable rules of Chapter 391-4-3 relating to fishing regulations.

SYNOPSIS AND MAIN FEATURES

The purpose of fishing and general regulations is to manage Georgia's fish populations according to sound principles of fisheries management, to meet public objectives for use of these renewable natural resources, and to manage administrative functions of department managed lands not directly associated with hunting or fishing. Changes to the existing rules reflect the need to modify language regarding fishing and camping activities on public fishing areas (PFAs).

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.georgiawildlife.com). Please call Ted Will (706) 557-3304 to request a copy.

Members of the general public will have an opportunity to present data, make a statement or comment, or offer a viewpoint or argument, by email through the Division website, by telephone (706-557-3304) or by submitting written statements, before close of business on April 29, 2019.

Written statements should be mailed to the attention of Ted Will at:

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

The Board of Natural Resources will consider the proposed rules and any comments received on Tuesday, May 21, 2019 at 9:00 a.m. at 2 Martin Luther King, Jr. Drive, S.E., Suite 1252 East, Atlanta, Georgia 30334. Please bring this notice to the attention of interested acquaintances.

RG/tw

Attachment: Proposed Regulations

Public Participation Plan for Proposed Fishing Regulations Changes on Public Fishing Areas

Changes to fishing regulations related to Public Fishing Areas (PFAs) are being considered. Modifications are related to ongoing customer service enhancements to increase fishing and camping opportunities on PFAs. Public input is an important component of the decision-making process. The plan for receiving and considering public input includes publicly noticing the proposed regulations and the submission of written, verbal and electronic comments.

WRD staff will brief the Board of Natural Resources on the proposed amendments in draft form. The proposed amendments will be publicly noticed as required under the Administrative Procedures Act, O.C.G.A. § 50-3-4, will be forwarded to legislative counsel and 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. All interested persons will be given an opportunity to submit written comments to WRD by mail or electronically. Following the public notice, the Board of Natural Resources will consider the proposed rule and any comments received on Tuesday, May 21, 2019 at 9:00 a.m. at the A.W. Jones Heritage Center, 610 Beachview Drive, St. Simon's Island, Georgia, 31522.

Schedule for Public Participation on Proposed Amendments

Description of Action	Action Date
Present proposed amendments to Board's Wildlife Resources' Committee	03/26/19
APA notice distributed, posted on website and provided to legislative counsel	03/28/19
Deadline for submitting comments on proposed regulations	04/29/19
Final approval of regulations by Board of Natural Resources	05/21/19

SUBJECT	PROPOSED CHANGE	CURRENT REGULATION	CHANGE	JUSTIFICATION
<p>391-4-3-.09 Public Fishing Areas. Creel and possession limits for fish caught from public fishing areas.</p>	<p>Allows site-specific harvest of grass carp.</p>	<p>All grass carp must be returned to the water from which they are caught.</p>	<p>Adds "unless otherwise posted" to the current regulation.</p>	<p>This change would allow customers to harvest grass carp to meet site-specific biological objectives.</p>
<p>Camping on public fishing areas.</p>	<p>Eliminates outdated language to reflect ongoing customer service enhancement efforts on public fishing areas.</p>	<p>Current regulation does not allow area specific flexibility in posting rules for each site.</p>	<p>Allows site-specific management of camping enhancements.</p>	<p>This change enhances the flexibility needed to continually improve customer service on public fishing areas.</p>
<p>Consumption or use of alcoholic beverages on public fishing areas.</p>	<p>Provides for consumption and use of alcoholic beverages at designated facilities on a public fishing areas.</p>	<p>Current rule only allows consumption and use of alcoholic beverages at houses or at campsites.</p>	<p>Changes "houses" to "designated facilities".</p>	<p>This change allows the consumption and use of alcoholic beverages within the confines of rental facilities such as group shelters as designated by site.</p>

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE
BRAD RAFFENSPERGER**

(Pursuant to O.C.G.A. Secs. 50-13-3, 50-13-4, and 50-13-6)

I do hereby certify that the attached amendments are correct copies, as promulgated and adopted on the 21st day of May 2019.

STATE DEPARTMENT OF NATURAL RESOURCES

FILING DATE _____

Rule 391-4-3-.09 "Public Fishing Areas" is hereby repealed in its entirety and new Rule 391-4-3-.09 is adopted in lieu thereof and reads as attached hereto.

Authority O.C.G.A. 12-3-9, 27-1-3, 27-1-33, 27-2-23, 27-4-11.1, 27-4-12, and 27-4-51.

Mark Williams, Commissioner
Department of Natural Resources

Sworn to and subscribed before
me this ___ day of May 2019.

Notary Public

Kyle Pearson, Executive Counsel

Sworn to and subscribed before
me this ___ day of May 2019.

