

Permit



Final Public Hearing – Consent Agenda Item #1
February 7, 2018



Florida Fish and Wildlife Conservation Commission

Version 1

This presentation summarizes a proposed final rule to amend the Florida Fish and Wildlife Conservation Commission's (FWC) permit (*Trachinotus falcatus*) regulations in 68B-35, Florida Administrative Code (FAC).

The rule amendment would lengthen the spawning season closure for permit inside the Special Permit Zone (SPZ) by adding April to the existing May – July closure. The modification would address stakeholder concerns and provide for additional conservation of the large permit spawning aggregations that occur in south Florida waters.

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Report date: January 4, 2018

Photo courtesy of Tammy Hedspeth

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Background

Permit are a prized sport fish and considered excellent table fare

- [2009-2011](#): Rule development to address stakeholder concerns for permit, pompano, and African pompano
 - Extensive work with stakeholders to resolve competing interests
- [June 2011](#): Final rules created a Special Permit Zone (SPZ) in south Florida
- [2016-2017](#): Stakeholder feedback that the SPZ spawning season closure does not provide the intended level of conservation
- [December 2017](#): Commission approved a draft rule to lengthen the spawning season closure
- [Today](#): Final public hearing



Photo courtesy of Shawn McCole

Permit are the basis of an iconic and lucrative sport fishery in the Florida Keys. They also support both catch and release and a food fishery in other parts of the state.

In 2009, staff and stakeholder concerns for permit spawning aggregations and a lack of any management measure for the species in federal waters led to the consideration of potential management options. The rule development process was lengthy and complex, with staff proposing a series of draft rules at Commission meetings in September and December of 2010, and again in April 2011. Staff held Permit Technical Assistance Group meetings and hosted public workshops to collect information on the permit fishery and to gather public opinion on possible management changes. Many stakeholders also shared their perspectives and desires for the fishery via phone or email.

Final rule changes were approved in June 2011. In addition to other changes, the SPZ was established in Biscayne Bay and the Florida Keys where the permit fishery was largely a catch and release and trophy fishery. Management measures developed for that portion of the state included a closed season May – July to protect large spawning aggregations in the Florida Keys.

Over the past year, staff have heard concerns that permit spawning aggregations in the SPZ are being heavily targeted in April, and that there is high predator-induced mortality at these aggregation sites.

In December, based on telemetry data and stakeholder concerns about the vulnerability of permit aggregations that occur in April, the Commission approved a draft rule to lengthen the spawning season closure for permit inside the SPZ.

Today is a final public hearing for this rule, to lengthen the spawning season closure for permit inside the SPZ by one month to provide additional conservation of this species.

Special Permit Zone

- Permit managed regionally based on differences in the resource and fishery practices
- SPZ includes state and federal waters south of Cape Florida on the Atlantic coast and Cape Sable on the Gulf coast
- Unique regulations for permit inside the SPZ
 - More restrictive bag limit
 - Different size limit
 - Spawning season closure May – July



Staff first identified permit as a workplan item for 2009/2010 due to the absence of permit regulations in federal waters and the mounting concern about the decreasing size of permit spawning aggregations.

During the rulemaking process, one of the main ideas raised was the suggestion to separate Florida into management areas for permit. At the time, permit was managed statewide, but the permit fishery operated differently in different areas of the state.

To better align permit management with regional differences in the fishery, staff recommended Florida be split into two separate management areas. The SPZ was created in 2011 and includes Florida waters of Biscayne Bay lying south of Rickenbacker Causeway and all state and federal waters south of a line running due east from Cape Florida on the Atlantic coast (25° 40' North Latitude) and south of a line running due west from Cape Sable on the Gulf coast (25° 09' North Latitude). The remainder of the state (north of these lines) makes up the other management area.

Regulations for permit within state and federal waters of the SPZ differ from those off other portions of the state. Inside the SPZ, permit are targeted on the flats as a catch-and-release fishery, as well as providing for a trophy fishery. Therefore, the regulations are intended to encourage anglers to release most of the permit they catch while allowing for minimal harvest of trophy-size fish. Fishers are subject to a bag limit of one fish; a minimum size limit; and a spawning season closure during the months of May, June, and July to protect the larger permit that aggregate to spawn during these months.

