

Bay Scallops



Draft Rule
December 7, 2017



Florida Fish and Wildlife Conservation Commission

Version 1

At the Florida Fish and Wildlife Conservation Commission's (FWC) February 2017 Commission meeting, Commissioners approved regionally-specific bay scallop management changes to be implemented on a trial basis for the 2017 season. Commissioners directed staff to return after the 2017 season with a review of public feedback and a recommendation for future management, including possible consideration of an open season for Pasco County in 2018.

This document summarizes public feedback regarding the regionally-specific seasons implemented for 2017, proposed short-term management changes to be made by Executive Order for Gulf and Pasco counties, and proposed draft rules to amend the FWC's bay scallop regulations, 68B-18, Florida Administrative Code (FAC), for the remaining allowable harvest zone.

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Unless otherwise noted, images throughout the presentation are by FWC.

Presentation Outline

- Fishery overview
- Background and update of St. Joseph Bay scallop fishery
- Review of the 2017 trial season structure
- Public feedback
- Proposed long-term regional management changes
 - Implement via draft rule amendments
- Proposed short-term changes for 2018
 - Implement via Executive Order



Staff will provide an overview of the bay scallop fishery, a background and update on the status of scallops in St. Joseph Bay, a review of public feedback received regarding the 2017 trial season structure and scallop management in general, proposed long-term regional management changes for bay scallops, and proposed short-term changes for the 2018 bay scallop seasons in Gulf and Pasco counties.

Timeline

- **Fall 2015:** Red tide negatively impacted scallops in St. Joseph Bay
- **June 2016:** Commission modified regulations for 2016 St. Joseph Bay scallop season and directed staff to review statewide scallop management
- **Nov. 2016:** Pasco County requested FWC consider season opening
- **Dec. 2016 – Jan. 2017:** Staff held a series of informal meetings with community leaders to gather feedback on scallop management
- **Feb. 2017:** Commission approved regionally-specific changes to 2017 season
- **Oct. 2017:** Staff held series of public workshops to gather feedback on 2017 season changes
- **Today:** Review of feedback from public workshops and proposed regulatory changes



In the fall of 2015, a prolonged red tide event occurred off of Gulf County and the western Panhandle. This red tide event was particularly unique for the region; it was both intense and more prolonged than this area typically experiences. Unfortunately, this event also coincided with the peak spawning season and peak juvenile settlement period for bay scallops. Monitoring data collected by FWC's Fish and Wildlife Research Institute (FWRI) indicated that this event negatively impacted both adult scallops and newly settled juveniles in St. Joseph Bay, prompting the FWC to work with the public to implement local management changes for the 2016 season. This brought additional attention to stakeholder requests to consider long-term changes to management of the scallop fishery in various portions of the open harvest area.

At the June 2016 Commission meeting, Commissioners directed staff to modify 2016 scallop regulations for St. Joseph Bay and review management of the scallop fishery statewide for potential changes.

At the November 2016 FWC Commission meeting, a Pasco County Commissioner addressed the Commission and requested that FWC consider extending the scallop harvest area to include Pasco County.

During December 2016 and January 2017, staff held a series of meetings with community leaders from the eastern Panhandle and Big Bend to gather feedback on scallop. Based on that feedback, the Commission approved regionally-specific changes to season dates on a trial basis for the 2017 season, at the February 2017 meeting.

In October 2017, staff held a series of public workshops throughout the open scallop harvest area and Pasco County to gather stakeholder feedback on the 2017 regionally-specific season structure and stakeholder desires for long-term management of the scallop fishery.

Today, staff will review feedback regarding the temporary changes for the 2017 season and will present proposed regulatory changes for future management of the bay scallop fishery.

