



Mutton Snapper

Draft Rule

June 23, 2016

Florida Fish and Wildlife Conservation Commission

Division of Marine Fisheries Management

Version 3

This document summarizes proposed draft rules amending Chapter 68B-14, Florida Administrative Code (FAC), within the Florida Fish and Wildlife Conservation Commission's (FWC) marine fisheries regulations. The proposed draft rules would increase the minimum size limit for harvest, importation, and sale; reduce the recreational bag limit; and modify commercial trip limits for mutton snapper. This document also summarizes comments gathered at FWC and federal public workshops.

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Background

November 2015: Commission discussed mutton snapper status and management

- Stock assessment indicates regulatory changes are needed
- Desire to keep state and federal regulations consistent
- Directed staff to hold public workshops

February 2016: FWC and South Atlantic Council public workshops

Today: Review of public comments and draft rules presentation



In November 2015, the Commission discussed the status and management of the mutton snapper fishery, which exists almost exclusively in Florida waters. The 2015 mutton snapper stock assessment indicates that regulatory changes are needed for the fishery. The Commission expressed a desire to keep state and federal regulations consistent to prevent confusion for harvesters. Because the public has been vocal about wanting changes for mutton snapper regulations in the past, the Commission directed staff to hold public workshops to gather more information about stakeholder concerns, as well as desired management changes in light of the recent stock assessment.

During February 2016, FWC and South Atlantic Council staff jointly held public workshops to collect stakeholder input on possible changes to mutton snapper regulations. Today, staff will provide a review of public comments and present proposed draft rules for this fishery.

Review – Stock Status and Management



- 2015 stock assessment
 - Not overfished, overfishing not occurring
 - Population is smaller than previously estimated
- Councils required to reduce federal quotas
 - Harvest under current regulations expected to exceed proposed quotas
- Mutton snapper management framework
 - Managed in state waters by FWC
 - Managed in federal waters by Gulf and South Atlantic councils
 - FWC is taking the lead on regulatory changes and coordinating with councils



Before reviewing public comment and the proposed draft rules, here is a brief review of the status of mutton snapper and how the fishery is managed.

All mutton snapper in U.S. waters come from a single stock, which primarily occurs off south Florida. FWC's 2015 stock assessment for mutton snapper found the stock is not overfished and overfishing is not occurring. The previous stock assessment, completed in 2008, had the same findings. However, the 2015 assessment estimated that the population is smaller than the previous assessment suggested, and it likely always has been.

Because of this finding, the South Atlantic and Gulf councils are required to reduce federal harvest quotas. In total, the proposed mutton snapper quotas will be 36.5% lower in 2017 compared to 2016. If recent landings trends continue, harvest under current regulations is expected to result in overages of the proposed quotas. Thus, changes to regulations are warranted to avoid future federal quota overages and closures.

The mutton snapper fishery falls under three jurisdictions. FWC manages mutton snapper in state waters, and the South Atlantic and Gulf councils manage the fishery in federal waters. Although there is only one stock of mutton snapper, each Council independently manages mutton snapper within their respective jurisdiction and with separate quotas. The South Atlantic Council manages 82% of the federal quota and splits their share between the recreational fishery (83%) and the commercial fishery (17%). The Gulf does not divide their 18% quota share between sectors. As almost all mutton snapper are harvested off Florida, FWC is taking the lead on modifying mutton snapper regulations and is coordinating with the councils.

Current Mutton Snapper Regulations



Harvest Regulations by Area		All State Waters	South Atlantic Federal Waters	Gulf Federal Waters
Recreational	Size Limit	16 inches TL		
	Bag Limit	10 fish/person within 10-fish snapper aggregate		
	Closed Season	None		
Commercial	Size Limit	16 inches TL		
	Harvest Limits	July - April: no restrictions; May - June: 10 fish/person/day or trip	None	
	Closed Season	None		
	Allowable Gears	Hook and line and spearing		Hook and line, spearing, and bottom longline

*Riley's Hump is closed year-round to all harvest



Current mutton snapper regulations are largely consistent across state and federal boundaries. These boundaries converge in the Keys, which is where the majority of mutton snapper harvest occurs. There are differences between Gulf federal commercial regulations and all other commercial regulations.

During May and June, in all state waters and Atlantic federal waters, commercial harvesters are limited to the recreational bag limit of 10 fish per person per day or trip, whichever is more restrictive. Throughout the rest of the year, there are no commercial trip limits for state waters or Atlantic federal waters. In Gulf federal waters, there are no commercial trip limits.

