

Atlantic Spanish Mackerel



Draft Rule
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Florida Fish and Wildlife Conservation Commission

Version 1

This presentation provides a summary of proposed draft rules to amend the Florida Fish and Wildlife Conservation Commission's (FWC) Spanish mackerel rules [68B-23, Florida Administrative Code (FAC)] to modify Atlantic commercial vessel limit regulations and standardize rule language. This presentation also includes industry input on the proposed changes to management of the commercial Spanish mackerel fishery.

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Photo credit: Florida SeaGrant

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Atlantic Commercial Fishery Background

- Managed by the councils and FWC
- Landings predominantly from Florida state waters
 - Primarily in southeast Florida during winter
- 3 staggered components to state waters fishery
 - Cast net
 - Hook-and-line food fishery
 - Hook-and-line bait fishery
- State commercial and recreational fisheries overlap
- Federal fishery operates differently



Photo courtesy Florida SeaGrant

The Gulf of Mexico and South Atlantic fishery management councils jointly manage Spanish mackerel in federal waters of the Gulf of Mexico and Atlantic Ocean. FWC manages Spanish mackerel in state waters.

Spanish mackerel is an economically important, seasonal fishery in Florida, specifically in southeastern state waters. Off the east coast of Florida, most harvest comes from state waters, and is greatest throughout the winter and early spring from December through March. Spanish mackerel supports a unique commercial fishery in Atlantic state waters, as it consists of three components: cast net, hook-and-line for food, and hook-and-line for bait fish. The cast net fishery is most active early in the winter, typically in December and January. The hook-and-line food fishery follows and peaks after the cast net fishery wanes, but operates year round. The hook-and-line bait fishery is the last of the three components to take place, generally from February through March.

Spanish mackerel migrate in large numbers into Atlantic state waters in the winter. They concentrate in relatively small areas around Port Salerno, Palm Beach, and Vero Cove. Because large numbers of fish are accessible in concentrated inshore areas, the commercial and recreational fisheries operate simultaneously in the same area. In the past, this has resulted in conflicts between the two sectors.

The federal commercial Spanish mackerel fishery does not operate like the state fishery. Most federal harvest occurs 3-9 miles offshore using gill nets and occasionally hook-and-line. Peak landings occur in the spring (Mar. – April) and pick up again in late fall through the winter (Nov. – Feb.).



Commercial Vessel Limits

- Historically, state and federal vessel limits were very similar but not identical
- Vessel limit reductions:
 - Keep federal harvest open
 - Limit state harvest from drastically exceeding federal quota
- Federal regulation triggers have changed, so now state vessel limit step-downs to 1,500 lbs. and 500 lbs. no longer occur
- State regulations need to be modified to reinstate step-downs

State Waters Vessel Limits

Fishing Season	Vessel Limit
March – November	3,500 lbs.
December – February	3,500 lbs. on weekdays and 1,500 lbs. on weekends
	<p><i>When the federal unlimited harvest ends, 1,500 lbs.</i></p> <p>↓</p> <p><i>When the federal waters vessel limit is 500 lbs., 500 lbs. through the end of February</i></p>



Historically, FWC’s commercial vessel limits on the Atlantic coast closely matched federal regulations with minor differences. Both the state and federal vessel limits include a series of vessel limit reductions commonly referred to as “step-downs.” Because this fishery operates in both federal and state waters, and the state waters fishery consists of multiple components, these step-downs are important because they keep the federal harvest open longer by slowly reducing the rate of harvest as the season progresses. It also limits the state commercially harvested fish from drastically exceeding the federal quota, since this fishery primarily operates in state waters.

For state waters, the vessel limit is set at 3,500 pounds from March 1 through Nov. 30. On Dec. 1 through the end of February., the vessel limit is then reduced to 1,500 pounds on weekends and 3,500 pounds on weekdays. In addition to slowing harvest, this vessel limit decrease also reduces the likelihood of user conflicts between the commercial and recreational sectors. However, the vessel limit step-downs to 1,500 pounds daily, then 500 pounds daily through the end of February may occur and are triggered by changes in federal vessel limits. The federal vessel limit step-downs are triggered by how much of the federal quota has been harvested. In 2015, federal vessel limits were modified and, as a result, the triggers to initiate the state step-downs no longer occur because the references to federal vessel limits in state rule no longer match current federal regulations.

