

*State of New Jersey*

***DEPARTMENT OF  
ENVIRONMENTAL PROTECTION***

**DIVISION OF FISH AND WILDLIFE**

**State Implementation Plan for Spot and Spotted Seatrout**

**October 2011**

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 Spot and Spotted Seatrout.

### **Spot**

New Jersey currently has no regulations specific to the harvest of spot. The FMP does not require states to make any regulatory changes and New Jersey has no plans for any changes in 2012. All fishery dependent and independent data will be summarized and supplied to ASMFC as necessary.

### **Spotted Seatrout**

**In New Jersey, spotted seatrout (*Cynoscion nebulosus*) are managed as a group with weakfish (*Cynoscion regalis*) in regards to regulatory identification. Therefore all regulations pertaining to weakfish are also in effect for spotted seatrout. The following is a synopsis of weakfish (*Cynoscion nebulosus* and *Cynoscion regalis*) regulations for 2012.**

#### **Recreational Fishery**

A possession limit of one fish at a minimum length of 13 inches was adopted as per Addendum IV to Amendment 4 of the ASMFC Weakfish Management Plan.

#### **Commercial Fishery**

##### **Gill Net**

Gill net fishermen have had a 13-inch size limit on weakfish since March of 1992. That size limit remains in effect. There will be a 100-pound possession limit per vessel per day. The minimum mesh size for gill nets is 3.25 inches (stretched) with the following exception: nets with a mesh size between 2.75 inches and 3.25 inches (stretched) may be fished within two nautical miles of the MHWL. Fishermen must obtain a small mesh permit and submit monthly reports on catch and effort including the number, length and condition of all weakfish captured. Retention of sub-legal size weakfish taken by the small mesh nets is prohibited.

The gill net season will be closed from May 21 through September 2 and October 20-26. A vessel is allowed a bycatch of 100 pounds of weakfish during the closed season as long as an equal (or more) poundage of other species is also harvested.

##### **Trawl**

The size limit for the trawl fishery is 13 inches from January 1 through December 31 and will be in effect for both the open and closed seasons.

During the open season, the possession of any weakfish aboard a vessel constitutes a directed fishery. There will be a 100-pound possession limit per vessel per day during the open season. The minimum mesh size for an otter trawl used in a directed fishery for weakfish is 3.75 inches stretched diamond mesh inside measurement or 3.375 inches stretched square mesh inside measurement.

The closed season for the otter trawl fishery will remain from August 1 through October 12. A vessel is allowed a bycatch of 100 pounds of weakfish during the closed season as long as an equal (or more) poundage of other species is harvested.

**Pound Net**

There will be a 100-pound possession limit per vessel per day. The season will be closed from June 7 through June 30. A vessel is allowed a bycatch of 100 pounds of weakfish during the closed season as long as an equal (or more) poundage of other species is also harvested.

**Commercial Hook and Line**

New Jersey does not have a licensed commercial hook and line fishery for weakfish. Fishermen can sell weakfish legally taken by hook and line provided they follow the recreational bag and size limit above.



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
DIVISION OF FISH AND WILDLIFE

89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

OFFICE OF THE  
DIRECTOR

Phone: (302) 739- 9914  
Fax: (302) 739-6157

7 September 2011

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

Dear Ms. Brzezinski:

This letter serves as Delaware's implementation plan for spot and spotted seatrout as outlined in the Omnibus Amendment to the Interstate Fishery Management Plans for Spanish Mackerel, Spot and Spotted Seatrout (Approved August 4, 2011).

### **Spot**

#### *Laws & Regulations*

Currently, Delaware does not have any laws or regulations specific to spot and no statutory or regulatory changes specific to spot are expected in the following year.

#### *Management Triggers*

Delaware requires commercial harvesters to file mandatory monthly logbook reports detailing their catch by effort, species and weight on forms provided by the Department (DE Code Title 7 § 914(6) - <http://delcode.delaware.gov/title7/c009/index.shtml#914> ). Annual landings data are provided to NOAA/NMFS.

