

**NOTICE OF PROPOSED RULE
FISH AND WILDLIFE CONSERVATION COMMISSION**

DIVISION: Marine Fisheries

RULE NO: 68B-14.0039 **RULE TITLE:** Recreational Grouper Seasons

PURPOSE AND EFFECT: The Commission is considering changes to state regulations that would set the recreational harvest season for gag grouper all waters of Franklin, Wakulla, Jefferson, and Taylor counties, including Indian Pass, Apalachicola Bay, and the Steinhatchee River (Big Bend region) to be April 1 through June 30 and modify the recreational harvest season for gag grouper in all other state waters of the Gulf of Mexico, excluding Monroe County, to begin July 1 and end when the recreational harvest season in Gulf of Mexico federal waters ends. The purpose of this rule is to achieve consistency between the Commission's gag grouper harvest season regulations in most state waters of the Gulf of Mexico and regulations in Gulf federal waters, while accommodating the economic and social needs of recreational harvesters in the Big Bend region of Florida.

The effect of these rule amendments is to balance the economic and social needs of the Big Bend region with the conservation needs of gag grouper in the Gulf of Mexico. The April through June season for the Big Bend region will provide fishing opportunities for private recreational anglers when gag grouper are closer to shore and can be safely accessed by smaller boats. Overall fishing effort for gag grouper is low in these counties, because it is the least densely populated region of Florida's Gulf Coast, so this season is not expected to disrupt rebuilding of the Gulf gag grouper stock. In the remainder of Gulf state waters, excluding Monroe County, the proposed season would match the season in adjacent federal waters, which will allow federal and state rules to be consistently applied in these areas, and provide the maximum number of recreational fishing days for gag grouper in EEZ and adjacent state waters allowed under the federal rebuilding plan for this species.

SUMMARY: The proposed final rule would modify the recreational harvest season for gag grouper in all state waters of the Gulf of Mexico, excluding Monroe, Franklin, Wakulla, Jefferson, and Taylor counties, Indian Pass, Apalachicola Bay, and the Steinhatchee River, to begin July 1 and end when the Gulf federal season ends. The proposed final rule would also set the recreational harvest season for gag grouper all waters of Franklin, Wakulla, Jefferson, and Taylor counties, including Indian Pass, Apalachicola Bay, and the Steinhatchee River to be April 1 through June 30.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: *The agency has determined that this rule will ___or will not ___X___ have an impact on small business. A SERC has ___ or has not ___X___ been prepared by the agency.*

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternatives must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission's regular meeting February 13-14, 2013, 8:30 a.m. to 5:00 p.m., each day.

PLACE: SeaWorld Park, 7007 SeaWorld Drive, Orlando, FL 32821.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5

calendar days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850) 487-0554.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68B-14.0039 Recreational Grouper Seasons.

(1) No change.

(2) (a) In all state waters of the Gulf of Mexico, except in all waters of Monroe County and the waters described in paragraph (b), the season for the recreational harvest and possession of gag grouper shall be from July 1 ~~through October 31~~ until the date recreational harvest of gag grouper is closed in adjacent federal Exclusive Economic Zone (EEZ) waters each year (consistent with the Federal Standard established in vol. 77 of the Fed. Reg. page 6988). Except for persons harvesting gag grouper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from ~~November 1~~ the date adjacent federal EEZ waters are closed to recreational harvest of gag grouper through June 30, no person shall harvest in or from state waters of the Gulf of Mexico, except in all waters of Monroe County, nor possess while in or on state waters of the Gulf of Mexico, except in all waters of Monroe County, any gag grouper.

(b) In all waters of Franklin, Wakulla, Jefferson, and Taylor counties, including Indian Pass, Apalachicola Bay, and the Steinhatchee River the season for the recreational harvest and possession of gag grouper shall be from April 1 through June 30. Recreational harvest of gag grouper is prohibited in these counties July 1 through March 31. This area is further described:

Commencing at the edge of the Gulf of Mexico at Indian Pass at 85 degrees 13.76 minutes west longitude and 29 degrees 40.71 minutes north latitude; thence in a southerly direction to the limit of state jurisdictional waters of the Gulf of Mexico at 85 degrees 13.71 minutes west longitude and 29 degrees 30.32 minutes north latitude; thence in an easterly direction along the southern limit of state jurisdictional waters to the southeast corner of the closed area at 83 degrees 34.52 minutes west longitude and 29 degrees 31.62 minutes north latitude; thence in a northeasterly direction along the Taylor-Dixie county waters boundary to the opening of the Steinhatchee River, thence in a northeasterly direction to the eastern shore at the mouth of the Steinhatchee River at 83 degrees 24.53 minutes west longitude and 29 degrees 40.03 minutes north latitude and including all waters of the Steinhatchee River.

State jurisdictional waters are depicted on official NOAA charts as the "9-Nautical Mile Natural Resources Boundary Line" and commonly referred to as the nine mile line (see NOAA chart numbers 11401, 11405, and 11407, and "Note X" on these charts).

(3) No change.

PROPOSED EFFECTIVE DATE: March 31, 2013

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-6-09, Amended 8-27-09, 1-19-10, 6-17-11, 3-23-12, 3-31-13.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850) 487-0554.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.R.: December 28, 2012