In all state waters and federal waters, commercial fishermen may use hook-and-line and spearing gear to harvest mutton snapper. In Gulf federal waters, commercial harvesters may also use longline gear, which is a gear prohibited for harvesting any fish in state waters and for harvesting mutton snapper in Atlantic federal waters.

In Atlantic federal waters, there is a no-take closed area to conserve the mutton snapper spawning aggregation at Riley's Hump in the Dry Tortugas.

Mutton Snapper Spawning



- Non-schooling fish, forms large spawning aggregations during full moons from April through August
 - Peak often occurs May – July, but can start in April
 - Individual fish may spawn multiple times per season
- Aggregations occur at predictable locations, including
 - Riley's Hump in federal waters: closed to harvest
 - Western Dry Rocks in state waters: open to harvest



Adult mutton snapper do not form schools; however, from April through August when there is a full moon, they form large spawning aggregations. The largest aggregations usually occur between May and July, but also can occur in April. Individual fish may participate in multiple spawning events each year.

These aggregations are highly predictable and occur at the same locations from year to year. FWC researchers have documented spawning at Riley's Hump, which is located in federal waters near the Dry Tortugas. A closed area to protect the mutton snapper spawning aggregation at Riley's Hump was established in 2001. Since then, the number of fish in the aggregation has grown by 400%.

Western Dry Rocks is another known mutton snapper spawning aggregation site. This site is a popular fishing spot in Atlantic state waters, and throughout the spawning season fishermen converge on this one-square-mile site to target mutton snapper. Western Dry Rocks is also a favorite spot for catching permit and gray snapper. The photograph on the slide above is of boats fishing at Western Dry Rocks during the mutton snapper spawning season.

February 2016 Public Workshops



- Public workshops and webinar to gather input on
 - Reducing recreational bag limits
 - Establishing gear-specific commercial trip limits
 - Setting the commercial trip limit equal to the recreational bag limit during the spawning season
 - Timing of spawning season regulations
 - Western Dry Rocks closure



At the Commission's direction, staff coordinated with the South Atlantic Council to hold public workshops and a webinar to solicit comments on mutton snapper. Most workshops took place in south Florida and the Keys. An additional workshop was held in St. Petersburg specifically to gather input from commercial longline fishermen. Staff gathered public input on (1) recreational bag limits, (2) establishing gear-specific commercial trip limits, (3) setting the commercial trip limit equal to the recreational bag limit during the spawning season, (4) the timing of spawning season regulations, and (5) the possibility of prohibiting fishing at Western Dry Rocks.

Three meetings were held jointly with the South Atlantic Council in Ft. Lauderdale, Duck Key, and Key West. The remainder were FWC-hosted workshops in Key Largo, Naples, Stuart, and St. Petersburg. FWC staff also held a webinar to obtain public input. The workshops were well-attended. In total, over 60 people provided comments on mutton snapper management.

Public Comment Summary



- Stakeholders requested proactive management to conserve the resource
- Broad support for lowering the recreational bag limit, but mixed opinions on approach
 - Year-round
 - During spawning season only
 - Year-round with a further reduction during spawning months
- Mixed opinions about commercial trip limits
- Support for lengthening the time in which spawning season regulations would apply
- Suggestions for increasing the minimum size limit
- Recommendations for Western Dry Rocks varied by region



Although stakeholders expressed a wide variety of opinions during the workshops, they generally requested FWC take any proactive management action necessary to ensure mutton snapper remains available for the public to harvest for many years to come. Comments mainly reflected concern about potential overharvest during the spawning season. This is consistent with past public comments.

