



This is a final public hearing for Atlantic black sea bass. Black sea bass are regulated as reef fish in Chapter 68B-14, Florida Administrative Code (F.A.C.). This action would make state recreational bag and size limits and commercial black sea bass regulations in the Atlantic Ocean consistent with federal regulations that are already in effect.

Author: Martha Bademan and Jessica McCawley

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## Background – Atlantic Black Sea Bass

- Rebuilding plan began in 2006
- 2011 SEDAR stock assessment: overfishing, not fully rebuilt
- Rebuilding scheduled to be completed in 2016
- Fishing pressure has been increasing
- Both recreational and commercial sectors closed early in 2010, 2011, and 2012



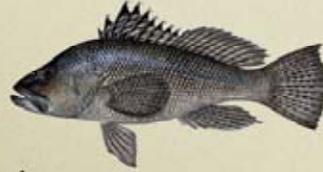
Black sea bass has been in a rebuilding plan since 2006, and the 2011 stock assessment for black sea bass showed that the Atlantic stock is undergoing overfishing and not yet fully rebuilt, but not overfished. Black sea bass is scheduled to be rebuilt by the end of the 2015-2016 fishing year.

As harvest restrictions on other species have increased, more fishermen have been fishing for black sea bass. The black sea bass fishing year is usually June 1 – May 31 each year. In the 2010-11 recreational harvest season for black sea bass, the annual quota was exceeded by 67,253 pounds, and the fishery was closed early on Feb. 12, 2011. The 2011-2012 recreational annual catch limit (ACL) was reduced to account for this overage. Both the commercial and recreational sectors closed early in 2011 because quotas were met or exceeded. The recreational fishery met the adjusted recreational annual catch limit (ACL) and closed Oct. 17, 2011, through the end of the fishing year, May 31, 2012. The commercial fishery met its quota for 2011-2012 and closed on July 15, 2011, just 45 days after the season opened. According to NOAA Fisheries Service, the 2012-2013 recreational ACL has been reached and recreational harvest in federal waters closed on Sept. 4. The commercial fishery closed on Oct. 8, 2012, because the 2012-2013 commercial ACL had been projected to be met.

In response, the South Atlantic Fishery Management Council (Council) recently approved a suite of measures to limit commercial effort and reduce the rate of harvest in the recreational and commercial sectors. Staff recommends making the changes to FWC rules outlined on the following slides. These proposed rule amendments would make the recreational bag and size limits, and commercial rules for Atlantic black sea bass consistent with the new federal rules. The changes would also address several outstanding differences between state and federal commercial black sea bass trap rules.

## Current State Regulations - Atlantic

- Recreational
  - 15-fish bag limit
  - 12" TL minimum size limit
  - Hook and line, spearing allowed
- Commercial
  - SPL, RS, and federal commercial snapper grouper permit required
  - 10" TL minimum size limit
  - Traps, hook and line, spearing allowed
  - Must follow federal trip limits
  - State waters close when federal waters close



Recreational harvesters fishing in Atlantic state waters may currently harvest up to 15 black sea bass per person per day. There is a minimum size limit of 12 inches total length and harvest is allowed all year. Recreational harvesters may use hook and line with circle hooks or spears to harvest black sea bass. For commercial harvest in state waters, a saltwater products license, restricted species endorsement, and federal snapper grouper commercial permit are required. There is a 10-inch (total length) minimum size limit and traps, hook and line, or spears can be used to harvest black sea bass. Commercial harvesters must follow federal trip limits and state waters close to black sea bass harvest when federal waters close.

## Federal Actions - Recreational

- Bag limit reduced from 15 to 5 fish per person per day
- Size limit increase from 12 to 13 inches TL
- Fishery closes when ACL is met even if stock is not overfished



The next two slides summarize a suite of measures that recently took effect in Atlantic federal waters to limit commercial effort and reduce the rate of harvest in the recreational and commercial sectors. To reduce the rate of harvest in the recreational sector, the bag limit was reduced from 15 to five fish per person per day in Atlantic federal waters. This reduction took effect June 22, 2011. Additionally, the minimum size limit for black sea bass in Atlantic federal waters was increased from 12 to 13 inches total length (TL) to reduce the rate of recreational harvest, and an accountability measure was put in place to close the recreational fishery when the recreational annual catch limit (ACL) is met, even if the stock is not overfished. The size limit and accountability measure changes took effect July 1, 2012.

