

# Flounder



Draft Rule  
July 22, 2020



**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) flounder regulations [68B-48, Florida Administrative Code (FAC)] in order to improve the long-term sustainability of the flounder fishery.

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Report date: June 19, 2020

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Photo courtesy of Nathaniel Simmons

## Recent Timeline

- **Last 5 years:** Gulf and south Atlantic states modified regulations
  - Localized concerns from Florida anglers
  - Requests for Florida management changes
- **Late 2019:** FWRI completed stock status update
- **May – June 2020:** Workshops and other types of public input gathering
- **Today:** Draft rule proposal



Photo courtesy: Jeff Naylor

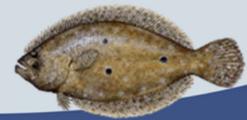
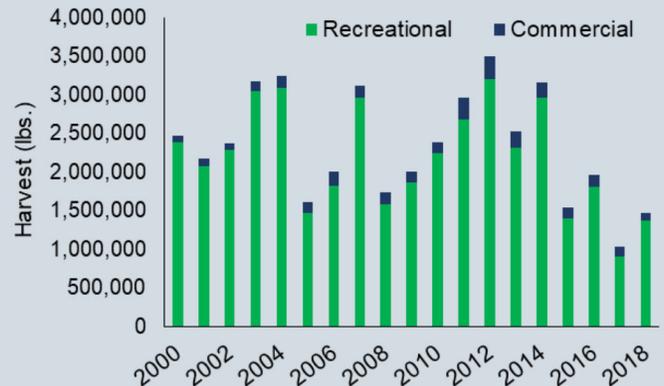


Over the past 5 years, many Gulf and south Atlantic states have implemented more restrictive regulations for flounder in response to stock assessments showing declining abundance and based on concern from stakeholders in their states. In recent years, FWC staff has also heard a variety of concerns and requests for management changes from Florida anglers.

Late last year, FWC's Fish and Wildlife Research Institute (FWRI) completed a stock status update that shows Florida's flounder fishery is not doing well. Given the concerns from Florida anglers and stock status update results, staff solicited input on a proposal for flounder management changes by hosting virtual public workshops and small group meetings with various stakeholder groups, emailing past commenters, and accepting comments through the Saltwater Comments webpage. Today, staff will present a draft rule proposal for management of the recreational and commercial flounder fisheries for Commission consideration.

## Florida's Flounder Fishery

- Multiple species: Gulf, southern, summer, fringed
- Gulf and southern flounders most commonly harvested
- About 90% recreational
- Primarily harvested by hook-and-line or spear/gig
- Targeted in state and federal waters



In Florida, flounder is a multi-species fishery that includes Gulf, southern, summer, and fringed flounders. The most commonly harvested species are Gulf and southern flounder.

Statewide, recreational harvest (green portion of the bar) accounts for the majority of annual landings, more than 90% on average. In Florida, flounder are primarily harvested by hook-and-line or spear/gig. Since the gig fishery primarily operates at night, recreational landings from this portion of the fishery may not be captured in traditional fisheries surveys as well as other harvest methods. Flounder are primarily harvested from state waters; however, there is an offshore component to this fishery that operates in federal waters. The offshore fishery targets large spawning females in late fall and winter, most often by spear.

## Gulf and Southern Flounder

- Gulf flounder: statewide
- Southern flounder: north of the Loxahatchee (Jupiter) and Caloosahatchee (Ft. Myers) rivers

	Gulf flounder	Southern flounder
Length at 50% maturity	12-13"	13-15"
Estimated maximum size	18"	28"
Estimated life span	7-11 years	4-7 years
Peak spawn Spawning frequency	Nov. – Dec. Daily during spawn	Nov. – Jan. Every 3-12 days



As mentioned on the previous slide, the most commonly harvested flounder species in Florida are Gulf and southern flounder. Gulf flounder occur along the entire Florida coast while southern flounder have a more northward distribution and only occur north of the Loxahatchee River on the Atlantic coast (near Jupiter) and north of the Caloosahatchee River (around Fort Myers) on Florida's Gulf coast. There is a distinct gap in the distribution of southern flounder around the southern tip of Florida.

