

# Biscayne National Park Fisheries Regulations



Final Public Hearing  
February 19, 2020



**Florida Fish and Wildlife Conservation Commission**

Version 2

This presentation provides a summary of proposed final rules that would create a new rule chapter, 68B-7, Florida Administrative Code (FAC), providing for regulation of fisheries in Biscayne National Park (BNP), as well as modifying various species-specific regulations elsewhere in 68B, FAC, as they apply within BNP.

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Unless otherwise noted, images throughout the presentation are by FWC.

# Background



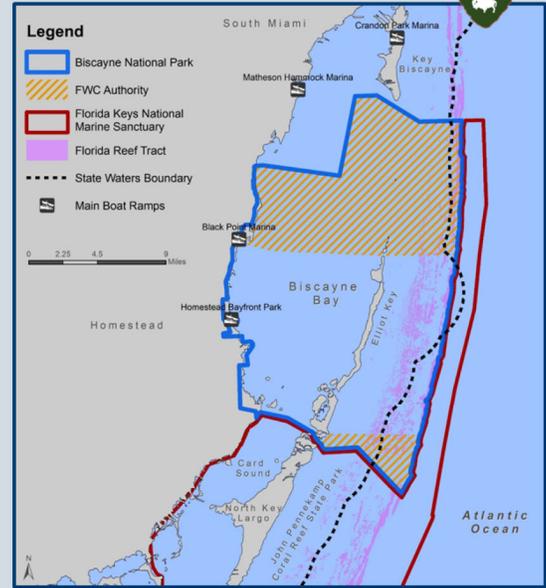
## Fishery Management Plan (FMP)

- Jointly developed by BNP and FWC
- Approved by Commission in 2013
- Goal: increase size and abundance of targeted species and conserve marine habitats

**Dec. 2019:** approved draft rules to implement FMP

**Today:** final public hearing

- Approve final rules
- Approve Science Plan
- Approve Memorandum of Understanding (MOU)



BNP is located in highly urbanized Miami-Dade County. Ninety-five percent of the park's 272 square miles are covered by saltwater. Habitats include coral reefs, sandy shoals, extensive seagrass beds, shallow hardbottom with sponges and soft corals, and a largely undeveloped mangrove shoreline. Biscayne Bay itself is relatively shallow, with an average water depth of six feet. However, deeper waters are found in the park, including Hawk Channel and along the reef tract that runs north-south in the Atlantic Ocean waters at the eastern edge of the park. The waters of BNP can be easily accessed from both public and private facilities, with four nearby public boat ramps. In addition to recreational and commercial fishing, park waters support recreational diving, boating, and kayaking.

Fishing in the waters of BNP is jointly managed by state and federal partners. Based on the enabling legislation, the fishing regulations within the northern and southern extremes of the park (orange cross-hatch on the map) are under the full authority of the FWC. In the central area of the park, FWC fishing regulations apply, but can be modified by the U.S. Secretary of the Interior. Roughly 9% of the park is in federal waters. Current federal fisheries regulations apply in these waters, but the South Atlantic Fishery Management Council (SAFMC) has agreed to defer development of future park-specific fishing regulations to FWC and the National Park Service (NPS).

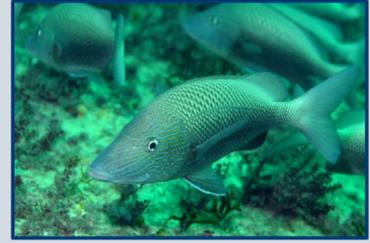
The BNP Fishery Management Plan (FMP) was jointly developed by BNP and FWC over an extended time period with considerable public involvement. The plan was approved by the Commission in 2013 and later finalized by BNP. The goals of the FMP include increasing the abundance and size of targeted species and conserving marine habitats within the park. The FMP includes a suite of potential changes to FWC regulations to accomplish the goals of the plan. At the December Commission meeting, staff presented a proposal that would implement the FMP. The Commission approved that draft rule, and today staff will present final proposed rules. In addition, staff are seeking Commission approval of the Science Plan and a new Memorandum of Understanding (MOU).

# Science Plan and Memorandum of Understanding



## Science Plan

- Joint FWC-BNP plan for monitoring fish populations
  - Determine baseline conditions, establish benchmarks
- *Seeking Commission approval*



## MOU

- Clarify research and monitoring roles
- FWC and BNP agreed marine reserves would not be considered as first option
- *Seeking Commission approval*



FWC and BNP collaborated to develop a science plan to guide FMP-related research and monitoring within BNP. The science plan defines how pre-FMP implementation baselines for targeted fishery species will be measured, as well as the corresponding benchmarks against which we will measure achievement of the goal to increase abundance and average size by 20%. The plan also provides for other monitoring activities to evaluate changes in recreational and commercial fishing activity within BNP.

