

*State of New Jersey Department of Environmental Protection*  
**Division of Fish and Wildlife**  
March 2012

**Implementation Plan for Spanish Mackerel**

In accordance with the ASMFC Omnibus Amendment to the Interstate Fishery Management Plans for Spanish Mackerel, Spot and Spotted Seatrout (FMP), the State of New Jersey submits the following Implementation Plan for Spanish Mackerel.

All regulatory options are expected to be reviewed and adopted by New Jersey's Marine Fisheries Council at their May 2012 meeting. All new regulatory issues will be in place by the July 1, 2012 implementation deadline.

**Recreational Fishery**

A possession limit of ten fish at a minimum total length of 14 inches is already in place and will not change. New Jersey currently allows filleting at sea as long as the fillet is at least 10 inches in length. Since the Amendment requires that all fish must be landed with head and fins attached, New Jersey will remove Spanish Mackerel from our current list of fillet species.

**Commercial Fishery**

New Jersey already has a minimum total length of 14 inch size limit in place for commercial fisheries. That size limit will remain in effect. New Jersey will enact a 3500 pound per vessel per day quota with an open season from March 1 to the end of February. All fish must be landed with head and fins attached.



**STATE OF DELAWARE**  
DEPARTMENT OF NATURAL RESOURCES  
& ENVIRONMENTAL CONTROL  
DIVISION OF FISH & WILDLIFE  
89 Kings Highway  
Dover, Delaware 19901

**To:** Danielle Chesky, ASMFC FMP Coordinator

**From:** Stewart Michels, Program Mgr. – Fisheries

**Date:** March 1, 2012

**Re:** Spanish Mackerel Implementation Plan

The State of Delaware intends to fully implement the requirements for Spanish mackerel as outlined in the Omnibus Amendment for Spot, Spotted Seatrout and Spanish Mackerel. As such, we have initiated modification of our existing Spanish mackerel regulation. The regulatory process is expected to be completed prior to July 1, 2012. Please find attached a copy of Delaware's proposed regulatory changes for Spanish mackerel as it appeared in the March 1, 2012 Monthly Register of Regulations (Volume 15 - Issue 9). Should you have any questions or concerns regarding our proposed regulatory changes, please do not hesitate to contact me at (302) 735-2970.





*Martin O'Malley, Governor*  
*Anthony G. Brown, Lt. Governor*  
*John R. Griffin, Secretary*  
*Joseph P. Gill, Deputy Secretary*

# Maryland's Plan for Implementing Requirements Pertaining to Spanish Mackerel within ASMFC's Omnibus Amendment for Spot, Spotted Seatrout, and Spanish Mackerel

Prepared by

Harry W Rickabaugh Jr.

March 2012

## **Introduction**

The Atlantic States Marine Fisheries Commission (ASMFC) Omnibus Amendment for spot, spotted seatrout and Spanish mackerel (Amendment) was passed in August of 2011. The plan was developed to bring the three species up to the standards of the Atlantic Coastal Fisheries Cooperative Management Act and the ASMFC Interstate Fishery Management Program Charter. The amendment covers all three species with management requirements being set by species. This document details how Maryland will implement Amendment requirements pertaining to Spanish mackerel.

## **Monitoring Program Requirements**

There are no species specific monitoring requirements for Spanish mackerel within the Amendment.

## **Management Program Requirements**

The Amendment requires both recreational and commercial management measures for Spanish mackerel.

Recreational Requirements include:

- 1 - 12" FL or 14" TL minimum size limit
- 2 - 15 fish creel limit
- 3 - Must be landed with head and fins intact
- 4 - Calendar year season
- 5 - Prohibited gear: Drift gill nets prohibited south of Cape Lookout, NC
- 6 - Recreational quotas decreased, via reduced bag limits, the following year if Total ACL is exceeded and stock is overfished

Commercial requirements include:

- 1 - Prohibited: purse seines; drift gill nets south of Cape Lookout, NC
- 2 - 12" FL or 14" TL minimum size limit
- 3 - March 1 – end of February season
- 4 - Trip limits (per vessel, per day)
  - NY-GA: 3500 lbs
  - FL: 3500 lbs, 3/1-11/30;
  - 3500 lbs Mon-Fri & 1500 lbs Sat-Sun, 12/1 until 75% adjusted quota taken;
  - 1000 lbs, when 75% adjusted quota taken until 100% adjusted quotas taken;
  - 500 lbs after 100% of adjusted quotas taken (the adjusted quota compensates for estimated catches of 500 lbs per vessel per day to the end of the season)
- 5 - Commercial quotas decreased the following year if Total ACL is exceeded and stock is overfished

The Amendment requires all jurisdictions to meet these management requirements by July 1, 2012. Current regulations in Maryland (as of March 30, 2012) meet most of the required management measures that apply to Maryland waters, with the exception recreational management measure 3 (Must be landed with head and fins intact), commercial management measure 4 (trip limits) and the season dates in recreational and commercial management measures 5 and 3, respectively. These differences will be corrected with passage of the revised Spanish mackerel regulation listed below. This regulation will need to pass through Maryland's Administrative, Executive, and Legislative Review (AELR) process. The time line for adoption of the revised Spanish mackerel regulations is as follows:

March 30, 2012	Date the regulation proposal will be submitted to the Joint Committee on Administrative, Executive, and Legislative Review
May 5, 2012	Date the proposal will appear in the Maryland Register
June 6, 2012	Date the public comment period ends
June 16, 2012	Date the Department can adopt the proposal
June 29, 2012	Date the final action (adoption) will appear in the Maryland Register
July 9, 2012	Expected Effective Date

Purse seines are not a legal gear in Maryland waters, therefore language excluding them for Spanish mackerel is not include in the following regulations submitted to AELR:

#### **08.02.05.14 Spanish Mackerel.**

##### **A. Recreational Fishery.**

- (1) Minimum Size. An individual may not catch or possess a Spanish mackerel less than 14 inches total length.
- (2) Catch Limit. An individual may not catch or possess more than 15 Spanish mackerel per day.
- (3) Season. The recreational season for catching Spanish mackerel is January 1 through December 31.
- (4) All Spanish mackerel harvested by a recreational angler shall be landed with the heads and fins attached naturally.

##### **B. Commercial Fishery.**

- (1) Minimum Size. An individual licensed to catch fish for commercial purposes may not catch or possess a Spanish mackerel less than 14 inches total length.
- (2) Catch Limit. No more than 3500 pounds of Spanish mackerel may be landed per vessel per day or trip, whichever is longer, regardless of the number of licensees on board the vessel.
- (3) Season. The commercial season for catching Spanish mackerel is March 1 through the last day of February.

C. General.

- (1) The Secretary may modify catch limits, size limits or open or close a season as required by the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Spanish Mackerel by publishing notice in a daily newspaper of general circulation at least 48 hours in advance of the modification, stating the effective hour and date.
- (2) The Secretary shall make reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.