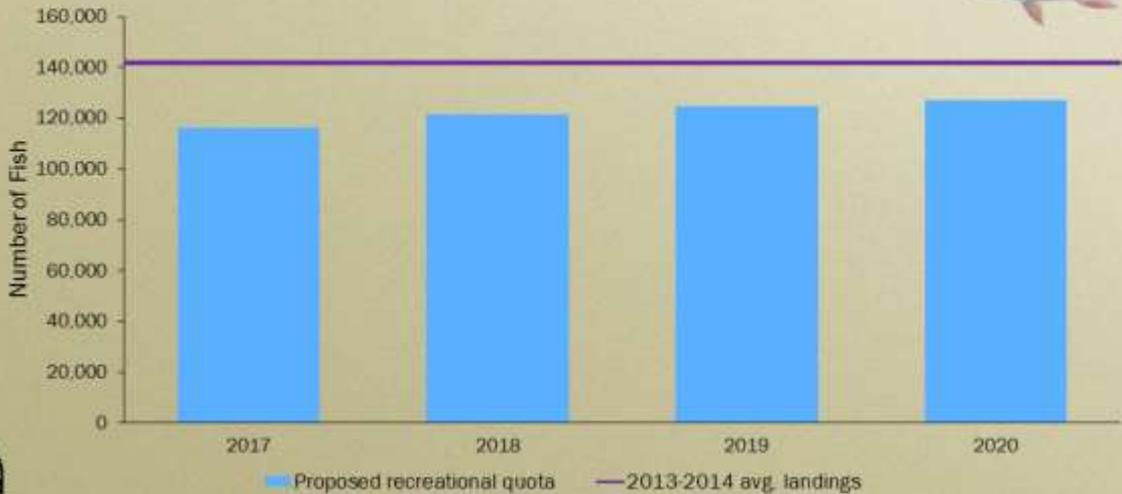
There was broad support for reducing the recreational bag limit; however, there was no consensus as to whether it should be lowered year-round, lowered during the spawning season only, or lowered year-round with a further drop during the spawning season. Though there were many different suggestions for specific limits, the most common were a three-fish bag limit year-round or a five-fish bag limit during non-spawning months with a two-fish bag limit during spawning months. Few supported a vessel limit.

With regard to commercial trip limits, commercial fishermen said they are unnecessary because mutton snapper are not often their primary target. Hook-and-line harvesters state they only take targeted trips during the spawning season and the current limit is restrictive enough; anything less would make these trips economically unfeasible. The longline fleet catches mutton snapper when targeting grouper, and a mutton snapper trip limit may force discards of dead fish. For this reason, there was almost no support for a longline trip limit. A few of the recreational anglers who commented on trip limits asked for a year-round trip limit with either a spawning season limit equal to the recreational bag limit or no commercial harvest during the spawn.

Several people supported changes to allow mutton snapper to complete more spawns before they are harvested, such as including April, July, or August in spawning season regulations, or increasing the minimum size from 16 inches to 18 or 20 inches total length.

Comments related to the Western Dry Rocks spawning site varied by region. Those who fish the area are opposed to any closure because it is a popular fishing site for targeting multiple species. Those in favor of a closure felt it is important to protect spawning aggregations.

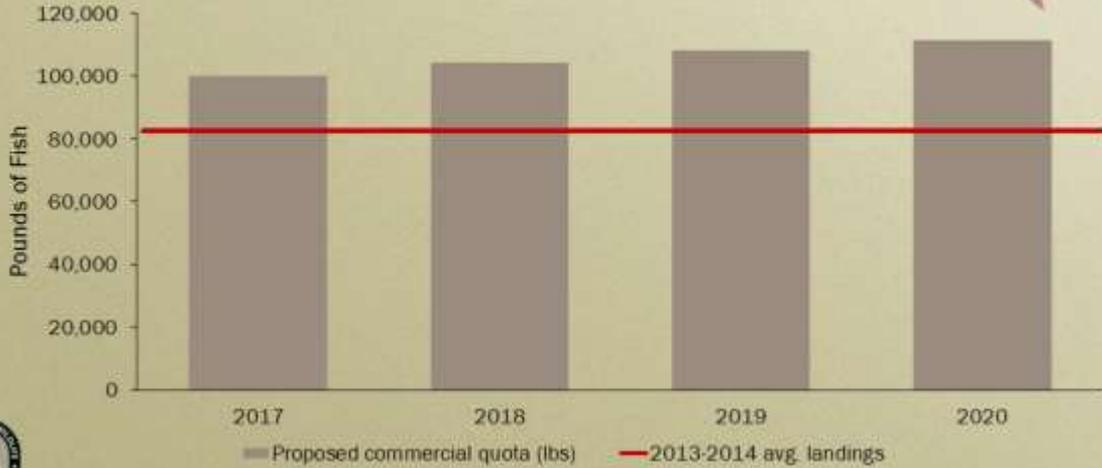
Atlantic Recreational Proposed Quota Compared to Recent Landings



As mentioned previously, the South Atlantic and Gulf councils will be reducing the mutton snapper quotas based on the 2015 stock assessment. Most of the quota, 82%, is managed by the South Atlantic Council, and the recreational sector receives 83% of the Atlantic quota.

This graph shows the proposed quotas for the Atlantic recreational mutton snapper fishery for 2017 through 2020 in comparison to the average Atlantic state and federal recreational landings from state and federal waters from 2013 through 2014. These proposed quotas are lower than recent harvest. If recreational harvest exceeds the quota, Atlantic federal waters will be closed to recreational mutton snapper harvest for the remainder of the year. To avoid a closure of the fishery, a change in recreational regulations is needed.