The reef fish visual census (RVC) data are essential to carrying out the Science Plan and evaluating the effectiveness of any fishery management measures taken within BNP, but the plan also describes other research and monitoring activities that could be conducted to further evaluate the efficacy of regulatory changes.

The Science Plan provides for additional research that will inform interpretation of why any particular benchmark may not have been met. Through this evaluation, the Science Plan advocates for understanding what factors may have prevented achievement of the benchmark before any management changes are recommended.

Finally, the Science Plan establishes a timeline for a series of progress reports over the coming years that will communicate progress toward meeting the benchmarks of the FMP goals and the desired 20% increases in size and abundance. Staff plans to produce progress reports every five years. Today, staff are seeking Commission approval of the Science Plan.

Staff is also seeking to renew the MOU with BNP that will guide how the agencies will continue to work together in the future on research, monitoring, and management goals. This MOU continues to reiterate that marine reserves will be considered as a last resort option after other management measures have been tried and failed.

# Proposal to Implement the FMP



- NPS and FWC agreed FWC will develop fishing regulations for entire park

## Reminder of FMP goals

- Increase size and abundance of targeted fish and invertebrate species within BNP by at least 20%
- Conserve marine habitats within the park

## Suite of changes to FWC's fishing regulations inside BNP

- Size limits
- Recreational aggregate bag limit
- Coral Reef Protection Areas (CRPAs)
- Trap-free zone at park headquarters
- No-trawl zones



Photo courtesy of Jiangang Luo

The NPS and FWC agreed FWC would develop fishing regulations for the entire park to minimize regulatory complexity and public confusion. The FMP establishes a goal of increasing the abundance and average size of targeted species by 20% and includes a series of potential management actions that could be considered as means to meet the goal. In addition, other management actions proposed by the FMP and included as draft rules in this proposal would address the FMP's goal of conserving important marine habitats within the park.

To increase the size and abundance of targeted fish, the proposed rule changes include modifications to the size limits and bag limits for targeted species. To conserve marine habitats, other potential rulemaking actions would add trap-free zones and prohibit lobster harvest in various offshore Coral Reef Protection Areas (CRPAs); create a trap-free zone in an area of nearshore waters north and east of park headquarters at Convoy point; and create no-trawl zones for portions of the park.

Background information, public feedback, and proposed final rules on each of these potential management options are discussed in the upcoming slides.

## Size Limits – Proposed Final Rule

- **Purpose:** increase size of targeted species within the park by 20%

### Public Feedback

- Generally supported by fishers and non-fishers

### Final Rule

- *Increase size limits for selected finfish within BNP*
- *Allow transit of smaller fish through the park if harvested legally outside the park*

Minimum Size Limits – Recreational and Commercial		
Grouping	Species Common Name	Proposed Changes
Snapper	Gray snapper	10 → 12" TL
	Lane snapper	8 → 10" TL
	Mutton snapper	18 → 19" TL
	Schoolmaster snapper	10 → 12" TL
	Yellowtail snapper	12 → 14" TL
Grouper	Red grouper	20 → 24" TL
Hogfish	Hogfish	no change (16" FL)
Grunt	Bluestriped grunt	none → 10" TL
	White grunt	none → 8" TL
Triggerfish	Gray triggerfish	12 → 14" FL



Staff gathered public feedback on a series of potential park-specific size limits that would apply to recreational and commercial fisheries operating within the park. The purpose of these minimum size limit increases is to achieve the FMP goal of increasing the average size of targeted species within BNP. The species selected for proposed size limit changes were prioritized within the Science Plan based on existing monitoring, current knowledge of their biology, and their likelihood to respond to park-specific management. For species with existing minimum size limits, a 20% increase to the current minimum size limit was calculated to shift the size structure of these species in the park toward the FMP goal. The two exceptions to the 20% size limit increase included hogfish and mutton snapper, which have undergone size limit increases in recent years. Thus, staff suggested not increasing the minimum size for hogfish any further and only increasing the mutton snapper size limit by one inch. For targeted species without current size regulations (grunts), a new potential size limit that is approximately 20% larger than size-at-maturity was provided as a measure to increase the average size of those species.