MARYLAND - VIRGINIA  
"Potomac River Compact of 1958"

## Potomac River Fisheries Commission

222 Taylor Street  
P.O. BOX 9

Colonial Beach, Virginia 22443

TELEPHONE: (804) 224-7148 · (800) 266-3904 · FAX: (804) 224-2712  
www.prfc.state.va.us prfc@verizon.net



### Spanish Mackerel Implementation Plan January 3, 2012

The Potomac River Fisheries Commission has the following in place for Spanish mackerel for 2012 via:

#### Order #2012 -03 Recreational Manage Measures

- 14" TL minimum size limit
- 15 fish creel limit
- No person shall alter the natural state of any fish such that its length cannot be measured
- Open season – Jan. 1 to Dec. 31
- All gill nets deemed commercial gear (no recreational use)
- Size, creel and season limits are set annually as needed

#### Order #2012-04 Commercial Management Measures

- 14" TL minimum size limit
- Open season - Jan. 1 to Dec. 31
- Trip limit – as set by ASMFC, and with season closure by Order when both MD & VA fishery is closed
- Purse seines and drift gill nets are prohibited in Potomac River
- Trip limits are set annually as needed



# *COMMONWEALTH of VIRGINIA*

*Marine Resources Commission  
2600 Washington Avenue  
Third Floor  
Newport News, Virginia 23607*

Douglas W. Domenech  
Secretary of Natural Resources

Steven G. Bowman  
Commissioner

March 13, 2012

TO: Danielle Chesky, ASMFC Fisheries Management Plan Coordinator

FROM: Jack Travelstead,  
Deputy Commissioner / Chief, Fisheries Management

RE: Spanish Mackerel Implementation Plan

The Virginia Marine Resources Commission (VMRC) has regulations providing size and possession limits for the commercial and recreational harvest of Spanish mackerel in Virginia's marine waters. It is unlawful for any recreational or commercial harvester to possess any Spanish mackerel less than 14 inches in total length. It is unlawful for any recreational harvester to possess more than 15 Spanish mackerel, and any commercial vessel to land any amount of Spanish mackerel in excess of 3,500 pounds per vessel per trip. Regulation 4 VAC 20-540-10 et. seq. "Pertaining to Spanish and King Mackerel" is enclosed.

JGT:jt  
FM(PS)

*An Agency of the Natural Resources Secretariat*

[www.mrc.virginia.gov](http://www.mrc.virginia.gov)

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



**"PERTAINING TO SPANISH AND KING MACKEREL "****CHAPTER 4 VAC 20-540-10 ET SEQ.****PREAMBLE**

This chapter establishes possession limits, minimum size limits, and trip limits, on the harvest of Spanish mackerel and king mackerel. These chapters are established to prevent overfishing and to assist the further recovery of Spanish mackerel and king mackerel along the Atlantic Coast. This chapter is promulgated pursuant to authority contained in §§28.2-201 of the Code of Virginia. This chapter amends previous Chapter 450-01-0070, which was adopted March 28, 1995 and effective April 14, 1995. The effective date of this chapter is January 1, 2001.

**4 VAC 20-540-10. PURPOSE.**

The purpose of this chapter is to prevent overfishing of the Spanish mackerel and king mackerel stocks found in Virginia waters and along the Atlantic Coast. This chapter supports the goals and objectives of federal and interstate management measures for Spanish and king mackerel.

**4 VAC 20-540-20. DEFINITIONS.**

The following word and term, when used in this chapter, shall have the following meaning unless the context indicates otherwise.

*"Trip"* means that period during which the vessel shall have left a dockside landing place, relocated to waters where fishing for Spanish mackerel by the vessel is legally permitted, and returned to a dockside landing place.

**4 VAC 20-540-30. POSSESSION LIMITS ESTABLISHED.**

- A. It shall be unlawful for any person fishing with hook and line, hand line, rod and reel, spear, or gig or other recreational gear to possess more than 15 Spanish mackerel or more than three king mackerel.
- B. When fishing from a boat or vessel, where the entire catch is held in a common hold or container, the possession limits shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 15 for Spanish mackerel or multiplied by three for king mackerel. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.
- C. The possession limit provisions established in this section shall not apply to persons harvesting Spanish mackerel or king mackerel with licensed commercial gear.

**"PERTAINING TO SPANISH AND KING MACKEREL "**

**CHAPTER 4 VAC 20-540-10 ET SEQ.**

**4 VAC 20-540-40. MINIMUM SIZE LIMITS ESTABLISHED.**

- A. Minimum size limit for Spanish mackerel is established at 14 inches total length.
- B. Minimum size limit for king mackerel is established at 27 inches in total length.
- C. It shall be unlawful for any person to take, catch or possess any Spanish mackerel less than 14 inches in total length.
- D. Except as provided in F of this section it shall be unlawful for any person to take, catch or possess any king mackerel less than 27 inches in total length.
- E. Total length shall be measured in a straight line from the tip of the nose to the tip of the tail for the purposes of this chapter.
- F. Nothing in this section shall prohibit the taking, catching, or possession of any king mackerel less than 27 inches total length, by a licensed pound net.

**4 VAC 20-540-50. TRIP LIMIT ESTABLISHED.**

It shall be unlawful for any person to land in Virginia any amount of Spanish mackerel in excess of 3,500 pounds per vessel per trip.

**4 VAC 20-540-60. PENALTY.**

As set forth in 28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

\* \* \* \* \*

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by 28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on October 24, 2000.

"PERTAINING TO SPANISH AND KING MACKEREL "

CHAPTER 4 VAC 20-540-10 ET SEQ.

COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION

BY: \_\_\_\_\_  
**William A. Pruitt**  
Commissioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

My Commission expires December 31, 2000.

\_\_\_\_\_  
Notary

## **North Carolina Spanish Mackerel Implementation Plan**

Randy Gregory

The Atlantic States Marine Fisheries Commission (ASMFC) approved the Omnibus Amendment for Spot, Spotted Seatrout, and Spanish Mackerel on August 4, 2011. The Amendment updates all three plans with requirements under the Atlantic Coastal Fisheries Cooperative Management Act (1993) and the Interstate Fishery Management Program Charter (1995). The updates to the plans include commercial and recreational management measures and recommendations, adaptive management options, *de minimis* thresholds and exemptions, and monitoring recommendations. The Omnibus Amendment will be implemented July 1, 2012.

The ASMFC Spanish Mackerel Fishery Management Plan (FMP) was intended to achieve compatible management throughout the species range, including both state and federal waters. The management measures recommended in the Spanish mackerel FMP are not consistent with current federal Spanish mackerel requirements, which are determined by the South Atlantic Fishery Management Council (SAFMC). North Carolina has implemented management measures that are consistent with the current SAFMC Coastal Pelagic FMP.

North Carolina's regulations for Spanish Mackerel in commercial and recreational fisheries are as follows:

### **15A NCAC 03M .0301 SPANISH AND KING MACKEREL**

(a) Spanish Mackerel:

- (1) It is unlawful to possess Spanish mackerel less than 12 inches fork length.
- (2) It is unlawful to possess more than 15 Spanish mackerel per person per day taken for recreational purposes.
- (3) It is unlawful to possess more than 15 Spanish mackerel per person per day in the Atlantic Ocean beyond three miles in a commercial fishing operation except for persons holding a valid National Marine Fisheries Service Spanish Mackerel Commercial Vessel Permit.

