



MARK WILLIAMS
COMMISSIONER

TED WILL
DIRECTOR

June 25, 2021

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. 27-1-4 and 27-4-6), the Board of Natural Resources proposes to amend Department of Natural Resources rules relating to salt and fresh water fishing regulations. The proposed Rules (391-2-4-.11 and 391-4-3-.16; copy attached hereto), when adopted, regulate the use of minnow seines and minnow traps in the salt and fresh waters of the State.

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. The proposed Rule amendments are responsive to recent statutory changes associated with HB 362. These amendments establish regulations for the use of minnow seines and minnow traps in freshwaters of the State and ensure consistency between fresh and salt water for this method based on sound fisheries management principles.

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 (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, 2021. 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 adoption of these proposals and any comments received during the public comment process at its meeting at 9:00 a.m. on August 24, 2021, in Group Shelter 1 at Cloudland Canyon Creek State Park located at 122 Cloudland Canyon Park Road, Rising Fawn, Georgia 30738. In accordance with necessary safety precautions regarding the COVID-19 virus, the public may access the meeting remotely via conference call or videoconference. Those options will be posted on the Board's website under the "DNR Board Menu" header here: <https://gadnr.org/board>.

TW/jwb

Attachment: Proposed Rule

| SUBJECT | PROPOSED CHANGE | CURRENT REGULATION | CHANGE | JUSTIFICATION |
|--|--|---|---|--|
| 391-2-4-.11 Bait Minnow Trapping | | | | |
| Bait minnow trap, round throat size | The round throat (opening) of the funnel or muzzle to a bait minnow trap shall not exceed 1 inch in diameter. | The round throat (opening) of the funnel or muzzle to a bait minnow trap shall not exceed ¾" in diameter. | Increases maximum round throat size from three-quarter inch to 1-inch. | HB 362 amended O.C.G.A. Secs. 27-4-5 and 27-4-6 to allow the use of minnow traps to take fish species in freshwaters of the state and authorizes the department to regulate these methods. Currently, minnow traps can be used to take certain fish species in saltwater. This proposed change provides consistency on the use of minnow traps across the state. |
| 391-4-3-.16 Use of Minnow Seines and Minnow Traps | | | | |
| Use of Minnow Seines and Minnow Traps | Proposed new Rule establishes lawful gear specifications for minnow seines, lawful gear specifications for minnow traps, establishes daily possession limits for nongame fishes collected with minnow seines and minnow traps, requires immediate release of game fish, and prohibits use in trout streams and | No Rule for use of minnow seines or minnow traps in freshwaters. | Allows and regulates the use of minnow seines and minnow traps in the freshwaters of this State in manner that is consistent statewide and minimizes potential negative impacts to endangered and threatened species. | HB 362 amended O.C.G.A. Secs. 27-4-5 and 27-4-6 to allow the use of minnow traps to take fish species in freshwaters of the state and authorizes the department to regulate these methods. Currently, minnow traps can be used to take crayfish in freshwater and certain fish species in saltwater. This proposed Rule enacts |

| SUBJECT | PROPOSED CHANGE | CURRENT REGULATION | CHANGE | JUSTIFICATION |
|----------------|---|---------------------------|---------------|---|
| | water reaches containing endangered and threatened species. | | | this statute while simplifying and providing consistency on the use of minnow traps across the state. Additionally, taking fish by minnow traps in freshwater is legal in all bordering states. |

**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 ___th day of August 2021.

STATE DEPARTMENT OF NATURAL RESOURCES

FILING DATE _____

Rule 391-2-4-.11 entitled "Bait Minnow Trapping" is hereby amended and reads as attached hereto.

Authority O.C.G.A. 27-1-4.

Mark Williams, Commissioner
Department of Natural Resources

Sworn to and subscribed before
me this ___ day of August 2021.

Notary Public

Kyle Pearson, Executive Counsel

Sworn to and subscribed before
me this ___ day of August 2021.

Notary Public

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-2
ENVIRONMENTAL PROTECTION**

**SUBJECT 391-2-4
SALTWATER FISHING REGULATIONS
TABLE OF CONTENTS**

391-2-4-.11 Bait Minnow Trapping

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 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 inches in length, 18 inches in width, or 9 inches in height 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 1 inch 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 is 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.

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

2. 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.

3. 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.

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

(b) It is 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.

1. No individual recreationally harvesting bait minnows may employ more than 2 traps at any time, except that a salt water fishing guide licensed pursuant to O.C.G.A. 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.

2. No individual recreationally harvesting bait minnows may possess more than 2 quarts of bait minnows at any given time, except that a salt water fishing guide licensed pursuant to O.C.G.A. 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.

Authority: O.C.G.A Sec. 27-1-4.

**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 ___th day of August 2021.

STATE DEPARTMENT OF NATURAL RESOURCES

FILING DATE _____

Subject 391-4-3 "Fishing Regulations" is hereby amended by adopting new Rule 391-4-3-.16 entitled "Use of Minnow Seines and Minnow Traps" that reads as attached hereto.

Authority O.C.G.A. 27-4-6.

Mark Williams, Commissioner
Department of Natural Resources

Sworn to and subscribed before
me this ___ day of August 2021.

Notary Public

Kyle Pearson, Executive Counsel

Sworn to and subscribed before
me this ___ day of August 2021.

Notary Public

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4
WILDLIFE RESOURCES**

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

391-4-3-.16 Use of Minnow Seines and Minnow Traps

391-4-3-.16 Use of Minnow Seines and Minnow Traps.

- (1) It is unlawful to use a minnow seine:
 - (a) exceeding 20 feet in length.
 - (b) with a mesh size exceeding three-eighths of an inch square, or in diameter if the mesh is not square.
- (2) It is unlawful to use a minnow trap:
 - (a) exceeding 24 inches in length, 18 inches in width, or 9 inches in height for a rectangular trap; or,
 - (b) exceeding 24 inches in length or 30 inches in circumference for cylindrical traps; and,
 - (c) with a round throat (opening) exceeding one (1) inch in diameter, and,
 - (d) with a bar mesh size smaller than one-quarter (1/4) of an inch square or in diameter if the mesh is not square.
- (3) Each minnow trap must have attached thereto a tag bearing the name and address of the trap owner or must have tethered to each trap a float bearing the name and address of the person using such gear.
- (4) No individual may deploy more than 2 traps at any time.
- (5) No more than 50 nongame fishes can be collected per licensed angler per day and may only be used as bait or released into the waters from which they were taken.
- (6) Any species that is not a nongame fish or crayfish taken shall be immediately released unharmed into the waters from which they were taken.
- (7) In addition to trout streams, the use of minnow seines or minnow traps is prohibited in the following areas to protect threatened and endangered species:
 - (a) the mainstem of the Etowah River upstream of Lake Allatoona and all Etowah River tributary streams that enter the Etowah River within or upstream of Lake Allatoona.
 - (b) Raccoon Creek and its tributary streams in Paulding and Bartow counties
 - (c) the entire mainstem of the Conasauga River and all Conasauga River tributary streams entering the Conasauga mainstem from the east.

(d) the Coosawattee River and all tributary streams upstream from Carter's Lake Dam and the Coosawattee River between Carters Lake and its confluence with the Conasauga River.

(e) the mainstem of Talking Rock Creek.

(f) the mainstem of South Chickamauga Creek downstream from Swanson Mill dam.

Authority O.C.G.A. Secs. 27-4-6.