



**Lake Okeechobee: Commercial Haul Seine
Proposed Rule Amendments : 68A-23.012(4)
June 12, 2013**

**Florida Fish and Wildlife Conservation Commission
Division of Freshwater Fisheries Management**

Version 1

Staff is presenting several proposed amendments to the rules relating to the management of commercial haul seine operations on Lake Okeechobee. These amendments would be to Florida Administrative Code Rule 68A-23.012(4). The reason for considering these changes is because of concerns that were raised by fishers on the Lake.

Stakeholder Coordination

- Concerns raised by recreational fishers about the haul seine program included possible overfishing, habitat destruction, and safety.
- Staff held meetings with recreational fishers and haul seine fishers separately to hear and understand their concerns.
- Staff researched rules, examined data, and created potential solutions.
- April 1, 2013 - Facilitated meeting with stakeholder groups to discuss potential rule and permit changes to the program.



Recreational stakeholder meetings

-May 11, 2011

-Oct 10, 2012

Haul seiners meetings

-May 24, 2011

-Sept 6, 2011

-Oct 4, 2011

Facilitated Meeting on April 1, 2013



What is a haul seine?

Haul Seines on Lake Okeechobee can be anywhere from 500 to 1600 yards (0.9 miles) long and are a minimum of 10 feet deep.

The net is unfurled out of the holding boat by another boat (top photos).

Seines from 1000 to 1600 yards can be pulled on both ends, also called deadheading.

The minimum size mesh in the pocket is no more than 250 yards of 2.5" stretched mesh to prevent entanglement. Largest mesh that can be in the net is 4.5" stretch mesh.

Once these larger seines are in the water, both boats begin to pull from each end. In the bottom left photo, you can even see the mud line where the net is dragging on the bottom while being pulled by two boats.

The average haul seine pull using this method on Lake Okeechobee covers roughly 40 acres.

Seines under 1000 yards have to be staked at one end and then pulled around the stake, demonstrated in the last photo on the bottom right.

Fish are removed from the netted area by dipping nets or baskets and are not typically entangled in the mesh of the net.



Haul seiners are required to keep and remove all nongame fish (such as shad and gar) captured in the gear.

The targeted fish species of the haul seine are catfish, bluegill and redear sunfish.

Bluegill, warmouth, and redear are allowed to be sold after each fish is tagged.

The tags are purchased by the permit holder in boxes of 5000 from FWC.

Staff monitor commercial harvest and population levels every year. We also survey recreational anglers to estimate effort, catch, and success. These data are evaluated to ensure that haul seine fishery remains sustainable and does not negatively impact recreational fishery for bluegill and redear sunfish.

Brief History of Haul Seines on Lake Okeechobee

- 1890: Commercial fishing begins on Lake Okeechobee.
- 1900: Large scale haul seines begin operation in up to 50 fish camps.
- 1946-1976: Periodic closures and re-openings of haul seining.
- Oct 1976: Okeechobee Fisheries Utilization and Management Program (OFUMP) implemented to remove lake nutrients and improve growth rates of game fish, primarily crappie.
- May 1981: Drought caused suspension of OFUMP. Only traps and trotlines were allowed. Commercial harvest of black crappie ended.
- Nov 1982: Haul seine gear re-authorized for use, but only 10 permits authorized. Haul seines allowed to sell redear, bluegill, and warmouth.



There is a long history of commercial fishing on Lake Okeechobee. There have been some significant changes since the mid 1970's. The OFUMP was closed in May of 1981 due to record low lake levels and predominance of small crappie. Only trotlines and traps were allowed and only nongame fish were allowed to be harvested. In 1982, haul seine gear was again permitted but at a very limited level.

Currently, 10 haul seine permits are authorized on Lake Okeechobee. Seven of the permits are issued and five are actively fishing. These seven permits are run out of three active fish houses, compared with the 50 fish camps in the early 1900's.

Summary of Changes

- Extend northern boundary to increase haul seine area.
- Remove outdated rule language and redundancy.
- Reduce rule confusion.
- Reduce user conflict between haul seine crews and recreational boaters in high traffic areas.

