

Flounder



Draft Rule
October 7, 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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Unless otherwise noted, images throughout the presentation are by FWC.
Photo courtesy of Nathaniel Simmons.

Recent Timeline

- **Last 5 years:** Gulf and south Atlantic states modified regulations to address declining populations
 - Localized concerns from Florida anglers
 - Requests for Florida management changes
- **Late 2019:** FWRI completed stock status update
- **May – June 2020:** Workshops and other public input
- **July 2020:** Commission approved draft rule
 - Directed staff to continue working with industry on rules for federal waters trawl bycatch
- **Today:** Updated draft rule proposal based on feedback and additional considerations



Photo courtesy: Jeff Naylor

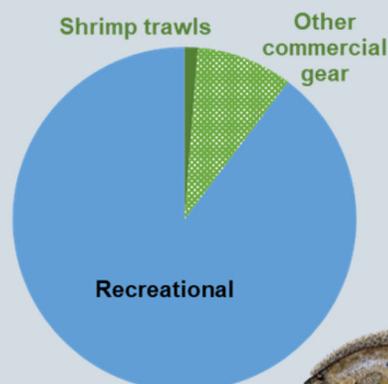


Over the past 5 years, many Gulf and south Atlantic states have implemented more restrictive regulations for flounder in response to stock assessments showing declining abundance and concerns from stakeholders in their states. In recent years, FWC staff has also heard a variety of concerns and requests 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. At the July Commission meeting, staff presented a series of proposed draft rules for the recreational and commercial flounder fisheries. The Commission approved the proposed draft rules and directed staff to continue working with the commercial shrimp industry on flounder bycatch in federal waters. Today, staff will present a second draft rule for Commission consideration that includes an updated proposal based on public feedback, recent input from the commercial shrimp industry, and additional considerations.

Florida Fishery

- Multi-species management unit: Gulf, southern, summer, fringed
- Gulf and southern flounders most commonly harvested
- Targeted in state and federal waters
- About 90% recreational
 - Primarily hook-and-line and spear/gig
- Small commercial fishery
 - Directed harvest mainly by spear/gig
 - Incidental bycatch primarily in shrimp trawls



In Florida, flounder is managed as a multi-species fishery. The flounder species that make up this fishery include Gulf, southern, summer, and fringed flounders. The most commonly-harvested flounder species in Florida are Gulf and southern flounder. Allowable gear types for this fishery are beach and haul seines, cast nets, hook-and-line, and spearing or gigging, and there is a commercial incidental bycatch limit in place for state waters that allows other commercial gear types to harvest up to 50 pounds of flounder.

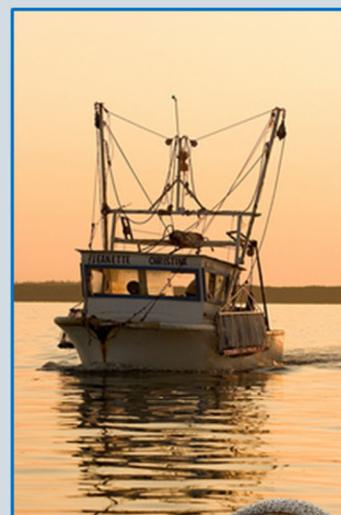
The majority of flounder are harvested from state waters but there is an offshore component to the fishery that operates in federal waters. The offshore fishery targets spawning females in late fall and winter, most often by spear, and there is a relatively small amount of shrimp trawl bycatch. Neither the Gulf or South Atlantic fishery management councils have fishery management plans for flounder and flounder are not currently regulated in federal waters of the coast of Florida.

Statewide harvest is predominantly recreational (blue portion of the pie chart), with more than 90% of harvest from this sector on average. Recreational harvesters most commonly use hook-and-line, spear, and gig when catching flounder. Since the gig fishery generally operates at night, recreational landings from this portion of the fishery may not be captured in traditional fisheries surveys and may be underrepresented in the data.

Flounder also supports a relatively small commercial fishery. Most commercial landings come from harvesters that directly target flounder by gig or spear; however, there are commercially-harvested flounder caught and landed as incidental bycatch, primarily from shrimp trawls.

Incidental Bycatch in Shrimp Trawls

- Shrimp trawl fishery is highly regulated
 - Bycatch reduction devices required in most trawls
- Trawl-caught flounder make up a small portion of annual flounder landings
- State water trawls
 - Incidental bycatch limit: 50 lbs.
 - Typically single-day trips
- Federal water trawls
 - No limit
 - Often multi-day trips
 - Majority of trips land < 200 lbs.