## Federal Actions - Commercial

- Measures effective July 1, 2012:
  - Increased minimum size limit from 10 to 11 inches
  - 1,000 lb trip limit for all harvesters
  - Trap endorsement program established
  - Limited number of traps to 35 per year
  - Trap tags required
  - Require traps to be pulled at the end of each trip



The Council also approved a number of management measures to limit commercial effort and reduce the rate of harvest in the commercial sector. These measures took effect July 1, 2012 and include a 1,000-pound gutted weight trip limit and minimum size limit increase from 10 to 11 inches total length for all commercial black sea bass harvested in Atlantic federal waters. Nearly 90% of the commercially-harvested black sea bass in the South Atlantic are harvested with black sea bass traps. To limit participation in the trap segment of the fishery, the Council established a limited entry trap endorsement program. Vessels with endorsements may fish up to 35 traps per vessel and each trap is required to have a tag. Traps are also required to be removed from the water and returned to shore at the conclusion of each trip to reduce bycatch of other species. There are currently seven Florida vessels that have this endorsement and can trap black sea bass in Atlantic federal waters.

## Federal Recreational Accountability Measures

- In-season closure if recreational annual catch limit (ACL) is projected to be met
- Following season could be shortened to account for overrun
- Season has closed early in recent years
- Staff recommends no immediate action, but if closures occur in federal waters, staff could return with proposals for consistency in state waters

Note: Commercial harvest in state waters already closes when federal waters close

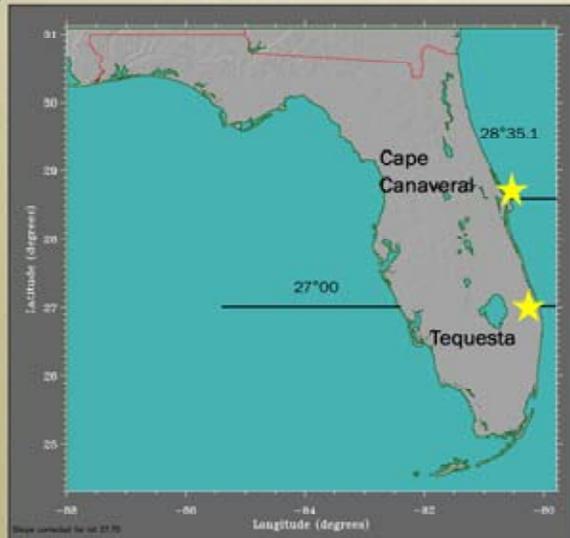


Current federal regulations allow for in-season closures if the recreational ACL is projected to be met to avoid exceeding the ACL. If the ACL is exceeded, the next year's fishing season could be shortened to account for the overrun. The black sea bass fishing year is usually June 1 – May 31 each year, but the recreational season has closed early the last three years.

At this time, staff recommends no action on these accountability measures, but recommends considering recreational season changes on a case-by-case basis as they are announced for federal waters. FWC staff will keep the Commission informed of these actions in federal waters as they occur.

## State-Federal Inconsistencies Identified by FWC Staff

- Allowable trapping area boundary
- Trap specifications
  - Dimensions
  - Degradable panel materials
  - Mesh sizes



FWC staff has also identified other differences between state and federal regulations for black sea bass in the Atlantic Ocean. In Atlantic federal waters, black sea bass traps are prohibited south of  $28^{\circ} 35.1'$  north latitude, which is due east of the NASA Vehicle Assembly Building in Cape Canaveral. In state waters, black sea bass traps are prohibited south of  $27^{\circ}$  north latitude, which is just north of Tequesta. This line was originally established by the Florida Legislature in 1980 and is now part of FWC rules. Nearly all black sea bass trap harvest off Florida's Atlantic coast occurs in federal waters north of Cape Canaveral.

Another regulation inconsistency between Atlantic federal and state waters is the specifications for black sea bass trap construction. Traps deployed in federal waters must have six rectangular sides and cannot exceed 25 inches in height, width, or depth. The maximum size for state waters traps is slightly smaller (cannot exceed 24 inches in height, width, or depth, or a volume of 8 cubic feet). Degradable panels are required in black sea bass traps set in both state and federal waters, but the allowable materials that can be used to construct these panels in traps to be fished in each area are different. Federal regulations also specify allowable mesh sizes, whereas state rules do not.

