

§ 27-4-7. Use of gill nets; seizure of illegal nets

(a) Except as otherwise provided by law or rule and regulation, it shall be unlawful for any person to use a gill net in any of the fresh waters or salt waters of this state at any time, provided that it shall be lawful for properly licensed fishermen to use such nets in the taking of shad in accordance with Code Section 27-4-71 and all other laws and rules and regulations applicable to the taking of shad. All nets violative of this Code section found in the fresh waters or salt waters of this state or in the possession of any person on or around fresh water or salt water shall be seized by conservation rangers or other peace officers of this state. Nets so seized shall be confiscated and shall become the property of the department and shall be disposed of as the commissioner shall direct.

(b) Except for shad taken in accordance with Code Section 27-4-71, it shall be unlawful to land in this state any of the species of fish enumerated in Code Section 27-4-10 which were taken by means of a gill net. For purposes of this subsection, "to land" fish means to bring the fish to shore in this state in the boat or vessel utilized in taking the fish by means of a gill net, regardless of the jurisdiction from which the fish were taken.

§ 27-4-34. Fishing with bow and arrow

(a) It shall be unlawful to take nongame fish from the waters of this state by means of bow and arrow except under the following conditions:

(1) Each person using a bow and arrow shall have on his or her person a valid state resident or nonresident fishing license;

(2) All arrows used pursuant to this Code section must be equipped with barbs or contain devices on the point to act as a harpoon for recovering fish and must be attached to the person or bow by a rope, line, or cord sufficient for recovering the arrow and nongame fish;

(3) Arrows with poisonous or exploding heads are illegal;

(4) It shall be unlawful to discharge arrows into waters nearer than 150 feet to anyone engaged in any other means of recreation; and

(5) Legal hours for the taking of fish by bow and arrow shall be from sunrise to sunset, except as otherwise provided in subsection (d) in this Code section.

(b) Any game fish, except channel catfish and flathead catfish taken under the provisions of subsection (d) of this Code section, with an open wound and in the possession of a person

fishing with a bow and arrow shall be prima-facie evidence of taking and possessing fish illegally.

(c) Notwithstanding the provisions of paragraph (5) of subsection (a) of this Code section, if all other requirements of said subsection (a) are met, nongame fish may be taken in impounded waters of reservoirs over 500 acres in size by bow and arrow at any time during the day and may be taken at night by the use of a light.

(d) It shall be unlawful to take channel catfish and flathead catfish anywhere in the Savannah River, including its tributaries and impoundments within the Savannah River Basin, by means of bow and arrow, except under the following conditions:

(1) Each person using a bow and arrow shall have on his or her person a valid state resident or nonresident fishing license;

(2) All arrows used pursuant to this subsection must be equipped with barbs or contain devices on the point to act as a harpoon for recovering fish and must be attached to the person or bow by a rope, line, or cord sufficient for recovering the arrow and channel catfish or flathead catfish;

(3) Arrows with poisonous or exploding heads are illegal;

(4) It shall be unlawful to discharge arrows into waters nearer than 150 feet to anyone engaged in any other means of recreation; and

(5) The taking of channel catfish and flathead catfish in the Savannah River, including its tributaries and impoundments within the Savannah River Basin, by bow and arrow shall be legal at any time of the day and at night by the use of a light.

(e) Subject to the provisions of this Code section, and in accordance with current, sound principles of wildlife research and management, the board is authorized to promulgate rules and regulations regarding the taking of any fish from the salt waters of this state by means of bow and arrow.