Delaware participates in the MRFSS and provides funds to increase the sampling level by three times the base NMFS sampling level in an effort to provide more precise estimates of recreational catch and effort.

Although Delaware's bottom trawl surveys were not identified as spot management trigger surveys, Delaware will continue to annually generate spot relative abundance indices for future management consideration.

### **Spotted Seatrout**

#### *Laws & Regulations*

Delaware has adopted a 12-inch (total length) minimum size limit for spotted seatrout (DE Administrative Code Title 7 §3576 (1.0) -

<http://regulations.delaware.gov/AdminCode/title7/3000/3500/3513.shtml#TopOfPage> ).

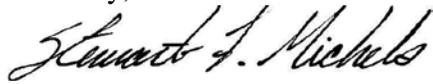
Delaware does not have a directed commercial fishery for spotted seatrout, as defined in Section

*Delaware's good nature depends on you!*

2.1.1 of the Omnibus Amendment to the Interstate Fishery Management Plans for Spanish Mackerel, Spot and Spotted Seatrout (2011). Further, recreational catches of spotted seatrout in Delaware are considered unusual and we are not aware of anyone targeting the species.

Should you have any questions or concerns, please do not hesitate to contact me at (302) 735-2970 or via e-mail at [stewart.michels@state.de.us](mailto:stewart.michels@state.de.us).

Sincerely,

A handwritten signature in cursive script that reads "Stewart F. Michels".

Stewart F. Michels,  
Program Manager II



*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 Spot within ASMFC's Omnibus Amendment for Spot, Spotted Seatrout, and Spanish Mackerel

Prepared by

Harry W Rickabaugh Jr.

September 2011

## **Introduction**

The Atlantic States Marine Fisheries Commission (ASMFC) Omnibus Amendment for spot, spotted seatrout and Spanish mackerel 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 address Amendment requirements pertaining to spot.

## **Monitoring Program Requirements**

There are no species specific monitoring requirements for spot within the Amendment. However, the Amendment does require the Spot Plan Review Team (PRT) to conduct an annual monitoring analysis. This analysis will be conducted until a coastwide stock assessment can be completed. Currently data is lacking to conduct such an assessment. The monitoring analysis utilizes commercial and recreational landings in conjunction with three fishery independent indices. One of these indices is the Maryland DNR Chesapeake Bay juvenile seine survey. Maryland DNR will continue to conduct this survey and provide index values to the PRT.

## **Management Program Requirements**

There are no management requirements for spot in the Amendment. Maryland does not currently have any seasons, size limits, creel limits or quotas for our recreational or commercial spot fisheries. Since none are required by the Amendment no changes in regulations are required or planned for spot.



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

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

Prepared by

Harry W Rickabaugh Jr.

September 2011

## **Introduction**

The Atlantic States Marine Fisheries Commission (ASMFC) Omnibus Amendment for spot, spotted seatrout and Spanish mackerel 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 spotted seatrout.

## **Monitoring Program Requirements**

There are no species specific monitoring requirements for spotted seatrout within the Amendment.

## **Management Program Requirements**

The Amendment requires both recreational and commercial management measures for spotted seatrout. Both recreational and commercial management measures include a 12 inch total length size limit with comparable mesh sizes limits. Maryland already has regulations in place that meet or exceed these requirements. Maryland does not intend to relax the current spotted seatrout regulations. Maryland's weakfish and spotted sea trout regulation are combined in state regulations, hence the inclusion of weakfish in the following text. Underlined text indicates the sections of the regulation that address the management measures in the Amendment.

From the Code of Maryland Regulations: 08.02.05.13.13 Weakfish and Spotted Sea Trout.

### A. Minimum Size.

(1) A recreational angler may not catch or possess spotted sea trout less than 14 inches in total length.

(2) A recreational angler may not catch or possess weakfish less than 13 inches in total length.

(3) A person licensed to catch fish for commercial purposes may not catch or possess weakfish or spotted sea trout less than 12 inches in total length.

B. Recreational Catch Limits. Except for a person licensed to catch finfish for sale, a person may not catch or possess more than one weakfish and ten spotted sea trout per day.