The proposed size limit changes were largely supported by both fishers and non-fishers.

Staff recommends implementing the minimum size limits as proposed at the December Commission meeting, which would modify recreational and commercial minimum size limits for several targeted species, including a variety of snapper species, red grouper, two species of grunts, and triggerfish, as shown in the table on this slide.

If legally harvested outside the park, the proposed draft rules would allow for the transit of smaller fish through the park as long as the vessel did not stop in park waters. It would also allow these legally harvested, smaller fish to be landed at either of the two boat ramps within the park.

## Recreational Bag Limits – Proposed Final Rule

- **Purpose:** increase abundance of targeted species by 20%

### Public Feedback

- Support from non-harvesters and fishers (some opposition from spearfishers)

### Final Rule

- *Establish 10-fish aggregate bag limit for selected major finfish*
- *Prohibit transit and landing of fish in excess of the aggregate limit*

Snapper	Gray, Lane, Mutton, Schoolmaster, Yellowtail
Grouper	Red grouper, Black grouper, Rock hind, Red hind, Coney, and Graysby
Hogfish	Hogfish
Triggerfish	Gray and Ocean
Jacks	Permit, Florida pompano, African pompano, Blue runner, Greater amberjack, Lesser amberjack, Banded rudderfish, Crevalle jack, and Yellow jack
Drum	Spotted seatrout, Red drum, and Black drum
Snook	all Snook species
Tripletail	Tripletail
Porgies	Sheepshead, Jolthead porgy, Whitebone porgy, Knobbed porgy, and Sheepshead porgy
Flounder	Gulf, Southern, Summer, and Fringed flounder
Barracuda	Great barracuda
Other (unregulated) species	Grunts, Cero mackerel, Ladyfish, Silver jenny (Irish pompano)



Staff is proposing to establish a 10-fish recreational “major finfish” aggregate possession limit per person that includes a variety of food and sport finfish species that are typically encountered within BNP. These aggregate bag limits were intended to reduce overall harvest within the park without further limiting harvest of any particular species on a given recreational fishing trip. This proposal is similar to the aggregate limit in nearby Everglades National Park. The major finfish aggregate was originally proposed as a 20-fish limit. However, based on Commission direction at the October Commission meeting, staff explored and is now recommending a 10-fish aggregate. In order to improve compliance and maximize the benefits of this proposed aggregate limit, staff recommend applying it to all persons/vessels fishing within, transiting through, and landing within park boundaries, including boat ramps in the park.

The workshop survey results indicated there was support from both non-harvesters and fishers (except spearfishers, who had a more mixed response) for the major finfish aggregate.

Based on public input received, staff excluded the pelagic species dolphin, cobia, mackerel, and wahoo from this aggregate limit, but added yellow jack to the list of species proposed for the recreational aggregate bag and possession limit. The table above lists all species in the proposed bag limit.

Unlike the proposed size limits, the proposed aggregate bag limit would not allow transit or landing of fish in excess of this limit within the park.

## Coral Reef Protection Areas – Proposed Final Rule

- **Purpose:** protect areas of high quality corals or threatened species of coral by prohibiting traps
- 5 proposed areas (1.29 sq. miles)

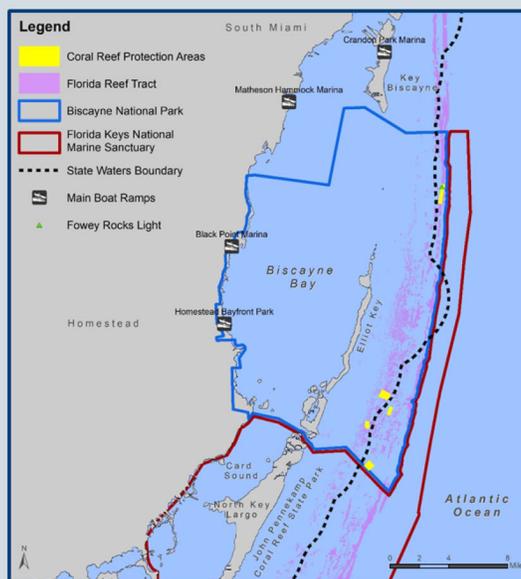
### Public Feedback

- Supported by most user groups
- Mixed support from commercial fishers

### Final Rule

- *Create a series of CRPAs around high-quality and threatened coral stands*
- *Prohibit trap use and lobster harvest inside the CRPAs year-round*