§ 27-4-133. Lawful nets; opening and closing waters; identification on boats fishing for shrimp

(a) Except as otherwise specifically provided, it shall be unlawful for any person to use a power-drawn net in any of the salt waters of this state for commercial shrimping for human consumption. All sounds shall be closed to such fishing, except that the commissioner may open Cumberland, St. Simons, Sapelo, St. Andrew, Wassaw, or Ossabaw sounds or any combination of such sounds at any time between September 1 and December 31, provided that he or she has determined that the shrimp in the waters of each sound to be opened are 45

or fewer shrimp with heads on to the pound; and the commissioner shall close each sound so opened when he or she has determined that the shrimp in the waters of the sound exceed 45 shrimp with heads on to the pound. The commissioner may open any waters outside, on the seaward side, of the sounds between May 15 and December 31, provided that he or she has determined that the shrimp in such outside waters are 45 or fewer shrimp with heads on to the pound; and the commissioner shall close the waters so opened when he or she has determined that the shrimp in such outside waters exceed 45 shrimp with heads on to the pound. The commissioner may open any waters outside the sounds during the months of January and February, provided that he or she has determined that the shrimp in such outside waters are 50 or fewer shrimp with heads on to the pound; and the commissioner shall close such outside waters so opened when he or she has determined that the shrimp in such outside waters exceed 50 shrimp with heads on to the pound. The department shall conduct inspections for such shrimp count, and a determination by the commissioner shall be conclusive as to the count. The commissioner shall provide public notice of the opening and closing of such waters, as provided in this Code section, by posting a notice of all openings and closings at the courthouse and on all shrimp docks and by such other means as may appear feasible. The notices shall be posted at least 24 hours prior to any change in the opening and closing of any such waters, provided that such notice is required only when waters are opened or closed by action of the commissioner.

(a.1)

(1) It shall be unlawful to fish for shrimp for human consumption with any trawl or trawls having a total foot-rope length greater than 220 feet, not including the foot-rope length of a single trawl not greater than 16 feet when used as a try net. Foot-rope shall be measured from brail line to brail line, first tie to last tie on the bottom line. The provisions of this subsection shall not apply to vessels having a maximum draft of seven feet or less when fully loaded. The department is authorized to exempt trawls used by persons holding a valid scientific collection permit granted by the department.

(2) A vessel operator who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$500.00 nor more than \$2,500.00, imprisoned for not longer than 30 days, or both, and any trawl on board the vessel shall be contraband and forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

(b) Reserved.

(c) Except as otherwise specifically provided, it shall be unlawful to fish with nets other than cast nets in any of the tidal rivers or creeks, except to fish for shad, provided that nothing contained in this Code section shall be construed so as to prohibit any person from using a beach seine along any public beach.

(d) The department shall have the power to close all or any portion of the salt waters of this state to commercial and recreational fishing in the event of a disaster likely to cause seafood to be unfit for human consumption or in the event of any other emergency situation.

(e) Nothing contained in this Code section shall be construed to prohibit any person from fishing in the salt waters of this state for shrimp to be used or sold for live bait pursuant to Code Section 27-4-171, provided that it shall be unlawful to fish for shrimp for bait with any trawl equipment which has been used to fish for shrimp pursuant to this Code section.

(f) In accordance with current, sound principles of wildlife research and management, the commissioner may authorize any person to fish for crabs, jellyfish, or whelks with power-drawn nets of four-inch stretched mesh from any waters outside, on the seaward side, of the sounds at any time during the year, or from the waters of Cumberland, St. Simons, Sapelo, St. Andrew, Wassaw, and Ossabaw sounds during the months of January, February, and March, when the commissioner has determined that fishing for crabs, jellyfish, or whelks within such waters will not be detrimental to the conservation of crabs, jellyfish, whelks, or shrimp. Possession of any net with mesh smaller than that provided in this subsection while taking crabs, jellyfish, or whelks shall be prima-facie evidence of the violation of this Code section.

(g) It shall be unlawful for any person fishing for shrimp for commercial purposes pursuant to this Code section to fail to have positioned on the bow or cabin of the boat taking such shrimp a board with a background color of daylight fluorescent orange and with such numerals and letters painted or affixed thereon as are specified by the department for the boat. The numerals and letters shall be at least 16 inches in height, black in color, of block character, and spaced so as to be readable from the air from left to right.

(h) Any determination to open or close the salt waters pursuant to this Code section shall be made in accordance with current, sound principles of wildlife research and management.