Scallop Management and Regulations

- **Allowable harvest zone:** Mexico Beach canal through Hernando – Pasco county line
 - Recreational harvest only
- **Season:** Saturday before July 1 (July 1 when it falls on Saturday) through Sept. 24
 - Regionally-specific season dates implemented as a trial in 2017
- **Daily bag limit:**
 - 2 gallons whole scallops in shell, or
 - 1 pint scallop meat (shucked)
- **Daily vessel limit:**
 - 10 gallons whole scallops in shell, or
 - ½ gallon scallop meat (shucked)



Prior to 1994, the commercial and recreational harvest of bay scallops was allowed throughout the state. In 1994, management changes were implemented to make the fishery recreational harvest only and to prohibit all harvest in portions of the state in response to fishery declines and concerns that the scallop population could not sustain the high fishing pressure the fishery was exerting. The allowable harvest zone was subsequently modified in 2002 due to further declines in the western panhandle and increasing abundance in the Crystal River and Homosassa areas. Since 2002, the allowable harvest zone has included all state waters from the west bank of the Mexico Beach Canal in Bay County to the Hernando – Pasco county line, with only recreational harvest allowed.

Currently, the recreational harvest season opens each year on the Saturday before July 1 (or July 1 if it falls on a Saturday) and continues through Sept. 24. This season structure was implemented in late 2014 and was intended to ensure that the season always opened on a weekend, maximizing recreational harvest opportunities. Because the season is set to open on a Saturday, the opening date changes each year. For example, in 2015, the season opened on June 27. In 2016, the season opened on June 25. The season was scheduled to open on July 1 in 2017, which would have resulted in a season that would have been a week shorter than the year before. However, instead of maintaining the current season structure which applies throughout the allowable harvest zone, the Commission implemented a regionally-specific season structure on a trial basis in 2017.

The daily bag limit for scallops throughout the allowable harvest zone has been two gallons of whole scallops (in the shell) or one pint of scallop meat (shucked) per person since 1995. In addition, no more than 10 gallons of whole scallops, or half gallon of scallop meat may be possessed on any vessel, regardless of the number of harvesters aboard.

St. Joseph Bay Update

2015 red tide

- Almost no juvenile scallops detected during peak spawning period
- 2016 adult population classified as collapsed
 - Regulatory action and restoration efforts implemented

2016 season: Stakeholders reported successful harvesting trips

2017 recruitment: Modest settlement followed increase in adult density

2017 algae bloom

- Produced a toxin that causes human health issues
 - Season delayed and shortened to 16 days
- Stakeholders reported successful trips and large scallops during the open season



In response to localized impacts of the prolonged red tide event in late 2015 and the lack of juveniles during peak spawning season, the Commission implemented modified regulations for the 2016 season in Gulf County, which includes St. Joseph Bay. The 2016 scallop regulations for all of Gulf County included a shortened 14 day harvest season and a reduced daily bag limit of 40 scallops per person or 200 scallops per vessel, whichever was less. Additionally, FWRI began extensive in-water and hatchery-based restoration efforts. For the in-water portion, wild scallops were collected and held in cages within the bay to improve their opportunity to successfully spawn and a temporary “No-Entry Area” was also established surrounding the cages.

Despite adult scallop abundance surveys indicating the 2016 scallop population in St. Joseph Bay was likely to be low following the 2015 red tide event, stakeholders reported that scalloping trips taken in St. Joseph Bay during the 2016 season were successful. Furthermore, juvenile scallop monitoring data collected after the harvest season showed modest juvenile settlement in December 2016 and Jan. 2017.

Adult abundance surveys completed prior to the 2017 scallop season indicated a small but widespread recovery of scallops in St. Joseph Bay. However, St. Joseph Bay was also impacted by another algae bloom in 2017. This bloom differed from the 2015 red tide. The algae species associated with the 2017 bloom is known to produce a toxin that causes human health issues from consumption of contaminated shellfish and the season had to be delayed. The 2017 season opened on Sept. 28 and remained opened for 16 days. Unlike the 2015 red tide, no negative impacts to scallop populations are expected from this algae bloom and stakeholders reported successful scallop trips and large scallops in St. Joseph Bay during the delayed 2017 season.