To reinstate these step-downs in state waters, FWC must modify Spanish mackerel vessel limit regulations.

2018/2019 Spanish Mackerel Season

- Abundance of fish and ideal fishing conditions contributed to high participation and landings
- Dec. 26, 2018: federal vessel limit reduced to 1,500 lbs.
 - Fishermen were unsure if state vessel limit was also reduced
- Jan. 27, 2019: NOAA Fisheries reduced federal vessel limit to 500 lbs.
 - FWC issued an E.O. reducing the state vessel limit to 500 lbs. through the end of Feb.
- Feb. 5, 2019: Federal harvest closed
- Fishermen supported the step-downs and appreciated that the fishery remained open in state waters



Staff worked with commercial industry on vessel limit changes



The 2018/2019 fishing season exemplified why it is important to amend these state vessel limit regulation. Compared to previous years, the 2018/2019 fishing season experienced an abundance of fish present in state waters, and the mild winter provided a number of excellent fishing days for harvesters. Due to these optimal conditions and abundance of fish, participants were able to harvest a significant amount of Spanish mackerel. Federal quota monitoring was also not being posted online due to the federal government shutdown. Because of this many fishermen were concerned the federal quota would be exceeded.

The federal vessel limit was reduced to 1,500 pounds on Dec. 26, 2018. The federal vessel limit was reduced further to 500 pounds on Jan. 27, 2019. Such reductions did not automatically prompt the state vessel limit step-down because of the inconsistency in rule, creating much concern and confusion among harvesters. At the request of the commercial industry, FWC reduced the state vessel limit to 500 lbs. on Jan. 27, 2019 through the end of February by executive order (E.O.). The commercial sector was projected to have met the federal quota and the fishery closed on Feb. 5, 2019 in federal waters only. FWC kept the fishery open in state waters with a 500 pound vessel limit. Fishermen communicated to FWC staff that they supported the vessel limit step-downs and appreciated that the fishery remained open in state waters after the federal fishery closed.

Staff worked with commercial fishermen and seafood dealers to determine which vessel limits would be best for the future in Atlantic state waters.

Proposed Draft Rules

Spanish mackerel commercial vessel limits

- Reduce the state waters vessel limit to 1,500 lbs. if the federal waters vessel limit is reduced to 1,500 lbs.
- Reduce the state waters vessel limit to 500 lbs. if the federal waters vessel limit is reduced to 500 lbs.

Rule cleanup

- Standardize rule organization and language



After working with the commercial industry, staff proposes a draft rule to modify the Atlantic Spanish mackerel commercial vessel limits 68B-23, FAC, to clarify when the vessel limit step-downs occur in state waters. The proposed draft rule would reinstate the state in-season vessel limit reductions to 1,500 pound and 500 pounds if the federal waters vessel limits reduce to 1,500 pounds or 500 pounds, respectively. While still maintaining the different weekend and weekday vessel limits starting Dec. 1 and keeping state waters open with a small commercial vessel limit if federal waters is closed.

In addition, staff recommends improving the clarity of FWC's current Spanish mackerel regulations as part of rule cleanup. Marine Fisheries Rule Cleanup is a long-term, multi-phase project being conducted by staff from the Division of Marine Fisheries Management, the Division of Law Enforcement, the Legal Office, and regional leadership. The project aims to make marine fisheries regulations more consistent and to standardize the language used in fisheries regulations to reduce complexity and confusion without modifying the intent or current application of the rules. As part of this long-term project, staff propose standardizing the organization and language in the Spanish mackerel chapter (68B-23, FAC).

Considerations for Vessel Limits

- Commercial industry supports the proposed draft rule

Benefits of vessel limit step-downs

- Constrains harvest near the federal quota; allows access for all
- Step-downs align with federal regulations

Maintain different weekday and weekend vessel limits after December 1

- Reduces user conflicts

Keep state waters open if federal waters close

- Allows bait harvesters to participate
- Stock not overfished nor undergoing overfishing
- No payback required



Photo courtesy SAFMC/Kim Iverson



The commercial industry supports the proposed draft rule to update commercial vessel limits, as reinstating the vessel limit step-downs keeps federal harvest open longer and limits the state harvest from drastically exceeding the federal quota while still allowing access for all components of the fishery. It also reduces confusion by aligning state and federal vessel limit step-downs.

