

**Lake Okeechobee Commercial Fishery**  
**Proposed Rule Change**  
**68A-23.012 Special Regulations for Lake Okeechobee**  
**June 2013, Lakeland Florida**  
**Agenda Item 12 A 3**

Lake Okeechobee has a long history of commercial fishing that employed various techniques to utilize the abundance of freshwater fish. The existing Lake Okeechobee commercial fishery program was implemented in November 1982 to provide management of commercial harvest of both game and non-game fish. Environmental and economic conditions have produced fluctuations in the commercial output and management program has been adapted to protect lake ecology, recreational opportunities, and the commercial program. The proposed rule change modifies the commercial gear use boundaries to protect the newly established aquatic habitat and minimize haul seine and recreational fisher conflicts.

The haul seine fishery utilizes a large net pulled behind a vessel along the lake bottom and catches game and non-game fish. Three species of game fish, bluegill, warmouth, and redear sunfish are permitted for commercial sale according to the FWC management program guidelines. All other game fish must be returned to lake unharmed. Ten commercial haul seine permits are authorized for use on Lake Okeechobee, although there are currently only seven (7) currently issued and only five (5) actively fishing. Historically, when lake levels were 11 feet (NGVD\*) or above, haul seines were fished within the established boundary which was originally no closer than one mile from the marsh. Several recent droughts and a new lake regulation schedule have allowed desirable sport fish habitat to expand toward the middle of the lake, creating several areas where the normal boundary is now within one mile of the marsh. This increase in aquatic vegetation has generated recreational and haul seine fisher conflicts. Originally, the rule defined the commercial haul seine boundary with buoys, but the buoys have not been maintained and all have been lost. For over 10 years, the boundary has been monitored using Global Positioning System (GPS) coordinates. This recent expansion of desirable aquatic habitat has generated confusion among haul seiner fishers and recreational fishers as to actual haul seine boundary. Rule language referencing this buoy line was also located in the rules regarding commercial traps and commercial trotlines on Lake Okeechobee. The proposed rule and permit changes address the problem by altering the haul seine boundary in high conflict areas, removing outdated and confusing language, and changing the commercial trap and trotline rules to remove confusion caused by the outdated language.

## Detailed Explanation

### Lake Okeechobee Haul Seine rule and permit change explanation

#### **Rule change -- Extend northern boundary from Kings Bar to Henry Creek and change the boundary to Kings Bar to Nubbin Slough**

Rule Change: 68A-23.012(4) (a) 5. a. Haul seines shall not be used or operated in Pelican Bay; in Fisheating Creek Bay north and west of a line from the weather beacon approximately one mile east of the north end of Observation Shoal (designated R "2" on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16) to the westernmost point of Horse Island; that area north and west of a line from the ~~white navigation light at latitude 27 degrees 5 minutes north, longitude 80 degrees 47 minutes west (designated FL 4 sec. 27 ft. 5M on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16) to Henry Creek Lock~~ eastern most point of Kings Bar to Nubbin Slough water control structure S-191; that area south of a line connecting the northernmost point of Kreamer Island to the northernmost point of Ritta Island; or in any rim canal, river mouth, channel, within that area shoreward of the boundary ... (See diagram below).

Benefit: Increases available area for haul seiners to fish by approximately 5100 acres. New boundary represented by red line.



**Rule change -- Remove phrase “one statute mile” and the word “buoy” from rule.**

Rule Change: 68A-23.012(4) (a) 5. a. Haul seines shall not be used ... within that area shoreward of the boundary delineated by the haul seine commercial fishing boundary buoys Global Positioning System coordinates, ~~or within one statute mile of any rooted, emergent aquatic vegetation. Latitude and longitude coordinates shall be established to further describe boundary lines as defined in this section. Latitude and longitude coordinates so established shall be incorporated in the permit issued pursuant to subsection (3) of this section~~ 68A-23.012(3), F.A.C.