(c) Charter vessels or head boats that hold a valid National Marine Fisheries Service Coastal Migratory Pelagic (Charter Boat and Head Boat) permit must comply with the Spanish mackerel and king mackerel possession limits established in Subparagraphs (a)(2) and (b)(2) of this Rule when fishing with more than three persons (including the captain and mate) on board.

(d) It is unlawful to possess aboard or land from a vessel, or combination of vessels that form a single operation, more than 3,500 pounds of Spanish or king mackerel, in the aggregate, in any one day.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1996;*

*Temporary Amendment Eff. January 1, 2000; July 1, 1999;*

*Amended Eff. October 1, 2008; August 1, 2002; April 1, 2001.*

### **15A NCAC 03M .0302 PURSE GILL NET PROHIBITED**

It is unlawful to have a purse gill net on board a vessel when taking or landing Spanish or King Mackerel.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

*Eff. January 1, 1991.*

The rule 15A NCAC 03M .0512 would be used to implement (via proclamation) any regulations deemed necessary by the ASMFC in the future.

### **15A NCAC 03M .0512 COMPLIANCE WITH FISHERY MANAGEMENT PLANS**

(a) In order to comply with management requirements incorporated in Federal Fishery Management Council Management Plans or Atlantic States Marine Fisheries Commission Management Plans or to implement state management measures, the Fisheries Director may, by proclamation, take any or all of the following actions for species listed in the Interjurisdictional Fisheries Management Plan:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means and methods; and
- (6) Require submission of statistical and biological data.

(b) Proclamations issued under this Rule shall be subject to approval, cancellation, or modification by the Marine Fisheries Commission at its next regularly scheduled meeting or an emergency meeting held pursuant to G.S. 113-221.1.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.4; Eff. March 1, 1996; Amended Eff. October 1, 2008.*

Rules have been enacted that reduce bycatch of Spanish Mackerel and minimize harvest of undersized individuals.

**G.S. 113-185** It is unlawful to engage in trash or scrap fishing (the taking of young of edible fish before they are of sufficient size to be of value as individual food fish) for commercial disposition as bait, for sale to any dehydrating or nonfood processing plant, or for sale or commercial disposition in any manner. The MFC's rules may authorize the disposition of the young of edible fish taken in connection with the legitimate commercial fishing operations, provided it is a limited quantity and does not encourage "scrap fishing".

#### **15A NCAC 03J .0104 TRAWL NETS**

(d) The Fisheries Director may, with prior consent of the Marine Fisheries Commission, by proclamation, require bycatch reduction devices or codend modifications in trawl nets to reduce the catch of finfish that do not meet size limits or are unmarketable as individual food fish by reason of size. (Currently required through Proclamation SH-3-2001)

#### **15A NCAC 03J .0109 LONG-HAUL FISHING OPERATIONS, IDENTIFICATION REQUIREMENTS**

It is unlawful to tow or pull a net in a long-haul or swipe net fishing excluding operations with nets made entirely of monofilament and having a mesh length of three inches or greater:

(3) In the internal coastal waters south and west of a line beginning on the west shore of Pamlico Sound at Bluff Point at a point 35° 19.5333' N - 76° 09.3333' W; running southeasterly to Ocracoke Island to a point 35° 08.0000' N - 75° 55.0000' W, without escape panels as follows:

- (a) For long haul operations, two panels four feet deep and six feet long shall be installed with the entire panel within 10 feet of the staff on the end of the bunt net from which the fish are being bailed. The panels shall be in the water while fish are harvested.
- (b) For swipe net operations, two panels three feet deep and five feet long shall be installed with the entire panel within 10 feet of the staff on the end of the bunt net from which the fish are being bailed. The panels shall be in the water while fish are harvested.
- (c) The upper edge of one panel shall be installed within 12 to 24 inches of the float line and the lower edge of the other panel shall be installed within 12 to 24 inches of the lead line.
- (d) The panels shall be constructed of unobstructed trawl rings with an inside diameter no less than one and nine-sixteenth inches (1 9/16"). The rings shall be fastened together at a maximum of four points per ring.

# South Carolina Department of Natural Resources



John E. Frampton  
Director

Robert H. Boyles  
Deputy Director for  
Marine Resources

January 11, 2012

Danielle Chesky  
Atlantic States Marine Fisheries Commission  
Fishery Management Plan Coordinator  
1050 N. Highland Street, Suite 200A-N  
Arlington, VA 22201

Dear Danielle,

This is to verify that through existing state law South Carolina is currently in compliance with the management requirements of the ASMFC Management Plan for Spanish mackerel. Under SC Code Section 50-5-2730, applicable regulations promulgated by the federal government pertaining to size and bag limits; landing requirements; seasons; fishing periods; gear restrictions; and commercial or recreational catch limits for Spanish mackerel and other federally managed species are declared to be the law of the state of South Carolina and apply in all state waters. Continued synchronization of federal regulations and management requirements within the ASMFC Spanish Mackerel Management Plan will ensure South Carolina's ability to constantly remain in compliance with all management measures without need for additional action on the part of the SCDNR or the South Carolina State Legislature.

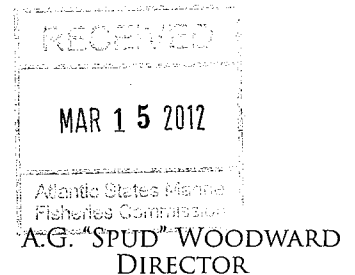
If you have any questions or require any additional information please let me know.

Sincerely,

A handwritten signature in black ink that reads "Melvin Bell". The signature is written in a cursive, flowing style.

Melvin Bell  
Director,  
Office of Fisheries Management

cc: Robert Boyles  
Pearse Webster  
Wallace Jenkins



MARK WILLIAMS  
COMMISSIONER

March 12, 2012

Danielle Brzezinski  
Atlantic States Marine Fisheries Commission  
1050 N. Highland St, Suite 200A-N  
Arlington, VA 22201

Dear Danielle:

By way of this letter I am responding to your August 10, 2011 email regarding the Omnibus Amendment to the Interstate Fishery Management Plans for Spanish Mackerel, Spot, and Spotted Seatrout. The State of Georgia is notifying the Atlantic States Marine Fisheries Commission that Georgia's current fishery management practices for Spanish Mackerel meet or exceed requirements of the Omnibus Amendment.

The Omnibus Amendment indicates that in order for a state to be in compliance for Spanish Mackerel, the recreational fishery must have a 12" fork length or 14" total length minimum size limit, a 15 fish creel limit, and the ability to change bag limits in the following year if the stock of Spanish mackerel is overfished and the Total ACL is exceeded in a given year. Currently, Georgia statutes include a 12" fork length minimum size limit and a 15 fish creel for the recreational fishery. Georgia also manages Spanish mackerel with an open season from March 16<sup>th</sup> to November 30<sup>th</sup>. As the Board of Natural Resources has the authority to change the size, creel or season for Spanish mackerel, the creel limit can be modified in timely enough fashion to address ACL overages in the following year. As Georgia does not have a directed finfish trawl fishery, commercial trips are limited to the recreational season, creel and size limits. [O.C.G.A. 27-4-130.1].