### C. Commercial.

(1) Atlantic Ocean, Its Coastal Bays, and Their Tidal Tributaries.

(a) A person may not catch, possess, or land more than 100 pounds of weakfish per day or trip, whichever is longer;

(b) The weight of the weakfish may not exceed the weight of the catch of the other species on board the vessel; and

(c) Harvest of weakfish with hook and line is prohibited.

(2) Chesapeake Bay and Its Tidal Tributaries.

(a) Hook and Line.

(i) The open commercial season for harvesting weakfish with hook and line is August 1 through September 30.

(ii) A person may not catch, possess, or land more than 50 pounds of weakfish per day or trip, whichever is longer.

(iii) No bycatch of weakfish is permitted outside of the open commercial season.

(b) All Other Gears.

(i) A person may not catch, possess, or land more than 50 pounds of weakfish per day or trip, whichever is longer.

D. Net Mesh Size Restrictions.

(1) Trawls. A person may not use a trawl with mesh less than 3-3/8 inches square or 3-3/4 inches diamond stretched mesh size to catch weakfish or spotted sea trout.

(2) Gill Nets. A person may not use a gill net with stretched mesh size less than 3 inches to catch weakfish or spotted sea trout.

E. Public Notice. The Secretary:

(1) May modify, open, or close a season by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date; and

(2) Shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.



"Ellen Cosby"  
<ellen.prfc@verizon.net>

08/10/2011 10:47 AM

Please respond to  
<ellen.prfc@verizon.net>

To <dbrzezinski@asmfc.org>

cc

bcc

Subject PRFC spotted sea trout regs.

History:

 This message has been replied to.

Danielle,

The PRFC spotted sea trout regulations for 2011 include: a 14" minimum size limit for the commercial fishery, with a 5" minimum mesh size for gill nets; and a 14" minimum size limit for the recreational fishery and charter fishery, with a 10 fish creel limit. Please let us know if you need any other info. Regards,  
Ellen Cosby



# 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

September 13, 2011

TO: Danielle Brzezinski, ASMFC Fisheries Management Plan Coordinator

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

RE: Spot and Spotted Seatrout Implementation Plans

The Virginia Marine Resources Commission (VMRC) currently has no (specific) regulations governing commercial or recreational fisheries for spot in Virginia's marine waters.

The VMRC has regulations providing size and possession limits, and time of year restrictions, for the commercial and recreational harvest of speckled trout in Virginia's marine waters. It is unlawful for any person to take, catch, or possess any speckled trout less than 14 inches in length provided however, the catch of speckled trout by pound net and haul seine may consist of up to 5.0%, by weigh, of speckled trout less than 14 inches. Regulation 4 VAC 20-280-10 et. seq. "Pertaining to Speckled Trout and Red Drum" 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 SPECKLED TROUT AND RED DRUM"****CHAPTER 4VAC20-280-10 ET SEQ.****PREAMBLE**

This chapter establishes minimum size limits for the taking or possession of speckled trout and red drum (channel bass) by commercial and recreational fishermen. The minimum size limits will protect the spawning stocks and increase yield in the fishery. This chapter is designed to assure that Virginia is consistent with all federal and interstate management measures for speckled trout and red drum. In addition, this chapter establishes a commercial landings quota for speckled trout. The goal of these management measures is to perpetuate the speckled trout and red drum resources in fishable abundance throughout their range and generate the greatest possible economic and social benefits from their harvest and utilization over time.

This chapter is promulgated pursuant to authority contained in §§28.2-201 and 28.2-304 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4VAC20-280-10 et seq., which was adopted December 17, 2002, and effective January 1, 2003. The effective date of this chapter, as amended, is April 1, 2011.

**4VAC20-280-10. Purpose.**

The purpose of this chapter is to protect and rebuild the spawning stocks of speckled trout and red drum, minimizing the possibility of recruitment failure, and to increase yield in their fisheries.

**4VAC20-280-20. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Red drum" means red drum or channel bass and is any fish of the species *Sciaenops ocellatus*.

"Speckled trout" means speckled trout or spotted seatrout and is any fish of the species *Cynoscion nebulosus*.