Restoration efforts are ongoing for St. Joseph Bay, and recovery is occurring.



Staff hosted a series of informal meetings with community leaders in Gulf through Pasco counties prior to the 2017 bay scallop season to gather feedback and suggestions for potential scallop management changes across the eastern Panhandle and Big Bend regions. Based on the outcome of these discussions, the Commission approved the following scalloping regions and seasons on a trial basis for the 2017 season:

Zone 1 (Gulf County, including St. Joseph Bay): Included all state waters from the west bank of the Mexico Beach Canal in Bay County through the western-most point of St. Vincent Island in Franklin County. The season in this area was scheduled to begin July 25 and end Sept. 10. However, the season was delayed because of an algae bloom and was ultimately held from Sept. 23 through Oct. 8, 2017.

Zone 2 (Fenholloway River to Suwannee River, including a portion of Taylor County and all of Dixie County. This includes the communities of Dekle Beach, Keaton Beach and Steinhatchee): Included all state waters south and east of Rock Island, near the mouth of the Fenholloway River in Taylor County and north of the Suwannee River Alligator Pass Daybeacon 4 in Levy County. The 2017 season for this area was June 16 through Sept. 10.

Zone 3 (all other areas open to the harvest of bay scallops): Included all state waters from the westernmost point of St. Vincent Island in Franklin County to Rock Island near the mouth of the Fenholloway River in Taylor County and from the Suwannee River Alligator Pass Daybeacon 4 in Levy County to the Hernando-Pasco county line. The 2017 open season for these parts of the state was July 1 through Sept. 24.

Public Workshops – Fall 2017

- Gathered suggestions and feedback on scallop management including
 - 2017 regionally-specific seasons
 - Long-term management changes
 - Socioeconomic factors
 - Issues important to communities
- Considered a variety of possible changes
 - Season dates
 - Potential opening in Pasco County
 - Bag and vessel limits, size limits



Online comments accepted through the [FWC Saltwater Comments webpage](#)



To gather feedback on the 2017 regionally-specific season structure, as well as long-term management of the scallop fishery, including how social and economic factors are impacted by scallop management, and any other scallop-related issues, staff held a series of public workshops in October 2017 in Gulf through Pasco counties.

Online comments were also accepted through the FWC Saltwater Comments webpage. Online feedback was similar to that heard at workshops.

Stakeholder Feedback

- **Bag and vessel limits:** stakeholders generally opposed to changes to bag or vessel limits
- **Seasons:** broad support for regionally-specific season structure
 - **Early summer opening:** mixed feedback for opening seasons in June and early July due to scallops being small
 - **Late September season dates:** outside of Gulf County, participants felt there was little benefit to keeping the season open into late September
 - **Gulf County:** strong support for mid-August through September or early October season
 - **Pasco County:** strong support for a limited trial season in 2018
 - Willing to consider reducing the bag limit for the 2018 season



Stakeholders that we heard from were generally opposed to long-term changes to bag or vessel limits.

In general, there was broad support for continuing with a regionally-specific season structure long-term throughout the open scallop harvest areas.

Staff received mixed feedback regarding seasons opening in June and early July. The current bag limit equates to 50-200 scallops, depending on their size. Stakeholders who were opposed to opening early believe scallops during this time of the year are too small and that a harvest consisting of small scallops would result in a higher number of dead discards due to the amount of scallop meat obtained relative to the effort required to clean small scallops. Additionally, Crystal River workshop participants spoke in favor for delaying the season until after the July 4th holiday weekend to reduce congestion and improve safety on the water. Conversely, other stakeholders stated that they harvest larger scallops and often return smaller ones to the water alive and did not believe opening earlier would negatively impact scallop populations.