General state regulations that affect the catch of Spanish Mackerel include: all food shrimp trawls with a headrope length of greater than 16 feet are required to have a certified Bycatch Reduction Device (BRD) [GA Board of Natural Resources Rule 391-2-4-.08], whelk trawls are required to have a minimum mesh size of 4" stretched [O.C.G.A. 27-4-133], and gillnets are prohibited for all species except shad [O.C.G.A. 27-4-7].

We will continue to monitor catches of these species with our fishery-independent and -dependent surveys and provide estimates of abundance from these surveys along with relevant information.

D. Brzezinski  
March 12, 2012  
Page 2

In summary, Georgia statutes and regulations for Spanish mackerel in state waters meet or exceed those required by the Omnibus Amendment. Also, Georgia meets all BRD requirements for the shrimp trawl fishery. Thus, the State of Georgia submits that we are in compliance with the Omnibus Amendment. Copies of the above-referenced statute and regulations are attached. Please notify me if you require another copy.

Sincerely,

A handwritten signature in black ink, appearing to read "Spud Woodward", with a stylized flourish at the end.

A. G. "Spud" Woodward

cc: Carolyn Belcher  
Brad Gane  
Pat Geer  
Doug Haymans



TITLE 27. GAME AND FISH  
CHAPTER 4. FISH  
ARTICLE 1. GENERAL PROVISIONS

O.C.G.A. § 27-4-7 (2011)

§ 27-4-7. Use of gill nets; seizure of illegal nets

(a) Except as otherwise provided by law or rule and regulation, it shall be unlawful for any person to use a gill net in any of the fresh waters or salt waters of this state at any time, provided that it shall be lawful for properly licensed fishermen to use such nets in the taking of shad and sturgeon in accordance with Code Section 27-4-71, subsection (d) of Code Section 27-4-91, and all other laws and rules and regulations applicable to the taking of such fish. All nets violative of this Code section found in the fresh waters or salt waters of this state or in the possession of any person on or around fresh water or salt water shall be seized by conservation rangers or other peace officers of this state. Nets so seized shall be confiscated and shall become the property of the department and shall be disposed of as the commissioner shall direct.

(b) Except for sturgeon taken in accordance with subsection (d) of Code Section 27-4-91, it shall be unlawful to land in this state any of the species of fish enumerated in Code Section 27-4-130.1 which were taken by means of a gill net. For purposes of this subsection, "to land" fish means to bring the fish to shore in this state in the boat or vessel utilized in taking the fish by means of a gill net, regardless of the jurisdiction from which the fish were taken.

**HISTORY:** Ga. L. 1957, p. 93, §§ 1, 2; Code 1933, § 45-712, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 2000, p. 1290, § 1.

TITLE 27. GAME AND FISH  
 CHAPTER 4. FISH  
 ARTICLE 4. SEAFOOD  
 PART 1. GENERAL PROVISIONS

O.C.G.A. § 27-4-130.1 (2011)

§ 27-4-130.1. Open seasons, creel and possession limits, and minimum size limits for certain finfish species

(a) After October 1, 1989, it shall be unlawful to take the following salt-water finfish species at any time during the periods set forth below:

Species	Closed Season
(1) Spanish mackerel	December 1 -- March 15
(2) King mackerel	No closed season
(3) Cobia	December 1 -- March 15
(4) Red snapper	No closed season
(5) Gag grouper	No closed season
(6) Amberjack	January 1 -- March 15
(7) Black sea bass	No closed season
(8) Bluefish	December 1 -- March 15
(9) Sheepshead	No closed season
(10) Sailfish	No closed season
(11) Blue marlin	No closed season
(12) White marlin	No closed season
(13) Tarpon	December 1 -- March 15
(14) Atlantic sturgeon	July 1 -- December 31
(15) Spotted sea trout	No closed season
(16) Red drum	No closed season
(17) Dolphin	No closed season
(18) Sand tiger shark	January 1 -- December 31
(19) Small sharks composite (Atlantic sharpnose, bonnethead, and spiny dogfish)	No closed season
(20) Sharks	No closed season
(21) Red porgy	No closed season

(b) The board shall establish open seasons and creel and possession limits within the maximums specified in this subsection and shall establish minimum sizes within the range specified in this subsection; provided, however, that it shall be unlawful to have in one's possession or take from the salt waters of this state any red drum in excess of 23 inches in total length. After October 1, 1989, it shall be unlawful to take the following salt-water finfish species at any time except during the open seasons so established for such species or to take or possess the following salt-

water finfish species except in accordance with the creel and possession limits and minimum sizes so established for such species:

Species	Maximum Open Season	Maximum Daily Creel and Possession Limit	Minimum Size
(1) Spanish mackerel	Mar. 16 -- Nov. 30	40	10 - 18 inches
(2) King mackerel	All year	15	15 - 35 inches
(3) Cobia	Mar. 16 - Nov. 30	10	20 - 40 inches
(4) Red snapper	All year	20	12 - 20 inches
(5) Gag grouper	All year	20	12 - 36 inches
(6) Amberjack	Mar. 16 -- Dec. 31	10	20 - 50 inches
(7) Black sea bass	All year	35	8 - 15 inches
(8) Bluefish	Mar. 16 -- Nov. 30	25	12 - 20 inches
(9) Sheepshead	All year	50	8 - 16 inches
(10) Reserved			
(11) Reserved			
(12) Reserved			
(13) Tarpon	Mar. 16 -- Nov. 30	5	65 - 90 inches
(14) Atlantic sturgeon	Jan. 1 -- June 30	5	24 - 86 inches
(15) Red drum	All year	25	14 inches
(16) Dolphin	All year	15	12 - 24 inches
(17) Sand tiger shark	No open season	1	87 - 140 inches
(18) Small sharks composite (Atlantic sharpnose, bonnethead and spiny dogfish)	All year	4	30 - 54 inches
(19) Sharks	All year	2	48 - 120 inches
(20) Red porgy	All year	10	12 - 28 inches

(c) It shall be unlawful to take the following salt-water finfish species at any time except during the open seasons so established for such species or to take or possess the following salt-water finfish species except in accordance with the creel and possession limits and minimum sizes so established for such species; provided, however, that trawlers fishing for shrimp for human consumption pursuant to Code Section 27-4-133 shall be exempt from the creel and possession limits for whiting, spot, and Atlantic croaker and provided, further, that hook and line anglers shall be exempt from the creel and possession limits for whiting:

(d) In accordance with current sound principles of wildlife research and management and the factors thereof set out in subsection (a) of Code Section 27-4-130, the board is authorized to promulgate rules and regulations establishing open seasons, creel and possession limits, minimum size limits, and possession and landing specifications on a state-wide, regional, or local basis as provided in subsections (b) and (g) of this Code section.

(e) In accordance with current sound principles of wildlife research and management and the factors thereof set out in subsection (a) of Code Section 27-4-130, the board is authorized to promulgate rules and regulations to prohibit the sale of any or all of the salt-water finfishes from subsection (b) of this Code section.

(f) Nothing in this Code section shall prohibit those individuals fishing with a valid commercial federal permit in federal waters from exceeding the creel and possession limits, provided that the waters are open for commercial fishing with specified gear and said individual complies with the minimum sizes as set by the board and provided, further, that the commercial quota for the species has not been reached and the board has not prohibited the sale of the species.

