

***MARINE PROHIBITED SPECIES POLICY***  
 Florida Fish and Wildlife Conservation Commission  
 Division of Marine Fisheries Management  
**September 2009**

**A. Purpose**

The purpose of this policy is to provide supplemental guidance to the Florida Fish and Wildlife Commission (FWC) staff, operating under the authority of FWC Rule 68B-8, Florida Administrative Code (F.A.C.), when evaluating Special Activity License (SAL) applications that request the collection of marine prohibited species.

**B. Prohibited Invertebrate Species**

**Corals and Sea Fans.** This category includes the following:

1. **Hard and stony corals** (Order *Scleractinia*)
2. **Fire Coral** (Genus *Millepora*)
3. **Sea fans** (*Gorgonia flabellum* and *G. ventalina*)
4. **Naturally occurring Live Rock** (not cultured)
5. **Black Coral** (Order *Antipatharia*)

Authorization to harvest any of the above organisms in Monroe County must be obtained through the Florida Keys National Marine Sanctuary (FKNMS)<sup>1</sup>. Harvest of any of the above organisms for education/exhibition purposes will not be authorized. Use of synthetically created coral habitat, cultured coral, or cultured live rock for exhibit tanks or out-of-state procurement of coral through legal channels with an accompanying paper trail of documentation is an alternative. Small amounts of coral may be authorized for harvest by those exhibition facilities equipped to engage in coral propagation activities, with preference given to those with a record of prior propagation success.

**Echinoderms and Gastropod Mollusks**

1. **Longspine Urchin** (*Diadema antillarum*)

Authorization for harvest of this species will be generally limited to research purposes. Alternative urchin species are available for general education/exhibition purposes. Specimens may also be secured from other tropical Atlantic locales. In special situations where this species is a critical focal point in an exhibit that specifically discusses the ecological role of this species, its 1983-84 Caribbean-wide population collapse, and its current protected status in Florida, limited numbers may be considered for exhibition or propagation-related harvest.

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<sup>1</sup> Memorandum of Understanding (MOU) between the FWC and the Florida Keys National Marine Sanctuary

## **2. Bahama Starfish (Cushion Sea Star) (*Oreaster reticulatus*)**

Large size, and ready access to procurement from sand flats and seas grass beds have made this species an easy target for collectors in the past, resulting in depressed populations. Authorization for harvest will be generally limited to research projects providing information that would enhance population recovery or management. Alternative starfish species are available for general education/exhibition purposes. Species may also be secured from other locations outside Florida as well as aquaculture facilities. As with the longspine sea urchins, specifically designed exhibits with this specimen as an interpretive focal point emphasizing its protected status may be justified for limited education/exhibition collection.

## **3. Queen Conch (*Strombas gigas*)**

This species has not yet recovered from severe over-harvesting. Specimens for education/exhibition display must be secured from a propagation facility if available. If such specimens are not available, the need for education/ exhibition collection will be considered on a case-by-case basis. As with Bahama starfish and longspine sea urchins, very limited collection of queen conch for use in specially designed exhibits with this specimen as an interpretive focal point emphasizing its protected status and declining populations may be considered. Alternative use of other gastropod mollusks that do not have protection status is strongly encouraged. Priority authorization for queen conch collection will be given to research and enhancement projects.

### **C. Prohibited Fish Species**

#### **Sturgeons**

##### **1. Gulf Sturgeon (*Acipenser oxyrhynchus desotoi*)**

According to the federal Endangered Species Act (ESA) listing for Gulf sturgeon, states may issue permits for education, scientific purposes, enhancement of propagation or survival of the species, and exhibition and other conservation purposes consistent with the ESA. The intent of this ESA provision is to allow conservation and recovery activities for Gulf sturgeon to be carried out by a state without a federal permit. Proposed federal agency conservation activities for Gulf sturgeon require ESA Section 7 consultations and a federal permit. No specimens will be authorized for harvest from the wild for education/exhibition purposes.

##### **2. Atlantic Sturgeon (*Acipenser oxyrhynchus*)**

This species has not been seen in the wild in Florida since a St. Johns River record in the late 1970's. Harvest of Atlantic sturgeon from the Florida east coast or St. Johns River drainage for education/ exhibition purposes will not be authorized.

### **3. Shortnose Sturgeon (*Acipenser brevirostrum*)**

This species is a federally designated endangered species and is under the authority of the National Marine Fisheries Service (NMFS). Florida records in recent years are limited to the capture of a specimen tagged in Georgia, which was recovered in the Ocklawaha River. A second 834 mm total length mature female was collected in a cast net at the end of the North jetty in Ponce Inlet, Volusia County on March 16, 1999 (Specimen in collection of the Fish and Wildlife Research Institute catalogued as FSBC 19118). The FWC does not manage this species and collections/possession must be federally authorized.

## **Sharks**

### **1. Basking Shark (*Cetorhinus maximus*) and Whale Shark (*Rhincodon typus*)**

The basking shark, a filter feeding planktivore found in cool temperate waters is rare south of Cape Lookout NC, with Florida sightings restricted to northeast Florida. It reaches a maximum size of 9-13 meters in length.