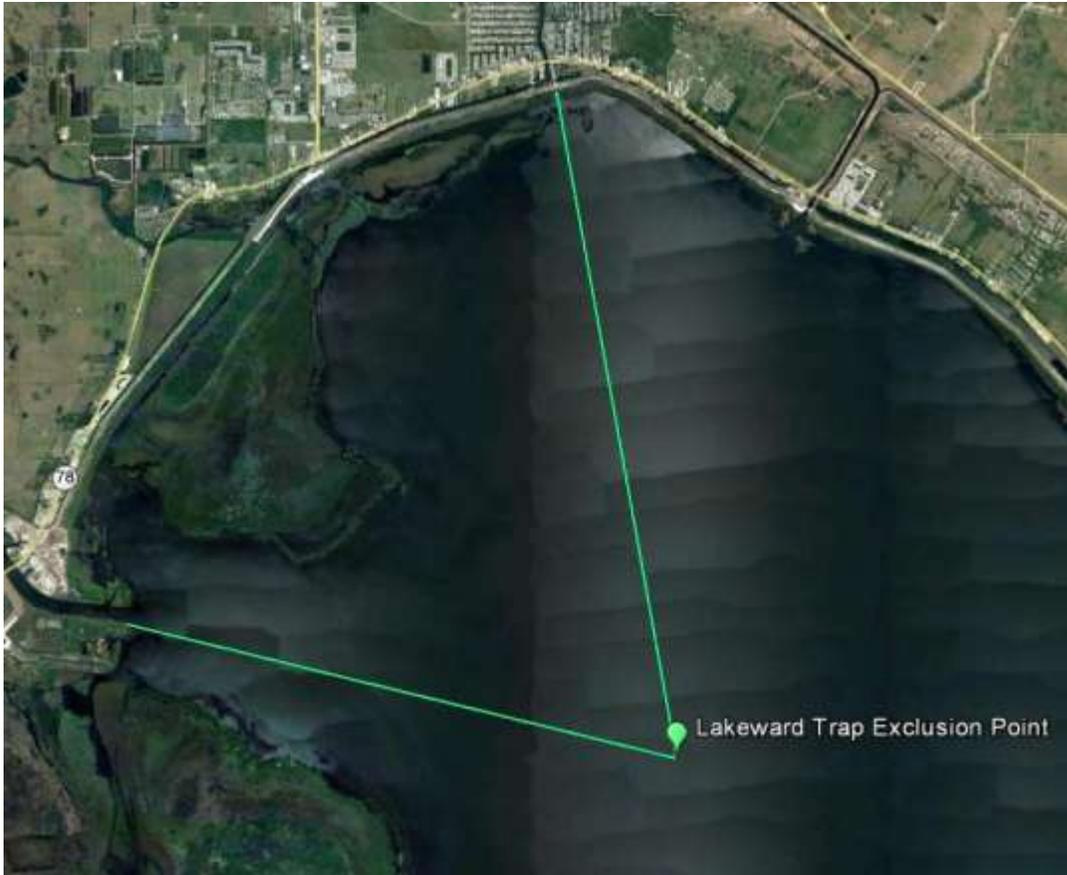
Benefit: Rule language is outdated and no longer applies to rule. Phrase was used when actual buoys established the line and was used in the event that the buoys broke free from weights to provide a secondary boundary.

**Rule change – Re-describe area referring to no commercial traps to remove “buoy”.**

Rule Change: 68A-23.012 (4) (c) 3. No wire traps shall be placed within the triangular area encompassed by the following: commencing at the southwesternmost point of land at the mouth of the Kissimmee River then connecting by a straight line running eastward to a point at latitude 27 degrees 7 minutes 30 seconds north and longitude 80 degrees 46 minutes 50 seconds west then connecting by a straight line running northward to a point at the southeasternmost point of the Taylor Creek Lock connecting in a meandering line following along the shoreline of the lake to the point of beginning. ~~the commercial fishing boundary buoys and bounded on the east by Taylor Creek Lock and on the west by the mouth of the Kissimmee River, excluding any part of the area designated as North Lake Shoal on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16.~~

(see illustration below)

Benefit: Maintain consistency throughout the rule by removing outdated verbiage. This verbiage change does not affect how or where commercial traps are allowed or restricted.