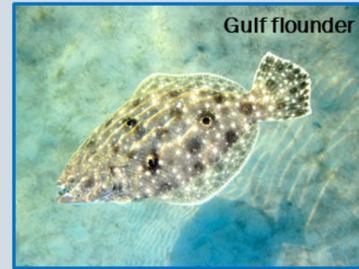
The shrimp trawl fishery is highly regulated by FWC and the Councils. Most shrimp trawls in Florida are required to have bycatch reduction devices (BRDs). BRDs are designed to minimize the amount of finfish caught as bycatch while targeting shrimp; however, they do not eliminate all bycatch and some finfish and other marine organisms can still be caught in trawls. Trawl-caught flounder make up a small portion of annual commercial landings, and an even smaller amount of total annual landings (recreational and commercial combined).

Within state waters, harvesters operating shrimp trawls are required to have a Saltwater Products License (SPL), a Restricted Species (RS) endorsement, and additional permits may be required to operate in specific areas of the state. Currently, shrimp trawlers operating in state waters are not allowed to keep more than 50 pounds of flounder per day. Harvesters in state waters typically take single-day or overnight trips.

Shrimp trawlers operating in federal waters off Florida are also required to have a federal permit (or permits) specific to the shrimp species being targeted. Currently, there is no limit on the amount of bycaught flounder that can be retained on shrimp vessels operating in federal waters. Shrimpers in federal waters typically make multi-day trips ranging from a few to more than 45 days in length, with most trips not exceeding 10 days. Although, there is currently no limit on retention of flounder caught in shrimp trawls in federal waters, the majority of trips do not land more than 200 pounds of flounder, regardless of trip length.

Gulf and Southern Flounder

- Length at 50% maturity
 - Gulf: 12-13 inches
 - Southern: 13-15 inches
- Peak spawn
 - Gulf: Nov. – Dec.
 - Southern: Nov. – Jan.
- Migrate offshore to spawn
 - Form pre-spawning aggregations near inlets and river mouths
 - Movement triggered by decreased temperatures; timing varies geographically



As mentioned earlier, the most commonly harvested flounder species in Florida are Gulf and southern flounder. There is limited life history information about these two flounder species but, based on the information that is available, it is estimated that 50% of Gulf flounder are mature between 12-13 inches total length (TL) and 50% of southern flounder are mature at a slightly longer length of 13-15 inches TL.

The timing of peak spawn varies slightly between species. Gulf flounder are known to spawn most commonly from November through December, whereas southern flounder have a slightly longer peak spawning period from November through January. 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, generally near inlets and river mouths, before moving offshore to spawn in fall and winter. The timing of these pre-spawning aggregations and movement into offshore waters is driven by a decrease in water temperature and varies geographically and from year to year. Thus, the timing typically occurs earlier in northern Florida compared to the southern portion of the state.

Status of Flounder

- FWRI stock status update evaluated status of Gulf and southern flounder
 - Likely overfished and undergoing overfishing on Florida's Atlantic coast
 - General declining trend statewide

Other states

- 2019 south Atlantic stock assessment for southern flounder (NC – FL)
 - 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 managed in Florida, but it uses recreational and commercial data as well as FWRI Fishery Independent Monitoring data to evaluate the status of flounder populations based on trends in these data. The stock status update found that the flounder fishery 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 2019 multi-state assessment of the south Atlantic stock of southern flounder. This assessment included biological and catch data from North Carolina through Florida and had very similar results as Florida's stock status update. Additionally, some Gulf states have recently completed stock assessments for flounder found in their waters and those assessments show 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 throughout the southeastern United States.

Southeastern U.S. Management Changes

- Significant concerns about sustainability of this multi-state fishery
 - Many Gulf and south Atlantic states modified regulations to address declining trends
 - Other states in process of implementing changes
 - FWC draft rule comparable to changes by other states



This wide-spread decline for both Gulf and southern flounder is concerning and indicates a likely sustainability issue for this multi-state fishery. A number of states within the southeastern United States, including Alabama, North Carolina, and Texas, have already made changes to their state flounder regulations. Other states, like South Carolina and Louisiana, are in the process of implementing stricter regulations. The draft rule changes that staff are proposing are comparable to changes already made by other states but are tailored to Florida's fishery.