**4VAC20-280-30. Size limits.**

- A. It shall be unlawful for any person to take, catch, or possess any speckled trout less than 14 inches in length provided however, the catch of speckled trout by pound net or haul seine may consist of up to 5.0%, by weight, of speckled trout less than 14 inches in length.

**"PERTAINING TO SPECKLED TROUT AND RED DRUM"****CHAPTER 4VAC20-280-10 ET SEQ.**

- B. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, or hand-line to possess more than one speckled trout 24 inches or greater from December 1 through March 31 of any year.
- C. It shall be unlawful for any person to take, catch or possess any red drum less than 18 inches in length or greater than 26 inches in length.
- D. Length is measured in a straight line from tip of nose to tip of tail.

**4VAC20-280-40. Possession limits.**

- A. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, or hand-line to possess more than 10 speckled trout from April 1 through November 30 in any year.
- B. It shall be unlawful for any person fishing with hook-and-line, rod-and-reel, or hand-line to possess more than 5 speckled trout from December 1 through March 31 in any year.
- C. It shall be unlawful for any person to possess more than three red drum.

**4VAC20-280-50. Commercial landings quota.**

- A. For each 12-month period of September 1 through August 31, the commercial landings of speckled trout shall be limited to 51,104 pounds.
- B. When it is projected that the commercial landings quota will be met by a certain date within the above period, the Marine Resources Commission will provide notice of the closing date for commercial harvest and landing of speckled trout during that period; and it shall be unlawful for any person to harvest or land speckled trout for commercial purposes after such closing date for the remainder of that period.

**4 VAC 20-280-60. Penalty.**

- A. Pursuant to §28.2-304 of the Code of Virginia, any person violating any provision of 4VAC20-280-40 C of this chapter shall be guilty of a Class 1 misdemeanor.
- B. Pursuant to §28.2-903 of the Code of Virginia, any person violating any provision of this chapter other than 4VAC20-280-40 C shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter, other than 4VAC20-280-40 C, committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

**"PERTAINING TO SPECKLED TROUT AND RED DRUM"**

**CHAPTER 4VAC20-280-10 ET SEQ.**

\*\*\*\*\*

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 March 29, 2011.

**COMMONWEALTH OF VIRGINIA  
MARINE RESOURCES COMMISSION**

BY: \_\_\_\_\_  
**Steven G. Bowman**  
**Commissioner**

Subscribed and sworn to before me this 1st day of April, 2011.

\_\_\_\_\_  
**Notary Public**

## **Spot Implementation Plan**

Kevin Brown

The Atlantic States Marine Fisheries Commission 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 original Spot FMP included no requirements for either management or monitoring. The Omnibus Amendment includes a management trigger for spot, which will help the Commission's South Atlantic State-Federal Fisheries Management Board in monitoring the status of the stock until a full coastwide stock assessment can be completed. Coupled with adaptive management measures, the Omnibus Amendment will provide options to efficiently implement management measures should the Board determine that such measures are needed in the future.

The Board summarized the management requirements for spot as:

- No changes needed for state regulations
- Spot management trigger will be performed yearly to monitor stock status based on the following indices:
  - Coastwide commercial landings
  - Coastwide recreational landings
  - NMFS Bottom Trawl Survey CPUE, NY-NC
  - SEAMAP-SA Trawl Survey CPUE, NC-FL
  - Maryland DNR Chesapeake Bay Seine Survey CPUE.

Currently, North Carolina has no regulations for spot in either the commercial or recreational fishery. However, rule 15A NCAC 03M.0512 states:

### **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.*

This rule would be used to implement (via proclamation) any regulations deemed necessary in the future. North Carolina will also continue to submit data through the annual compliance reports for the management triggers.

## **Spotted Seatrout Implementation Plan**

Chip Collier

The Atlantic States Marine Fisheries Commission 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 original ASMFC Spotted Seatrout FMP included a minimum size limit with comparable mesh sizes in directed fisheries. The Omnibus Amendment recommends but does not require states with a declared interest in spotted seatrout to monitor and manage spotted seatrout for a 20% spawning potential ratio and encourage the use of BRDs in fisheries to reduce spotted seatrout bycatch. The 20% SPR would be based on state-specific or regional stock assessments due to localized population structure.

