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GAME AND FISH

Bill Fish and Tarpon: Change the Minimum Size Allowable for Possession of Tarpon; Prohibit the Taking of Atlantic Bill Fish Except for Catch and Release Programs

CODE SECTIONS:	O.C.G.A. §§ 27-4-130.1 (amended), 27-4-130.2 (new)
BILL NUMBER:	HB 173
ACT NUMBER:	185
GEORGIA LAWS:	2001 Ga. Laws 325
SUMMARY:	The Act repeals the framework for setting season, creel, and size ranges for sailfish, blue marlin, and white marlin. The Act increases the minimum size range for tarpon from 20-40 inches to 65-90 inches. Furthermore, the Act defines “Atlantic billfish” to track the definition used in federal regulations and prohibits the harvest or possession of Atlantic billfish in state waters, allowing only for catch and release.
EFFECTIVE DATE:	April 19, 2001 ¹

History

Tarpon and Atlantic billfish, which include blue marlin, white marlin, and sailfish, are currently over-fished.² Atlantic billfish cannot be legally sold and are generally caught as trophies or for tournaments and records.³ Tarpon fishing in Georgia is mainly recreational, since tarpon are considered poor table fare and are not commercially fished.⁴

Because recreational fishing of billfish and tarpon is increasing, there is a need to institute catch and release programs to stabilize the species’

1. See 2001 Ga. Laws 325, §§ 3-4, at 227. The Act took effect upon approval by the Governor. See *id.*, § 3, at 227.

2. See Audio Recording of House Proceedings, Jan. 26, 2001 (remarks by Rep. Bob Lane), at <http://www.state.ga.us/services/leg/audio/2001archive.html>.

3. See Audio Recording of Senate Proceedings, Feb. 12, 2001 (remarks by Sen. Casey Cagle), at <http://www.state.ga.us/services/leg/audio/2001archive.html>; Electronic Mail Interview with Susan Shipman, Chief, Marine Fisheries Section, Coastal Resources Division, Georgia Department of Natural Resources (Apr. 9, 2001) [hereinafter Shipman Interview].

4. See Shipman Interview, *supra* note 3.

stocks.⁵ Currently, several billfish tournaments have instituted catch and release programs and it is estimated that ninety percent of recreationally caught billfish are released.⁶ Furthermore, tarpon catch and release programs are practiced widely throughout the United States and in Georgia.⁷

Despite these various catch and release programs, billfish are still over-fished.⁸ Recent studies show anglers are in favor of some protection of Atlantic billfish.⁹ In contrast, tarpon stocks are believed to be healthy.¹⁰ However, for several years, members of Georgia's charter fishing industry have requested that the state consider implementation of a catch and release program for tarpon, believing these fish were more valuable when returned to the water to be caught again.¹¹

The Act would amend the current management strategy for Atlantic billfish and tarpon.¹² The catch and release program would better sustain tarpon populations that are a vital part of Georgia's growing charter fishing industry.¹³

HB 173

Representatives Bob Lane of the 146th District and Greg Morris of the 155th District sponsored HB 173.¹⁴ Representative Lane, the Chairman of the House Committee on Game, Fish and Parks, introduced

5. See Telephone Interview with Rep. Greg Morris, House District No. 155 (Apr. 9, 2001); Shipman Interview, *supra* note 2 (noting that tarpon represents a vital component of Georgia's charter fishing industry).

6. See Shipman Interview, *supra* note 3.

7. See *id.*

8. See *id.*

9. See *id.* A recent mail survey of 150 anglers and fishing clubs conducted by the Georgia Department of Natural Resources showed 52% of those responding favored going to total catch and release fishing, while 34% favored raising the minimum size to allow only record catches. See *id.* Anglers attending recent scoping meetings favored catch and release programs only for Atlantic billfish. See *id.*

10. See Electronic Mail Interview with Susan Shipman, Chief, Marine Fisheries Section, Coastal Resources Division, Georgia Department of Natural Resources (Oct. 23, 2001).

11. See Shipman Interview, *supra* note 3. In a recent mail survey, 49% of respondents favored catch and release only, while 37% favored raising the minimum size to allow records only. See *id.* Scoping meeting participants favored raising the minimum size to allow for landing of an extraordinary record fish. See *id.*

12. See *id.*

13. See *id.*

14. See HB 173, as introduced, 2001 Ga. Gen. Assem.

the bill on the House floor on January 12, 2001.¹⁵ The House assigned the bill to its Committee on Game, Fish and Parks, which favorably reported the bill on January 25, 2001, as introduced.¹⁶ The House passed the bill (162-3) on January 26, 2001, without changes.¹⁷

The bill was introduced in the Senate on January 29, 2001.¹⁸ The Senate Natural Resources Committee favorably reported the bill, without change, on February 2, 2001.¹⁹ The Senate passed the as-introduced version of the bill unanimously on February 12, 2001.²⁰ Governor Roy Barnes signed HB 172 into law on April 19, 2001.²¹

The Act

The Act amends the Game and Fish provisions of Title 27 of the Georgia Code by striking subsection (b) of Code section 27-4-130.1, relating to open seasons, creel, and possession and minimum size limits for certain finfish species, and inserts a new subsection (b).²² This amended subsection prohibits the taking of Atlantic billfish, specifically sailfish, blue marlin, and white marlin, and also changes the minimum size allowable for possession of tarpon from 20-40 inches to 65-90 inches.²³

The Act also creates Code section 27-4-130.2.²⁴ The Act defines the term Atlantic billfish to mean Atlantic blue marlin and Atlantic white marlin harvested from all waters of the Atlantic ocean and Atlantic sailfish harvested from the waters of the North and South Atlantic

15. See State of Georgia Final Composite Status Sheet, HB 173, Mar. 21, 2001.

16. See *id.*

17. See Georgia House of Representatives Voting Record, HB 173 (Jan. 26, 2001); State of Georgia Final Composite Status Sheet, HB 173, Mar. 21, 2001.

18. See State of Georgia Final Composite Status Sheet, HB 173, Mar. 21, 2001.

19. See *id.*

20. See Georgia Senate Voting Record, HB 173 (Feb. 12, 2001); State of Georgia Final Composite Status Sheet, HB 173, Mar. 21, 2001.

21. See 2001 Ga. Laws 325, § 4, at 327.

22. Compare 1998 Ga. Laws 570, § 1, at 571-72 (formerly found at O.C.G.A. § 27-4-130.1(b) (Supp. 2000)), with O.C.G.A. § 27-4-130.1(b) (2001).

23. Compare 1998 Ga. Laws 570, § 1, at 571-72 (formerly found at O.C.G.A. § 27-4-130.1(b) (Supp. 2000)), with O.C.G.A. § 27-4-130.1(b) (2001).

24. See O.C.G.A. § 27-4-130.2 (2001).

oceans.²⁵ The Act makes it unlawful to possess any Atlantic billfish or to take from state waters any Atlantic billfish except for catch and release of such fish into the waters from which they were taken.²⁶

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25. *See id.* § 27-4-130.2(a).

26. *See id.* § 27-4-130.2(b).