

**Reef Fish Commercial Fishing
Years – Rule Cleanup**
Consent Agenda Item 2 – Draft Rule
June 18, 2014



Florida Fish and Wildlife Conservation Commission
Division of Marine Fisheries Management

Version 1

This document summarizes a draft rule amendment for the Florida Fish and Wildlife Conservation Commission's (FWC) Reef Fish rule in Chapter 68B-14, Florida Administrative Code (FAC). This amendment would eliminate language specifying commercial fishing years of Jan. 1 through Dec. 31 for reef fish and also eliminate language specifying a commercial fishing year of June 1 through May 31 for black sea bass in state waters of the Atlantic.

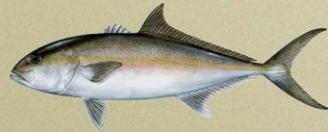
If approved, staff recommends noticing and filing the rule without further hearing unless requested.

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Background – Fishing Years

- Fishing years are used in conjunction with quotas in many federally-managed fisheries
- First put into state rules as a way to close commercial harvest in state waters if adjacent federal waters closed
- Federal commercial fishing years for several fisheries have been added or modified in federal rules since that time



Fishing years are used in conjunction with quotas in many federally-managed fisheries. Fishing years may or may not correspond with the calendar year as a result of the needs of the specific fishery, such as availability of fish during certain times of the year, reducing discards of other commercially-harvested species, or extending commercial harvest seasons. Harvest seasons (also called open seasons) differ from fishing years because harvest seasons are the period of time during the fishing year when retention of the species is permitted. Commercial harvest seasons in certain fisheries can vary from year to year based how quickly the available quota is caught, whereas a fishing year is always a 12-month period.

In 1989, the Marine Fisheries Commission (MFC), a predecessor agency of the FWC, established commercial fishing years for reef fish that were congruent with the calendar year and the fishing years for these species in adjacent federal waters. This change was later incorporated into the FWC's Reef Fish rule (68B-14). At the time, the MFC was concerned about overharvested snapper and grouper stocks and enacted several rule changes to help increase the biomass of these species. Setting commercial fishing years congruent with the calendar year and the federal fishing years gave the MFC the ability to close state waters to commercial harvest of these species when adjacent federal waters were closed due to quotas being met or exceeded.

Since that time, commercial fishing years for several reef fish species have been added or modified in federal rules. The following slide outlines reasons why commercial fishing years for reef fish listed in state rules can be removed.

Why Fishing Years Can Be Removed From State Rules

- State rules are no longer needed to specify commercial fishing years for reef fish
 - When federal waters close to commercial harvest, adjacent state waters also close
 - State rules do not match all federal commercial fishing years currently in place
- Unnecessary for species that do not have a quota
- Terminology in state rules is confusing because fishing years are referred to as fishing seasons, which could be misinterpreted as “harvest seasons” or “open seasons”

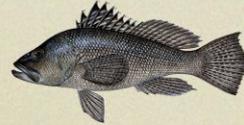


State rules that specify commercial fishing years for reef fish are no longer necessary to enforce commercial closures and can be removed from state rules. Florida’s Reef Fish rule (68B-14) requires commercial fishermen harvesting federally-managed reef fish species to abide by federal season closures in adjacent state waters, so commercial fishing years for reef fish listed in state rules are not necessary. In addition, the commercial fishing years for reef fish listed in state rules do not match all of the commercial fishing years for reef fish currently listed in federal rules, creating inconsistencies between state rules and federal rules.

Also, some reef fish species are managed in state waters only and are not managed using commercial quotas like federally-managed species. For these species managed only in state waters, fishing years are unnecessary.

Finally, the terminology used to describe fishing years in state rules is confusing and misleading. In FWC rules, fishing years are referred to as fishing seasons. The term fishing season could be misinterpreted as harvest season (or open season), which is not the intent of the rule. The commercial fishing “seasons” currently in rule could cause confusion among fishermen and law enforcement officers if left in place. Removing these rules would make commercial regulations easier to understand and improve enforceability.