These issues should be addressed if the Commission decides to make Atlantic state waters black sea bass trap regulations consistent with the federal regulations shown on the previous slides. This would allow traps that are legal in federal waters to be used in state waters and vice versa.

The following slides outline the staff recommendation for black sea bass regulation changes for Atlantic state waters.

## Proposed Rule – Size Limits

Change minimum size limits for the Atlantic Ocean to match federal limits:

- Recreational: Increase from 12 to 13 inches TL
- Commercial: Increase from 10 to 11 inches TL



Chapter 68B-14.0035, F.A.C. (Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper) would be modified to increase the Atlantic Ocean black sea bass recreational minimum size limit from 12 to 13 inches total length (TL) and the commercial minimum size limit from 10 to 11 inches TL. The Council chose to increase the minimum size limits for both recreational and commercial harvesters in an effort to slow down harvest of black sea bass so that the ACL is reached later in the year. Once the ACL for a sector is projected to be met, harvest closes for that sector in federal waters until the next fishing year begins on June 1. Commercial harvest in state waters also already closes when federal harvest closes, and federal for-hire permit holders are required to stop harvesting black sea bass in state waters when federal waters close. However, there is no such provision for private recreational harvesters in state waters and staff does not recommend adopting one at this time.

The Council chose the 11-inch minimum size limit for commercial harvest because most commercially caught black sea bass are caught in traps and the Council was concerned that a bigger minimum size limit would increase the rate of dead discards. However, black sea bass are considered to have a low discard mortality rate when caught on hook and line, so the Council felt that undersized fish released by recreational anglers would likely survive if released quickly.

## Proposed Rule Amendment – Recreational Bag Limit

- Reduce the recreational harvest and possession limit for the Atlantic Ocean from 15 to 5 fish per person per day
- Would likely result in longer federal season and allow federally-permitted for-hire vessels more opportunities to fish for black sea bass in state waters



Chapter 68B-14.0036, F.A.C. (Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption) would be amended to reduce the recreational harvest and possession limit for Atlantic black sea bass from 15 to five fish per person per day. As with the increased recreational size limit, reducing the bag limit to five fish would likely result in a longer federal season for black sea bass because it would take longer to reach the recreational ACL with the lower bag limit. This would be beneficial to for-hire boats that are required to follow federal rules for black sea bass, even in state waters, and to private recreational anglers that fish for black sea bass in Atlantic federal waters.

## Proposed Rule Amendment – Commercial License Requirement for Traps

Require a valid federal South Atlantic black sea bass pot endorsement and a valid federal South Atlantic snapper grouper unlimited commercial permit for a person to fish with black sea bass traps in the Atlantic Ocean



Chapter 68B-14.0045, F.A.C. (Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits) would be modified to specify that a valid federal South Atlantic black sea bass pot endorsement and a valid federal South Atlantic snapper grouper unlimited commercial permit are required for a person to fish with black sea bass traps in the Atlantic Ocean. This endorsement and permit are required to set black sea bass pots in Atlantic federal waters. State rules already require commercial harvesters fishing for black sea bass in Atlantic state waters to hold valid federal commercial snapper grouper permits. The black sea bass trap fishery in state and federal waters is commercial only.

There are very few black sea bass trap landings in Atlantic state waters, but requiring the black sea bass pot endorsement and snapper grouper unlimited permit to trap in Atlantic state waters would help reduce confusion about the requirements for traps in Atlantic state waters and aid enforcement of federal rules.

## Proposed Rule Amendment – Trap Specifications and Requirements

- Require black sea bass traps to have valid federal tags when fished in the Atlantic
  - 35 tags issued by NOAA per endorsement
- Traps can only be used north of Cape Canaveral
- Trap specifications would be modified to match those for Atlantic federal waters
- Require traps fished in the Atlantic Ocean to be removed from the water at the end of each trip



Atlantic Ocean black sea bass trap regulations would be updated in Chapter 68B-14.005, F.A.C. (Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation). Black sea bass traps that are fished in Atlantic state waters would be required to have a valid federal black sea bass pot tag attached. These tags are issued by NOAA Fisheries Service with the black sea bass pot endorsement. NOAA issues 35 trap tags per year to each vessel with a black sea bass pot endorsement, so only 35 traps may be fished at one time.

