



April 11, 2011

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Commission**

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Mr. David Cupka
South Atlantic Fishery Management Council
P.O. Box 12753
Charleston, SC 29422

RE: Extension of Florida Octocoral Regulations into Federal Waters

Dear Mr. Cupka:

Over the past year, the Florida Fish and Wildlife Conservation Commission (Commission) has been working with the South Atlantic Fishery Management Council (SAFMC) and the Gulf of Mexico Fishery Management Council (GMFMC) to coordinate future allowable octocoral (erect, nonencrusting species of the subclass Octocorallia, except sea fans *Gorgonia flabellum* and *Gorgonia ventalina*, plus the attached substrate within one inch of the holdfast) management. The GMFMC intends to transfer management octocorals to the SAFMC. In turn, the SAFMC is in the process of redefining the fishery management unit in their Coral, Coral Reef, and Live/Hardbottom Habitat Fishery Management Plan (FMP) to exclude allowable octocorals in federal waters off Florida. The Commission agreed to manage the allowable octocoral fishery in both Florida state waters and federal waters adjacent to the state. In order to take over the management of this fishery, Florida octocoral regulations must be extended into federal waters. Florida regulations would also be modified to establish an annual quota for allowable octocoral harvest in state and federal waters off Florida. Additionally, the Commission would prohibit all harvest of octocorals in Atlantic federal waters north of Cape Canaveral and in the Coral Habitat Areas of Particular Concern adjacent to Florida state waters (Stetson-Miami Terrace and Pourtales Terrace). These changes should occur prior to the removal of allowable octocorals in federal waters off Florida from the fishery management unit of the FMP to prevent loss of regulations in federal waters.

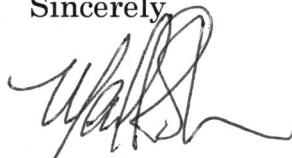
Florida's marine life fishery is highly regulated. The number of commercial fishery participants is capped by a tiered endorsement system. Many of these endorsements are non-transferable. Recreational harvesters are limited to six octocoral colonies per person per day.

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 FMP or if there are no regulations for federal waters.

Commission staff is currently working with the marine life industry to develop an annual quota for both state and federal waters. Commission staff will present a draft rule recommending extension of state regulations for octocorals into federal waters, including the modifications listed above, to the Commission at the June 8-9, 2011 Commission meeting in St. Augustine, Florida.

The Commission has been and continues to work with the GMFMC and SAFMC as allowable octocorals in federal waters off Florida are removed from the fishery management unit of the FMP. The Commission is committed to preserving this resource for the future and is considering extending its regulatory authority into federal waters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Robson', with a stylized flourish at the end.

Mark Robson

Director

mr/cc/mc

cc: Roy Crabtree
Bob Shipp