The Board noted the management requirements for spotted seatrout 12 inch minimum size limits with comparable mesh size restrictions in directed fisheries. They further recommended the 20% SPR as a management target and to implement the use of BRDs in fisheries to reduce spotted seatrout bycatch.

Currently, North Carolina is in the process of completing a FMP for spotted seatrout. The goal of the plan is to determine the status of the stock and ensure the long-term sustainability of the stock in North Carolina. Sustainable harvest for spotted seatrout was defined with a threshold of a 20% SPR based on a statistical catch at age model including data from North Carolina and Virginia. The stock assessment determined that the stock was overfished and overfishing was occurring from 1991 to 2008. To reduce the fishing mortality rate, interim management measures were enacted including:

- 14 inch minimum size limit
- 6 fish bag limit for fish taken by hook and line or recreational purposes
- Only 2 fish in the recreational bag limit could be over 24 inches
- Commercial no possession on weekends
- Extended small mesh attendance requirement on weekends

The above regulations do not get the necessary reductions to end overfishing in either the commercial or recreational fisheries. Additional management measures are currently being reviewed by the North Carolina Marine Fisheries Commission to achieve a 57% reduction in spotted seatrout fisheries. In addition to the above rule specific for spotted seatrout, rules have been enacted that reduce bycatch of spotted seatrout 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.

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.*

Although there are no direct rules which limits gear that targets spotted seatrout, fishermen typically target spotted seatrout in the gill net fishery with nets having a modal mesh size of 4 inch stretched mesh which should have peak retention greater than 14 inches (356 mm TL). Spotted seatrout are generally caught as bycatch in every other fishery in North Carolina (see the NCDMF Spotted Seatrout Fishery Management for more details).

# South Carolina Department of Natural Resources



John E. Frampton  
Director

Robert H. Boyles  
Deputy Director for  
Marine Resources

October 18, 2011

Danielle Brzezinski  
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 South Carolina will ensure documentation of compliance with future ASMFC Fishery Management Plan requirements for the SC spot fishery through the submittal of annual compliance reports. These reports will be drafted by SCDNR staff and submitted through my office at the appropriately scheduled time each year.

If you have any questions please feel free to 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  
Chris McDonough  
Pearse Webster  
Wallace Jenkins

# South Carolina Department of Natural Resources



John E. Frampton  
Director  
Robert H. Boyles  
Deputy Director for  
Marine Resources

October 18, 2011

Danielle Brzezinski  
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 laws South Carolina is currently in compliance with the management requirements of the ASMFC Management Plan for spotted seatrout. Under SC Code Section 50-1-30 spotted seatrout are established as a saltwater gamefish in South Carolina waters. A 14 inch minimum legal length and 10 fish personal bag limit are also in place. Additionally, it is illegal to harvest spotted seatrout with any gear other than hook and line and gig. Please see the attached laws.

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  
Chris McDonough  
Pearse Webster  
Wallace Jenkins

## From South Carolina State Code of Laws:

**SECTION 50-5-1700.** Taking of saltwater game fish; importation by wholesale or retail seafood dealer of red drum or spotted seatrout.

(A) It is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter saltwater gamefish in this State regardless of where taken except as provided in this chapter.

(B) It is unlawful to take or attempt to take saltwater gamefish in the waters of this State, except by:

(1) hand-held hook and line which includes rod and reel and pole; or

(2) gigging during legal periods.

Any saltwater gamefish taken by any other means must be returned immediately to the water.

(C) It is unlawful for a person to have in possession a saltwater gamefish while fishing or transporting a seine or a gill net or other commercial fishing equipment. A saltwater gamefish caught in the net or commercial fishing equipment must be returned to the water immediately.

(D) A wholesale or retail seafood dealer or other business may import red drum or spotted seatrout from another state or country where the taking and sale of the fish is lawful. A copy of the bill of sale, bill of lading, or other proof of origin for each lot or shipment of the fish must accompany any fish resold and must be in the possession of the person or business offering imported red drum or spotted seatrout for sale until it is sold to the ultimate consumer and must be retained by any seller for a period of one year.