(g) All fish subject to minimum size and creel and possession limits pursuant to subsections (b) and (c) of this Code section may be possessed in state waters or landed only with the head and fins intact. It shall be unlawful to transfer at sea in state waters from a fishing vessel to any other vessel or person any fish caught which are subject to the creel and possession limits and minimum size limits pursuant to subsections (b) and (c) of this Code section.

**HISTORY:** Code 1981, § 27-4-130.1, enacted by Ga. L. 1989, p. 1406, § 1; Ga. L. 1992, p. 1651, § 1; Ga. L. 1994, p. 605, § 1; Ga. L. 1998, p. 570, § 1; Ga. L. 2001, p. 4, § 27; Ga. L. 2001, p. 325, § 1; Ga. L. 2002, p. 809, § 1; Ga. L. 2002, p. 1232, § 3; Ga. L. 2006, p. 219, § 1/ HB 1085; Ga. L. 2007, p. 47, § 27/SB 103; Ga. L. 2010, p. 952, § 10/SB 474.

TITLE 27. GAME AND FISH  
CHAPTER 4. FISH  
ARTICLE 4. SEAFOOD  
PART 1. GENERAL PROVISIONS

O.C.G.A. § 27-4-133 (2011)

§ 27-4-133. Lawful nets; opening and closing waters; identification on boats fishing for shrimp

(a) Except as otherwise specifically provided, it shall be unlawful for any person to use a power-drawn net in any of the salt waters of this state for commercial shrimping for human consumption. All sounds shall be closed to such fishing, except that the commissioner may open Cumberland, St. Simons, Sapelo, St. Andrew, Wassaw, or Ossabaw sounds or any combination of such sounds at any time between September 1 and December 31, provided that he or she has determined that the shrimp in the waters of each sound to be opened are 45 or fewer shrimp with heads on to the pound; and the commissioner shall close each sound so opened when he or she has determined that the shrimp in the waters of the sound exceed 45 shrimp with heads on to the pound. The commissioner may open any waters outside, on the seaward side, of the sounds between May 15 and December 31, provided that he or she has determined that the shrimp in such outside waters are 45 or fewer shrimp with heads on to the pound; and the commissioner shall close the waters so opened when he or she has determined that the shrimp in such outside waters exceed 45 shrimp with heads on to the pound. The commissioner may open any waters outside the sounds during the months of January and February, provided that he or she has determined that the shrimp in such outside waters are 50 or fewer shrimp with heads on to the pound; and the commissioner shall close such outside waters so opened when he or she has determined that the shrimp in such outside waters exceed 50 shrimp with heads on to the pound. The department shall conduct inspections for such shrimp count, and a determination by the commissioner shall be conclusive as to the count. The commissioner shall provide public notice of the opening and closing of such waters, as provided in this Code section, by posting a notice of all openings and closings at the courthouse and on all shrimp docks and by such other means as may appear feasible. The notices shall be posted at least 24 hours prior to any change in the opening and closing of any such waters, provided that such notice is required only when waters are opened or closed by action of the commissioner.

(a.1) (1) It shall be unlawful to fish for shrimp for human consumption with any trawl or trawls having a total foot-rope length greater than 220 feet, not including the foot-rope length of a single trawl not greater than 16 feet when used as a try net. Foot-rope shall be measured from brail line to brail line, first tie to last tie on the bottom line. The provisions of this subsection shall not apply to vessels having a maximum draft of seven feet or less when fully loaded. The department is authorized to exempt trawls used by persons holding a valid scientific collection

permit granted by the department.

(2) A vessel operator who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$500.00 nor more than \$2,500.00 or imprisoned for not longer than 30 days or both, and any trawl on board the vessel shall be contraband and may be seized.

(b) Reserved.

(c) Except as otherwise specifically provided, it shall be unlawful to fish with nets other than cast nets in any of the tidal rivers or creeks, except to fish for shad or sturgeon, provided that nothing contained in this Code section shall be construed so as to prohibit any person from using a beach seine along any public beach.

(d) The department shall have the power to close all or any portion of the salt waters of this state to commercial and recreational fishing in the event of a disaster likely to cause seafood to be unfit for human consumption or in the event of any other emergency situation.

(e) Nothing contained in this Code section shall be construed to prohibit any person from fishing in the salt waters of this state for shrimp to be used or sold for live bait pursuant to Code Sections 27-4-170 and 27-4-171, provided that it shall be unlawful to fish for shrimp for bait with any trawl equipment which has been used to fish for shrimp pursuant to this Code section.

(f) In accordance with current, sound principles of wildlife research and management, as provided by Code Section 27-4-130, the commissioner is authorized to authorize any person to fish for crabs or whelks with power-drawn nets of four-inch stretched mesh from any waters outside, on the seaward side, of the sounds at any time during the year, or from the waters of Cumberland, St. Simons, Sapelo, St. Andrew, Wassaw, and Ossabaw sounds during the months of January, February, and March, when the commissioner has determined that fishing for crabs or whelks within such waters will not be detrimental to the conservation of crabs or shrimp. Possession of any net with mesh smaller than that provided in this subsection while taking crabs or whelks shall be prima-facie evidence of the violation of this Code section.

(g) It shall be unlawful for any person fishing for shrimp for commercial purposes pursuant to this Code section to fail to have positioned on the bow or cabin of the boat taking such shrimp a board with a background color of daylight fluorescent orange and with such numerals and letters painted or affixed thereon as are specified by the department for the boat. The numerals and letters shall be at least 16 inches in height, black in color, of block character, and spaced so as to be readable from the air from left to right.

(h) Any determination to open or close the salt waters pursuant to this Code section shall be made in accordance with current, sound principles of wildlife research and management.

**HISTORY:** Ga. L. 1924, p. 101, § 34; Code 1933, § 45-512; Ga. L. 1952, p. 77, §§ 1-4; Ga. L. 1953, Jan.-Feb. Sess., p. 491, §§ 1-7; Ga. L. 1955, p. 483, § 94; Ga. L. 1956, p. 590, §§ 12, 13, 20; Ga. L. 1964, p. 174, § 1; Ga. L. 1966, p. 270, § 1; Ga. L. 1968, p. 202, § 3; Ga. L. 1970, p. 961, §§ 1, 2; Ga. L. 1971, p. 221, § 1; Ga. L. 1974, p. 1170, § 1; Ga. L. 1974, p. 1175, § 1; Code 1933, § 45-902, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1978, p. 1552, § 3; Ga. L. 1979, p. 678, § 36; Ga. L. 1981, p. 688, § 1; Ga. L. 1982, p. 3, § 27; Ga. L. 1998, p. 1133, § 11; Ga. L. 2001, p. 1069, § 1; Ga. L. 2002, p. 797, § 1; Ga. L. 2007, p. 93, § 11/HB 100.

### **391-2-4-.08 Bycatch Reduction Specifications. Requirement for use of Bycatch Reduction Devices. Amended.**

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to regulate the times, methods, ways, means, and devices of taking wildlife which are necessary to conserve living marine resources.

