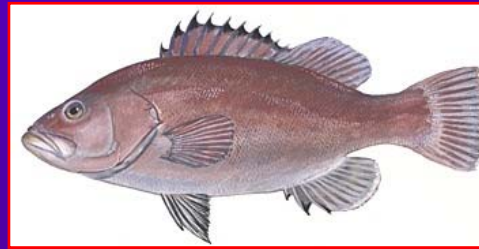


# FEDERAL CONSISTENCY RULES Final Public Hearing

Update No. 1 - April 3, 2007



Florida Fish and Wildlife Conservation Commission  
Division of Marine Fisheries Management

This is a final public hearing of proposed rule language to address state waters consistency with federal regulations in the South Atlantic and the Gulf of Mexico.

**Update No. 1** – This item was updated following a decision by the Gulf of Mexico Fishery Management Council to readdress an increase in the recreational daily bag limit of vermilion snapper. More information was added to Slide 6.

Author: William H. Teehan

# FEDERAL CONSISTENCY RULES Final Public Hearing

Report Date: February 27, 2007



Florida Fish and Wildlife Conservation Commission  
Division of Marine Fisheries Management

This is a final public hearing of proposed rule language to address state waters consistency with federal regulations in the South Atlantic and the Gulf of Mexico. The South Atlantic Fishery Management Council (SAFMC) amended its Snapper Grouper Fishery Management Plan (FMP), and subsequent regulatory changes became effective October 23, 2006. The recent amendment addressed recreational and commercial harvest of snowy grouper, golden tilefish, vermilion snapper, black sea bass, and red porgy. The Gulf of Mexico Fishery Management Council (GMFMC) approved regulatory actions for black, gag, and red grouper that became effective on November 17, 2006, and a Red Snapper Individual Fishing Quota Program (IFQ) that took effect on January 1, 2007. Additionally, the GMFMC is moving forward as quickly as possible with a framework amendment to eliminate some or all of the harvest reduction management regulations for vermilion snapper.

Proposed state consistency rules also prohibit persons harvesting for commercial purposes from harvesting or possessing the recreational bag limit of reef fish species on the same trip. This would align state rules with current federal regulations in the Gulf of Mexico that prohibit vessels from retaining reef fish species under the recreational size and bag limit when commercial quantities of Gulf reef fish are onboard.

## 68B-14.001, Purpose and Intent, Designation as Restricted Species

- The proposed rule would add golden tilefish to the list of restricted reef fish species



68B-14.001, Purpose and Intent, Designation as Restricted Species:

Federal regulations for golden tilefish include both the recreational and commercial fisheries. Harvest of golden tilefish, or any species of tilefish, are presently not subject to state regulations. The proposed state consistency rule would add golden tilefish to the current list of restricted reef fish species.

68B-14.0035, Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, and Snapper

- The proposed rule would:
  - increase the minimum legal size for recreationally harvested black sea bass in the Atlantic Ocean from 11 inches in 2007 to 12 inches in 2008
  - increase the legal recreational minimum size of vermilion snapper harvested in the Atlantic Ocean from 11 inches to 12 inches
  - decrease the legal minimum size for vermilion snapper harvested in the Gulf of Mexico from 11 inches to 10 inches



68B-14.0035, Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, and Snapper:

Federal Council amendments change the size limits for black sea bass and vermilion snapper. The proposed state consistency rule would: 1) increase the minimum legal size for recreationally harvested black sea bass in state waters of the Atlantic Ocean from 11 inches total length (TL) in 2007 to 12 inches TL in 2008; 2) increase the legal recreational minimum size of vermilion snapper harvested in state waters of the Atlantic Ocean from 11 inches TL to 12 inches TL; and, 3) decrease the minimum legal size for vermilion snapper harvested in state waters of the Gulf of Mexico from 11 inches TL to 10 inches TL.

## 68B-14.00355, Size Limits for Importation and Sale

The proposed rule would change the minimum legal size of imported vermillion snapper to from 11 inches to 10 inches



68B-14.00355, Size Limits for Importation and Sale:

The Commission's Reef Fish Rule allows for the importation of certain species and establishes the size limit for that species. The proposed state consistency rule would change the minimum legal size of imported vermillion snapper from 11 inches to 10 inches TL.