Proposed Management Approach

Improve flounder populations and the fishery by:

- Reducing harvest
- Allowing more fish to reach maturity
- Increasing spawning stock
- Providing additional protection when flounder are especially vulnerable
 - Aggregation prior to spawn
 - Spawning

Updates to management across all parts of the fishery will aid future sustainability



Photo courtesy: Alexis Humbert

To increase the flounder populations and promote long-term sustainability in the fishery, staff recommends moving forward with a suite of updated proposed management changes that, in combination, are intended achieve the following goals: reduce overall harvest, allow more flounder to reach maturity and have the opportunity to spawn at least once before being available for harvest, increase the spawning stock, and provide additional protection when flounder are especially vulnerable to harvest, such as when they form aggregations prior to and while spawning.

Although the fishery is predominantly recreational, updates to management of all sectors is necessary to improve long-term sustainability and help achieve the goals listed in the proposed management approach.

Proposed Draft Rule

- Extend FWC management into federal waters
- Increase size limit to 14 inches TL

Recreational

- Reduce daily bag limit to 5 fish/person
- Establish an **Oct. 15 – Nov. 30** ~~November~~ closed season



Commercial

- Establish trip and vessel limits when using allowable gear
 - 150 fish except **Oct. 15 – Nov. 30** ~~November~~
 - **50 fish** lbs. **Oct. 15 – Nov. 30** ~~November~~
- Modify incidental bycatch limit for non-allowable gear to **50 fish** 
 - **Create a federal waters trawl-specific bycatch limit of 150 fish except reduce to 50 fish from Oct. 15 – Nov. 30** 



Today's proposed draft rules have been modified (shown on the slide with blue bold and stricken text) from the July draft rule proposal based on the feedback received in recent months and additional considerations.

To improve the long-term sustainability and reverse the downward trend in the flounder fishery, the proposed draft rules would extend all FWC flounder regulations into federal waters; increase the size limit from 12 to 14 inches TL for all harvesters; reduce the recreational daily bag limit from 10 to five fish per person; establish an Oct. 15 – Nov. 30 recreational harvest closure; establish commercial trip and vessel limits of 150 fish when using allowable gear except from Oct. 15 – Nov. 30; establish an Oct. 15 – Nov. 30 commercial trip and vessel limit of 50 fish when using allowable gear; modify the incidental bycatch limit for non-allowable gear from 50 pounds to 50 fish; and create a federal waters trawl-specific bycatch limit of 150 fish, except from Oct. 15 – Nov. 30 when the trawl-specific bycatch limit would be reduced to 50 fish (the same bycatch limit as all other non-allowable gear types).

Rationale for Proposed Changes

- Recreational closed season and reduced commercial limits from Oct. 15 – Nov. 30
 - Better captures regional variation
 - Will provide additional conservation of pre-spawning aggregations
- Federal trawl bycatch limit of 150 fish except from Oct. 15 – Nov. 30
 - Limits harvest without drastically increasing dead discards
 - Similar to bycatch limit for other federal fisheries
- Limits in numbers of fish facilitates compliance



Photo courtesy: Robert Cole



To better account for regional differences in timing of flounder movement offshore, staff is recommending the recreational closed season and commercial reduced limits apply from Oct. 15 – Nov. 30 instead of the originally proposed Nov. 1 – 30. Extending the modified seasonal regulations for an additional two weeks will better encompass the regional differences in movement of these fish and provide additional conservation of pre-spawning (inshore) and spawning (offshore) flounder.

As directed by the Commission at the July Commission meeting, staff has continued working with the commercial shrimp industry regarding allowable flounder bycatch in federal waters. Based on commercial landings data for federal trawl-caught flounder, the proposed 150-fish bycatch limit will reduce some harvest while continuing to allow shrimpers to harvest flounder that are caught incidentally, thereby not drastically increasing dead discards in this fishery. The proposed federal waters trawl bycatch limit is also similar to other federal fishery bycatch limits already in place for these federally-permitted shrimp trawls.

While working with the commercial industry on the flounder proposal, there were some who prefer limits be in numbers of fish versus pounds of fish, because it is easier to count whole fish on the water than to estimate weight. Having limits in number of fish allows for easier compliance with regulations and facilitates on-the-water enforcement of regulations.

Recent Public Feedback

- Generally consistent with prior feedback
 - Majority support management changes
- Recreational closed season
 - Input varies geographically
 - Some opposition and disagreement with timing
- Incidental trawl bycatch in federal waters
 - Industry generally opposed to further regulation
 - Believe current proposal will disproportionately impact extended trips
 - Suggest the proposal will not eliminate all dead discards
 - Others believe the proposal may not be restrictive enough



Photo courtesy: Robert Campbell

Prior to the July Commission meeting, staff engaged stakeholders from all sectors through virtual public workshops; virtual small group meetings; and by soliciting input via phone, email, and FWC's Saltwater Comments webpage. Since the Commission meeting, staff has continued to engage with stakeholders, including the commercial shrimp fishery, and feedback has been generally consistent with that heard prior to and at the July draft rule hearing. 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.