Notary Public

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

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

391-4-3-.09 Public Fishing Areas

391-4-3-.09 Public Fishing Areas

(1) Drivers of vehicles parking at the Rocky Mountain public fishing area must obtain a daily or annual Rocky Mountain public fishing area parking permit (which is not a Parks, Recreation and Historic Sites Division Parking Pass).

(2) On ponds or portions of ponds where fisheries resources are limited, area managers may limit fishing to persons under 16 years of age by posting a sign at the pond which indicates said limitations.

(3) Except as provided by O.C.G.A. § 27-4-11.1, the creel and possession limits for fish caught from public fishing areas shall be the following:

(a) Fifteen (15) of any one or a combination of the game species of bream or sunfish;

(b) Five (5) largemouth bass;

(c) Five (5) channel catfish;

(d) All grass carp must be immediately returned to the waters from which they were caught unless otherwise posted; and

(e) All fish or designated fish species taken from ponds and lakes posted as open only to catch and release fishing must be immediately returned to the waters from which they were taken. Possession of fish or designated fish species in ponds and lakes open only to catch and release fishing is not allowed.

(4) Camping shall not be allowed on public fishing areas except under the following circumstances:

(a) All camps or fires shall be in designated campgrounds unless otherwise posted, and all campers must comply with any conditions or use as posted or provided by the site;

(b) Any activity that disturbs other campers between the hours of 10:00 p.m. and 7:00 a.m. is prohibited;

(c) No musical instrument, radio, television or other noise making device may be used after 10:00 p.m. or before 7:00 a.m. in such a manner that it may be heard by other campers;

(d) Occupancy of campsites is limited to fourteen consecutive days. Any camper who has used a campsite for 14 consecutive days must vacate the camping area for a period of not less than 7 days before again occupying a campsite;

(e) Any tents, trailers, automobiles, other vehicles or other personal property left unattended at the campsite overnight or beyond the designated time limit shall be removed and any expenses, including towing charges, incurred by such removal shall be paid by the person under whose name the campsite is registered;

(f) Dishwashing is prohibited at drinking faucets and at comfort stations;

(g) Picnic supplies and other personal property shall not be left unattended in the picnic shelters;

(h) Campers may cut only dead and fallen trees for firewood to be used on the area;

(i) Persons who wish to camp on areas where gates are usually locked at night must contact area managers in advance to make arrangements for camping; and

(j) Rules for camping on wildlife management areas shall apply on areas which are both public fishing areas and wildlife management areas; and

(k) Camping on the Rocky Mountain public fishing area is prohibited except from April 1 until October 31, and except at other times as designated by the public fishing area manager for special purposes.

(5) Persons may not fish with any gear other than pole and line, as the term is defined in O.C.G.A. § 27-1-2(51), and no person shall fish with more than two poles and lines at any public fishing area:

(6) Unless night fishing is posted as permitted, persons may not fish at any public fishing area except during the time between sunrise and sunset.

(7) Persons may not use or possess live fish for bait at any public fishing area except in lakes or ponds posted as being open to the use of live fish for bait.

(8) Except as provided herein, persons may not operate any vessel as defined in O.C.G.A. § 52-7-3 on any public fishing area owned or operated by the department; provided, however, that fishing boats propelled by paddles, oars, or electric motors may be used on ponds or lakes unless they are posted as being closed to the use of such fishing boats, and provided further, that:

(a) Persons may operate any fishing boat being propelled by a motor at idle speed on any public fishing area lake designated open to the use of fishing boats with motors; and

(b) Personal watercraft (jet skis), sailboats and sailboards are not permitted on any public fishing area lake; and

(9) Persons may not utilize the waters of any public fishing area for recreational swimming; provided, however, this subsection shall not apply to the designated beach area at Rocky Mountain Public Fishing Area between Memorial Day and Labor Day during the hours designated by the public fishing area manager.

(10) No person may consume or use alcoholic beverages on any public fishing area except in designated facilities or at campsites on these areas; provided, however, no alcoholic beverages are allowed on the Rocky Mountain Public Fishing Area.

(11) No horses are allowed on public fishing areas except in those areas designated as open to equestrian use.

(12) Persons may not rappel, rock climb or hang glide on the Rocky Mountain public fishing area.

(13) No person shall disobey any lawful order of a law enforcement officer or the area manager.

(14) If hunting is authorized, hunters may access specified portions of the public fishing area during legal hunting hours for the purpose of hunting.

(15) Notwithstanding any other provision of this Rule 391-4-3-.09 to the contrary, Department sponsored special events are authorized on public fishing areas twenty-four hours a day, subject to any special conditions for the event established by the Department.

Authority O.C.G.A. 12-3-9, 27-1-3, 27-1-33, 27-2-23, 27-4-11.1, 27-4-12, and 27-4-51.

