

Consent Agenda: Federal Consistency – Atlantic King Mackerel Commercial Vessel Limits
Draft Rule Language
Federal Consistency: July 22, 2020

CHAPTER 68B-30: KING MACKEREL – ATLANTIC FISHERY

68B-30.003 Commercial Harvest Limits; Recreational Bag Limit; Gear Specifications.

(1) Commercial Harvest Limits. Persons holding a Florida resident, nonresident, or alien saltwater products license with a restricted species endorsement and a federal commercial permit to harvest king mackerel from the Atlantic Migratory Group, may harvest king mackerel from the Atlantic fishery upon the following conditions:

(a) The season for harvest of king mackerel from the Atlantic fishery has not been closed pursuant to Rule 68B-30.004, F.A.C.; and,

(b) Persons harvesting king mackerel for commercial purposes from the Atlantic fishery shall be subject to commercial vessel limits in adjacent federal waters pursuant to 50 C.F.R. §622.385(a)(1) (as of ~~TBD September 11, 2019~~) unless adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of king mackerel.

(2) Recreational Bag Limit. Any person harvesting king mackerel from the Atlantic fishery who does not meet the requirements and conditions established in subsection (1), shall be subject to a bag limit of two fish per person, per day.

(3) Possession of king mackerel in excess of the bag limits established in this rule by any person aboard a vessel fishing in the Atlantic fishery shall constitute a violation of this rule.

(4) Prohibited Gear. No person shall harvest king mackerel in the Atlantic fishery other than with hook and line gear, or by spearing.

(5) Transit provisions – A vessel that has onboard king mackerel harvested from an open area in either state or federal waters may transit through and land king mackerel in state waters that are closed to the harvest of king mackerel pursuant to Rule 68B-30.004, F.A.C., under the following conditions:

(a) The king mackerel have been legally harvested from state or federal waters pursuant to Chapters 68B-12 and 68B-30, F.A.C., or pursuant to Part 622 CFR for king mackerel;

(b) The king mackerel have been harvested pursuant to a Florida saltwater products license and restricted species endorsement (Section 379.362, F.S.) and a federal king mackerel permit (Part 622 CFR);

(c) The transport of king mackerel through the closed state waters is direct, continuous and expeditious from the area open to harvest to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold; and,

(d) All fishing gear must be stowed during transit through the closed area. For the purpose of this section appropriately stowed means a rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-15-87, Amended 11-1-88, 1-1-97, 1-1-98, Formerly 46-30.003, Amended 12-21-00, 10-12-15, 5-11-17, 2-3-20, - - .

Note: The effective date will be the same as the federal effective date, if possible.