*Re-evaluate effectiveness after 5 years*



Coral Reef Protection Areas (CRPAs), where use of traps and all lobstering would be prohibited, are proposed for a series of locations along the reef tract. These areas were selected to provide protection from trap- and lobster-harvest-related damage to either especially high-quality coral habitat or areas containing high densities of federally-listed threatened coral species. This proposed action is similar to FWC rules in John Pennekamp Coral Reef State Park (Pennekamp), which prohibit harvesting lobster and deploying traps near natural coral formations within well-marked areas. High winds have the potential to cause trap movement into sensitive habitats, resulting in damage to corals and sponges. These areas were designed to provide a buffer around the corals intended to be protected and their sizes are based on data collected from Pennekamp and other places in the Keys documenting how far traps move in these locations when the fishery sets traps in the vicinity. The five areas proposed cover a total of 1.29 square miles.

Workshop participants from most user groups supported implementing the CRPAs. However, support from commercial fishers was mixed. Commercial industry representatives who attended small group meetings with staff prior to the October Commission meeting expressed concern about the previously-proposed boundaries of the CRPA in the northeastern portion of the park near Fowey Rocks Light. Industry representatives requested modifying this area to reduce the amount of sand-covered deep water that is commonly fished with traps. These changes were incorporated prior to the October Commission meeting, as were minor changes to the boundaries of the other four CRPAs so that these CRPAs better encompass coral habitat.

The proposed final rules would create these five CRPAs (see map on slide) where the use of traps and all lobstering would be prohibited, as approved at the December Commission meeting, to conserve these high quality reef habitats and federally-listed threatened corals.

Based on Commission direction, staff will re-evaluate the effectiveness of these CRPAs after five years to determine if the CRPAs are still necessary.

## Trap-Free Zone near Park Headquarters – Proposed Final Rule

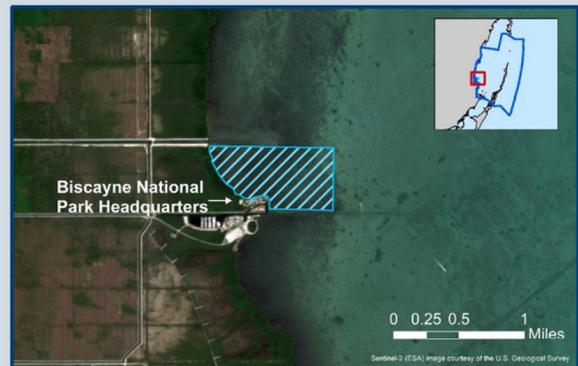
- **Purpose:** reduce conflicts in high-use area
- Lobstering already prohibited in the area

### Public Feedback

- Support from most user groups
- Some opposition from commercial fishers

### Final Rule

- *Create a trap-free zone (0.3 sq. miles) near visitor's center at park headquarters*



In addition to the CRPAs, the FMP identified a potential trap-free zone north and east of the park's headquarters at Convoy point that would prevent user conflicts in this high-use area between non-consumptive visitors such as kayakers, paddle boarders, and wind surfers and the trap fishery and their gear. Lobstering is already prohibited in this area because it is within the Biscayne Bay-Card Sound Spiny Lobster Sanctuary, but other types of traps are currently fished in the area.

Workshop survey participants from most user groups supported implementing this trap-free zone. However, some commercial fishers opposed it.

Staff recommends creating a trap-free zone (shown on the slide) in the nearshore waters adjacent to the visitor's center at park headquarters, as approved at the December Commission meeting. The boundaries of this zone maintain parallel lines with landmarks for clarity and simplicity. The proposed zone includes approximately 0.3 square miles of nearshore, shallow waters.

## No-Trawl Zone – Proposed Final Rule

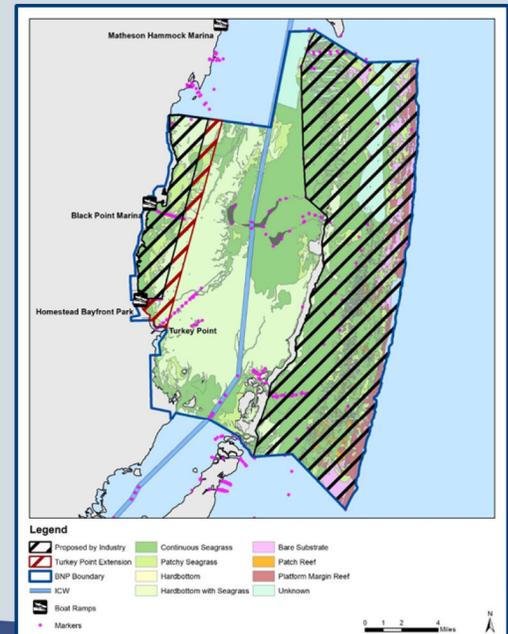
- **Purpose:** protect hardbottom habitat and reduce bycatch