391-2-4-.06 Fishing for Shrimp for Recreational Purposes

(1) Purpose. The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the recreational seasons, days, and places; methods of fishing and disposition; and size, creel, and possession limits for shrimp.

(2) Food Shrimp. For the purpose of recreationally fishing for shrimp to be used for human consumption, any person who has a recreational fishing license may recreationally fish for food shrimp at such times and places as the commissioner has established.

(a) Gear. Except as otherwise provided by law or regulation, it shall be unlawful to recreationally fish for food shrimp in the salt waters of the State of Georgia by any means except the following:

1. Food shrimp cast net as defined in O.C.G.A. 27-1-2(29.1); or a
2. Beach seine of a length and mesh size authorized for use in salt waters by 391-2-4-.12.

(b) Quantity for Cast Nets. No person or group of persons occupying the same boat recreationally fishing for shrimp by means of a food shrimp cast net may take more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails in any day. No such person or group of persons occupying the same vessel may possess at any time more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails.

(c) Quantity for Seines. No one person recreationally fishing for shrimp solely by means of a seine, whether such person is acting alone or in a group of persons, may take more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails in any day. No such person may possess at any time more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails. If any person or group of persons are in possession of a food shrimp cast net and a seine, such person or group of persons shall be subject to the limits imposed upon taking shrimp by food shrimp cast net.

(3) Bait Shrimp. For the purpose of recreationally fishing for shrimp to be used for live bait in this state, any person who has a recreational fishing license may recreationally fish for bait shrimp at such times and places as the commissioner has established.

(a) Gear. Except as otherwise provided by law or regulation, it shall be unlawful to recreationally fish for bait shrimp in the salt waters of the State of Georgia by any means except the following:

1. Bait shrimp cast net as defined in O.C.G.A. 27-1-2(5.1).
2. Food shrimp cast net as defined in O.C.G.A. 27-1-2(29.1);
3. Beach seine of a length and mesh size authorized for use in salt waters by 391-2-4-.12; or a
4. "Ten-foot net" as described in O.C.G.A. 27-1-2-(71.1) and herein. A "ten-foot net" means a trawl net with the following characteristics:
 - i. A cork line not to exceed ten feet from tie-to-tie between the first and last mesh across the mouth of the net, a lead line not to exceed 13 feet from tie-to-tie between the first and last mesh across the mouth of the net, and leg lines of equal length. No webbing shall extend toward the door beyond the original brail lines which run vertically between the first tie at each end of the cork line and the first tie at each end of the lead line.

ii. The leg lines of a ten foot net shall not exceed 4 feet from the fastener on the otter board (door) to the first mesh tie on the cork (head) line, and shall not exceed 4 feet 7 inches from the fastener on the otter board to the first mesh tie on the lead (foot) line. Total net width including leg lines and webbing shall not exceed 18 feet on the cork line and 22 feet 2 inches on the lead line.

iii. The vertical lines (brails) connecting the head line and the lead line shall not exceed 36 inches in length.

iv. The tow lines (bridles) connecting the tow vessel to the otter boards shall not exceed 75 feet from the fasteners on the otter board to the transom of the boat, including all connectors at the otter boards and the tow vessel; on tongue nets the third tow line and all connectors also shall not exceed 81 feet.

v. Otter boards shall not exceed 15 inches x 30 inches (height x length) in dimension.

vi. Head line floats on standard (tongueless) designs shall not exceed five in number, only one of which may exceed 3 $\frac{1}{2}$ inches, but shall not exceed 6 inches in longest measurement. Nets of a tongue or bib design may have a maximum of two floats neither of which may exceed 6 inches in longest measurement.

vii. Webbing mesh size shall not be smaller than one inch when stretched nor exceed $1\frac{3}{8}$ inches when stretched measurement. Total mesh count in the circumference of the bag where it attaches to the body of the net, and also rearward throughout the construction of the bag shall not exceed 50.

viii. Total net length including the body of the net, the bag, and the cod-end shall not exceed 19 feet 6 inches.