Current Regulations

	Inside SPZ	Outside SPZ
Size limit	Minimum: 22 inches fork length	Slot: 11-22 inches fork length
Bag limit	1 per harvester per day	2 per harvester per day *May possess 1 over 22 inches included in the per person bag limit
Vessel limit	No more than 2 per vessel	No more than 2 over 22 inches per vessel
Season	Closed: May 1 – July 31	Year-round
Commercial harvest	None	Bycatch only
Gear (directed harvest)	State waters: Hook-and-line only Federal waters: Hook-and-line and spearing	



Within the SPZ, there is a minimum size limit of 22 inches fork length for permit. The bag limit is one permit per harvester per day with a vessel limit of no more than two fish. There is also a closed season in both state and federal waters for permit during the months of May, June, and July.

In all other state and federal waters off Florida, there is a slot limit of 11 to 22 inches fork length. The bag limit is two permit per harvester per day with an allowance for one fish greater than 22 inches included within the two-fish bag limit. A maximum of two fish over 22 inches per vessel may be harvested, but there is no limit on how many permit may be possessed aboard a vessel as long as no individual exceeds their bag limit.

In both areas, there is no directed commercial harvest of permit. Possession of any permit aboard a vessel engaged in commercial harvest in the SPZ is prohibited. Persons harvesting permit as incidental bycatch outside the SPZ are subject to a daily harvest, landing, and possession limit of 100 permit.

The only allowable gear for permit in all Florida state waters is hook-and-line; whereas in all adjacent federal waters, spearing is allowed for the directed harvest of permit in addition to hook and line.

Permit Spawning Behavior

- Limited information on permit spawning behavior
 - Spawning season from March to August
 - Previous research indicates peak spawning occurs in May, June, and July
 - Spawn in state and federal waters
 - Aggregations occur at the same place annually
 - Can contain 50 to 200 fish
- Stakeholders report significant spawning aggregations in April
 - Aggregations being targeted by anglers
 - Concerns about impacts to south Florida permit populations



Recent telemetry data confirm spawning-size permit are using known multi-species spawning sites (including Western Dry Rocks) from April – July



Photo courtesy of Phil Chapman

Permit form aggregations to spawn. However, there is relatively little information known about these aggregations in Florida. The limited data available suggest that permit spawn from March to August with peaks occurring in May, June, and July. They are known to spawn in both state and federal waters, at predictable locations, with aggregations containing anywhere from 50 to 200 fish during the peak spawning season.

Stakeholder reports indicate that large numbers of permit begin to congregate offshore in April and that these aggregations are being heavily targeted. The anglers and guides that staff have heard from are concerned that the fishing activities associated with targeting these aggregations (including harvest and predator-related mortality) are having a negative impact on the local permit population.

Although permit spawning behavior is not well documented, recent acoustic telemetry data confirm that permit commonly aggregate at known multi-species spawning sites, including Western Dry Rocks, from April through July.

Proposed Final Rule

Add April to the closed season for permit inside the SPZ

- Set the spawning season closure as April 1 – July 31

Public Input: *Many representatives of the recreational fishing community support extending the spawning season closure for permit inside the SPZ to include the month of April*



Photo courtesy of Doug Perrine

To provide for additional conservation of this iconic sport fishery inside the SPZ, the proposed final rule would modify 68B-35.006, FAC, by adding the month of April to the existing May – July spawning closure for permit inside the SPZ. This would result in a spawning season closure running April 1 – July 31.

Representatives of the recreational fishing community have expressed broad support for adding April to the existing May – July closure for permit inside the SPZ.

Staff Recommendation

Approve the proposed final rule to provide additional conservation of permit during their spawning aggregations by extending the spawning season closure for permit inside the SPZ

- Add April to the existing May – July closure

If approved, make rule effective April 1, 2018



Photo courtesy of Bob Puccinelli

Staff recommend providing additional conservation measures for permit inside the SPZ by approving the proposed final rule to add the month of April to the existing May – July spawning season closure.

If approved, staff recommend making this rule effective April 1, 2018.

Staff have evaluated the proposed final rule under the standards of 68-1.004, FAC, and found it to be in compliance.