There is limited information in the scientific literature about these two flounder species, but from the information we do have, it is estimated that 50% of Gulf flounder are mature between 12-13 inches and 50% of southern flounder are mature at a slightly longer length of 13-15 inches. Gulf flounder are generally smaller in comparison, having a maximum size of around 18 inches. Female Gulf flounder have been reported to live up to seven years and males up to 11 years. Southern flounder can reach much longer lengths, with an estimated maximum size of 28 inches, but live much shorter lives depending on their geographic location. Southern flounder have been reported to live up to four years in the Gulf and seven years in the Atlantic.

Gulf and southern flounder spend most of their life in nearshore waters, typically in estuaries and bays. However, adult flounder commonly form pre-spawning aggregations in nearshore waters, typically near inlets, before moving offshore to spawn in fall and winter. Peak spawn varies slightly between species and female Gulf flounder spawn almost daily at the peak while southern flounder spawn every 3-12 days.

# Status of Flounder

## Florida stock status update

- Evaluates status of Gulf and southern flounder
  - Likely overfished and undergoing overfishing on the Atlantic coast of FL
  - General declining trend statewide

## Other states

- 2019 south Atlantic multi-state assessment for southern flounder
  - Similar results to FWC stock status update
- Gulf states' assessments found similar declining trends

***State assessments from Southeastern U.S. corroborate FWRI analysis indicating a potential region-wide decline for Gulf and southern flounder***



FWRI completed a stock status update for Gulf and southern flounder in late 2019. This update includes data through 2018. It is not a full assessment because of the limited biological information available for the flounder species we manage in Florida, but it uses recreational and commercial data as well as FWRI Fishery Independent Monitoring data to look at fishery trends and evaluate whether flounder stocks are being harvested at a level that allows for long-term sustainability. The stock status update found that flounder on the Atlantic coast of Florida is likely overfished and undergoing overfishing and that there has been a general decline in the fishery statewide.

In addition to the FWRI stock status update, assessment scientists from FWRI participated in a south Atlantic multi-state stock assessment of southern flounder last year. This assessment included biological and catch data from North Carolina through Florida and had very similar results as Florida's stock status update.

Similarly, some Gulf states have recently completed stock assessments for flounder found in their waters and those assessments have also found very similar declining trends and results. Such widespread and similar observations throughout the south Atlantic and Gulf of Mexico indicate a potential region-wide decline of these species in the southeastern U.S.

## Current Regulations

- 4 species: Gulf, southern, summer, fringed
- Minimum size: 12 inches total length (TL)
- Allowable gear: seine, cast net, hook-and-line, spear/gig
- Must be landed in whole condition

### Recreational

- Bag limit: 10 per person per day

### Commercial

- Require SPL and RS
- No trip limit when using allowable gear
- Incidental bycatch limit: 50 lbs.



*Not regulated in federal waters*

In Florida, flounder are managed as a complex, which includes Gulf, southern, summer, and fringed flounders. The current regulations have been in place since 1996, nearly 25 years. The minimum size limit for flounder is 12 inches total length (TL) for all harvesters and the harvest methods are limited to beach and haul seines, cast nets, hook-and-line, and spearing or gigging. All flounder must be landed in whole condition.

The daily recreational bag limit is 10 flounder per person.

Commercial harvesters are required to have a Saltwater Products License (SPL) with a Restricted Species endorsement (RS). While there's no commercial trip or possession limits when harvesting flounder using allowable gear, commercial harvesters are limited to no more than 50 lbs. of flounder as incidental bycatch while using other gear types. The incidental bycatch limit is a way to reduce the dead discards when using fishery gear types that may incidentally catch flounder, such as trawls and traps.

Neither the Gulf or South Atlantic fishery management councils have fishery management plans for flounder and flounder are not currently regulated in federal waters.

