



November 9, 2009

Florida Fish and Wildlife Conservation Commission

Mr. Duane Harris
South Atlantic Fishery Management Council
105 Demere Retreat Lane
St. Simons Island, GA 31522

Re: Extension of State Pompano, African Pompano, and Bonefish Regulations into Federal Waters

Commissioners

Rodney Barreto
Chair
Miami

Kathy Barco
Vice-Chair
Jacksonville

Ronald M. Bergeron
Fort Lauderdale

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Tampa

Dwight Stephenson
Delray Beach

Kenneth W. Wright
Winter Park

Brian S. Yablonski
Tallahassee

Dear Mr. Harris:

The Florida Fish and Wildlife Conservation Commission (FWC) is researching management issues in the permit (*Trachinotus falcatus*) fishery, including extending state regulations into federal waters. Permit are managed together with pompano (*Trachinotus carolinus*) and African pompano (*Alectis ciliaris*) in the FWC Rule 68B-35, Florida Administrative Code. While reviewing permit management options, staff has identified that if permit regulations are extended into federal waters then consideration of extending pompano and African pompano regulations needs to be taken simultaneously. While pompano currently has some commercial regulations in federal waters, there are no current regulations for African pompano in federal waters. In addition, the FWC is considering extending state regulations for bonefish (*Albula vulpes*) into federal waters.

According to the Magnuson Stevens Fishery Conservation and Management Act Title 16 U.S.C. Section 1856 a state has the ability to extend their regulations into federal waters if there is no federal fishery management plan or if there are no regulations for federal waters.

Staff will be presenting a review of permit management issues to the Commission at the December 10, 2009, FWC meeting in Clewiston, including the possibility of extending state regulations for pompano and African pompano into federal waters. Also at the Commission's December 2009 meeting, staff will be presenting a review of bonefish management options including possibly extending state regulations into federal waters.

It is our understanding that the South Atlantic Fishery Management Council has no imminent plans to consider managing pompano, African pompano, and bonefish in federal waters. The FWC is committed to preserving these resources for the future and could be considering extending its regulatory authority into federal waters.

Executive Staff

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Sincerely,

Mark Robson
Director

mr/jm/mnc

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

cc: Col. Jim Brown
James Antista
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