



King Mackerel Commercial Regulations
Consent Agenda Item #3 – Draft Rule
June 24, 2015
Florida Fish and Wildlife Conservation Commission
Division of Marine Fisheries Management



This document summarizes the Florida Fish and Wildlife Conservation Commission's (FWC) proposed draft rule to modify the regulations for the commercial king mackerel fishery. The proposed rule changes would revise commercial vessel limits in the Gulf-Atlantic king mackerel fishery; remove references to specific dates for fishing seasons of the commercial Gulf-Atlantic and Atlantic king mackerel fisheries; clarify language linking commercial season closures in state waters to closures in federal waters; and establish a transit provision allowing transport of harvest through and landing of harvest in all closed zones. These proposed draft rules were developed in response to changes in federal regulations for commercial harvest of king mackerel.

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Photo credit: Florida Sea Grant

Commercial King Mackerel Fishery



- Operates in state and federal waters
- Managed in a series of state and federal zones based on the locations of the Gulf and Atlantic stocks and seasonal movements of fish
- Fishing zone boundaries shift during the year
- Some fishermen travel to follow the fish throughout their seasonal migrations



Participants in Florida's commercial king mackerel fishery operate in state and federal waters of the Atlantic and Gulf. Stock assessments have determined that there are two stocks of king mackerel, named the Gulf stock and Atlantic stock, but these stocks exist over wide areas and migrate seasonally. For a portion of the year, some fish belonging to the Gulf stock can be found in the waters of the Atlantic. Because of the stocks' migratory movements, the fishery is managed in a series of state and federal zones. The zones are based on the location of both king mackerel stocks, and as the stocks migrate during the year, the fishing zones shift.

Some commercial fishermen follow king mackerel throughout their migration, and will fish both the Gulf and Atlantic stocks. This is particularly true for some fishermen on the east coast of Florida, who bring their boats to the Gulf zone when king mackerel are available. Other commercial fishermen view king mackerel as a fish of opportunity, and will only target these fish when they migrate through the zone where their commercial fishing operation is based.

Need for Rulemaking

- Gulf and South Atlantic Councils approved a series of joint amendments for king mackerel to increase the stability and profitability of the commercial fishery
- Joint amendments addressed several concerns:
 - Early season closures
 - Start dates for fishing years
 - Maximizing profitability of individual trips
 - Restrictions on where fishermen could land legally-harvested fish






Courtesy: Florida Sea Grant

Recently, the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council approved a series of joint amendments that were focused on increasing the stability and profitability of the king mackerel commercial fishery.

These joint amendments addressed concerns raised by commercial fishermen. Some concerns were unique to a particular zone and others were applicable to the entire fishery. Concerns and requests that were raised that pertain to the fishery off Florida included:

1. A desire to prevent early season closures;
2. A request to change the start date in a zone off Florida’s west coast;
3. An appeal to maximize the profitability of individual fishing trips through higher trip limits; and
4. The ability to transport fish through and land fish in closed zones when the fish were legally-harvested in open zones.

The following slide outlines changes made to federal rules that address these concerns.

Federal Actions



- Modified Gulf stock commercial trip limits
- Changed commercial fishing year for Florida west coast, north of Collier County
- Established a provision to allow transit of legally-harvested fish through closed zones
- Split the Atlantic stock into Northern (New York - North Carolina) and Southern (South Carolina - Florida) zones with separate quotas
 - Quota can be transferred between zones