## Proposal Presented at Workshops

- Size limit: Increase from 12 to 14 inches TL
- Establish Nov. closure statewide

### Recreational

- Reduce bag limit from 10 to 5 fish/person

### Commercial

- Establish a 150 fish vessel limit when using allowable gear

***Extend all FWC flounder regulations into federal waters***

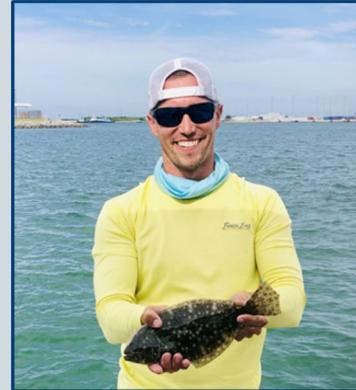


Photo courtesy: Travis Anderson

Staff gathered public feedback on a suite of potential recreational and commercial regulation changes with the goal of improving the long-term sustainability of Florida's flounder fishery.

The proposal for public comment included increasing the current size limit from 12 to 14 inches TL for all harvesters; establishing a November closure for all harvesters; reducing the recreational daily bag limit from 10 to 5 fish per person; implementing a daily commercial vessel limit of 150 fish when using allowable gear; and extending all of FWC's flounder rules into federal waters.

The upcoming slides provide information on the feedback we received on the various proposals.

## Public Input

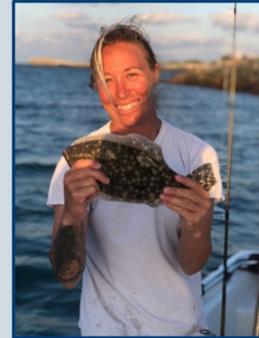
- Engaged stakeholders through various methods
- Mixed feedback on fishery status and proposed changes

### Size limit increase

- General support from both recreational and commercial harvesters
  - Some concerns about availability of 14-inch fish in SW and NE

### Nov. closure

- Recreational: Majority support
  - Those opposed catch the majority of flounder in Nov.
  - Several requests for longer or modified closure
- Commercial: Strong opposition



To gather public input on the proposal, staff engaged stakeholders from all sectors through virtual public workshops, small group meetings, and by soliciting input via phone, email, and FWC's Saltwater Comments webpage. Overall, we received mixed feedback on both the fishery status and desired management, but the majority of harvesters acknowledged a decline in flounder size and abundance.

Public feedback on the proposed size limit increase was generally supportive. The majority of anglers expressed that the current 12 inch size limit was too small and that fish at this length do not provide much meat. However, some harvesters did express concern about the availability of 14-inch flounder inshore, specifically in northeast and southwest Florida. Many of these harvesters recommended increasing the minimum size limit to 13 inches. There was some concern that the increase in size limit would disproportionately impact the number of females harvested, with some harvesters recommending a slot limit for flounder.

There was mixed feedback on establishing a November harvest closure. The majority of recreational anglers supported the closure and believe it will help protect pre-spawning aggregations. Staff heard some opposition from recreational harvesters, especially from the Atlantic coast and southwest Florida, who believe a different month closure would provide greater benefit or who primarily target flounder in November and will be significantly affected by a closure. The commercial sector expressed strong opposition to a November closure. Harvesters and wholesale dealers reported that November is a critical month for flounder harvest and sales and felt that, since commercial landings account for less than 10% of total harvest, a commercial closure would have minimal impact on the overall status of the fishery. Commercial shrimpers and wholesale dealers also expressed concern with how this closure may affect allowable bycatch on multi-day trips that begin in October and end in November, and the impact it would have on the amount of regulatory dead discards.

## Public Input (cont.)



### Recreational bag limit

- Majority in favor of 5 fish or fewer bag limit
  - Some request for smaller reduction
- Those opposed generally felt the fishery was doing well

### Commercial vessel limit

- Widely supported
- Many recreational anglers felt 150-fish was too high

### Extending regulations into federal waters

- Considerable support
  - Important to help conserve large offshore spawning female



Most of the public feedback received was in support of reducing the recreational bag limit. The majority of anglers supported a bag limit of five flounder and some comments suggested a further reduction to two or three fish per person. However, a few anglers felt the five fish bag limit was too restrictive and recommended reducing the recreational bag limit to seven fish or possibly implementing a recreational vessel limit instead of reducing the per person bag limit. Anglers opposed to the proposed recreational bag limit generally felt the fishery was doing well and do not believe reductions are needed.