Working with the commercial industry on this topic also revealed the importance of maintaining distinct state waters regulations currently in rule. The different weekday and weekend vessel limits starting on Dec. 1 are important to keep as they reduce conflicts between the commercial and recreational sectors in southeast Florida during peak Spanish mackerel harvest. In addition, keeping some level of harvest open in state waters if federal waters harvest closes allows the hook-and-line bait fishermen to participate in the fishery and minimizes potential economic hardship for the sector. The 2018/2019 fishing season was the first time the fishery closed early in federal waters, and fishermen were appreciative that FWC kept state waters open with a vessel limit of 500 pounds. Currently, the stock is not considered to be overfished nor undergoing overfishing, and there is no payback required if the federal quota is exceeded. Thus, keeping harvest open with a small commercial vessel limit in state waters after adjacent federal waters close is unlikely to pose a sustainability concern for Atlantic Spanish mackerel.

In addition to the state vessel limit modifications, the commercial industry also expressed concerns regarding the amount of effort in the Spanish mackerel fishery. They articulated the need to address this issue in the future, perhaps through a mechanism like limited entry.

Staff Recommendation

Approve the draft rules to re-establish commercial step-downs and clean up rule language

- If the federal vessel limit drops to 1,500 lbs. or 500 lbs., the state vessel limit will reduce automatically
- Update rule language

Maintain commercial vessel limits that are essential to Florida's unique Atlantic state waters fishery

- Maintain different weekday and weekend vessel limits starting Dec. 1
- Keep state waters open with a 500 lbs. vessel limit if federal waters close

If approved and directed, the changes will be filed for adoption without further hearing



Staff recommends approving the proposed draft rule amendments to establish automatic in-season vessel limit step-downs that are consistent with the federal vessel limit reductions to 1,500 pounds and 500 pounds, and update current rule language related to Spanish mackerel to improve clarity.

In addition, staff recommends maintaining regulations that establish different weekday and weekend vessel limits starting Dec. 1 and keeping state waters open with a 500-pound vessel limit if federal waters are closed.

If approved, staff recommends the proposed changes be advertised and filed for adoption as soon as possible with no further hearing, unless a hearing is requested by a member of the public, so that such commercial regulations may be effective before December 2019.

Staff has evaluated the proposed draft rules under the standards of 68-1.004, FAC, and found them to be in compliance.

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



Current State vs. Federal Commercial Regulations

State Regulations		Federal Regulations	
Fishing Season	Trip Limit	Fishing Season	Trip Limit
March – November	3,500 lbs.	March – February	3,500 lbs.
December – February	3,500 lbs. on weekdays and 1,500 lbs. on weekends		↓ When 75% of the adjusted quota is met, 1,500 lbs.
	<p><i>When the federal unlimited harvest ends, 1,500 lbs.</i></p> <p>↓</p> <p><i>When the federal waters vessel limit is 500 lbs., 500 lbs. through the end of February</i></p>		<p>↓ When 100% of the adjusted quota is met, 500 lbs.</p> <p>↓ Harvest closes when 100% of the quota (unadjusted) is met</p>