Through joint amendments, the Gulf and South Atlantic Councils modified trip limits for vessels harvesting king mackerel from the Gulf stock, which migrates between the Gulf of Mexico and the Atlantic Ocean. The Gulf stock is present in Atlantic waters off southeastern Florida between November and March. Therefore, the changes to trip limits affect harvesters off Florida's west and southeastern coasts. Off the west coast, the federal trip limit was modified from 1,250 pounds with a reduction to 500 pounds when 75 percent of the quota was landed, to 1,250 pounds with no reduction. The Councils removed the trip limit reduction because it was difficult to implement before the entire quota was caught, and fishermen claimed that the reduced trip limit of 500 pounds was too low to make trips cost-effective. Off southeastern Florida, the trip limit when fishing on the Gulf stock was 50 fish until Feb. 1, at which point in time the trip limit could be increased to 75 fish if less than 75 percent of the quota had been met. The trip limit increase on Feb. 1 often led to early closures of the fishery. This was problematic to the harvesters because the quota would be met and the season would close before Lent, which is their most profitable time of the year. In response, the Councils pushed back the date for the potential trip limit increase from 50 fish to 75 fish to March 1 and changed the quota threshold to 70 percent, with the goal of keeping the fishery open through the Lenten season.

The Councils changed the start date of the commercial fishing year off Florida's west coast, north of Collier County from July 1 to Oct. 1. Opening the fishery later in the year in this area should benefit local fishermen by more closely aligning the season to fishing practices and the timing of fish migration through the region.

The Councils established a transit provision to allow fishermen to transport legally-harvested king mackerel through zones closed to commercial harvest. This allows fishermen to operate more economically by decreasing transit times when landing fish if their home port is located in a closed zone and they are fishing in an open zone.

Finally, federal action established regional quotas for the Northern (New York through North Carolina) and Southern (South Carolina through Florida) zones for the Atlantic stock of king mackerel. The quota can be transferred between the zones as needed in order to ensure that the resource is maximized.

Current State Commercial King Mackerel Regulations

- Valid saltwater products license with a restricted species endorsement and a federal commercial permit required
- Minimum size limit 24 inches fork length
- Fish must be landed in whole condition
- Trip limits, fishing zones, and seasons are similar to those in adjacent federal waters
- Fish caught in open zones may not be possessed or landed in closed zones
 - Exception allows fish legally harvested off Monroe County to be landed in Collier County



Commercial fishermen harvesting king mackerel in Gulf or Atlantic state waters must possess a valid saltwater products license (SPL) with a restricted species endorsement (RS) and a federal king mackerel commercial permit. There is a 24-inch fork length minimum size limit for king mackerel, and the fish must be landed in whole condition. Commercial trip limits, fishing zones, and seasons are similar to those in adjacent federal waters; however, fishing zones in state waters have different names than their corresponding federal zones. A comparison of state and federal waters fishing zones can be found on slide 13 of this presentation.

Currently, in state rule, fish that are caught in zones open to commercial harvest may not be possessed or landed in zones closed to commercial harvest, with one exception. Fish legally harvested off Monroe County may be landed in Collier County even if the waters off Collier County are closed to harvest. Recent changes to federal rules now allow fish legally harvested in open zones to be transported through closed zones, similar to the exception that exists in state rules for Monroe and Collier counties. Due to this change, staff recommends modifying language in state rules to allow the transit of legally-harvested fish through any closed zone.

Winter-Spring King Mackerel Fisheries in State Waters



In state rules, the king mackerel fisheries are named after the water bodies in which the two fish stocks can be found. The Gulf stock is called the Gulf-Atlantic Fishery because the fish are harvested in both areas. The Atlantic stock is simply termed the Atlantic Fishery. Both state and federal fishing zones for Gulf and Atlantic stocks of king mackerel are based on the seasonal migrations of the two stocks.

During the months of November through March, fish from the Gulf stock migrate east and fish from the Atlantic stock migrate north. During this time, state rules partition the Gulf-Atlantic Fishery into two zones off Florida which have different trip limits and seasons (see table on slide 8). In state waters, they are referred to as the Western zone and the Eastern zone and the boundary between the two is at the Monroe and Miami-Dade county line. Over this same time period, the Atlantic Fishery moves to waters off Nassau, Duval, St. Johns, and Flagler counties.

Summer-Fall King Mackerel Fisheries in State Waters



The king mackerel fishery boundaries shift in April through October. The Gulf stock shifts west and, during this period, the Gulf-Atlantic Fishery exists off Florida north and west of the Monroe-Collier county line.