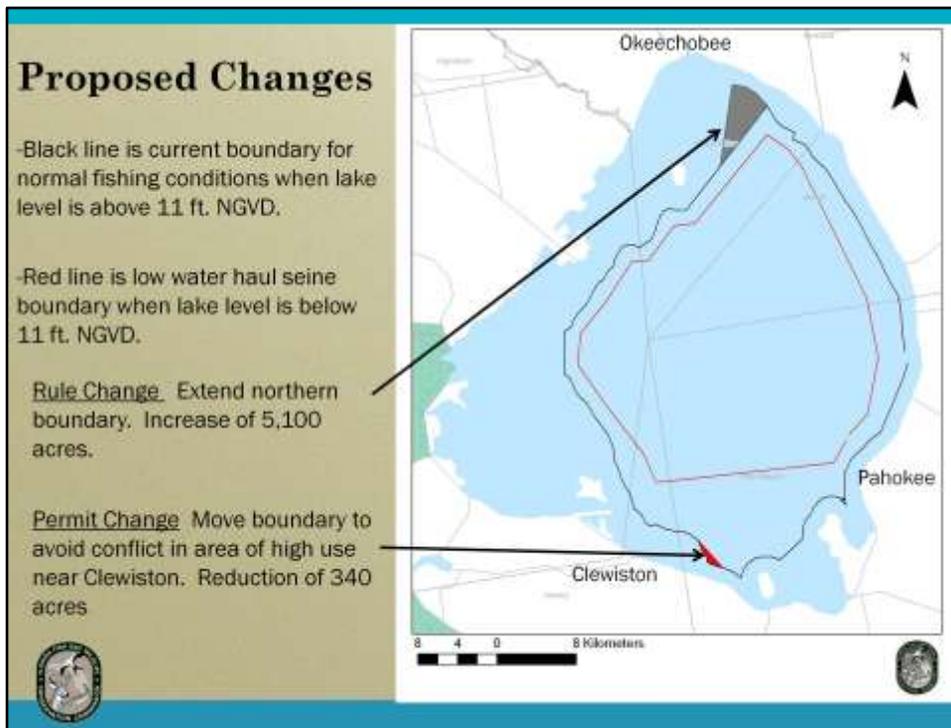


Increasing the haul seine area in the event that other three permits are filled would encourage spreading out the fishing effort. Currently, all five active permits fish south of the rock reef that runs from Clewiston to Pahokee.

The current rule uses outdated language when it describes a boundary established by buoys because there are no physical buoys on the boundary anymore. A different way to indicate the boundary is needed. The current rule also requires seines be “one statute mile from rooted, emergent vegetation” which was established to be a secondary boundary in addition to the buoy line. This language would no longer be needed if the boundary were to be defined in a better way. In the event that emergent vegetation were to expand into the boundary and haul seines were likely to damage the vegetated areas, the boundary could be re-evaluated and adjusted through the permits issued to commercial fishers.

Staff has worked with the State’s Attorney Office to eliminate any confusion over the intent and the true meaning of the rule that regulates the timeframe within which haul seines can be operated.

Finally adjustments are needed in the rule because commercial nets have been hit several times by recreational boats. This is due to expanding vegetation from extended low water levels resulting in one area of the current boundary being very near the edge of emergent vegetation.



The south end of Lake Okeechobee is a very productive area for haul seiners. This is partially because this area is shallow once you get south of the remnant coral reef that runs approximately from Clewiston to Pahokee. This reef is the reason the low-water boundary on the south end of the lake is further north than the normal-water boundary. The low-water boundary is entirely north of the reef.

Proposed amendment to the rule would create additional fishing grounds in the north end of the lake to encourage the programs to spread out and to compensate for area lost in the boundary change along the south shoreline. Moving the boundary line further away from the emergent vegetation edge to reduce conflict in a high boat traffic area would be done through the permits issued to the commercial fishers. The vegetation expanded in this area due to extended low-water periods during 2008-present. This change in vegetation may be long-term because the lake regulation schedule, LORS2008, provides for a lower lake schedule to mimic the more natural, historic levels to benefit the ecology of Lake Okeechobee. This schedule also allows the U.S. Corps of Engineers to complete dike stabilization projects around the Herbert Hoover Dike, in an effort to prevent a breach.

Proposed Rule Change

68A-23.012(4) (a) 5. a.

- Extend northern boundary from Henry Creek to Nubbin Slough
 - ✓ This creates 5,100 additional acres of water for the haul seiners in the northern end of the lake.
 - ✓ Add four coordinates to permits



This rule change was added to expand the fishing grounds for haul seines partially to compensate for grounds lost on the south end of the lake. The white line is the current boundary and the red line would represent the expanded area. GPS Coordinates would be established and included in the commercial fishing permits.