(2) **Definitions used in this rule.**

(a) "Centerline" means the seam that runs along the top center of the trawl net. In the absence of a seam, the centerline runs from the center point of the length of the head rope to the furthest distance on top of the cod end of the trawl.

(b) "Certified bycatch reduction device" or "BRD" means a device specified in subsection 3(a)(i, ii, and iii) or a device certified by the National Marine Fisheries Service.

(c) "Cod end" means the end of a trawl net which acts as the receptacle for fish and other organisms caught in the net. It is closed and secured, at the extreme end, with a line.

(d) "Functional tailbag length" means that portion of the cod end forward of the tail rope tie off rings toward the mouth of the trawl net.

(e) "Headrope" means a rope that is attached to the upper lip (top edge) of the mouth of a trawl net along the forwardmost edge.

(f) "Headrope length" means the straight line length of that portion of the top rope of a trawl net from which the net is hung measured between the outermost hanging points.

(g) "Try net" means a net pulled for brief periods of time just before, or during, deployment of the primary net(s) in order to test for shrimp concentrations or determine fishing conditions (e.g. presence or absence of bottom debris, jellyfish, bycatch, seagrass, etc.).

(3) **Vessels Required to use Bycatch Reduction Devices.**

(a) Effective June 1, 1996 all shrimp trawlers which trawl for shrimp for human consumption in Georgia saltwaters as permitted by O.C.G.A. 27-4-133 must have a certified bycatch reduction device (BRD) installed in each net, other than an exempt shrimp trawl or try net, at all times of the year. Effective July 1, 1997, all shrimp trawlers must have a certified BRD installed in trawl nets and trynets with a headrope length of greater than sixteen feet. A BRD shall be deemed to be certified if it is one of the types specified here in or is certified by the National Marine Fisheries Service.

1. Fish Eye BRD - This device shall consist of at least one rigid exit opening frame sewn into each trawl net. This frame is to be constructed of no more than four bars creating an apex to orient the exit opening. Each frame shall have an exit opening in the shape of an oval and a minimum of nine inches in length and a minimum of four and one half inches across the opening in the shortest dimension, creating an unobstructed opening with a surface area equal to or greater than twenty square inches facing the direction of the mouth of the trawl net. Each frame shall be installed in the cod end of the trawl net no further forward than seventy two percent of the functional tailbag length from the tail rope tie off rings. The frame shall be installed along the centerline on the top side of the cod end of the trawl net.

2. Eight-Inch Expanded Mesh/Extended Funnel BRD - This device consists of a funnel of small mesh netting within a cylinder of large mesh netting, held open by at least one



semi-rigid hoop, and is installed in the trawl net behind a certified Turtle Excluder Device as defined in Rule 391-2-4.05. One side of the funnel is extended vertically to provide passage for shrimp to the cod end and to create an area of reduced water flow to allow for fish escapement through the larger mesh outer netting. This BRD shall meet the following specifications:

- (i) The small mesh funnel and large mesh section shall be positioned within extension sections constructed of no smaller than one and five eighths inch stretched-mesh nylon netting, no less than one hundred twenty meshes in circumference. The extension section in front of the large mesh section shall be no less than six and one half meshes long, and the extension section behind the large mesh section shall be no shorter than twenty three meshes in length.
- (ii) The small mesh funnel shall be constructed of no less than one and one half inch stretched-mesh netting. This component shall have a circumference of no less than one hundred twenty meshes at the leading edge and no more than one hundred four meshes at the trailing edge. The short side of the funnel shall be at least thirty-six inches long, while approximately half of the opposite side of the funnel shall extend at least twenty-two inches further toward the trailing edge of the funnel. The leading edge of the funnel shall be attached no less than three meshes forward of the leading edge of the large mesh. At least seven meshes of the short side of the funnel shall be attached to the back section of extension webbing on the top and bottom at least eight meshes back from the trailing edge of the large mesh section.
- (iii) The larger mesh outer section shall consist of no smaller than eight-inch stretched-mesh netting and shall be hung on the square. This section shall have a circumference no smaller than nineteen meshes and a length of at least four meshes.
- (iv) The leading edge of the large mesh section shall be attached to the trailing edge of the front extension section. One semi-rigid hoop constructed of plastic-coated trawl cable with a minimum diameter of thirty inches shall be installed at least five meshes behind the trailing edge of the large mesh section. If a second hoop is used, it shall be installed in the front extension section at least three meshes ahead of the large mesh section.

3. Ten-Inch Expanded Mesh/Extended Funnel BRD - This device consists of a funnel of small mesh netting within a cylinder of large mesh netting, held open by at least one semi-rigid hoop, and is installed in the trawl net behind a certified Turtle Excluder Device as defined in Rule 391-2-4.05. One side of the funnel is extended vertically to provide passage for shrimp to the cod end and to create an area of reduced water flow to allow for fish escapement through the larger mesh outer netting. This BRD shall meet the following specifications:

- (i) The small mesh funnel and large mesh section shall be positioned within extension sections constructed of no smaller than one and three eighths inch stretched-mesh nylon netting, no less than one hundred twenty meshes in circumference. The extension section in front of the large mesh section shall be no less than three meshes long, and the extension section behind the large mesh section shall be no shorter than eighteen and one half meshes in length.
- (ii) The small mesh funnel shall be constructed of no less than one and one half inch stretched-mesh netting. This component shall have a circumference of no less than eighty meshes at the leading edge and no less than eighty meshes at the trailing edge. The short side of the funnel shall be at least twenty-seven inches long, while approximately half of

the opposite side of the funnel shall extend at least fifteen inches further toward the trailing edge of the funnel. The leading edge of the funnel shall be attached no less than one half mesh forward of the leading edge of the large mesh. The short side of the funnel shall be attached to the back section of extension webbing on the top and bottom at least two meshes back from the trailing edge of the large mesh section.

(iii) The larger mesh outer section shall consist of no smaller than ten inch stretched-mesh netting and shall be hung on the square. This section shall have a circumference no smaller than nineteen meshes and a length of at least three meshes.

(iv) The leading edge of the large mesh section shall be attached to the trailing edge of the front extension section. One semi-rigid hoop constructed of plastic-coated trawl cable with a minimum diameter of thirty inches shall be installed at least one and a half meshes behind the trailing edge of the large mesh section. If a second hoop is used, it shall be installed in the front extension section at least three meshes ahead of the large mesh section.

4. Diamond Fish Eye BRD - This device shall consist of at least one rigid exit opening frame sewn into each trawl net. This frame is to be constructed of no more than four bars creating an apex to orient the exit opening. Each frame shall have an exit opening in the shape of a diamond and a minimum of six and one half inches in length and a minimum of five and one half inches across the opening in the shortest dimension, creating an unobstructed opening with a surface area equal to or greater than nineteen square inches facing the direction of the mouth of the trawl net no further forward than seventy two percent of the functional tailbag length from the tail rope tie off rings. The center of the exit opening of the frame shall be installed no more than nineteen meshes offset from either side of the centerline on the top side of the cod end of the trawl net.

(b) Bycatch reduction devices are required in try nets having a headrope length of greater than sixteen feet used for purposes of food shrimping pursuant to O.C.G.A. 27-4-133.