**Rule change – Re-describe requirement for marking trotlines to remove “buoy”.**

Rule Change: 68A-23.012 (4) (d) Trotlines shall be marked with a flag every 1,000 yards and with a gallon-sized buoy every 500 yards between flags when fished at a lake elevation below 11.0 feet NGVD as determined by the United States Army Corps of Engineers. ~~lakeward of the boundary delineated by the commercial fishing boundary buoys.~~

Benefit: Maintain consistency throughout the rule by removing outdated verbiage. This verbiage change does not affect how or where commercial trotlines may be fished.

**Rule Change -- Rule 68A-23.012 (4) a 7.**

Rule change: 68A-23.012 (4) a 7. Haul seines may be laid out ~~and closed~~ no earlier than ~~three~~ four hours before sunrise but no fish shall be taken from the waters prior to one-half hour before sunrise. No haul seines shall be operated after sunset.

Benefit: Reduce user conflict by allowing earlier set times for commercial haul seiners which will allow them to get their net closer to the boat by daylight.

**Permit change-- Remove some of Global Positioning System (GPS) points around Little Rocky/East Wall area creating a straight line from point 30-37.**

Permit Change: No rule change is necessary. Changes will be made to list of boundary coordinates, Attachment A, which is included with the Haul Seine Permit.

-This is the section of the line that comes closest to the current vegetation edge, even touching it at one point. This will create a buffer zone allowing recreational fishermen an area to safely operate their boats without having potential encounters with haul seine gear. The straightening of this line would create a reduction of 340 acres of haul seine ground.

Benefit: Reduces user conflict in an area of high recreational boat traffic. New boundary represented by red line.



## **Stakeholder Coordination Effort Summary**

### **Lake Okeechobee Haul Seine Rule and Permit Changes**

Division of Freshwater Fisheries Management (DFFM) has held six public meetings about the Lake Okeechobee haul seine program since 2011. The meetings were divided into three focus group meetings with the haul seine fishers, captains, and fish processors, two focus group meetings with critics of the haul seine program, and one facilitated meeting with all sides represented. The first meeting was held on May 11, 2011, to listen to concerns from sport fish anglers, guides and marina owner, who are critical of the haul seine program. Points raised during this meeting focused on updating the boundary line for the haul seine program and concern of the program damaging the fishery through overharvest and gear damaging the habitat. The second and third meetings, May 24 and September 6, 2011, respectively, were held with haul seine fishers, captains, and fish processors to discuss the concerns of the program and try to develop a compromise position that would be acceptable to all resource users.

DFFM staff then conducted a thorough analysis of commercial fishery data from the haul seine program and fishery-independent data collected by Florida Fish and Wildlife Conservation Commission staff, and determined that no overfishing was occurring. DFFM staff also conducted a literature review and held discussions with Division of Habitat and Species, and decided that the potential impact of haul seine gear on Lake Okeechobee ecology and fisheries habitat was negligible. Based on these finds FWC staff determined the haul seine controversy to be primarily a user conflict issue. Changes to rules and permit language were developed and discussed with the focus groups for the haul seine constituent on October 4, 2012, and the program critics on October 10, 2012. Input was received from all stakeholders and a public facilitated meeting was held on April 1, 2013, to present the most recent proposed changes for the program. The meeting was attended by 17 people total, 11 representing commercial fishing, five representing recreational fishing and/or tourism, and one NGO representative. Overall support was positive for proposed rule and permit changes, with some concern voiced from individuals. Primary concerns included: haul seiners not being able to get their nets close enough to the boat prior to sunrise to avoid recreational boats hitting the nets, effective law enforcement monitoring of the program and lack of informational materials available to the public to increase awareness of the program. The proposed rule change addresses the first two concerns. The FWC will cooperate with the haul seiners, recreational fishermen and local community to develop informational outreach for the program.