Whale sharks, occasionally seen off Florida's Gulf and Atlantic coasts, are pelagic plankton feeding sharks that achieve massive sizes of up to 18 meters.

Both basking sharks and whale sharks are federally protected from commercial harvest. Because of the adult size of both of these species, they will not be permitted for harvest for education/exhibition purposes.

### **2. White Shark (*Carcharodon carcharias*)**

This large oceanic and coastal shark is rare in Florida waters and is federally protected from commercial harvest. Past landings off Florida have generally been infrequent incidental landings in commercial floating or bottom longline fisheries with specimens exceeding three meters and usually fortuitously caught through entanglement. Because of its rarity, maximum size (5-6 meters), ram ventilation breathing system, and swimming requirements, this species will not be permitted for harvest for education/exhibition purposes.

### **3. Bigeye Sand Tiger Shark (*Odontaspis noronhai*) and Sand Tiger Shark (*Carcharias taurus*)**

There are currently no known bigeye sand tiger shark records from Florida waters. This poorly known deep-water shark, inhabiting continental and insular slopes, is known from only a few specimens, most from southern Brazil, the type locality.

Sand tiger sharks appear to be rare in south Florida waters, with scattered records primarily from Brevard County north on the east coast and the northern Gulf of Mexico. Sand tigers constituted less than 1% of the sharks caught in commercial shark fishing operations

involving on board observers off Florida. Sand Tiger sharks are one of the most common inshore sharks from Cape Cod to Chesapeake Bay.

These species will not be permitted for harvest for education/exhibition purposes.

## **Rays**

### **1. Manta Ray (*Manta birostris*)**

The manta ray, a pelagic species, may reach 1.5-2.0 tons with disk widths reaching 6.7 meters. Because of its rapid growth and large adult size, this species presents unique facility and husbandry requirements. A facility must demonstrate that it has suitable display habitat for this species at its anticipated full adult size before authorization will be issued.

### **2. Devil Ray (*Mobula Hypostoma*)**

An uncommon ray that is sometimes seen in schools, the devil ray is reported from both the Gulf and Atlantic. The devil ray is similar to the manta and is sometimes confused with it. However, the devil ray only reaches a maximum wingspan of 1.2 meters. FWC would consider requests to harvest this species for exhibition on a limited basis.

### **3. Spotted Eagle Ray (*Aetobatus narinari*)**

This coastal ray, which may attain a weight of 0.25 tons and a maximum disk width of 2.4 m, has been sporadically reported from bay, estuary, and reef areas off both Florida coasts with most frequent observations from South Florida. FWC will consider requests by eligible education/exhibition facilities to harvest this species in limited numbers with preference given to eligible facilities attempting captive breeding, growth and feeding studies or other projects beneficial to the management of the species, beyond mere public exhibition.

## **Sawfish**

### **1. Largetooth Sawfish (*Pristis pristis*)**

There have been no confirmed records of the largetooth sawfish from Florida in decades. Once reported in the U.S. mainly along the Texas coast east to Florida, none have been seen off Florida since 1941. The species is considered extirpated in the U.S. This species will not be permitted for any harvest.

### **2. Smalltooth Sawfish (*Pristis pectinata*)**

This species is federally listed as endangered and requires federal authorization to harvest. Harvest of this species will not be authorized for education/exhibition purposes, and will only be authorized for research purposes if federal authorization has first been acquired.

## Reef Fish

### 1. Nassau Grouper (*Epinephelus striatis*)

The Nassau Grouper is a shallow water reef fish that has a Caribbean center of distribution though is reported from the Northern Gulf, Bermuda, and North Carolina. The species forms spawning aggregations, often in clear relatively shallow waters making it vulnerable to subsistence, recreational, and commercial fishing throughout its range. Additionally, the fish's distinctive barred color pattern has in the past made it an attractive specimen to collect for display. Because Nassau grouper show no sign of significant population recovery in Florida, this species will not be permitted for harvest for education/exhibition display at any Florida facility. In lieu of collecting Nassau grouper, the FWC recommends utilization for display more common grouper species that are not protected (e.g. red grouper).

### 2. Goliath Grouper (formerly Jewfish) (*Epinephelus itajara*)

By 1990, Goliath grouper, a species attaining 700 pounds and 2.5 m in length, were in sharp decline in Florida. Its large size, curiosity, and shallow water habitat preferences made it vulnerable to increasing hook-and-line fishing and spearfishing pressure. Most known former spawning site locations, particularly on the east coast, have not yet shown evidence of re-utilization. While the species is showing some slow recovery in terms of numbers and expansion into its former range, particularly on artificial reef sites, it remains protected from both recreational and commercial harvest. Education/exhibition collections will be limited to specimens less than 1.2 m in length (48 inches long or less), with harvesting emphasis to be in the area of the current center of Florida distribution and highest population levels (Southwest Florida). The FWC strongly encourages exhibition facilities to consider the use of other large alternative grouper species that are not prohibited, such as gag, black and red grouper.