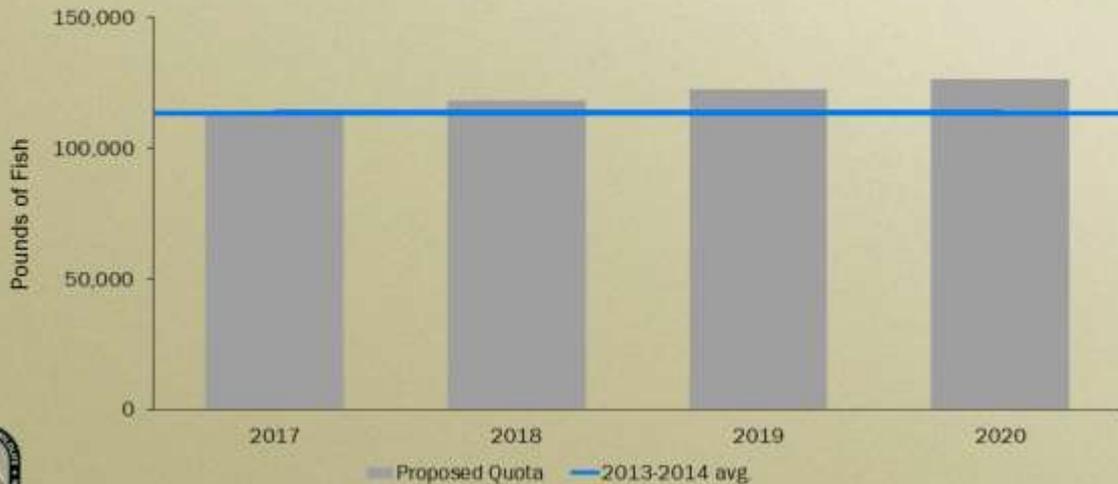
Atlantic Commercial Proposed Quota Compared to Recent Landings



Seventeen percent of the Atlantic quota is allocated to the commercial sector.

This graph shows the proposed Atlantic commercial mutton snapper quotas for 2017 through 2020 in comparison to the average Atlantic state and federal commercial landings from 2013 through 2014. These proposed quotas are higher than recent harvest, so quota overages and closures are not anticipated for the commercial sector.

Gulf Proposed Quota Compared to Recent Landings



Unlike the South Atlantic Council, the Gulf Council manages mutton snapper under a single quota for the recreational and commercial sectors. The Gulf Council manages 18% of the total quota.

This graph shows the proposed Gulf mutton snapper quotas for 2017 through 2020 in comparison to the average Gulf state and federal landings from 2013 through 2014. These proposed quotas are near recent harvest. If harvest were to increase substantially and the quota was exceeded, there could be a federal mutton snapper closure in the Gulf. Although landings have been relatively steady for the past five years, precautions may be warranted.

Proposed Management Measures – Recreational

- Based on recent harvest, an 18% decrease in Atlantic recreational landings is the reduction necessary to avoid a quota overage
- Reductions in Atlantic recreational landings could be achieved by
 - Lowering bag limit to 3 fish: projected reduction of 1%
 - A lower bag limit was the most common stakeholder request
 - Increasing minimum size limit to 18 inches: projected reduction of 63%
 - This action was proposed by stakeholders during public workshops
 - 3-fish bag limit and 18-inch minimum size limit combined: projected reduction of 64%
- A closure at Western Dry Rocks is not required to achieve target reductions



As shown in the previous graphs, recent harvest suggests that the proposed quotas will not affect all fisheries equally. If trends continue, the Atlantic recreational fishery may need to reduce harvest by 18% to avoid a quota overage in 2017. The Atlantic commercial fishery is not likely to exceed its quota and a Gulf quota overage is not expected.

The Atlantic recreational fishery has the largest quota share at over 67% of the South Atlantic and Gulf quotas combined. To avoid a future quota overage and possible closure of this fishery, regulation changes are likely needed. The most common stakeholder request has been a recreational bag limit reduction. However, since most people catch fewer than three fish, lowering the bag limit to either three fish year-round or five fish with a further reduction to two fish during spawning months is only projected to decrease Atlantic recreational harvest by 1%.

During public workshops, stakeholders recommended increasing the minimum size limit to 18 inches, which is an option FWC had not yet considered. This would improve the odds for male mutton snapper to spawn before they are harvested. Males reach sexual maturity at 18 inches and females at 16 inches. This action could reduce Atlantic recreational harvest by 63%.

Combined, lowering the bag limit to three fish and raising the minimum size limit to 18 inches is projected to reduce Atlantic recreational landings by 64%, well over the 18% predicted as necessary. If the Commission and councils move forward with this proactive management strategy, a quota overage could possibly be avoided and more fish could be conserved to participate in the spawn. Because these changes are expected to greatly reduce Atlantic recreational harvest, a fishing closure at Western Dry Rocks is not necessary to meet target reductions at this time.

Proposed Management Measures – Commercial

- Commercial regulatory changes could also address stakeholder comments and concerns, and create consistency between state and federal regulations
 - Replace the current May – June commercial trip limit with a 3-fish/person trip limit from April – June in Atlantic state waters
 - Establish a 300-lb. commercial trip limit for the remainder of the year in Atlantic state waters
 - No trip limits for Gulf commercial fishery
 - Increase the commercial minimum size limit to 18 inches



Commercial harvest regulations could also be modified to address stakeholder requests for management safeguards. One safeguard already in place is the May – June commercial trip limit in state waters and Atlantic federal waters. Lowering this limit to three fish per person (like is suggested for the recreational fishery), extending the time period to include April, and applying it to Atlantic waters only would achieve consistency and improve safeguards. Adding April would protect any early spawning aggregations during a late-April full moon, and since mutton snapper spawn multiple times throughout the season, protections for early spawns could conserve more fish for later aggregations. This change is projected to reduce Atlantic state and federal commercial harvest by 28% in the months of April – June.

As commercial fishermen rarely target mutton snapper outside the spawning season, an Atlantic trip limit of 300 pounds could meet requests for proactive management with little negative economic effect on fishermen. Less than 2% of Atlantic commercial trips from 2004 to 2015 landed over 300 pounds. This could produce a 6% decrease in Atlantic commercial landings during that time.

Because most Gulf commercial harvest comes from the longline fleet in federal waters, a trip limit in the Gulf is not supported by either commercial or recreational fishermen. Their preference was to allow this fishery to continue operating without a trip limit since mutton snapper harvest is incidental, and a trip limit could create dead discards. To create consistent regulations for state and federal Gulf waters, the state commercial May – June trip limit could be removed. This should have minimal effect on the resource because harvest from Gulf state waters makes up less than 4% of Florida’s state and federal commercial landings.

An 18 inch commercial minimum size limit is recommended to maintain a consistent size limit for recreational and commercial regulations.

Proposed Draft Rules – Mutton Snapper

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

- Increase minimum size limit for recreational and commercial harvest to 18 inches total length

68B-14.00355 Size Limits for Importation and Sale

- Increase minimum size limit for importation and sale to 18 inches total length

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

- Reduce bag limit to 3 fish/person within the 10-fish snapper aggregate bag limit year-round

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

- Replace the May – June commercial harvest limit of 10 fish/person/day in all state waters with a 3-fish/person/day limit applicable from April – June in Atlantic state waters
- Establish a 300-pound commercial trip limit for the remainder of the year (July – March) in Atlantic state waters



Based on proposed changes to federal mutton snapper quotas and comments heard during public workshops, staff proposes modifying 68B-14, FAC, to change the recreational and commercial regulations for mutton snapper. The proposed draft rules would increase the minimum size limit for recreational and commercial harvest, as well as importation and sale, from 16 inches to 18 inches total length. The proposed draft rules would also reduce the daily recreational bag limit for mutton snapper from 10 fish per person within the 10-fish snapper aggregate bag limit to 3 fish per person within the snapper aggregate. With regard to commercial trip limits, the proposed draft rules would replace the May through June commercial harvest limit of 10 fish per person per day in all state waters with a 3-fish per person per day limit applicable from April through June in Atlantic state waters only. The proposed rules would also establish a 300-pound commercial trip limit for the remainder of the year (July – March) in Atlantic state waters.

Next Steps

FWC rulemaking

- Draft rule today
- Final rule in September 2016

Federal rulemaking

- South Atlantic Council
 - Public hearings in August 2016
 - Final action anticipated fall 2016
- Gulf Council final action anticipated fall 2016



At today's meeting, the Commission is considering proposed draft rules to modify regulations for recreational and commercial mutton snapper harvest. If directed, staff will return to the Commission with a final rule in September 2016.

The federal councils will also continue developing new regulations for mutton snapper. The South Atlantic Council will hold public hearings on proposed changes in August, with final action anticipated this fall. The Gulf Council is also expected to take final action in the fall.

Staff will continue to work closely with the councils to ensure coordination in the development of state and federal regulations for mutton snapper.

Staff Recommendation



Approve draft rules for mutton snapper to

- Increase the recreational, commercial, importation, and sale minimum size limits to 18 inches
- Reduce the recreational bag limit to 3 fish/person within the 10-fish snapper aggregate bag limit
- Replace the May – June commercial trip limit in all state waters with a 3-fish/person/day limit from April – June in Atlantic state waters
- Establish a 300-pound commercial trip limit for the remainder of the year (July – March) in Atlantic state waters

No closure at Western Dry Rocks



If approved and directed, return for a final public hearing at the September Commission meeting

Staff recommend approving the proposed draft rules to reduce recreational harvest of mutton snapper and address stakeholder requests for proactive management action.

Specifically, staff recommend:

- Increasing the recreational and commercial harvest, and importation and sale minimum size limits to 18 inches;
- Reducing the recreational bag limit to three fish per person within the 10-fish snapper aggregate bag limit;
- Replacing the May through June commercial trip limit in all state waters with a three-fish per person per day limit from April through June in Atlantic state waters only; and
- Establishing a 300-pound commercial trip limit for the remainder of the year (July – March) in Atlantic state waters only.

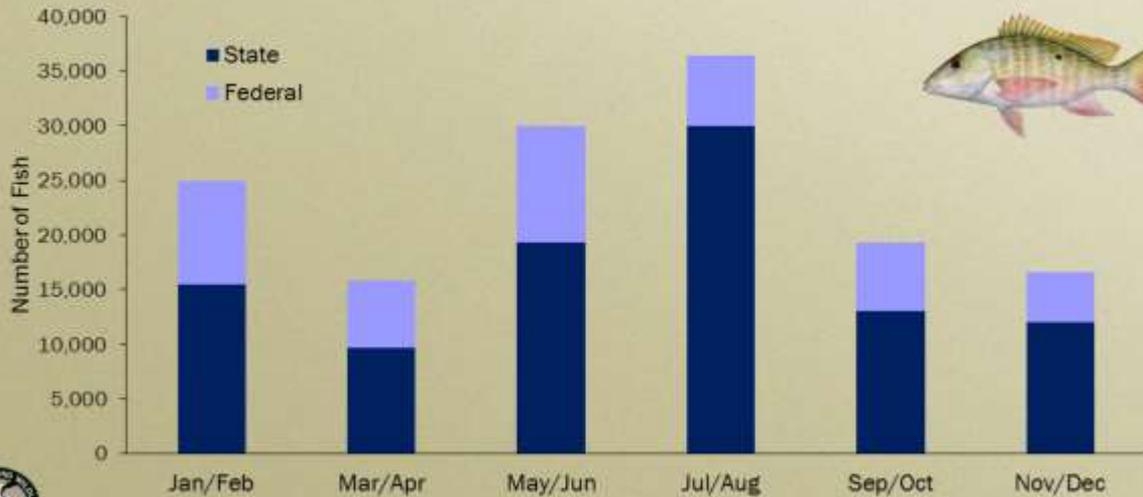
At this time, staff does not recommend a closure at Western Dry Rocks.

If approved and directed, staff will return for a final public hearing at the September Commission meeting. This will allow time for the councils to review the Commission's proposed rules and possibly modify their proposed changes as necessary.

The following slides are considered backup material
and are not anticipated to be part of the actual
presentation



Average Florida Recreational Harvest, 2006-2015

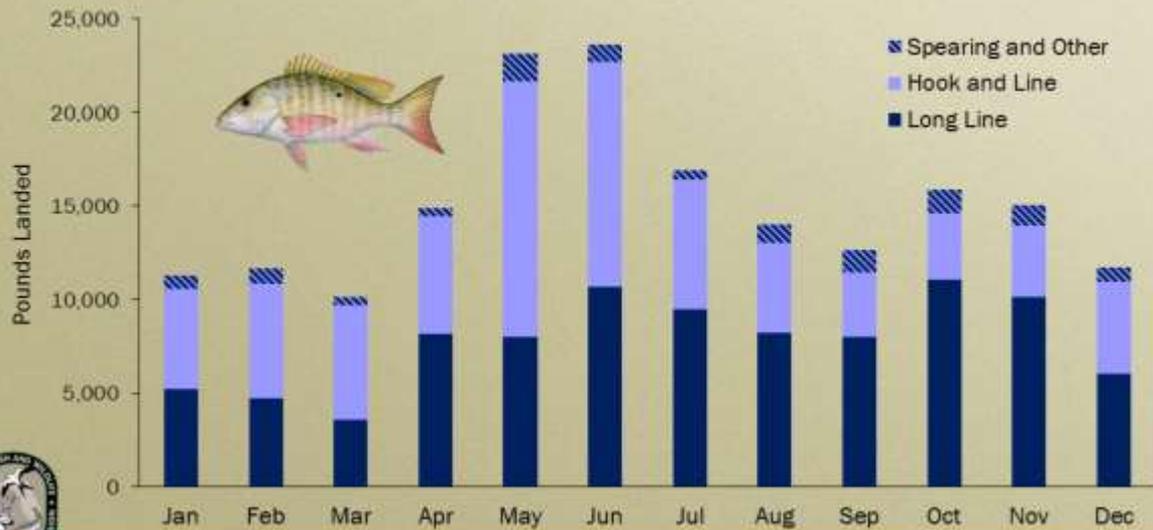


*2015 data are preliminary



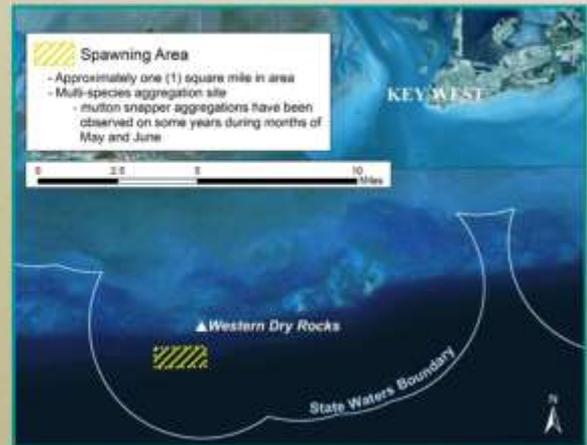
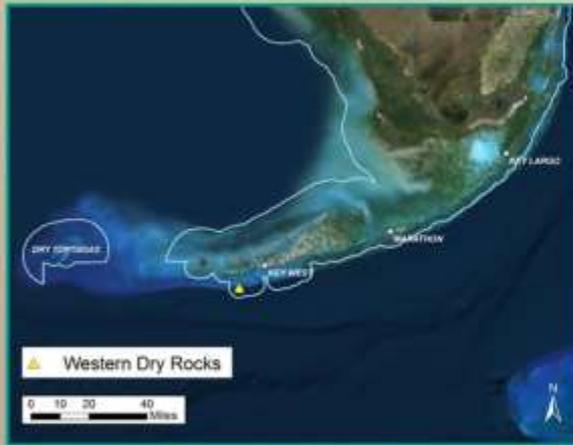
Over 99.9% of all U.S. mutton snapper landings, recreational and commercial, occur in Florida. This graph shows the average number of mutton snapper harvested by recreational anglers during two-month waves for the years 2006 to 2015 (data for 2015 are preliminary). Recreational harvest is highest May through August. There are also a relatively high landings in January and February, which may be attributed to an increase in effort during the tourist season.

Average Monthly Florida Commercial Landings by Gear, 2004-2015



This graph depicts average Florida commercial mutton snapper harvest from state and federal waters by month and gear, based on data from 2004 to 2015. Florida's commercial mutton snapper harvest comprise over 97% of all U.S. commercial harvest. Commercial mutton snapper harvest is highest during May and June, despite a seasonal trip limit of 10 fish per person per day in all state waters and Atlantic federal waters. Longline landings are higher than hook-and-line landings year-round; however, hook-and-line landings exceed longline landings during spawning months.

Western Dry Rocks Spawning Area



Western Dry Rocks is a mutton snapper spawning aggregation site located in state waters. The spawning site is approximately one square mile, and is located about 11 miles southwest of Key West.

Federal Quota Allocations

Jurisdiction		2016 (lbs.)	Proposed 2017 min (lbs.)	Proposed 2017 max (lbs.)
South Atlantic (82%)	Commercial (17%)	157,707	90,086	100,095
	Recreational (83%)	768,893	439,208	488,009
Gulf (18%)		203,000	113,605	129,096