(b) Time. It shall be unlawful to fish for bait shrimp with a "ten-foot net" at night.

(c) Quantity for "Ten-foot net". No person fishing for shrimp with a "ten-foot net" shall possess more than two quarts of bait shrimp at any time, no more than one-half pint of which may be dead; but any such person may take a maximum of four quarts of bait shrimp during any 24 hour period. When two or more persons fishing for shrimp under this subsection occupy the same boat; there may be no more than four quarts of bait shrimp on board the boat at any time, no more than one pint of which may be dead; but the persons occupying the boat may take a maximum of eight quarts of bait shrimp during any 24 hour period. Possessing or taking more

than the limits prescribed in this subparagraph shall be unlawful. Possessing more than these limits shall be prima-facie evidence that the shrimp were taken for some purpose other than to be used as live bait.

(d) Quantity for bait shrimp cast net or seine. When food shrimp season is closed, any person fishing for shrimp with a cast net or seine shall possess no more than two quarts of bait shrimp at any time, all of which may be dead; and provided, further, that any such person may take a maximum of four quarts of bait shrimp during any day. When two or more persons taking shrimp under this subparagraph occupy the same boat, there may be no more than four quarts of bait shrimp on board the boat at any time, all of which may be dead; and the persons occupying the boat may together take a maximum of eight quarts of bait shrimp during any day.

(e) It shall be unlawful for any person to sell or otherwise dispose of, for human consumption, any shrimp caught pursuant to this paragraph or to possess such shrimp for the purpose of sale or other distribution for human consumption or personally to consume such shrimp. Possession of shrimp with heads off shall be prima-facie evidence that the shrimp are to be sold for human consumption or are personally to be consumed.

391-2-4-.05 Shrimp Trawl Gear Specifications. Requirement for Use of Turtle Excluder Devices.

(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, methods, ways, means, and devices of taking wildlife which are necessary to protect threatened and endangered sea turtles in state waters.

(2) Definitions.

(a) "Qualified turtle excluder device" or "TED" means a device approved by the National Marine Fisheries Service, and described in 50 CFR Section 272.72(e)(4)(ii)(A)-(F), or any additional device approved by the National Marine Fisheries Service pursuant to 50 CFR Section 272.72(e)(4)(iii).

(b) "Headrope length" means the straightline length of that portion of the top rope of the trawl net from which the net is hung measured between the outermost hanging points.

(c) "Perimeter" means the opening or entrance to the trawl formed and limited by attachment of the net mesh to line, which line is securely attached so as to form a

continuous perimeter around the leading edge of the net. The perimeter so formed is measured from point to point along the line forming the leading edge of the net.

(3) Vessels Required to Use Turtle Excluder Devices.

(a) All shrimp trawlers which trawl for shrimp consumption in Georgia's sound pursuant to O.C.G.A. 27-4-133 must have a qualified turtle excluder device in each net. In addition, all shrimp trawlers which trawl for shrimp for human consumption pursuant to O.C.G.A. 27-4-133 in Georgia's offshore waters, seaward of the sounds and south of 31 degrees 20' North latitude, must have a qualified turtle excluder device installed in each trawl net during trawling operations during 1 April through 31 December of each year. Shrimp trawlers which trawl for shrimp for human consumption in Georgia's offshore waters, seaward of the sounds and north of 31 degrees 20' North latitude, must use a qualified TED in each net during the period 1 April through 30 November of each year.

(4) Exemptions.

(a) Vessels using a single net having a headrope length of 30 feet or less and a perimeter around the leading edge of the net not greater than 82 feet are exempt from the TED requirement.

(b) A single test net, commonly referred to as a trynet, having a headrope length of 20 feet or less is exempt from the TED requirement provided that such net is pulled immediately in front of another net and is not connected to another net in any way.

(c) A trawl being used as part of a public or private experimentation authorized by the Director, Southeast Region, National Marine Fisheries Service, as provided in 50 C.G.R. Section 227.72(e)(4)(iv) and permitted according to O.C.G.A. Section 27-2-12 is exempt from the TED requirement provided written authorization shall be maintained aboard the shrimp trawler with such a trawl at all times. Rule 391-3-19-.08(4).