Proposed Rule Change (continued)

68A-23.012(4) (a) 5. a.

- Modernize the rule language replacing outdated “buoys” with “Global Positioning System (GPS) coordinates”
- Remove phrase “one statute mile from emergent vegetation,” as it was default boundary when buoys broke free.



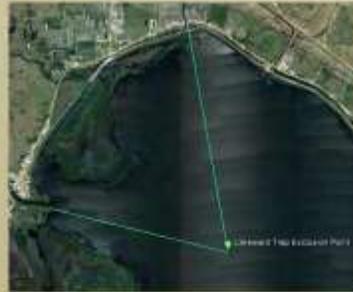
-Buoys have not been maintained for this line in over a decade. The location where the buoys were initially placed was marked with GPS coordinates. These coordinates are what law enforcement and the haul seiners are using as the defined boundary. Current technology should be used.

-The phrase “one statute mile from emergent vegetation” was the secondary boundary when buoys were missing. This is not necessary with GPS. If the vegetation line moves out to or near the boundary and is causing conflict, or damage to the vegetation, the boundary coordinates will be re-evaluated in that area.

Proposed Rule Change (continued)

68A-23.012(4) (c) 3.

- Update the rule language by removing the reference to “commercial fishing boundary buoys” and instead replacing it with an exact latitude and longitude.



This change would maintain a current area that is off limits to fish traps. Because the commercial fishing bouys are no longer available a new boundary area has been designated using a fixed point and a legal description in the rule.

Proposed Rule Change (continued)

68A-23.012(4) (d)

- Update the rule by removing outdated reference to “commercial fishing boundary buoys.”
- Require that when the lake elevation is below 11 feet NGVD, trotlines shall be marked with proper buoys and flagging during fishing.



This proposed change refers to commercial trotlines. This specific change is to remove outdated reference to buoys. This change will not affect where commercial trotlines are used. The rule will now require proper buoys and flagging when lake level is below 11 feet NGVD. This is due to trotlines and haul seines being more likely to be fished in same areas during low water. This also enhances the likelihood of recreational anglers avoiding commercial trotlines during low water periods.

Trotlines must be flagged every 1,000 yards. Buoys must be gallon sized, and placed every 500 yards between flags. These specific flagging and buoy requirements were already in the rule, but it applied to when the trotlines were fished inside of the haul seine boundary.

Proposed Rule Change (continued)

68A-23.012 (4) a 7.

- Remove phrase “and closed” from the rule on recommendation from the State’s Attorney to reduce confusion.
- Allow one hour earlier set times to reduce user conflict.
- No haul seines shall be operated after sunset.



-The original intent of the rule was to not allow setting of nets in the water prior to 3 hours before sunrise. The current rule language was determined in court to be confusing. The State’s Attorney suggested clarifying the rule by changing “and closed” or eliminating the phrase if defining “closed” would not cause any issue.

-There was significant opposition to this proposed solution from several haul seine permit holders, stating that they wanted to have their nets closer to the boat by daylight to reduce the potential for being hit by recreational boaters. With this understanding, we agreed to allow the haul seiners to set out nets “four” hours prior to sunrise instead of “three” hours as is currently stated in rule. However, fish will still not be allowed to be dipped out of the water until one half hour prior to sunrise and haul seines still will not be allowed to operate after sunset.

Additional Change to Address Issue

Staff proposes making changes to where hauls seines can be used along a small area on the south side of the Lake to reduce user conflict and protect vegetation. The new GPS coordinates would be included in the Haul Seine Permit.



White line is
current boundary
Red line would
be new boundary



The area shown in this image had significant vegetation encroachment during the low water levels of 2007-2008 and again in 2009-2010. This caused a conflict in this area with recreational boaters following the edge of the vegetation. Under the current lake regulation schedule, LORS2008, this vegetation may not significantly change, thus a change in the boundary needed to be made to reduce user conflict. The new boundary will go from coordinate 30 to coordinate 37 and points 31-36 will be deleted from Amendment A (The Normal-Water Boundary). This change will not impact the low-water boundary.

Requested Action

- Approve staff proposed amendments to 68A-23.012 to be advertised
- Hold Final Public Hearing in November 2013
 - Ft. Lauderdale Commission Meeting



If approved by Commission to proceed to final hearing, staff will continue to talk to all interested stakeholders to ensure these changes achieve desired goals of enhanced public safety, reduce user conflicts, and allow more effective haul seine operation.