(c) A BRD shall be used in conjunction with a certified Turtle Excluder Device when such a device is required pursuant to 50 C.F.R. Section 227.72(e)(4)(i, ii and iii) and Section 227.72(e)(2)(ii)(A)(1).

**(4) Exemptions.**

(a) A trawl net being used as part of a public or private experimentation authorized by the Department of Natural Resources, as provided in O.C.G.A. 27-2-12, is exempt from the BRD requirement provided written authorization shall be maintained aboard the shrimp trawler with such a trawl at all times.

(b) Reserved.

(c) Reserved.

Authority Title 12; O.C.G.A. Sec. 27-1-4. **History.** Original Rule entitled "Bycatch Reduction Specifications. Requirement for Use of Bycatch Reduction Devices" adopted, F. Jan. 25, 1996, eff. Feb. 14, 1996. **Amended:** F. Jun. 2, 1997; eff. Jun. 22, 1997. **Amended:** F. Dec. 3, 1997; eff. Dec. 23, 1997.



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March 12, 2012

Danielle Chesky, Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission  
1050 N. Highland St., Suite 200A-N  
Arlington, VA 22201

Re: Florida's Spanish Mackerel Implementation Plan

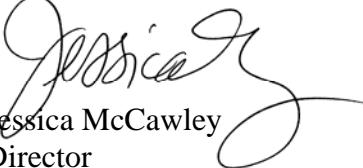
Dear Mrs. Chesky:

This letter is intended as Florida's implementation plan for Spanish mackerel as outlined in the Omnibus Amendment to the Interstate Fishery Management Plan for Spanish Mackerel. Please find listed in Enclosure #1 the specific compliance criteria in which Florida has already implemented within its Spanish mackerel regulation, 68B-23 Florida Administrative Code (F.A.C.).

The allowed commercial and recreational gears, bag, and size limit for Spanish mackerel, as well as, the recreational requirement to land in whole condition apply statewide in Florida, along both the Atlantic and Gulf coasts. The commercial season and trip limits apply along the East Coast Region of Florida, which includes Florida state waters north of the Dade-Monroe County line. I have enclosed the Florida Administrative Code (regulations) for Spanish mackerel with the sections mentioned above highlighted in Enclosure #2.

Please contact Aaron Podey at (850) 487-0554 or [Aaron.Podey@MyFWC.com](mailto:Aaron.Podey@MyFWC.com) if you have any further questions.

Sincerely,

  
Jessica McCawley  
Director

jm/ms/ap  
Enclosure

cc: Aaron Podey  
Nick Wiley

## Enclosure #1: Compliance Table

	Florida in Compliance	Florida Regulation	Notes	F.A.C Rule #
<b>Commercial</b>				
Prohibited: Purse Seines; drift gill nets south of Cape Lookout, NC	Yes	Only gears allowed are beach or haul seine, cast net, hook and line, and spearing		68B-23.003
12"FL or 14"TL min size	Yes	12"FL min size		68B-23.0035
March 1-end of Feb season	Yes	March 1-end of Feb season		68B-23.004
Trip limits for Florida (per vessel, per day) 3/1-11/30 = 3500 lbs	Yes	Trip limits for Florida (per vessel, per day) 3/1-11/30 = 3500 lbs		68B-23.004
12/1 until 75% adjusted quota taken = 3500 lbs Mon-Fri & 1500 lbs Sat-Sun	Yes	12/1 until the date the unlimited harvest in adjacent EEZ is closed = 3500 lbs Mon-Fri & 1500 lbs Sat-Sun		68B-23.004
When 75% adjusted quota taken until 100% adjusted quotas taken = 1500 lbs	Yes	From date unlimited harvest is closed in adjacent EEZ until the date the commercial vessel limit in such federal waters is reduced to 500 lbs = 1500 lbs		68B-23.004
After 100% of adjusted quotas taken = 500 lbs	Yes	From date the 1500 lb season ends until the end of Feb = 500 lbs		68B-23.004
Quotas decreased following year if Total ACL is exceeded and stock is overfished	Yes	N/A	Florida will implement consistent quota if ACL is exceeded	N/A
<b>Recreational</b>				
12"FL or 14"TL min size	Yes	12"FL min size		68B-23.0035
15 fish creel limit	Yes	15 fish bag limit		68B-23.005
Must be landed with head and fins intact	Yes	must be landed in whole condition		68B-23.0035
Calendar year season	Yes	Not defined	Florida will define consistent calendar year if/when necessary	N/A
Prohibited gear: Drift gill nets south of Cape Lookout, NC	Yes	Only gears allowed are beach or haul seine, cast net, hook and line, and spearing		68B-23.003
Quotas decreased, via reduced bag limits, the following year if Total ACL is exceeded and stock is overfished	Yes	N/A	Florida will implement consistent bag limit if ACL is exceeded	N/A

## **Enclosure #2: Chapter 68B-23 Florida Administrative Code, Spanish Mackerel**

68B-23.001 Purpose, Intent and Repeal of Other Laws; Designation as Restricted Species

68B-23.002 Definitions

68B-23.003 Gear Specifications and Prohibited Gear

68B-23.0035 Size Limit

68B-23.004 Commercial Fishing Season for Spanish Mackerel; Commercial Vessel Limits

68B-23.005 Recreational Bag Limit for Spanish Mackerel

68B-23.006 Other Prohibitions

### **68B-23.001 Purpose, Intent and Repeal of Other Laws; Designation as Restricted Species.**

(1) The purpose and intent of this chapter are to protect, manage, conserve and replenish Florida's Spanish mackerel resource, species *Scomberomorus maculatus*. Accordingly, this chapter is intended to repeal Section 370.08(7), F.S (1985).

(2) If any provision of this chapter is held to be an invalid exercise of delegated legislative authority, it is the intent of the Commission that the invalidity not affect other provisions of the chapter which can be given effect without the invalid provision, and to this end, the provisions of this chapter are declared to be severable.

(3) Spanish mackerel are hereby designated as a restricted species pursuant to Section 379.101(23), F.S. (1985).

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 11-28-85, Amended 10-30-86, 12-10-87, 10-1-88, 10-19-89, 9-30-96, Formerly 46-23.001.*

### **68B-23.002 Definitions.**

(1) “Charter vessel” means a boat or vessel, including what is commonly known as a “headboat”, whose captain or operator is licensed by the U.S. Coast Guard to carry passengers and whose passengers fish for a fee. The “crew” of a charter vessel means those individuals who receive monetary or other compensation from the vessel owner, captain, or operator or from the passengers who are engaged in fishing from the vessel as anglers.

(2) “Commercial harvest,” “harvest for commercial purposes,” or words of similar import, when used in connection with the harvest of Spanish mackerel, means the taking or harvesting of any Spanish mackerel for purposes of sale or with intent to sell. Spanish mackerel harvested from state waters in excess of the recreational bag limit shall constitute harvest for commercial purposes.

(3) “Commission” means the Florida Fish and Wildlife Conservation Commission.

(4) “East Coast Region” means state waters along the east coast of Florida north of the Dade-Monroe County line in the Atlantic Ocean.

(5) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested.

(6) “Land”, when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(7) “Person” means any natural person, firm, entity or corporation.