## 68B-14.0036, Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, and Wholesale/Retail Purchase Exemption

- The proposed rule would:
  - add golden tilefish to this rule
  - set bag limit for gag, red, and black grouper at zero for captains and crew on for-hire vessels in the Gulf of Mexico
  - establish a one-fish recreational bag limit for snowy grouper within the five-fish aggregate grouper bag limit in the Atlantic Ocean
  - establish a one-fish recreational bag limit for golden tilefish within the five-fish aggregate grouper bag limit in the Atlantic Ocean
  - increase the recreational bag limit for red porgy in the Atlantic Ocean from one-fish to three-fish per person per day



68B-14.0036, Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, and Wholesale/Retail Purchase Exemption:

The proposed state consistency rule would: 1) add golden tilefish to the rule; 2) set the bag limit for gag, red, and black grouper at zero for captains and crew on for hire vessels in the Gulf of Mexico; 3) establish a one-fish recreational bag limit for snowy grouper within the five-fish aggregate grouper bag limit in the Atlantic Ocean; 4) establish a one-fish recreational bag limit for golden tilefish within the five-fish aggregate grouper bag limit in the Atlantic Ocean; and 5) increase the recreational daily bag limit for red porgy in the Atlantic Ocean from one-fish to three-fish per person per day.

Federal regulations presently allow for a 10 vermilion snapper daily recreational bag limit within a 20 reef fish aggregate bag. In January 2007, the GMFMC voted to remove that 10 fish vermilion bag thus allowing for the potential harvest of 20 vermilion within the aggregate reef fish bag limit. State regulations allow for a daily recreational bag limit of 10 vermilion snapper. At their March 2007 meeting, the GMFMC voted to readdress the vermilion bag limit in June based on concerns about effort shifting from red snapper. Staff recommends that the Commission wait until the outcome of the June GMFMC meeting before considering a change in the vermilion recreational bag limit.

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

- The proposed rule would:
  - remove the requirement for Class I and Class II red snapper licenses for the commercial harvest of red snapper in the Gulf of Mexico
  - establish commercial trip limits in the Atlantic Ocean that are concurrent with federal trip limits
  - establish a black sea bass harvesting season of June 1 each year through May 31 of the following year in the Atlantic Ocean
  - remove the April 22 through May 31 commercial closed harvesting season for vermilion snapper in the Gulf of Mexico
  - prohibit persons harvesting for commercial purposes from harvesting or possessing the recreational bag limit of reef fish species on the same trip

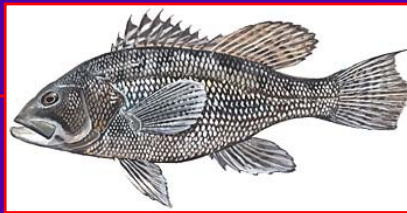


### 68B-14.0045, Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits:

Federal regulatory actions are resulting in changes to licenses, season closures, bag limits, and trip limits for red snapper, black sea bass, and vermilion snapper. The proposed state consistency rule would: 1) remove the requirement for Class I and Class II red snapper licenses for the commercial harvest of red snapper in the Gulf of Mexico; 2) establish commercial trip limits in the Atlantic Ocean that are concurrent with federal trip limits; 3) establish a black sea bass harvesting season of June 1 each year through May 31 the following year in the Atlantic Ocean; 4) remove the April 22 through May 31 commercial closed harvesting season for vermilion snapper in the Gulf of Mexico; 5) prohibit persons harvesting for commercial purposes from harvesting or possessing the recreational bag limit of reef fish species on the same trip, which addresses Commission intent within the Reef Fish Rule and is consistent with federal reef fish regulations in the Gulf of Mexico.

## 68B-14.005, Regulations and Prohibitions of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

- The proposed rule would:
  - require a minimum 2-inch mesh for the back panel of black sea bass traps in the Atlantic Ocean
  - require the removal of black sea bass traps in the Atlantic Ocean when the commercial quota is reached



68B-14.005, Regulations and Prohibitions of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation:

SAFMC amendments address certain aspects of the black sea bass trap fishery. The proposed state consistency rule would require a minimum 2-inch mesh for the back panel of black sea bass traps in the Atlantic Ocean and require the removal of black sea bass traps in the Atlantic Ocean when the commercial quota is reached.

## STAFF RECOMMENDATION

STAFF RECOMMENDS CHANGES  
TO STATE REEF FISH RULES TO  
PROVIDE CONSISTNECY WITH  
FEDERAL REGULATIONS, WITH  
AN EFFECTIVE DATE OF JULY 1,  
2007

Staff recommends that the Commission approve the federal consistency rule language, with an effective date of July 1, 2007.