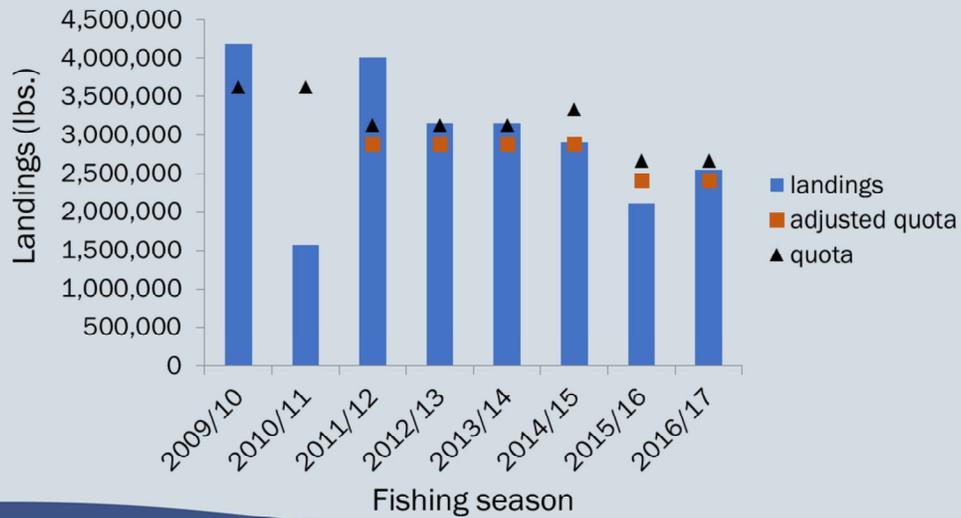
State waters vessel limit reductions to 1,500 lbs. and 500 lbs. no longer occur because federal regulations changed



In 2015, the Council modified the Atlantic Spanish mackerel commercial regulations by establishing a 3,500 pound daily vessel limit on March 1 through the end of Feb., or until a set percentage of the adjusted quota and quota is met. In federal rule, when 75 percent of the adjusted quota is met the vessel limit reduces to 1,500 pounds daily. When 100 percent of the adjusted quota is met, the vessel limit reduces to 500 pounds daily. The adjusted quota is set below the quota (unadjusted), with the intent that if the adjust quota is met it will have reserved enough quota so that the fishery will remain open through the end of the fishing season. However, if 100 percent of the quota (unadjusted) is met, harvest will close.

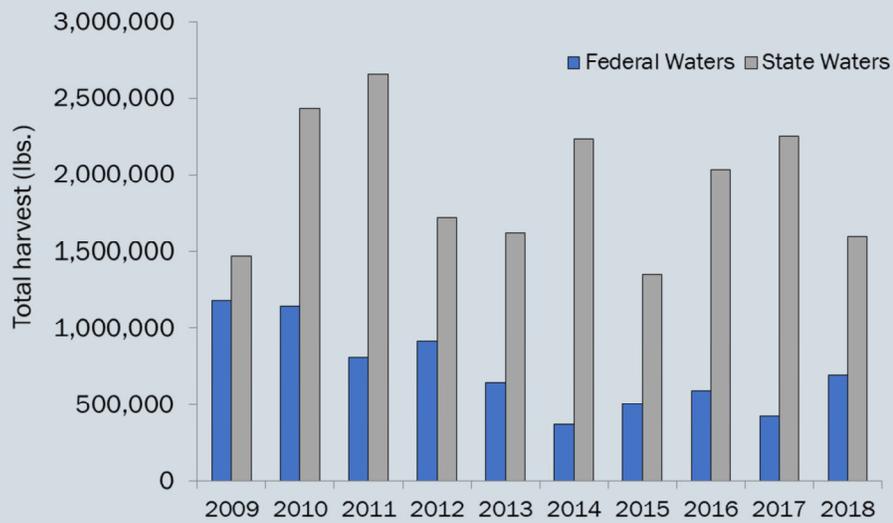
In state waters, the commercial vessel limit is set at 3,500 pounds per day from the start of the fishing season, March 1 through Nov. 30. On Dec. 1 the vessel limit then reduces to 1,500 pounds on weekends and 3,500 pounds on weekdays through the end of Feb., or until the vessel limit is reduced in adjacent federal waters. If the federal vessel limit steps-down, the state vessel limit would mirror this federal vessel limit step-down to 1,500 pounds or 500 pounds. However, the triggers to mirror the federal vessel limit step-down are based off of old federal regulations that no longer occur, and therefore no longer allows the state commercial vessel limit to automatically reduce with the federal limit.

Atlantic Spanish Mackerel Commercial landings



This figure depicts annual harvest, adjusted quotas (orange square), and quotas (black triangles) from 2009/2010- 2016-2017 (NOAA Fisheries, 2019). The adjusted quota are set below the commercial quota and provides a buffer to help prevent the commercial sector from exceeding quota and closing harvest.