Traps would also be required to be used north of 28°35.1' N latitude in the Atlantic, which is off Cape Canaveral, to match the federal black sea bass trapping area. Currently black sea bass traps may be used north of 27° N latitude in Atlantic state waters. However, nearly all (greater than 99%) black sea bass harvest off the Atlantic coast of Florida occurs in federal waters north of Cape Canaveral, so moving the trapping area boundary line north to match the federal line is not expected to impact the commercial trap fishery.

Similarly, trap specifications for traps in Atlantic state waters would be updated to match trap specifications for federal waters. Currently, trap dimensions, allowable materials for degradable panels, and mesh size requirements are different in Atlantic state and federal waters, so federal traps may not be used in state waters and vice versa. Matching the federal requirements would allow black sea bass trappers more flexibility in where they could deploy their traps, and could save trappers money because they could use the same type of trap in both state and federal waters.

Finally, traps fished in Atlantic state waters would be required to be removed from the water at the end of each trip and brought back to shore, as already required in federal waters. The purpose of this rule is to help reduce bycatch and “ghost fishing” by lost traps. Most black sea bass trap fishermen already remove their traps from the water at the end of each trip, so this change is not expected to be burdensome on the commercial trap fishery.

## Staff Recommendations

- Approve proposed rule amendments for Atlantic black sea bass:
  - Increase minimum size limits for commercial (11" TL) and recreational (13" TL) harvest
  - Decrease recreational bag limit to 5 fish
  - Require federal endorsement and permit for traps
  - Match federal trap specifications and requirements in state waters
  
- If approved, make the rule effective Feb. 1, 2013



Staff recommends approving the proposed rule amendments for Atlantic black sea bass. These proposed rule amendments would: 1) increase the minimum size limits for commercial and recreational harvest to 11 inches TL and 13 inches TL respectively in the Atlantic, 2) decrease the recreational bag limit from 15 to five fish per person per day in the Atlantic, 3) require anyone fishing with black sea bass traps in Atlantic state waters to have a federal South Atlantic black sea bass pot endorsement and a commercial snapper grouper unlimited permit, and 4) change Atlantic state trap requirements to match federal trap specifications and requirements (this would include trap construction requirements, requiring traps to be set in waters north of Cape Canaveral, and requiring traps to be removed from the water and brought back to shore at the conclusion of each trip).

If approved, staff recommends making the rule effective February 1, 2013. Staff has evaluated the rule under the standards of 68-1.004, F.A.C., and found it to be in compliance.

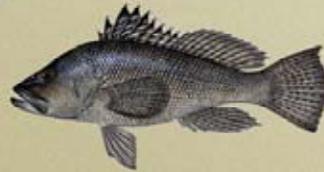
The following slides are considered back up material and are not anticipated to be part of the actual presentation to the Commission



## South Atlantic Recreational ACLs, Landings, and Closure Dates

Year	ACL	Catch	Overage	Closure Date
2009-2010	409,000 lbs	486,722 lbs	19%	n/a
2010-2011	409,000 lbs	476,253 lbs	16%	Feb. 12
2011-2012	341,747 lbs	484,277*	42%*	Oct. 17

\* 2011-2012 catch and overage estimates are preliminary



This is a summary of recreational ACLs, landings, and closure dates for the recreational black sea bass fishery in the South Atlantic. Landings are from state and federal waters off North Carolina, South Carolina, Georgia, and Florida. Catch and overage estimates are preliminary for the 2011-2012 fishing year. The black sea bass fishing year begins June 1 and ends May 31. There was no ACL closure with the 2009-2010 overage because accountability measures that close the fishery when the ACL is projected to be met had not yet been implemented.

## South Atlantic Commercial ACLs, Landings, and Closure Dates

Year	ACL	Catch	Overage	Closure Date
2009-2010	309,000 lbs	298,286 lbs	n/a	Dec. 20
2010-2011	309,000 lbs	323,353 lbs	4.64%	Oct. 7
2011-2012	309,000 lbs	369,033 lbs	19.43%	July 15



This is a summary of commercial ACLs, landings, and closure dates for the recreational black sea bass fishery in the South Atlantic. Landings are from state and federal waters off North Carolina, South Carolina, Georgia, and Florida. The black sea bass fishing year begins June 1 and ends May 31.

## Recreational Harvest of Black Sea Bass off East Florida 2000-2011

