

# MEMORANDUM



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

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

**Date:** April 19, 2017

**Subject:** Consent Agenda: Warren Bayou (Bay County) Seasonal Closure Repeal – Draft Rule

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**Purpose:**

Staff will present a draft rule to repeal a seasonal fishing closure in Warren Bayou (Bay County). This closure is no longer needed and repealing the rule will give anglers increased fishing opportunities by allowing harvest from Warren Bayou and its tributaries year-round.

**Summary:**

Warren Bayou is adjacent to West Bay (a segment of St. Andrews Bay in Bay County). In this area, a power plant has historically used water from the bay as a coolant for its energy-generating processes, specifically the coal-fired generators. As a result of this cooling process, artificially-heated water was released into a canal that empties into Warren Bayou. Artificially-heated water bodies can serve as thermal refuges for marine life in winter months and often results in dense aggregations of fish seasonally. In 1993, at the request of Bay County Board of County Commissioners (BOCC), a seasonal closure was implemented in the waters of Warren Bayou to reduce harvest pressure on fish aggregating in these waters during the cold weather months of November through February. This harvest closure applied to marine fish from the bayou, its tributaries, and all waters within 100 yards of the mouth of the bayou.

In March 2016, the power plant's coal-fired generator units were phased out and, as a result, warm water is no longer discharged into the surrounding water bodies. With this in mind, stakeholders have requested year-round access to Warren Bayou. Additionally, on March 7, 2017, the Bay County BOCC voted to send a letter to the Commission requesting the repeal of the rule as soon as practicable since warm water is no longer discharged into the canal. Repealing this rule will provide anglers additional access to fishing opportunities in Bay County.

**Staff Recommendation:**

Staff recommends approving the proposed draft rule to repeal 68B-5.003, Florida Administrative Code, the seasonal fishing closure in Warren Bayou. Staff also recommends the rule be advertised and filed for adoption without further hearing unless requested by a member of the public.

**Staff Contact and/or Presenter:**

Melissa Recks, Section Leader, Division of Marine Fisheries Management

Map:

