

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Jessica McCawley, Director, Marine Fisheries Management
Date: May 1, 2019
Subject: Draft Rule - Atlantic Spanish Mackerel Commercial Vessel Limits

Purpose:

Obtain approval for draft rules modifying Spanish mackerel regulations in 68B-23, Florida Administrative Code (FAC), to improve management of the Spanish mackerel commercial fishery, as well as clean-up and clarify current regulations.

Summary:

Spanish mackerel is managed jointly by the Gulf of Mexico and South Atlantic fishery management councils in federal waters, and by the Florida Fish and Wildlife Conservation Commission (FWC) in state waters. On the Atlantic coast, most commercial harvest occurs in state waters, where the fishery consists of three gear components that fish at different times throughout the season.

The Atlantic commercial fishery is managed through a series of in-season vessel limit reductions known as “step-downs” that help keep harvest open in federal waters while ensuring all three gear components have access to the state waters fishery. In state waters from March through November, the vessel limit is 3500 lbs. per day. Starting December 1, the vessel limit remains at 3500 lbs. on weekdays, but drops to 1500 lbs. on weekends only. The vessel limit may be further reduced to 1500 lbs. daily, then 500 lbs., based on triggers in federal rule. However, the federal rules that triggered the 1500 and 500 lb. step-downs have changed, which means that these step-downs no longer occur in state waters.

The proposed draft rule would reinstate these in-season step-downs consistent with federal rule. Staff recommends maintaining the different weekday and weekend vessel limits starting on Dec. 1, as well as a provision that keeps state waters open with a 500-pound vessel limit after federal waters are closed. This series of trip limits is supported by the commercial industry and will 1) help constrain harvest near the federal quota, 2) reduce confusion about state regulations, 3) continue to reduce user conflicts, and 4) allow all components of the fishery to participate. Currently, paybacks are not required if the federal quota is exceeded, and the stock is not overfished or undergoing overfishing. Thus, keeping state waters open with a small commercial vessel limit when federal waters close is unlikely to pose a sustainability concern, but will provide social and economic benefits. Staff also recommends updating current rule language to clean up the Spanish mackerel rule chapter to improve clarity of these regulations. Staff recommends the proposed changes be advertised and filed for adoption without further hearing and made effective before December 1, 2019, unless requested otherwise by a member of the public.

Staff Recommendation:

Approve the proposed draft rules for 68B-23, F.A.C. to be effective before December 1, 2019.

Staff Contact and/or Presenter:

Martha Guyas, Division of Marine Fisheries Management