### Public Feedback

- Proposal incorporates commercial industry suggestions
- Broad support with some continued concern by commercial participants
- Some additional concern the proposal does not include enough nearshore hardbottom protection

### Final Rule

- *Create areas closed to trawling in nearshore and offshore portions of the park*



The FMP also identified the potential implementation of a no-trawl zone within a portion of the bay to conserve park seagrass and hardbottom nursery habitat for fish and invertebrates, and to reduce bycatch in these nursery habitats. The roller-frame trawls used within the park were designed to roll over seagrasses with minimal negative impacts. However, research indicates that they can have a greater impact to hardbottom organisms such as soft corals and sponges.

During meetings with the commercial industry that followed the August public workshops, participants expressed concern about negative impacts to the shrimp fishery from early staff-proposed options. The industry suggested alternative areas that would not only prohibit trawling close to shore, but also the deeper waters offshore of the barrier islands. The proposed boundaries were modified to reflect the industry-proposed zone (shown in black on the slide), but with the addition of expanded nearshore hardbottom areas (shown in red) along the eastern edge of the industry-proposed nearshore zone. Workshop survey participants from most user groups supported implementing a no-trawl zone in the park. However, support from commercial fishers continues to be mixed. There is also some concern that the proposed areas still do not include enough of the nearshore hardbottom.

The proposed final rule includes the no-trawl zones as approved at the December Commission meeting. The boundaries of these zones provide more coverage than the originally proposed zones, while displacing fewer fishermen, and still providing protection for portions of the hardbottom nursery habitat that is most susceptible to trawl damage.

# Adaptive Management



## Established Goal

- Increase average size and abundance of targeted species within BNP by at least 20%
- Management actions can be adapted in the future to achieve this goal

## Staff will return with an update after 5 years

- Evaluate progress toward the goal
- Identify barriers to achieving the goal
- Recommend management changes when appropriate

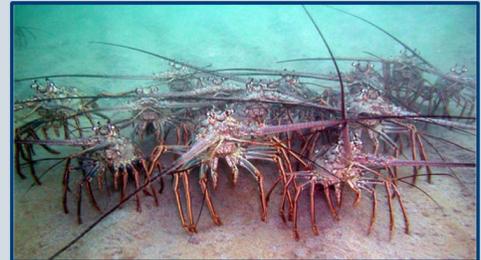


Photo courtesy of Jim Higgins

FWC maintains the ability to adapt fishery regulations to achieve the FMP goal based on the status of the fisheries. Periodic progress reports associated with the Science Plan will guide adaptive management.

Staff plan to produce reports of the Science Plan every five years that will evaluate the progress on whether the desired 20% increases in size and abundance have been achieved and what barriers, if any, might be inhibiting progress. At that time staff may recommend management changes, if necessary.

## Staff Recommendation

### Approve the final rules aimed at achieving the goals of the BNP FMP

- Modified size limits
- Aggregate recreational finfish bag limit
- Coral Reef Protection Areas – *Re-evaluate after 5 years*
- Trap use prohibited
- Lobster harvest prohibited
- Trap-free zone near park headquarters
- No-trawl areas



Photo courtesy of Don DeMaria

### Approve the Science Plan

### Approve MOU



*Staff to return in 5 years to provide an update on monitoring and progress*

Staff recommends the Commission approve the proposed final rules aimed at achieving the goals of the BNP FMP through modified size limits, creation of a 10-fish recreational aggregate bag limit, establishment of Coral Reef Protection Areas where traps and lobster harvest would be prohibited, creation of a trap-free zone near park headquarters, and establishment of no-trawl zones that include several areas of hardbottom habitat.

In addition, based on Commission direction, staff will re-evaluate the effectiveness of the CRPAs after five years to determine if the CRPAs are still necessary.

Staff also recommend the Commission approve the Science Plan and new MOU between FWC and BNP. Staff will return in five years to provide an update on monitoring and progress within BNP.

If approved and directed, staff recommends making the rules effective July 1, 2020.

Staff have evaluated the proposed final rules under 68-1.004, FAC, and found them to be in compliance.