



This document summarizes a draft rule that would update the Commission's Bluefish Rule 68B-43, Florida Administrative Code (FAC), by removing several outdated provisions, clarifying that the size limit and recreational bag limit extend into federal waters, and reformatting the rule to conform to the new style developed under the Florida Fish and Wildlife Conservation Commission's (FWC) 68B rule cleanup process (presented for Commission consideration at this meeting under the 68B Rule Cleanup and Reorganization agenda item).

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Florida's Bluefish Fishery

- Jointly managed by FWC/ASMFC/MAFMC
- Florida's regulations extend into federal waters
- Operates under a quota set by NOAA Fisheries for state and federal waters off Florida's Atlantic coast
- Commonly harvested as bycatch in association with federally managed species
- Small commercial fishery on both Atlantic and Gulf coasts



Florida's bluefish fishery is jointly managed by the FWC and by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC) under the *Fishery Management Plan for the Bluefish Fishery* (FMP). Although the fishery is federally managed off the mid-Atlantic states, there is no federal FMP for federal waters off Florida and Florida's state regulations extend into federal waters.

Since 1995, NOAA Fisheries has set an annual state-by-state commercial quota and Florida is required by ASMFC to close the fishery if that quota is projected to be met. In 1995, the Marine Fisheries Commission (MFC) adopted into rule Florida's quota for that year of 877,000 pounds along with other management measures for the bluefish fishery. This commercial quota applies to bluefish harvested commercially from state and federal waters of Atlantic, as required by ASMFC.

Bluefish is commonly harvested commercially off Florida as bycatch in other federally managed fisheries, such as the Spanish mackerel gill net fishery. Florida's bluefish fishery is very small in comparison to commercial fisheries such as mackerel and reef fish. Florida has not reached its quota in any year since the quota was implemented.

Purpose for Rule Change

Remove gear specifications

- Eliminate the conflict with statewide gear regulations
- Allow continued harvest of bluefish caught in federal waters as bycatch in federally managed fisheries

Update quota

- Allow the fishery to remain open until the federal quota is met

Clarification Amendments

- Clarify that the size limit, landed in whole condition requirement, and recreational bag limit extend into federal waters



In 1995, after implementation of the Net Limitation Amendment, the bluefish rule was updated with the intent to remove language that allowed gill nets to be fished in state waters. However, this update was incomplete and the current rule still references the use of net gear in state waters that is prohibited under the Constitution and the Commission's statewide gear regulations. The FWC gear specifications that need to be removed apply only to the commercial fishery, and only in state and federal waters on the Atlantic coast. They include net tending requirements, marking specifications, maximum net length, minimum mesh size, and soak time requirements. In addition to being in direct conflict with statewide gear regulations, the gear requirements are inconsistent with those for federally managed fisheries in which bluefish are caught as bycatch. Removing these gear specifications would make the bluefish regulations consistent with the requirements of the Florida Constitution and allow bluefish caught as bycatch in legal federal water gill net fisheries to be legally harvested and landed.

The commercial quota of 877,000 pounds implemented in 1995 is static, while the quota set by the MAFMC and NOAA Fisheries changes annually. This federal quota has been steadily increasing and Florida's current state quota for the Atlantic commercial fishery is greater than one million pounds. Updating the quota in state regulations would allow the fishery to remain open until the annual quota is met, should the fishery expand in the future.

Based on guidance received from the judge hearing a case involving snook harvest, the rule language for the bluefish size limit, landed in whole condition requirement, and recreational bag limit also needs to be updated. Staff recommends clarifying that the current size limit and recreational bag limit extend into federal waters by adding the "within or without" language recommended by the courts for extension of the snook rules into federal waters.

Staff has contacted the MAFMC, the ASMFC, and NOAA Fisheries and has confirmed that the proposed changes would not be in conflict with the FMP or other federal regulations for fisheries in which bluefish are commonly caught as bycatch.

Proposed Rule

68B-43.005 East Coast Commercial Harvest: Daily Vessel Harvest and Possession Limit/Season Harvest Limit; Gear Specifications

- *Remove east coast gear specifications for Atlantic state and federal waters*
- *Remove static quota allowing the fishery to remain open until the federal quota is met*

68B-43.003 Size Limit; Bluefish to be Landed in Whole Condition

- *Clarify the size limit and landed in whole condition requirement extend into federal waters*



The proposed draft rule would remove gear specifications for Atlantic state and federal waters that are inconsistent with statewide gear regulations and the Florida Constitution and allow bluefish to be landed legally as bycatch in other federally-managed fisheries. The draft rule would also remove the 877,000-pound static quota and allow the commercial harvest of bluefish in Florida Atlantic waters and adjacent federal waters to remain open until the annual quota provided by the MAFMC and NOAA Fisheries is reached.

The proposed draft rule would also clarify that the current size limit and the requirement that bluefish be landed in whole condition extend into federal waters on both the Atlantic and Gulf coasts.

Proposed Rule (continued)

68B-43.004 Bag Limits

- *Clarify the recreational bag limit extends into federal waters*

Rule Cleanup – Chapter 68B-43

- *Reformat to conform to new style*



The proposed draft rule would also clarify that the current recreational bag limit applies in both state and federal waters statewide.

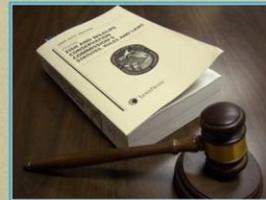
Finally, staff requests permission to advertise this rule in the new format developed for Division 68B, FAC, during the marine fisheries rule cleanup process that will also be discussed at this meeting.

Staff Recommendation

Approve the proposed draft rule

- Remove inconsistent gear specifications
- Allow fishery to remain open until quota is met
- Clarify that the size limit, landed whole condition requirement, and recreational bag limit extend into federal waters
- Advertise the rule in new format developed for Division 68B, FAC

**If directed, return for a Final Public Hearing
at the June 2013 Commission meeting**



Staff recommends approving the proposed draft rule to remove gear specifications for the bluefish fishery which are inconsistent with statewide gear regulations, the Florida Constitution, and the federal fisheries net gear in which bluefish are taken as bycatch. Staff all recommends removing the 877,000-pound quota in order to allow the fishery to remain open until the annual quota set by the MAFMC and NOAA Fisheries is met and clarifying that the size limit, landed in whole condition requirement, and recreational bag limit extend into federal waters. Staff recommends the Commission also grant staff permission to advertise the rule in the new format developed for Division 68B, FAC, under the rule cleanup process.

If directed, staff recommends returning for a final public hearing at the June 2013 Commission meeting.

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



Current Florida Bluefish Regulations

Recreational – Statewide

- 12 in size limit
- 10-fish bag limit

Commercial – Statewide

- Saltwater Products License and Restricted Species endorsement required
- 12 in size limit

Commercial – East Coast Region (Dade/Monroe county line to FL/GA border)

- 7,500 lb trip limit
- 877,000 lb quota
- Gill net specifications



Florida's bluefish regulations include a 12 inch minimum size limit. Recreational anglers are limited to a 10-fish bag limit. All bluefish must be landed in whole condition.

A Saltwater Products License (SPL) with a Restricted Species (RS) endorsement is required for commercial harvest. Commercial fishermen fishing in the East Coast Region (state and federal waters from the Miami-Dade/Monroe county line to the Florida/Georgia border) must abide by a 7,500-pound trip limit and there is an 877,000-pound annual commercial quota for bluefish harvested commercially from that region. Commercial harvesters operating in the East Coast Region are also required to abide by certain gear specifications when fishing with gill or trammel nets.