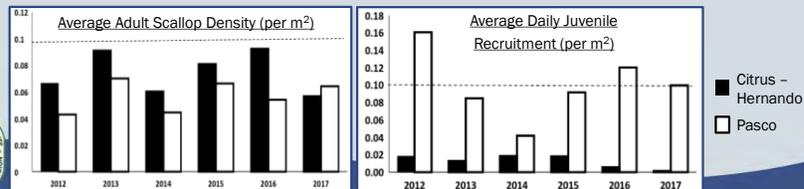
Outside of Gulf County, participants felt there was little benefit to keeping the season open into late September. Participation in the fishery wanes as the summer tourism season comes to an end and late September season dates would provide little economic benefit to their region.

Stakeholders from Gulf County, however, supported delaying their season start until mid-August and extending through September or early October. A delayed season in 2017 resulted in larger, and presumably fewer, scallops being harvested from St. Joseph Bay. Additionally, they felt as though the economic stimulus during the summer was not necessary. Instead, extending it into the fall was more beneficial economically.

Staff received support for holding a limited trial season in Pasco County. Suggestions included limiting the number of season days, reducing the bag or vessel limits in the area, and/or delaying the season start date until later in the summer in an effort to reduce harvest pressure. A delayed season start would also provide for a smoother transition into a trial season by minimizing the negative impacts associated with the early-season rush.

Pasco County – Recent Scallop Population Status

- 2017 adult scallop abundance
 - Similar to neighboring open areas in Citrus – Hernando region
 - 13% higher than 6-year average for Pasco County
 - Patchy distribution
- 2017 scallop recruitment
 - Similar to the 6-year Pasco County average
 - Fairly good when compared to Citrus – Hernando region



The next couple of slides focus specifically on recent requests to consider opening scallop season off Pasco County.

Although scallop abundance fluctuates annually, recent population estimates completed by FWRI suggests adult abundance in Pasco County has been similar to the neighboring open areas of the Citrus – Hernando region. The 2017 adult abundance for Pasco County was 13% higher than the 6-year average for this area and slightly exceeded abundance estimates for Citrus – Hernando counties. Pasco County scallop populations are currently classified as having a patchy distribution. Recruitment estimates are fairly good in Pasco County when compared to the Citrus – Hernando region and have remained higher than the neighboring region over the last 6 years. Furthermore, daily juvenile recruitment has remained relatively stable over the past 6 years, with recruitment in 2017 similar to the 6-year average for Pasco County.

Considerations: Extending Harvest Area to Pasco County

- Potential local economic benefits and harvest opportunities
- Less available habitat and greater human population density in Pasco than adjacent Hernando County
- Scallops in Pasco County waters may be contributing to the stability and recovery of populations farther north and south
- Adult scallop abundance off Pasco has been similar to adjacent open areas in recent years
 - Has historically been lower than the statewide average for open areas
- Pasco County-specific regulations could be implemented on a trial basis



There are a number of things to consider when deciding whether to extend the allowable harvest area to Pasco County.

Extending scallop harvest into Pasco would likely provide an economic benefit to the County and create opportunities for local residents to scallop in their nearby waters, as well as promote continued increases in waterway access.

However, relative to adjacent Hernando County, Pasco has less available scallop habitat (primarily seagrass). There are also more people in Pasco County, coupled with the area's proximity to the nearby metropolitan areas of Pinellas and Hillsborough counties. Limited habitat and ease of access to the region's scallops could increase the vulnerability of the local population and, if overharvested hinder long-term recovery of scallop populations.

Additionally, scallops in Pasco County waters may be contributing to the stability and recovery of scallop populations to both the north and south. So it is especially important to be conservative when considering a potential opening in order to minimize impacts to both Pasco scallops and those in adjacent areas.

To address these concerns, Pasco County-specific regulations could be implemented on a trial basis, which may include a limited season, modified bag or vessel limits, or a combination of regulations.

Fishery-Wide Regulatory Considerations

Season modifications

- Potential economic impacts
- Scallops tend to be smaller early in summer
- Summer months are popular with families
 - Greater economic stimulus to some areas
 - Greater harvest pressure
- Regionally-specific seasons increases regulatory complexity

Bag limit modifications

- Confusion and challenges associated with inconsistent limits and count-based bag limits



Photo: Tyler Jones, UF/IFAS Florida Sea Grant



Additional considerations relative to potential regulatory changes are important both within Pasco County and throughout the fishery.