391-2-4-.07 Crabbing.

(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 marine crabs, primarily of the species *Callinectes sapidus*.

(2) Definitions.

(a) "Escape ring" means a rigid, circular port forming the boundary of an opening placed flush with an outside surface of the wire mesh or other material in the wall of the crab trap so as to create an unobstructed opening through the wall of the trap.

(b)

(i) "Commercial crab trap" means a trap as specified in O.C.G.A. 27-1-2(14) and 27-4-151(i), deployed for the purpose of taking crabs as defined in O.C.G.A. 27-1-2(21) whether such crabs are taken for the purpose of sale or not.

(ii) Additionally, a crab trap shall have installed at least two escape rings with unobstructed openings of minimum inside diameter of 2 3/8 inches. Such escape rings shall be positioned in the crab trap on any of the four vertical, outside walls. For purposes of meeting this definition, escape rings shall not be placed on a horizontal outside wall, which forms the ceiling, or top of the trap, or the bottom of the trap.

(iii) In addition to the specifications detailed in subsection (i) of O.C.G.A. 27-4-151, effective April 1, 2005 the float attached to any commercial crab trap fished without a commercial fishing license or a commercial crabbing license pursuant to that subsection of the Code shall be colored fluorescent green or lime green. No commercial crab trap fished for the purpose of sale shall be marked with a fluorescent green or lime green float.

(c) In addition to the specifications detailed in O.C.G.A. 27-1-2(14), a "commercial peeler crab trap" deployed for the purpose of taking "peeler crabs" as defined in O.C.G.A. 27-1-2(47), whether such peeler crabs are taken for the purpose of sale or not, shall be constructed with a minimum mesh size of one inch, shall have a minimum dimension of 24 inches, by 24 inches, by 24 inches and shall be exempt from the escape ring requirement specified in subparagraph 391-2-4-.07(2)(b), provided that such a trap is baited only with legal-sized live male blue crabs. Other baits including fish or other organisms which attract crabs into such traps, shall be prohibited and shall be prima-facie evidence of a violation of this paragraph.

(3) Gear for taking Crabs.

(a) Any person who deploys a crab trap in the waters of the State as provided for in O.C.G.A. 27-4-151 may only use a crab trap as defined in O.C.G.A. 27-1-2(14) and 27-4-151, and in paragraphs (2)(b) and (c) above.

391-2-4-.12 Lawful Fishing Methods and Gear, Generally.

(1) Purpose. The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the commercial and recreational methods and gear for fishing.

(2) Methods Generally. The following methods shall be lawful in saltwater except as specifically prohibited herein;

(a) It shall be unlawful to use a gig to take any fish, crustaceans, or mollusks in salt water, except that a gig may be used to take flounder in salt water.

(b) It shall be unlawful to use any seine in salt water, except that:

1. The use of a seine 12 feet in length or less, with a maximum depth of four feet and a maximum mesh size of one-inch stretched mesh in saltwater, is not prohibited;

2. The use of a seine less than 100 feet in length having a minimum net size of 1< inch stretched mesh on any sand beaches on any barrier island of this state is not prohibited. The use of such seines in any inlets or tidal sloughs is prohibited;

3. The use of seines greater than 100 feet and up to 300 feet in length having a minimum net size of 2= inches stretched mesh on the ocean-front side of beaches is not prohibited, provided that such seines may not be used in any inlets or tidal sloughs;

4. Seines over 300 feet in length are prohibited.

5. It shall be unlawful to use any seine in salt water in such a manner that it will block more than one-half of the entrance of a tidal river, creek, slough, or inlet to the ocean.

6. It shall be unlawful to use a beach seine as a gill net. A gill net is defined as a single net or webbing attached to float and lead lines and fished in a stationary manner to ensnare or entangle the fish in the meshes.