## **SECTION 50-5-1705.** Catch limits.

(A) As used in this article, a day means sunrise on one day to sunrise on the following day.

(B) It is unlawful for a person to take or have in possession more than ten spotted seatrout in any one day.

(C) It is unlawful for a person to take or have in possession more than three red drum in any one day.

(D) It is unlawful for a person to take or have in possession more than one tarpon in any one day.

(E) It is unlawful for a person to take or have in possession more than five black drum *Pogonias cromis* in any one day.

(F) It is unlawful for a person to take or possess more than twenty flounder (*Paralichthys* species) taken by means of gig, spear, hook and line, or similar device in any one day, not to exceed forty flounder in any one day on any boat.

(G) It is unlawful for a person to take or have in possession more than ten weakfish *Cynoscion regalis* in any one day.

(H) It is unlawful to take or possess Hardhead Catfish *Ariopsis felis* or Gafftopsail Catfish *Bagre marinus*.

(I) It is unlawful to gig for spotted seatrout or red drum from December first, through the last day of February inclusive.

(J) The possession limits do not apply to the possession or sale of properly identified fish imported by seafood dealers or produced by permitted mariculture operations, or to possession as allowed under permit authorized by this chapter.

**SECTION 50-5-1710. Size limits.**

(A) Except as provided in Article 21, it is unlawful to take, possess, land, sell, purchase, or attempt to sell or purchase:

- (1) spotted seatrout (*Cynoscion nebulosus*) (winter trout) of less than fourteen inches in total length;
- (2) flounder (*Paralichthys*) of less than fourteen inches total length;
- (3) red drum (*Sciaenops ocellatus*) (channel bass or spottail bass) of less than fifteen inches in total length, or more than twenty-three inches in total length;
- (4) black drum *Pogonias cromis* of less than fourteen inches or more than twenty-seven inches in total length; or
- (5) weakfish *Cynoscion regalis* of less than twelve inches in total length.

(B) The finfish species named in this section must be brought to the dock or landed with head and tail fin intact except for product produced by mariculture operations permitted under this chapter, provided that returning fish of unlawful size immediately to the water does not constitute a violation. A commercial retailer or restaurant may remove the head at the request of the ultimate consumer after completion of the transaction but before transfer of the purchase or serving of the dish.



MARK WILLIAMS  
COMMISSIONER

A.G. "SPUD" WOODWARD  
DIRECTOR

October 11, 2011

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 spot and spotted seatrout meet or exceed requirements of the Omnibus Amendment.

The Omnibus Amendment indicates that no additional management criteria are required for spot. As such, Georgia's statutes pertaining to spot will remain the same. The current recreational creel is 25 fish with an 8" total length size limit. As Georgia does not have a directed finfish trawl fishery, commercial trips are limited to the recreational creel and size limits, except for the shrimp trawl fishery which is limited to an 8" total length, but no creel limit. There is no closed season. [O.C.G.A. 27-4-130.1].

The Omnibus Amendment indicates that in order for a state to be in compliance for spotted seatrout, a 12" total length minimum size limit with comparable mesh size requirements (both commercial and recreational) must be implemented. Currently, Georgia statutes include a 13" minimum size limit and a 15 fish creel for the recreational fishery. As Georgia does not have a directed finfish trawl fishery, commercial trips are limited to the recreational creel and size limits. There is no closed season. [O.C.G.A. 27-4-130.1].

General state regulations that affect the catch of spot or spotted seatrout 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 and sturgeon [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. Presently our surveys provide annual estimates of young-of-year spot and age-1 spotted seatrout.

D. Brzezinski  
October 11, 2011  
Page 2

In summary, Georgia statutes and regulations for spot and spotted seatrout 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,

Spud Woodward by BWG

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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October 19, 2011

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

Dear Ms. Brzezinski:

This letter is intended as Florida's implementation plan for spot and spotted seatrout as outlined in the Omnibus Amendment to the Interstate Fishery Management Plans for Spanish mackerel, spot, and spotted seatrout.