Modifications to season dates may have potential economic impacts for local communities as well as the local scallop population. In some communities, the greatest economic impact from scalloping occurs toward the beginning of the season, while other communities rely more heavily on scallop-related economic impacts later in the season as the summer tourism season wanes.

Because scallops are a short-lived species and continue to grow throughout the year, they tend to be smaller early in the season. This means that a daily bag limit of scallops (e.g., 2 gallons) in the beginning of the season contains more scallops and can have a greater impact than a daily bag limit later in the season when scallops are larger.

The summer months tend to be popular with families because children are out of school (generally prior to mid-August). This leads to a greater economic stimulus earlier in the season for some communities, but can also translate to greater harvest pressure at a time when scallops are smaller, resulting in higher harvest rates per person.

Additionally, while regionally-specific seasons provide greater flexibility to meet stakeholder needs, they also increase regulatory complexity.

Varying the bag limits among harvest areas has the potential to create confusion for scallopers and also limits a boater's ability to transport their catch from one area to another by boat. Another recently explored management strategy has been converting scallop bag limits from a volume-based to count-based limit. A count-based bag limit was implemented at stakeholder requests in 2016 for St. Joseph Bay. This created an opportunity to evaluate the benefits and challenges associated with this strategy. The count-based limit for St. Joseph Bay in 2016 increased the amount of time recreational boaters were delayed per enforcement stop in order to allow law enforcement personnel to count individual scallops. This reduced the number of enforcement stops that could be made and thus potentially reducing the effectiveness of scallop enforcement efforts as well as serving as a potential source of frustration for harvesters.

Proposed Long-term Management Actions

Implement regionally-specific season dates on a long-term basis

Franklin County through northwestern Taylor County

- Establish a consistent start date
- *Proposed season:* July 1 through Sept. 24 each year

The remaining portion of Taylor County through Dixie County

- Earlier start with more predictable start date
- *Proposed season:* to begin on the 3rd Saturday in June each year through Sept. 10

Levy, Citrus, and Hernando counties

- Postpone start until after July 4th weekend and end the season earlier
- *Proposed season:* July 10 through Sept. 10 each year



Based on public feedback received regarding the trial 2017 season structure and other consideration discussed previously, staff are proposing to implement regionally-specific season dates for the bay scallop fishery on a long-term basis. Staff are not proposing changes to existing bag or vessel limits, which would be consistent statewide. Staff propose the following long-term management actions:

For Franklin, Wakulla, Jefferson, and northwestern Taylor County, staff propose maintaining similar season dates but reducing potential confusion by creating a consistent start date. The proposed season for the area would begin on July 1 and end on Sept. 24 each year. This region would include all waters from the western tip of St. Vincent Island in Franklin County to Rock Island near the mouth of the Fenholloway River in Taylor County.

For the remaining portion of Taylor County and all of Dixie County, including Dekle Beach, Keaton Beach, and the entire Steinhatchee area, staff propose to shift the season earlier, similar to the structure of the 2017 season, beginning on the third Saturday in June each year, and ending on Sept. 10. This region would include all waters from Rock Island near the mouth of the Fenholloway River in Taylor County south to the Suwannee River.

For Levy, Citrus, and Hernando counties, including Cedar Key and the entire Crystal River/Homosassa area, staff propose starting the season after the Independence Day holiday, beginning July 10 and ending on Sept. 10 each year.

The season dates in rule for the remaining portion of the open harvest area (including Gulf County) would be consistent with the adjacent waters of Franklin through northwestern Taylor County. However these season dates would be modified each year by Executive Order for the immediate future, as described on the following slide, until a long-term season is established for that area.

