

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners  
**From:** Jessica McCawley, Director, Marine Fisheries Management  
**Date:** February 8, 2017  
**Subject:** Consent Agenda: Bully Nets – Final Public Hearing (Version 2)

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## **Purpose:**

Staff will present proposed final rules to create an open-access commercial bully net endorsement and improve the enforceability of commercial lobster regulations. The new bully net endorsement is intended to address concerns about the recent increase in participation in the commercial portion of the bully net fishery and maintain the viability of this traditional method of commercial harvest.

## **Summary:**

Bully netting is a method of lobster harvest carried out by commercial and recreational fishers, primarily in the Keys and southern Miami-Dade County during the first few months of the regular lobster season. It occurs at night and requires clear, calm water.

Stakeholder concerns related to this fishery include negative impacts to the financial viability of the commercial fishery with increasing participation and the potential for the bully net fishery to be used as a cover for illegal lobster harvest. Stakeholders have also expressed concerns about conflicts between recreational and commercial bully netters and members of the public.

In November 2016, the Commission approved a series of draft rules. The following are now under final consideration for adoption:

- 1) Create an open-access commercial bully net endorsement associated with the crawfish (lobster) endorsement that would help provide better data on this sector;
- 2) Require commercial bully net vessels to be marked in a reflective material with their bully net endorsement number so as to be readily identifiable;
- 3) Prohibit the simultaneous possession of a bully net and scuba tanks or other underwater breathing apparatus aboard a vessel being used to harvest or transport spiny lobster for commercial purposes.
- 4) Prohibiting trap pullers aboard commercial bully net vessels to prevent fishers from using the bully net fishery as a cover for illegal activity.

Following that meeting, staff identified the need to address the definition of “commercial harvester” as used in Chapter 68B-24, Florida Administrative Code (FAC). A proposed rule is presented that would update this definition to include a person who holds a valid crawfish license with a valid bully net endorsement if harvest is by bully net, and a valid saltwater products license with restricted species endorsement. This proposed rule, if approved, would require filing of a Notice of Change with the Department of State.

Finally, additional time was needed to file proposed rule changes for 68B-4.019, FAC, with the Department of State to reiterate the prohibition of trap pullers on bully net vessels and to implement additional rule cleanup measures that would update references to other commercial fishing licenses and endorsements. Staff is requesting to delay the final public hearing for this portion of the draft rules until the April Commission meeting.

**Staff Recommendation:**

Staff recommend approving delaying the final approval of proposed changes in 68B-4.019, FAC, to the April Commission meeting; approving advertisement of the Notice of Change to modify the definition of “commercial harvester”; and final approval of the remaining rules as described above, making these rules effective May 1, 2017. Staff also recommend launching a “Respectful Bully Netting” outreach campaign to address user conflicts between fishery participants and other members of the public.

**Staff Contact and/or Presenter:**

Melissa Recks, Section Leader, Division of Marine Fisheries Management