

Boundary Lines Cleanup

Consent Agenda – Item #4

SUMMARY OF PROPOSED CHANGES

Draft Rule Hearing

February 8, 2017

Gear Specifications and Prohibited Gear (68B-4, FAC)

1. **68B-4.011, FAC**

- This rule prohibits net fishing (other than a cast net or dip net) in the waters of the Faka Union River. The rule defines the mouth of the Faka Union River as a line between two aids to navigation that no longer exist and do not have geographic coordinates associated with them.
- *Staff recommend assigning coordinates that define the mouth of the Faka Union River in place of the absent aids to navigation.*

2. **68B-4.017(2)(c) – (d), FAC**

- This subsection contains a seasonal closure for the use of beach or haul seines in several bodies of water.
 - i. Paragraph (c) prohibits beach or haul seine use seasonally in all of the Estero River in Lee County, including those connecting the Estero River with Rocky Bay. The two geographic coordinates defining the mouth of the Estero River are inaccurate by several thousand feet.
 - ii. Paragraph (d) prohibits beach or haul seine use seasonally in all of the Hendry Creek and its tributaries (Lee County). The two geographic coordinates provided to describe the mouth of Hendry Creek do not accurately describe the area. One of the coordinates is inaccurate by approximately 300 feet while the other is inaccurate by approximately 1.8 miles.
- *Staff recommend correcting the geographic coordinates to more accurately define the mouths of the Estero River and Hendry Creek in Lee County.*

Shrimp (68B-31, FAC)

1. **68B-31.016(2), FAC**

- This rule prohibits the commercial harvest of food shrimp within the Tortugas Shrimp Beds year round and subsection (2) defines the Tortugas Shrimp Beds.
 - i. Geographic coordinates defining four referenced landmarks have inaccuracies ranging from approximately 100 to 700 feet.
 - ii. This subsection also contains four points defining shoreline landmarks which are vague, outdated, or difficult to interpret.
- *Staff recommend correcting the existing geographic coordinates to more accurately represent the referenced aids to navigation and providing more clearly defined shoreline landmarks (including geographic coordinates) that define the Tortugas Shrimp Beds.*

2. **68B-31.018(2), (4), (5), and (8), FAC**

- This rule contains several seasonal and year-round closures to shrimp harvest in Franklin and Wakulla counties.
 - i. Subsection (2) paragraph (d) prohibits the harvest of shrimp year-round in all waters of Big Bayou at St. Vincent Island. The two geographic coordinates defining the entrance to Big Bayou do not accurately describe the area. One of the coordinates is inaccurate by approximately 1 mile while the other is inaccurate by approximately 550 feet.
 - ii. Subsection (4) prohibits the harvest of shrimp seasonally in a portion of St. George Sound. The geographic coordinates defining four referenced landmarks have inaccuracies ranging from approximately 500 to 800 feet.
 - iii. Subsection (5) prohibits the harvest of shrimp seasonally in an area of Apalachicola Bay. The geographic coordinates defining two shoreline landmarks have inaccuracies ranging from approximately 400 to 500 feet. Additionally, references to two of the referenced aids to navigation do not include the corresponding geographic coordinates.
 - iv. Subsection (8) prohibits the harvest of shrimp in all waters of Apalachee Bay year round. The geographic coordinates defining three referenced landmarks have inaccuracies of less than 300 feet.
- *Staff recommend correcting the geographic coordinates to more accurately define the referenced shoreline landmarks and aids to navigation, and including coordinates for aids to navigation that are currently only referenced by name.*

Pompano, African Pompano, and Permit (68B-35, FAC)

1. **68B-35.002(10), FAC**

- This subsection defines the “Pompano Endorsement Zone.” This subsection references “Hurricane Pass, in the Gulf of Mexico;” however, there are two Hurricane Passes in the Gulf of Mexico which may lead to confusion.
- *Staff recommend clarifying that the “Hurricane Pass” referenced lies within Collier County.*

2. **68B-35.005(2)(a), FAC**

- This paragraph also defines the boundaries of the “Pompano Endorsement Zone.” The paragraph references “Hurricane Pass, in the Gulf of Mexico;” however, there are two Hurricane Passes in the Gulf of Mexico which may lead to confusion.
- *Staff recommend clarifying that the “Hurricane Pass” referenced lies within Collier County.*

Shrimping and Trapping (68B-38, FAC)

1. **68B-38.003(3), FAC**

- This rule prohibits trawling within an area off of Taylor County and subsection (3) defines the area using aids to navigation and shoreline landmarks, most of which have an associated geographic coordinate.
 - i. The geographic coordinates defining three landmarks have inaccuracies ranging from approximately 1,300 to 1,800 feet.
 - ii. Two aids to navigation referenced in rule are no longer present.
 - iii. One shoreline landmark (a point “on the north side of the channel at Steinhatchee”) is vague and may lead to confusion.

- *Staff recommend correcting the geographic coordinates to more accurately define the referenced aids to navigation, remove the reference to aids to navigation no longer present, and better define the vague shoreline landmark within Steinhatchee with a geographic coordinate.*

Mullet (68B-39, FAC)

1. 68B-39.0045(3)(a) – (b), FAC

- This rule prohibits the harvest seasonally of more than five mullet per person or per vessel within an area of Pinellas County.
 - i. Subsection (3) paragraphs (a) – (b) define the area where the seasonal bag limit applies. The inaccuracies of the geographic coordinates needing correction range from approximately 1,500 to 2,100 feet. The description of the water bodies also uses a confusing system (the Public Land Survey System) to define the area, and should be updated to a more modern description using geographic coordinates.
 - ii. The St. Petersburg Pier, which was referenced as part of the boundary in this rule, was demolished in 2016. New coordinates are needed in order to preserve the original boundary of the area. This was addressed in the short-term through Executive Order 16-54 which replaces the reference to the pier with a geographic coordinate. Proposed updates to this rule would codify the geographic coordinate used in EO 16-54.
- *Staff recommend correcting the geographic coordinates to more accurately define the referenced aids to navigation, redefining the area using more user-friendly terminology, and replacing the reference to the former St. Petersburg Pier with a geographic coordinate.*

2. 68B-39.005(2), FAC

- This rule prohibits the commercial harvest of striped or silver mullet in an area offshore of the three nautical mile line within Monroe and Collier Counties and subsection (2) defines the area where the closure applies.
 - i. One aid to navigation referenced in rule is no longer present.
 - ii. The geographic coordinates referencing one aid to navigation are inaccurate by approximately 1,500 feet.
- *Staff recommend replacing the reference of the aid to navigation that no longer exists with a geographic coordinate and correcting the inaccurate geographic coordinate referencing the other aid to navigation.*

Marine Life (68B-42, FAC)

1. 68B-42.0036(4), FAC

- This subsection defines a portion of the Stetson-Miami Terrace Deepwater Coral Habitat Area of Particular Concern, an area in federal waters off of Florida where harvest of octocorals is prohibited. This definition was adopted by incorporating a portion of the description of the area in the Code of Federal Regulations but does not currently fully enclose the area as intended.
- *Staff recommend adding three geographic coordinates so that the description encompasses the area completely, making the definition more consistent with the area as defined in the Code of Federal Regulations.*