Spot:

Florida does not currently regulate the harvest of spot and no regulatory changes are expected for spot in the upcoming year.

Spotted Seatrout:

Florida does regulate the commercial and recreational harvest of spotted seatrout. The slot limit for recreational harvest of spotted seatrout is 15 to 20 inches, and one fish may be over 20 inches. The slot limit for commercial harvest of spotted seatrout is 15 to 24 inches. Recreational and commercial fishermen may harvest spotted seatrout with hook and line and cast nets. These regulations apply statewide in Florida, along both the Atlantic and Gulf coasts.

Florida regulations for spotted seatrout are in compliance with those required by the Omnibus Amendment. I have enclosed Florida's regulations for spotted seatrout with the minimum size and gear sections highlighted.

Please contact me at (850)487-0554 or [William.teehan@myfwc.com](mailto:William.teehan@myfwc.com) if you have any further questions.

Sincerely,

  
William Teehan

Section Leader  
Marine Fisheries Management Section

**CHAPTER 68B-37  
SPOTTED SEATROUT**

68B-37.001	Purpose and Intent; Repeal of Other Laws; Designation as Restricted Species
68B-37.002	Definitions
68B-37.003	Size Limits
68B-37.004	Regional Bag Limits; Closed Seasons
68B-37.005	Commercial Season and Daily Harvest Limit
68B-37.006	Gear Specifications and Prohibited Gear; Bycatch Allowance

**68B-37.001 Purpose and Intent; Repeal of Other Laws; Designation as Restricted Species.**

(1) The purpose and intent of this chapter are to protect and conserve Florida's spotted seatrout resources and assure the continuing health and abundance of those resources.

(2) It is the intent of this chapter to expressly repeal and replace Section 370.11(2)(a)4., F.S. (1989); and the remainder of Section 370.11(2)(a), F.S. (1989); as it pertains to "saltwater speckled trout or spotted weak fish."

(3) It is the intent of this chapter to expressly repeal Subsection (1) of section 5 of Chapter 65-905, Laws of Florida, as amended by Chapter 81-403, Laws of Florida, and Chapter 65-1983, Laws of Florida. These laws are special acts relating to Gulf, Franklin, and Okaloosa Counties, respectively.

(4) Spotted seatrout are hereby designated as a restricted species pursuant to Section 379.101(32), F.S.

(5) Rules 68B-37.001, 68B-37.002, 68B-37.003, 68B-37.004, 68B-37.005, and 68B-37.006, F.A.C. shall take effect on November 1, 1989.

*Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 11-1-89, Formerly 46-37.001.*

**68B-37.002 Definitions.**

As used in this rule chapter:

(1) "Fishing pier" means a platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish therefrom. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier.

(2) "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. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(3) "Harvest for commercial purposes" means the taking or harvesting of any spotted seatrout for purposes of sale or with intent to sell. The harvest of spotted seatrout in excess of the applicable recreational bag limit shall constitute harvest for commercial purposes.

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

(5) "Northeast Region" means all state waters lying north of the Flagler-Volusia County Line to the Florida-Georgia border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(6) "Northwest Region" means all state waters north and west of a line running due west from the westernmost point of Fred Howard Park Causeway (28°9.35'N., 82°48.398'W.), which is approximately 1.17 miles south of the Pasco-Pinellas County Line, to the Florida-Alabama border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(7) "South Region" means state waters lying between the Flagler-Volusia County Line on the Atlantic Ocean and the southern boundary of the Northwest Region on the Gulf of Mexico in Pinellas County, as specified in subsection (6), and adjacent federal Exclusive Economic Zone (EEZ) waters.

(8) "Spotted seatrout" means any fish of the species *Cynoscion nebulosus*, or any part thereof.

(9) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest

tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.002, Amended 7-1-00, 7-1-06.*

#### **68B-37.003 Size Limits.**

(1)(a) Recreational Size Limits – Except as provided in paragraph (b), a person subject to a regional bag limit specified in Rule 68B-37.004(1), F.A.C. shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length less than 15 inches or greater than 20 inches.