(8) "Recreational harvester" means a person harvesting Spanish mackerel for other than commercial purposes.

(9) "Spanish mackerel" means any fish of the species *Scomberomorus maculatus*, or any part thereof.

(10) "Spearing" means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

(11) "Vessel" means and includes every description of water craft used or capable of being used as a means of transportation on water, including nondisplacement craft and any aircraft designed to maneuver on water.

(12) "West Coast Region" means state waters of the Atlantic Ocean south and west of the Dade-Monroe County line in the Atlantic Ocean and all state waters of the Gulf of Mexico.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-28-85, Amended 10-30-86, 10-1-88, 10-1-90, 11-29-93, 9-30-96, 1-1-98, Formerly 46-23.002.*

### **68B-23.003 Gear Specifications and Prohibited Gear.**

The harvest or attempted harvest of any Spanish mackerel by or with the use of any gear other than a beach or haul seine, a cast net, hook and line gear, or by spearing, is prohibited.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-28-85, Amended 10-30-86, 12-10-87, 10-1-88, 2-16-93, 11-29-93, 9-30-96, 1-1-98, Formerly 46-23.003.*

### **68B-23.0035 Size Limit.**

(1) No person shall harvest from state waters, possess while in or on state waters, or land any Spanish mackerel with a fork length less than 12 inches, measured from the tip of the snout to the rear center edge of the tail.

(2) All Spanish mackerel harvested in or from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a Spanish mackerel that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of Spanish mackerel, or mere removal of gills before landing is not prohibited.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-1-99, Formerly 46-23.0035.*

### **68B-23.004 Commercial Fishing Season for Spanish Mackerel; Commercial Vessel Limits.**

#### **(1) East Coast Region.**

(a) Persons harvesting Spanish mackerel for commercial purposes from waters of the East Coast Region shall have a season that begins on the regional season opening date of March 1 of each year and continues through the end of February the following year. These persons shall be subject to commercial vessel limits effective during segments of the season as follows (consistent with the Federal Standards established in 50 C.F.R. §622.44(b)):

1. Beginning on March 1 and continuing through November 30 of each year, no person harvesting Spanish mackerel for commercial purposes shall harvest or land from a single vessel in any one day more than 3,500 pounds of Spanish mackerel. During this season segment, the possession of more than 3,500 pounds of Spanish mackerel aboard a single vessel in or on state waters at any time, is prohibited.

2. Beginning December 1 of each year, until the date the unlimited harvest of Spanish mackerel in adjacent federal Exclusive Economic Zone (EEZ) waters is closed:

a. On Monday through Friday during this period, no person harvesting Spanish mackerel for commercial purposes shall harvest in any one day from state waters of this region, or possess at any time while fishing in state waters of this region, more than 3,500 pounds of Spanish mackerel.

b. On Saturday through Sunday during this period, no person harvesting Spanish mackerel for commercial purposes shall harvest in any one day from state waters of this region, or possess at any time while fishing in state waters of this region, more than 1,500 pounds of Spanish mackerel.

3. A limit of 1,500 pounds of Spanish mackerel per vessel per day shall apply from the date the unlimited harvest of Spanish mackerel is closed in adjacent federal Exclusive Economic Zone (EEZ) waters until the date the commercial vessel limit in such federal waters is reduced to 500 pounds of Spanish mackerel. During this season segment, no person shall possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 1,500 pounds of Spanish mackerel.

4. A limit of 500 pounds of Spanish mackerel per vessel per day shall apply from the date the 1500-pound season segment ends until the end of February each year. During this season segment, no person shall possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 500 pounds of Spanish mackerel.

(b) For purposes of this subsection:

1. A "day" starts at 6:00 a.m., local time, and extends for 24 hours. For example, Monday starts at 6:00 a.m. on Monday and extends until 6:00 a.m. on Tuesday. A person aboard a vessel terminating a trip prior to 6:00 a.m., but who possesses Spanish mackerel aboard the vessel after that time shall not be considered to possess Spanish mackerel in excess of the daily limits provided the vessel is not underway after 6:00 a.m. and such Spanish mackerel are unloaded prior to 6:00 p.m. following termination of the trip.

2. Transfer of Spanish mackerel harvested for commercial purposes between vessels within this region is prohibited.

(2) West Coast Region. Persons harvesting Spanish mackerel for commercial purposes from waters of the West Coast Region shall have a season that begins on the regional season opening date of April 1 of each year and continues through March 31 of the following year.

If at any time during the season, adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of Spanish mackerel, a limit of 500 pounds per vessel per day shall apply for the remainder of the season. During this period, no person shall harvest from state waters or land from a single vessel in any one day within this region more than 500 pounds of Spanish mackerel.

(3) Notice of the closure of each season segment described in paragraph (1)(a) or subsection (2) of this rule shall be given by the Executive Director of the Fish and Wildlife Conservation Commission in the manner provided in Section 120.81(5), F.S.

(4) For purposes of subsection (2) of this rule, the total regional commercial harvest of Spanish mackerel during a particular commercial fishing season shall consist of those Spanish mackerel harvested for commercial purposes by all forms of gear from the waters of the West Coast Region and the Exclusive Economic Zone of the United States (EEZ) contiguous to such waters, based on projections from official statistics collected and maintained by the Commission pursuant to Florida's Marine Fisheries Information System, Chapter 68E-5, F.A.C., and the National Marine Fisheries Service (NMFS). The count shall be conducted by the Fishery Statistics Section of the Florida Marine Research Institute, and shall commence with Spanish mackerel commercially harvested on and after the regional season opening date of each year and continue until the regional season closing date of the following year.

(5) Nothing in this section shall be construed to permit the harvest of Spanish mackerel from any area, during any time, or utilizing any form of gear where same is otherwise prohibited by law.

**68B-23.005 Recreational Bag Limit for Spanish Mackerel.**

(1) No recreational harvester shall harvest more than 15 Spanish mackerel per day from waters of the state.

(2)(a) No recreational harvester shall possess, while in or on the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more than 15 Spanish mackerel, whether harvested from state waters or from adjacent federal waters.

(b) The captain or crew of a charter vessel may each temporarily possess more than the applicable possession limit for Spanish mackerel, once the vessel is docked, for the limited purposes of transporting, cleaning, or storing fish for customers, so long as the fish are segregated in bags or other containers by customer and the customer has given written authorization to the captain to temporarily possess the fish for such limited purposes. The authorization shall remain attached to the bag or container containing the fish until they are returned to the customer.

(3) No recreational harvester, while on any vessel in state waters, shall transfer any Spanish mackerel to any other vessel.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-30-86, Amended 12-10-87, 10-1-88, 10-1-90, 11-26-92, 2-14-94, 1-1-98, Formerly 46-23.005, Amended 7-1-00.*

**68B-23.006 Other Prohibitions.**

(1) It is unlawful for any person to possess, transport, buy, sell, exchange or attempt to buy, sell or exchange any Spanish mackerel harvested in violation of this chapter.

(2) The prohibitions of this chapter apply as well to any and all persons operating a vessel in state waters, who shall be deemed to have violated any prohibition which has been violated by another person aboard such vessel.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-30-86, Amended 10-1-88, Formerly 46-23.006, Amended 6-1-99.*