MEMORANDUM

To: Florida Fish and Wildlife Conservation Commissioners

From: Martha Bademan, Section Leader, Division of Marine Fisheries Management

Date: June 24, 2015

Subject: Consent Agenda Item: Mackerel Tournament Donation Permit Draft Rule

Purpose:
The purpose of this item is to request Commission approval of proposed draft rules that would:

• Establish a tournament permit, and permit application requirements, for the donation and sale of tournament-caught king and Spanish mackerel.
• Require tournament organizers to handle and ice fish in accordance with seafood safety standards outlined in current FWC rules (68E-5.002, FAC).
• Require dealers to be onsite at weigh-in to acquire the fish, report fish as tournament catch on trip tickets, and donate proceeds directly to the specified charity.
• Prohibit proceeds from the sale of tournament-caught fish from going directly to the tournament or to be used to pay for tournament expenses and prizes.
• Add relevant definitions to the General Definitions rule (68B-2.001) and add references to the mackerel tournament donation permit to FWC king and Spanish mackerel rules

Summary:
Current FWC regulations allow for some species caught in tournaments, including king and Spanish mackerel, to be sold through a wholesale dealer who then donates the proceeds from the sale to the charity of the tournament’s choosing. Changes to federal rules now only allow this practice during state-permitted tournaments if the fish are caught in federal waters. These federal rules are intended to address concerns that tournament-caught fish sold by wholesale dealers are “double counted” toward both recreational and commercial quotas, even though they are recreationally-caught. A state permit would help identify tournaments that donate their king and Spanish mackerel to wholesale dealers in exchange for a donation to charity and help ensure tournament catch is not attributed to the commercial quota when it is recorded and sold by the wholesale dealer.

This proposed draft rule would create a mackerel tournament donation permit in response to new federal requirements. The mackerel tournament donation permit would allow tournament organizers to donate tournament-caught king and Spanish mackerel to a licensed wholesale dealer in exchange for a donation of the monetary value of the fish to the charity of the tournament's choice. Creation of this permit would help minimize waste of tournament-caught king and Spanish mackerel that otherwise might not be consumed, while continuing to allow charities to receive proceeds from the sale of tournament-caught fish. Staff is proposing this permit apply to tournaments that catch fish in either state or federal waters to minimize confusion for tournament...
organizers and dealers. This permit requirement would have no effect on tournaments that do not donate their fish through wholesale dealers.

Staff has received support for creating a permit from a major tournament operator. Feedback from a limited number of commercial stakeholders did not object to the proposal but wanted FWC to ensure to the best of our ability that the money raised would not go back to the tournament for prizes, expenses, etc., and would like to see law enforcement monitoring this to ensure fish are being handled properly.

**Staff Recommendation:** Approve proposed draft rules for creating a mackerel tournament donation permit including permit requirements for tournament organizers and requirements for wholesale dealers to participate in this activity. *Specific rule language is attached.*

**Staff Contact and/or Presenter**
Martha Bademan, Section Leader, Division of Marine Fisheries Management