(c) It shall be unlawful to place, deposit, distribute, or scatter any bait of any kind in, on, or over any waters of this state so as to lure, attract, or entice shrimp toward such bait or to cause shrimp to congregate in the area where such bait is placed. It shall also be unlawful to fish for shrimp by any method, including the use of a cast net, in or near any waters which are baited.

(d) It shall be unlawful to fish for shrimp for commercial purposes at night.

(3) Gear for Commercial Fishing. Except as otherwise specifically authorized by law or regulation, it shall be unlawful for any person engaged in commercial saltwater fishing in this state to use any gear other than the following gear, which may only be used for the purposes and in the manner set forth below:

(a) Power-drawn nets or trawls used to fish for seafood from any of the salt waters of this state in accordance with O.C.G.A. Title 27, chapter 4, Article 4;

(b) Commercial crab traps used in accordance with O.C.G.A. Title 27, chapter 4, Article 4;

(c) Seines used in salt waters to fish for fish or crustaceans and purse seines used in salt waters to fish for fish or crustaceans, which seines or purse seines are used in accordance herein and with O.C.G.A. Title 27, chapter 4, Articles 3 and 4;

1. It shall be unlawful for any person other than a licensed commercial saltwater fisherman to use a purse seine. It shall also be unlawful to use a purse seine in any of the salt waters of this state; provided, however, it shall be lawful to use a purse seine in the waters outside, on the seaward side, of the sounds, when such outside waters are opened in accordance with O.C.G.A. Title 27, chapter 4, Article 4. As used in this Code section, "purse seine" means a large seine, supported at the upper edge by floats and weighted at the bottom edge, which is designed to be set by one or more boats around a school of fish and so arranged that after the sides have been brought together the bottom of the net can be closed by drawing the purse line taut.

(d) Wire baskets, trotlines, or hoop nets used to fish for catfish in salt water in accordance with 391-2-4-.13;

(e) Traps and pots used to fish for adult eels in accordance with 391-2-4-.01;

(f) Set nets and drift nets used to fish for shad in accordance with 391-2-4-.02;

(g) Gigs used to fish for flounder in saltwater;

(h) Cast nets;

(i) Seines used to fish for seafood along public beaches in accordance with this section;

(j) Tongs and dredges used to fish for oysters in accordance with O.C.G.A. Title 27, chapter 4, Article 4;

(13) Clam rakes, other hand-held implements, and dredges used to fish for clams in accordance with O.C.G.A. Title 27, chapter 4, Article 4; and

(14) Pole and line used to fish for finfish.

391-2-4-.13 Commercial Fishing for Catfish in Saltwater

(1) Purpose. The purpose of this Rule is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the commercial seasons, days, and places; methods of fishing and disposition; and size, creel, and possession limits; gear and landing specifications for catfish in saltwater.

(2) Areas Open to Commercial Fishing for Catfish in Saltwater. Except as otherwise provided herein, all salt waters of this state shall be open to the taking of catfish for commercial purposes.

(a) It shall be unlawful to commercially fish for catfish in the North Altamaha River, except on the ocean side (downstream) of the mouth of, but not including, Lewis Creek. Such fishing shall also be unlawful in the South Altamaha River, except on the oceanside (downstream) of the uppermost entrance of Hammersmith Creek.

(3) Commercial Gear for Taking Catfish in Saltwater. It shall be unlawful for any person to commercially fish for catfish in the salt waters of this state with any gear except the following:

(a) Trotlines;

(b) Wire baskets meeting the requirements of Code Section 27-4-92 and having a non-green colored float attached bearing the corresponding commercial fishing license number in one inch letters of contrasting color; and

(c) Hoop nets of one inch on the square (two-inches stretch) or larger which do not exceed three and one-half feet in diameter or ten feet in length.

(4) Minimum Sizes. It shall be unlawful for any person to commercially fishing for catfish in the salt waters of this state to take and retain any catfish less than nine inches in total length. Any catfish taken and retained by such person shall be deemed to be less than nine inches if it is less than seven inches with head removed or less than six inches with head and tail removed.