Proposed Rule



68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

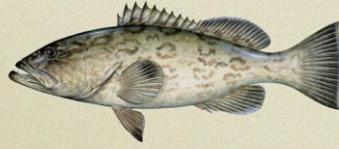
- *Remove the language specifying Jan. 1 through Dec. 31 commercial fishing seasons for reef fish*
- *Remove the language specifying a Jun. 1 through May 31 commercial fishing season for Atlantic black sea bass*
- Removing this rule language would have no effect on current commercial regulations such as open and closed seasons but would eliminate confusion



Chapter 68B-14.0045, FAC, (Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits) would be modified to eliminate language specifying Jan. 1 through Dec. 31 commercial fishing seasons for reef fish. The proposed draft rule would also eliminate language specifying a commercial fishing season of June 1 through May 31 for black sea bass in state waters of the Atlantic.

Removing this rule language would eliminate confusion about commercial fishing years without conflicting with federal rules. Commercial season closures for these species would remain in place and would not be affected by this technical rule change.

Staff Recommendation



Approve the proposed draft rule

- Remove language specifying commercial fishing seasons for reef fish, including black sea bass

If approved, the rule will be noticed and filed without further hearing unless requested



Staff recommends approving the proposed draft rule eliminating language specifying commercial fishing seasons of Jan. 1 through Dec. 31 for reef fish and also recommends eliminating language specifying a commercial fishing season of June 1 through May 31 for black sea bass in state waters of the Atlantic. If approved and directed, staff recommends noticing and filing the rule without further hearing unless requested.

Staff has evaluated the rule under the standards of 68-1.004, FAC, and found it to be in compliance.

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



Amendment 14 - Actions



- Adjusted fishing year for greater amberjack and black sea bass
- Modified black sea bass and gag commercial trip limits
- Modified accountability measures for black sea bass and vermilion snapper



In September 2013, the South Atlantic Fishery Management Council (Council) passed Regulatory Amendment 14, which contained actions for multiple snapper grouper species. For greater amberjack, the Council changed the May 1 through Apr. 30 fishing year for the recreational and commercial sectors to Mar. 1 through the end of Feb. Greater amberjack spawn from January through June, so a Mar. 1 opening could benefit the species if the annual catch limit (ACL) is caught before the spawning season begins. Additionally, some fishermen requested the fishery be open during the month of March because it is a productive month for fishing and consumers buy more fish during this time. The April closure for commercial harvest of greater amberjack will remain in place.

For black sea bass, the Council changed the June 1 through May 31 recreational fishing year to Apr. 1 through Mar. 31. These dates were chosen to reduce discards of snapper and grouper species closed to harvest when anglers are targeting black sea bass early in the year. For the commercial sector, the Council chose a Jan. 1 through Dec. 31 fishing year. This would begin the vermilion snapper and black sea bass fishing years at the same time, and could reduce discards of black sea bass by vermilion snapper hook-and-line fishermen. The Jan. 1 opening would also benefit commercial fishermen by allowing them to harvest black sea bass when other snapper and grouper species are closed. The Council also set a 1,000 pound (lb) gutted weight (gw) trip limit for the commercial black sea bass pot fishery. For the commercial hook-and-line fishery, the Council selected a 300 lb gw trip limit from Jan. 1 through Apr. 30, and a 1,000 lb gw trip limit from May 1 through Dec. 31. These trip limits were modified to extend the commercial season and allow incidental harvest of black sea bass when fishing for other species.

For gag grouper, the Council modified the commercial trip limit to extend the commercial season. The trip limit will remain at 1,000 lbs gw until 75 percent of the commercial ACL is reached, then drop to 500 lbs gw for the remainder of the season.

Lastly, the Council modified recreational accountability measures for black sea bass and vermilion snapper. For vermilion snapper, these measures would require the ACL to be reduced in the year following an ACL overage, but only if the species is considered overfished and the overall ACL is exceeded during the year of the overage. For black sea bass, the Council removed the requirement that the ACL be reduced in the year following an ACL overage. Neither black sea bass nor vermilion snapper are considered to be overfished or undergoing overfishing.

Staff has brought commercial fishing year changes to state rules for the Commission to consider. However, trip limits do not need to be addressed by the Commission for federal consistency. Florida's Reef Fish rule (68B-14) requires commercial harvesters to follow federal limits when fishing in state waters. This means that harvesters in state waters must abide by the new federal commercial trip limits when they take effect and no changes to FWC rules are needed for consistency.