Implementing a commercial vessel limit was widely supported by both the commercial and recreational sector. While most supported the 150-fish proposal, many recreational anglers felt it is too high and recommended alternatives ranging from 30- to 100-fish.

Considerable support was received for extending FWC's flounder regulations into federal waters. Many stakeholders believe this is necessary in order for management measures to be effective and felt it is a key component in helping conserve the large spawning females offshore. Anglers that were opposed to FWC managing the fishery in federal waters were philosophically against the state relating any fishery in federal waters or were generally opposed to any regulatory changes. Commercial shrimpers and wholesale dealers also opposed extending the 50 lb. incidental bycatch limit into federal waters. They reported that this would cause significant regulatory dead discards, especially when on extended commercial shrimp trips that can last 15-45 days.

# Proposed Draft Rules

- Increase size limit to 14 inches TL

## Recreational

- Reduce daily bag limit to 5 fish/person
- Establish a Nov. closure

## Commercial

- Establish trip and vessel limits when using allowable gear
  - 150 fish for all months except Nov.
  - 50 lbs. during Nov.

***Extend all FWC regulations into federal waters***



Photo courtesy: Robert Cole

Today's proposed draft rules have been updated from the original proposal for public comment based on the feedback received in recent months.

To improve the downward trend and improve the long-term sustainability of the flounder fishery, the proposed draft rules would increase the size limit to 14 inches TL for all harvesters; reduce the recreational daily bag limit to five fish per person; establish a November recreational harvest closure; establish commercial trip and vessel limits of 150 fish when using allowable gear types for all months outside of November; establish a November commercial trip and vessel limit of 50 lbs. when using allowable gear; and extend all FWC flounder regulations into federal waters.

## Considerations

- Current regulations in place since 1996
- FWRI stock status update shows general declining trend
  - Likely overfished on Atlantic coast
  - Other states' stock assessments found similar trends
  - Management changes likely needed for a sustainable fishery long term
- Flounder populations could be improved by
  - Reducing harvest
  - Extending FWC regulations into federal waters
  - Conserving large spawning females
- Recreational harvest accounts for more than 90%



Photo courtesy: Robert Campbell

There are several things to consider related to potential updated regulations for the flounder fishery. First, FWC's current flounder regulations have been in place since 1996, nearly 25 years. As mentioned earlier in the presentation, FWRI completed a stock status update that found southern flounder is likely overfished and undergoing overfishing and also showed a general declining trend for the fishery statewide. Results from this stock status update were consistent with other southeast U.S. states' stock assessments, potentially indicating a stock-wide decline and the need for management changes to improve the long-term sustainability of the flounder fishery.

Staff believes that a variety of actions can be taken to improve flounder populations statewide, including reducing harvest, extending FWC flounder regulations into federal waters, and conserving more large spawning females before and after they move into offshore waters to spawn. It is also important to consider that recreational harvest of flounder accounts for the majority of annual landings, upwards of 90% in most years, and that drastic changes to the commercial flounder regulations are not expected to have significant positive impacts on flounder populations and stock status.

# Staff Recommendation

## Approve proposed draft rules to improve flounder fishery statewide

- Increase size limit to 14 inches TL
- Reduce recreational daily bag limit statewide to 5 fish/person
- Establish a recreational Nov. closure
- Establish commercial trip and vessel limits of 150 fish when using allowable gear for all months outside of Nov.
- Establish a Nov. commercial trip and vessel limit of 50 lbs. when using allowable gear
- Extend all FWC regulations into federal waters

***If approved and directed, return for a final public hearing at the Oct. Commission meeting***



Photo courtesy: Nathaniel Simmons

Staff recommends approving the proposed draft rules to improve the long-term sustainability of the flounder fishery statewide. Specifically, staff recommends increasing the size limit to 14 inches TL for all harvesters; reducing the recreational daily bag limit to five fish per person; establishing a November recreational harvest closure; establishing a commercial trip and vessel limit of 150 fish when using allowable gear types for all months outside of November; establishing a November commercial trip and vessel limit of 50 lbs. when using allowable gear types; and extending all FWC flounder regulations into federal waters.

If approved and directed, staff will return for a final public hearing at the October 2020 Commission Meeting.