Atlantic Spanish Mackerel Commercial landings



The figure above represents the commercial Spanish mackerel landings by year for Atlantic federal and state waters from 2009-2018.

Federal Spanish Mackerel Regulations

Sector	Trip Limit	Annual Quota (lbs.)	2018/2019 Landings (lbs.)	Allocation (%)
Commercial: Northern Zone (NC through the Mid-Atlantic)	3,500 lbs. per vessel/day	662,670 lbs.	741,803 lbs.	19.9% of commercial allocation (55%)
Commercial: Southern Zone (SC, GA, FL)	3,500 lbs. per vessel/day with prescribed step downs	2,667,330 lbs. 2,417,330 lbs. (adjusted)	2,480,029 lbs.	80.1% of commercial allocation (55%)
Recreational: Florida – New York	15 fish per person	2,727,000 lbs.	1,036,081 lbs.	45% of stock quota



This table outlines the federal commercial and recreation regulations specific to Atlantic Spanish mackerel.



	State Atlantic Commercial Regulations	Federal Atlantic Commercial Regulations
<u>1980s</u>	<ul style="list-style-type: none"> ▪ Net fishing prohibited on weekends ▪ Designated as “restricted species” ▪ April 1- Nov. 30 1,500 lbs. vessel limit, starting Dec. 1 unlimited harvest with prescribed step downs 	<ul style="list-style-type: none"> ▪ Established northern and southern fishing zones and quotas ▪ April 1- Nov. 30 1,500 lbs. vessel limit, starting Dec. 1 unlimited harvest with prescribed step downs
<u>1990s</u>	<ul style="list-style-type: none"> ▪ Starting Dec. 1 unlimited harvest on Mondays, Wednesdays, and Fridays; 1,500 lbs. on Tuesdays and Thursdays; 500 lbs. on Saturdays and Sundays with prescribed step downs 	<ul style="list-style-type: none"> ▪ Starting Dec. 1 unlimited harvest on Mondays, Wednesdays, and Fridays; 1,500 lbs. on Tuesdays and Thursdays; 500 lbs. on Saturdays and Sundays with prescribed step downs
<u>2000s</u>	<ul style="list-style-type: none"> ▪ Starting Dec. 1, 3,500 lbs. on weekdays, 1,500 lbs. on weekends with prescribed step downs 	<ul style="list-style-type: none"> ▪ Starting Dec. 1 unlimited harvest on weekdays, 1,500 lbs. on weekends with prescribed step downs
<u>2010s</u>	<ul style="list-style-type: none"> ▪ Commercial fishing season start date changed to March 1 	<ul style="list-style-type: none"> ▪ Commercial fishing season start date changed to March 1 ▪ March 1- end of Feb. 3,500 lbs. trip limit with prescribed step downs

Historically, when the Council implemented new regulations the state followed with consistency. However, in 2002 FWC implemented a 3,500 pound vessel limit starting December 1 on weekday rather than the previous unlimited vessel limit. This new regulations was unique to Florida waters and differentiated weekday vessel limits starting on December 1 in state versus federal waters. Later, in 2012 the Council modified federal rule by putting in place a 3,500 pound vessel limit at the start of the fishing season on March 1 through the end of the season in February. Eliminating the different weekday and weekend vessel limits on December 1 and creating addition inconsistencies between state and federal regulations.

Spanish Mackerel Biology

- Size at maturity
 - Females: age 1-2 at a range of 11-17 inches
 - Males: age 0-1 at a range of 8-13 inches
- Spawning Season
 - May – August
- Stock winters in Florida
 - Water temperature and salinity driven



Spanish mackerel are quick to mature with females reaching sexual maturity between age 1-2 at a range of 11-17 inches, and males reaching sexual maturity between age 0-1 at a range of 8- 13 inches. Spanish mackerel are a migratory species that typically spawn from May through August off the coast of North Carolina and Georgia. During the winter when the water temperature drops they migrate south to offshore and high salinity coastal waters off of Florida, and return to northern offshore waters mid-spring.