Proposed Short-term Management Actions

Modify bay scallop regulations in Pasco and Gulf counties by Executive Order for the 2018 season only

- Allows flexibility to re-evaluate any potential changes needed for 2019 and subsequent seasons

St. Joseph Bay and Gulf County: Set scallop season by Executive Order for the immediate future while the population continues to recover

- *Proposed 2018 season:* Aug. 17 – Sept. 30, 2018 (45 days)
- No changes to existing statewide bag or vessel limits

Pasco County: Establish short, 10-day trial season for 2018 only

- *Proposed 2018 season:* July 20 – July 29, 2018
- Apply the existing statewide bag and vessel limits during trial season

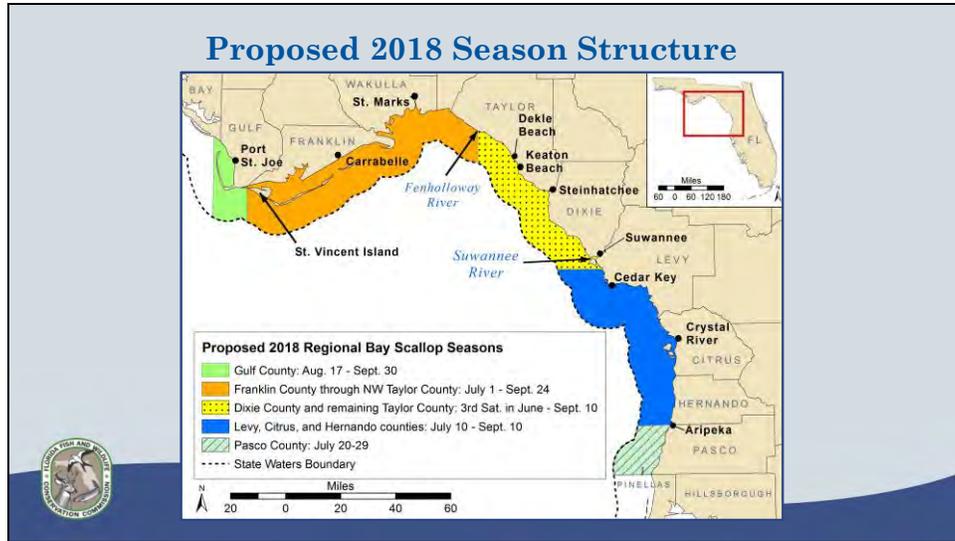


Staff are proposing short-term modifications to bay scallop regulations for Gulf and Pasco counties via Executive Orders for the 2018 season only. Short-term modifications allow the Commission the flexibility to re-evaluate any potential changes needed for 2019 and subsequent seasons. Staff propose the following management actions:

For St. Joseph Bay and Gulf County, staff propose setting a 45-day season in 2018 to allow for ample harvest opportunities while still allowing the local scallop population to continue to recover. The proposed 2018 season would begin August 17 and end Sept. 30, 2018.

For Pasco County, staff propose establishing a short 10-day trial season for 2018 only. The season would begin July 20, 2018 and end July 29, 2018. Staff propose applying the existing statewide bag and vessel limits during this trial season.

Staff are not proposing changes to existing bag or vessel limits for any portion of the state, which would mean that the bag and vessel limits would be consistent across all areas open to harvest in 2018.



To review, the proposed regionally-specific season structure would be:

Gulf County, including St. Joseph Bay: Includes all state waters from the west bank of the Mexico Beach Canal in Bay County through the western-most point of St. Vincent Island in Franklin County: Aug. 17 through Sept. 30, 2018

Franklin County through northwestern Taylor County: Includes all state waters from the westernmost point of St. Vincent Island in Franklin County to north and west of Rock Island near the mouth of the Fenholloway River in Taylor County: July 1 through Sept. 24 each year

The remaining portion of Taylor County through all of Dixie County, including the communities of Dekle Beach, Keaton Beach and Steinhatchee: Includes all state waters east of Rock Island, near the mouth of the Fenholloway River in Taylor County through and north of the Suwannee River Alligator Pass Daybeacon 4 in Levy County: the third Saturday in June through Sept. 10 each year