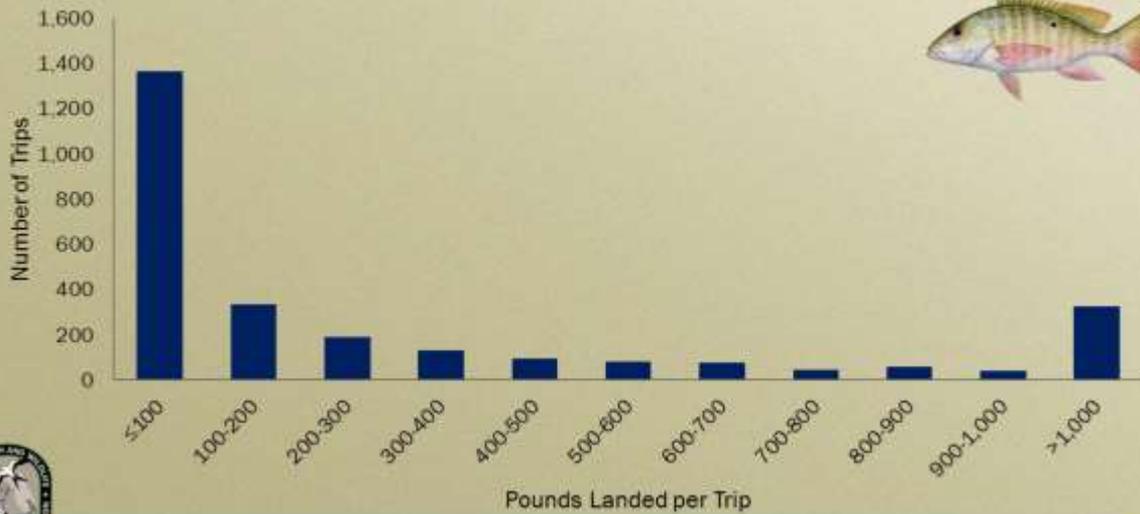
Number of Commercial Trips by Pounds Landed per Trip from in Florida July – April, 2004-2014

Area Fished	Pounds Landed per Trip					
	≤100	100-200	200-300	300-400	400-500	>500
Atlantic State Waters	7,479	175	25	11	3	3
Atlantic Federal Waters	9,061	525	147	66	38	181
Gulf State Waters	1,800	76	20	7	2	6
Gulf Federal Waters	2,303	364	167	99	53	319



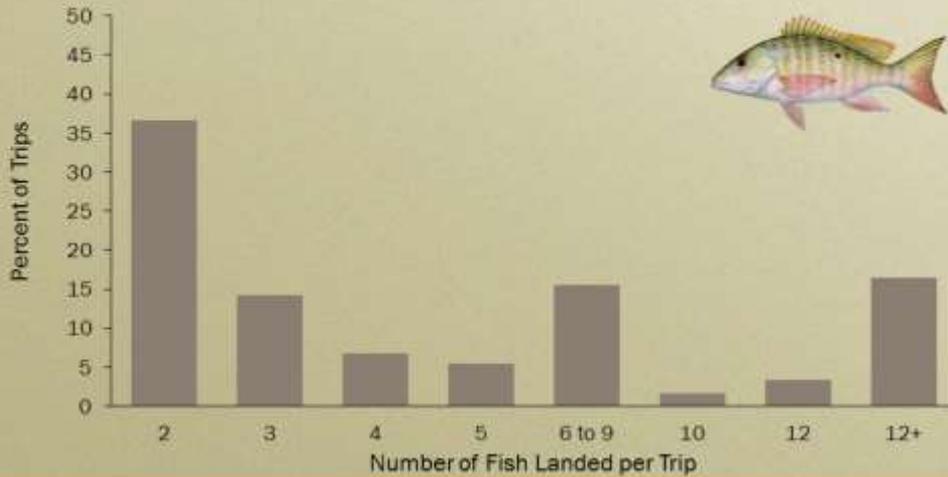
Based on landings from 2004 through 2014, most commercial trips landing fish outside of the spawning season (May – June) landed fewer than 100 pounds per trip. Only 10% of total trips taken over that 11-year period landed more than 100 pounds. Fewer than 3% of all trips landed more than 300 pounds.

Number of Commercial Longline Trips by Pounds Landed per Trip in Florida, 2004-2014



Longline may only be used to harvest mutton snapper in Gulf federal waters. This graph displays the number of trips between 2004 and 2014 that harvested mutton snapper with longline gear by the number of pounds landed on each trip. Most trips landed less than 100 pounds, which is expected since mutton snapper are often only incidental catch in the longline fishery.

Distribution of Fish Landed per Commercial Trip During Spawning Season (May – June)



Distribution of the number of mutton snapper harvested per trip in the South Atlantic region during the spawning season (May – June). This figure was created from the commercial logbook dataset from 2012 to 2014 (n = 1,411 trips).