There was mixed feedback on establishing a recreational closed season. Most recreational anglers that staff heard from supported a closure and believe it will help protect pre-spawning aggregations. However, staff heard some opposition from recreational harvesters, especially from the Atlantic coast and southwest Florida who reported primarily targeting flounder in the fall and who will be significantly affected by a fall closed season. Some anglers also believe a different timing for a closed season would provide greater benefit and better protect spawning fish in their area.

Commercial shrimpers and wholesale dealers opposed implementing a 150-fish bycatch limit in federal waters. Industry generally opposed further regulations on this fishery and believe any bycatch limit will disproportionally impact extended commercial shrimp trips, which can last up to 45 days but are most often less than 10 days. They also suggest that the proposed trawl bycatch limit will not successfully eliminate the potential for increased regulatory dead discards. Although the industry largely opposed the proposed federal bycatch limit, some non-shrimpers have expressed an opinion that 150 flounder is too many for commercial harvest.

Considerations

- Potential region-wide decline for Gulf and southern flounder
 - General declining trend statewide
 - Likely overfished and undergoing overfishing along the south Atlantic
- Recreational fishery is more than 90% of total harvest
 - Management changes for all parts of the fishery will improve sustainability
- Movement offshore triggered by decreased water temperatures
 - Timing varies geographically
- Flounder populations could be improved by
 - Reducing harvest
 - Extending FWC regulations into federal waters
 - Conserving spawning females



Photo courtesy: Billy Fennel



There are several things to consider related to updating regulations for the flounder fishery. FWC's current flounder regulations have been in place since 1996, nearly 25 years, and may no longer be providing adequate protection for these species. As mentioned earlier, FWRI completed a stock status update that found that the flounder fishery on the Atlantic coast of Florida 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 widespread management changes to improve the long-term sustainability of the flounder fishery.

Although recreational harvest accounts for the majority of harvest, management changes for both the recreational and commercial fishery will aid in improving the flounder population.

The timing of when flounder move into federal waters to spawn varies throughout the state and from year to year. Since the timing is driven by a decrease in water temperature, it is important to capture the general timing of when this movement happens throughout the state to provide additional protection when flounder are especially vulnerable to harvest.

Staff believes that a variety of management changes can be made, including reducing overall harvest, extending FWC flounder regulations into federal waters, and conserving more flounder before and after they move into offshore waters to spawn, to improve flounder populations statewide.

Staff Recommendation

Approve proposed draft rules to improve flounder fishery statewide

- Extend FWC regulations into federal waters
- Increase size limit to 14 inches TL

Recreational

- Reduce daily bag limit to 5 fish/person
- Establish an Oct. 15 – Nov. 30 closed season

Commercial

- Establish trip and vessel limits when using allowable gear
 - 150 fish except Oct. 15 – Nov. 30
 - 50 fish during Oct. 15 – Nov. 30
- Modify incidental bycatch limit for non-allowable gear to 50 fish
 - Create a federal waters trawl bycatch limit of 150 fish except Oct. 15 – Nov. 30, reduce to 50 fish Oct. 15 – Nov. 15

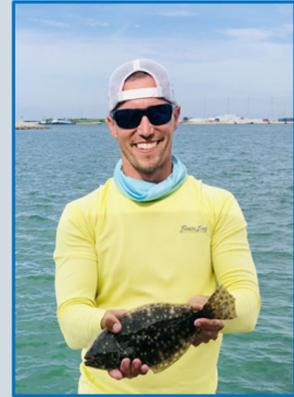


Photo courtesy: Travis Anderson



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

Staff recommends approving the proposed draft rules to improve the long-term sustainability of the flounder fishery statewide. Specifically, staff recommends extending FWC flounder regulations into federal waters; increasing the size limit to 14 inches TL for all harvesters; reducing the recreational daily bag limit to five fish per person; establishing an Oct. 15 – Nov. 30 recreational closed season; establishing commercial trip and vessel limits of 150 fish when using allowable gear except from Oct. 15 – Nov. 30; establishing a Oct. 15 – Nov. 30 commercial trip and vessel limit of 50 fish when using allowable gear; modifying the incidental bycatch limit for non-allowable gear to 50 fish; and creating a federal waters trawl-specific bycatch limit of 150 fish, except from Oct. 15 – Nov. 30 when it would be reduced to 50 fish.

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

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



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

Photo courtesy: Amy Lockhart

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.

Harvest



Recreational and commercial harvest data by year since 2000.