

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners

**From:** Jessica McCawley, Director, Marine Fisheries Management

**Date:** September 8, 2016

**Subject:** Consent Agenda: Atlantic Black Sea Bass Recreational Bag Limit and Commercial Trap Marking Requirements – Federal Consistency

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## **Purpose:**

Staff will present a proposed federal consistency action that would increase the Atlantic black sea bass recreational bag limit and set commercial trap marking requirements to be consistent with recent changes for Atlantic federal waters.

## **Summary:**

In 2011, the recreational bag limit for black sea bass in Atlantic federal waters was decreased from 15 to five fish per person to end overfishing and rebuild the stock; the same regulations were later adopted for Atlantic state waters. In 2013, the fishery was found to be fully rebuilt. The Council increased the recreational quota, but kept the recreational bag limit at five fish in hopes that this would help the recreational fishery avoid early quota closures in federal waters, which had occurred in 2010, 2011, and 2012. Since the quota increase, the recreational fishery has avoided quota closures but has not been able to harvest its entire quota, leaving 43-64% of their share of fish in the water. The Council recently approved increasing the recreational bag limit to seven fish per person to provide anglers greater access to their quota. This bag limit increase takes effect August 12, 2016, in Atlantic federal waters.

In 2012 and 2013, the Council implemented regulations that limited effort in the commercial black sea bass trap fishery and were intended to minimize the likelihood that the fishery will negatively affect endangered North Atlantic right whales during their southern migration and calving season. These regulations included prohibiting black sea bass trap fishing from November – April until an analysis evaluating the effects of black sea bass traps on right whales could be completed. Combined, these regulations created adverse socioeconomic effects for black sea bass trap fishermen. To mitigate these negative effects, the Council recently approved regulations that would allow black sea bass trap fishing during winter months in areas of federal waters where right whales are unlikely to occur. The Council also created new buoy line marking requirements for black sea bass traps so that in the unlikely event of a right whale becoming entangled in black sea bass trap gear, the gear could be undisputedly linked to the fishery and the Council could respond accordingly. These changes were supported by Florida black sea bass trap fishermen.

## **Staff Recommendation:**

Staff recommends approving federal consistency action that would increase the Atlantic recreational black sea bass bag limit from five to seven fish and create buoy line marking requirements for Atlantic commercial black sea bass traps. If these proposed rules are approved, Commission staff would file the rules as allowed by the noticing requirements of 120.54 (6) Florida Statutes, which provides a process for adoption of federal standards without further hearing.

## **Staff Contact and/or Presenter:**

Jessica McCawley, Director, Division of Marine Fisheries Management