Levy, Citrus, Hernando counties: Includes all state water south of the Suwannee River Alligator Pass Daybeacon 4 in Levy County to the Hernando – Pasco county line: July 10 through Sept. 10 each year

Pasco County: Includes all state water south of the Hernando – Pasco county line to the Pasco – Pinellas county line: July 20 through July 29, 2018

Staff Recommendation

Approve the proposed draft rules to create the following regionally-specific open seasons

- Franklin County through northwestern Taylor County: July 1 – Sept. 24
- The remaining portion of Taylor County and all of Dixie County: 3rd Saturday in June – Sept. 10
- Levy, Citrus, and Hernando counties: July 10 – Sept. 10

Establish 2018 scallop regulations for Pasco and Gulf counties by Executive Order

- St. Joseph Bay and Gulf County: Set 2018 open season Aug. 17 – Sept. 30, 2018
- Pasco County: Establish a 10-day open season to run July 20 – 29, 2018

If approved and directed, return for a final public hearing and to implement proposed Executive Orders at the February 2018 Commission meeting



Staff recommend approving the proposed draft rules to create the following long-term regionally-specific open seasons for bay scallops:

- Franklin County through northwestern Taylor County: July 1 through Sept. 24 (with these dates also applying in all waters of the open area west of Franklin County, but modified annually as described below by Executive Order)
- The remaining portion of Taylor County and all of Dixie County: 3rd Saturday in June through Sept. 10
- Levy, Citrus, and Hernando counties: July 10 through Sept. 10

Staff also recommend the Commission establish the following 2018 scallop regulations for Gulf and Pasco counties by Executive Order:

- St. Joseph Bay and Gulf County: Set 2018 open season to be Aug. 17 through Sept. 30, 2018
- Pasco County: Establish and 10-day open season for 2018 to run July 20 through 29, 2018

If approved and directed, staff will return for a final public hearing, and to implement proposed Executive Orders, at the February 2018 Commission meeting.

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



Proposed Draft Rules

68B-18.005 Closed Seasons for Harvest of Bay Scallops

Create regionally-specific closed seasons for the harvest of bay scallops

- Franklin, Wakulla, Jefferson, and northwestern Taylor County
- The remaining portion of Taylor County and all of Dixie County
- Levy, Citrus, and Hernando counties



Photo courtesy: Dawn McKinstry, UF/IFAS Florida Sea Grant



The proposed draft rule would modify 68B-18.005 to establish regionally-specific harvest seasons for bay scallops as follows:

Franklin, Wakulla, Jefferson, and northwestern Taylor County: For all state waters from the westernmost point of St. Vincent Island in Franklin County to Rock Island near the mouth of the Fenholloway River in Taylor County, modify the regulations to create an open season that begins on July 1 and continues through Sept. 24 each year. The proposed draft rule would also apply these season dates to all areas of the allowable harvest area west of St. Vincent Island until the scallop population in that region rebuilds to the point that the Commission chooses to set a different long-term season. In the meantime, the season for open areas west of St. Vincent Island would be modified annually via Executive Order.

The remaining portion of Taylor County and all of Dixie County: (including Dekle Beach, Keaton Beach, and the entire Steinhatchee area): For all state waters south and east of Rock Island near the mouth of the Fenholloway River in Taylor County to the Suwannee River Alligator Pass Daybeacon # 4 in northern Levy County (29° 15.350' North Latitude), modify the regulations to create an open season that begins on the third Saturday in June and continues through Sept. 10 each year.

Levy, Citrus, and Hernando counties: For all state waters south of the Suwannee River Alligator Pass Daybeacon # 4 in northern Levy County (29° 15.350' North Latitude) to the Hernando – Pasco county line, modify the regulations to create an open season that begins July 10 and continues through Sept. 10 each year.