(b) A person harvesting under a regional bag limit established in Rule 68B-37.004(1), F.A.C. may harvest, possess while in or on the waters of the state, and land no more than one spotted seatrout per day with a total length greater than 20 inches.

(2) Commercial Size Limit – A person harvesting for commercial purposes shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length less than 15 inches or greater than 24 inches. No person shall buy, sell, or exchange any spotted seatrout with a total length less than 15 inches or greater than 24 inches.

(3) All spotted seatrout 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 spotted seatrout that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of spotted seatrout, or mere removal of gills before landing is not prohibited.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.003, Amended 7-1-00.*

#### **68B-37.004 Regional Bag Limits; Closed Seasons.**

(1) Regional bag limits – Except as provided in Rule 68B-37.005, F.A.C. and subject to the closed seasons specified in subsection (2), no person shall harvest more spotted seatrout per day or possess at any time, while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more spotted seatrout than the specified bag limit established in this subsection within the following identified regions:

(a) South Region – Four (4) spotted seatrout.

(b) Northwest and Northeast Regions – Five (5) spotted seatrout.

(2) Regional season closures – No person shall harvest any spotted seatrout within the specified region during the closed seasons established in this subsection. During the specified closed season, the possession of spotted seatrout while in or on the waters of the specified region or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters is prohibited.

(a) South Region – Beginning on November 1 and continuing through December 31 each year, the season for the harvest of spotted seatrout is closed in the South Region. During this closed season, no person shall land any spotted seatrout harvested in the Northeast or Northwest Region in the South Region.

(b) Northwest and Northeast Regions – Beginning on February 1 and continuing through the last day of February each year, the harvest of spotted seatrout is closed in the Northwest and Northeast Regions. During this closed season, no person shall land any spotted seatrout harvested in the South Region in the Northwest or Northeast Region.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.004, Amended 7-1-00.*

#### **68B-37.005 Commercial Season and Daily Harvest Limit.**

(1) Commercial Season – The harvest of spotted seatrout for commercial purposes shall be limited each year to the period beginning June 1 and continuing through August 31. Such harvest is limited to persons possessing a valid saltwater products license with a restricted species endorsement.

(2) Prohibition of Sale – Once the commercial season specified in subsection (1) is closed, the purchase, sale, or exchange of

spotted seatrout harvested from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters is prohibited, beginning on the date specified in paragraph (a) and continuing through the following May 31.

(a) This prohibition shall be effective beginning 5 days after the season specified in subsection (1) is closed.

(b) This prohibition shall not apply to spotted seatrout legally harvested outside Florida or adjacent federal Exclusive Economic Zone (EEZ) waters, which spotted seatrout have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing spotted seatrout during the period sale is prohibited to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such spotted seatrout originated from a point outside Florida or adjacent federal Exclusive Economic Zone (EEZ) waters, and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(3) Commercial Daily Harvest Limit – Each person harvesting spotted seatrout for commercial purposes pursuant to subsection (1) of this rule shall be governed by a daily harvest limit of 75 spotted seatrout per day. No such harvester shall possess while in or on state waters more than 75 spotted seatrout; provided, however, that the possession of more than 75 spotted seatrout aboard any vessel in or on state waters, irrespective of the number of commercial licensees aboard, is prohibited. The landing of more than 75 spotted seatrout from a single vessel in any single day is prohibited. The towing of any vessel in order to exceed the commercial daily harvest limit established by this subsection is prohibited.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, Formerly 46-37.005.*

#### **68B-37.006 Gear Specifications and Prohibited Gear; Bycatch Allowance.**

(1) The harvest of any spotted seatrout, within or without the waters of the state, by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited. Snagging (snatch hooking) of spotted seatrout in or from state waters is prohibited.

(2) The harvest or attempted harvest of any spotted seatrout by or with the use of any gear other than a cast net or hook and line gear is prohibited.

(3) The simultaneous possession aboard a vessel of any gill net or entangling net together with any spotted seatrout is prohibited.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, Formerly 46-37.006.*