The Atlantic stock shifts south and west so that the Atlantic Fishery exists south and east of the Monroe-Collier county line. The trip limits and seasons for the Atlantic Fishery vary almost by county (see table on slide 8).

Current State Commercial King Mackerel Seasons and Limits

Fishery	Zone/County	Season	Daily Vessel Limit*
Gulf-Atlantic Fishery	Western Zone	July 1-June 30	1,250 lbs. with a step-down to 500 lbs.
	Eastern Zone	Nov. 1-March 31	50 fish
Atlantic Fishery	Nassau, Duval, St. Johns, and Flagler counties	July 1-June 30	3,500 lbs.
	Volusia County	April 1-Oct. 31	3,500 lbs.
	Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward, and Dade counties	April 1-Oct. 31	75 fish
	Monroe County	April 1-Oct. 31	1,250 lbs.

*State waters close when adjacent federal waters close



The table above shows the complex system of king mackerel fishing seasons and commercial trip limits in Florida state waters. Trip limits can change seasonally, and fishery boundaries shift throughout the year. These trip limits have generally been consistent with trip limits in adjacent federal waters. Because of the changes to federal trip limits, the Gulf-Atlantic Fishery's trip limits (shown in red) are currently inconsistent with those in adjacent federal waters. Due to these changes, staff recommend modifying language in state rules setting commercial vessel limits in the Eastern and Western zones equal to new vessel limits in adjacent federal waters.

Proposed Rules – Gulf-Atlantic Fishery

68B-12.0046 Commercial Fishing Season for King Mackerel in the Gulf-Atlantic Fishery; Commercial Season Segments, Vessel and Landing Limits

- *Set commercial vessel limits equal to new vessel limits in adjacent federal waters in Eastern and Western zones*
- *Remove language referring to specific fishing season dates*
- *Clarify language that closes state waters when adjacent federal waters are closed*
- *Establish a transit provision to allow transport of legally-harvested fish through all closed zones*



There are two chapters in Florida rules that regulate the commercial king mackerel fishery in state waters. Chapter 68B-12, FAC, deals with the Gulf-Atlantic Fishery that operates year-round in the Gulf and seasonally off southeastern Florida. The proposed rules would modify 68B-12.0046, FAC, (Commercial Fishing Season for King Mackerel in the Gulf-Atlantic Fishery; Commercial Season Segments, Vessel and Landing Limits) to set commercial vessel limits equal to new vessel limits in adjacent federal waters.

Additionally, language would be removed that referred to specific fishing years, as state rules that specify commercial fishing years for king mackerel are no longer necessary to enforce commercial closures and can be removed from state rules. Florida's King Mackerel rules (68B-12 and 68B-30, FAC) require commercial fishermen harvesting king mackerel in state waters to abide by season closures in adjacent federal state waters, therefore, commercial fishing years listed in state rules are not necessary. In addition, because of changes to federal fishing years, the commercial fishing years for king mackerel listed in state rules do not necessarily match all of the commercial fishing years currently listed in federal rules, creating inconsistencies between state and federal rules.

Furthermore, the terminology used to describe fishing years in state rules is confusing and misleading. In Commission rules, fishing years are referred to as fishing seasons. The term fishing season could be misinterpreted as harvest season (or open season), which is not the intent of the rule. The commercial fishing "seasons" currently in rule could cause confusion among fishermen and law enforcement officers if left in place. Removing these rules would make commercial regulations easier to understand and improve enforceability. The proposed rules clarify existing language that specifies that state waters close to commercial harvest of king mackerel when adjacent federal waters are closed.

Finally, the proposed rules would establish a transit provision that allows fishermen to transport legally-harvested king mackerel through and land the fish in zones closed to commercial harvest. This change would be consistent with a federal rule that was established in Gulf and Atlantic federal waters in 2014.

Proposed Rules – Atlantic Fishery

68B-30.003 Commercial Harvest Limits; Recreational Bag Limit; Gear Specifications

- *Establish a transit provision to allow transport of legally-harvested fish through all closed zones*

68B-30.004 Seasons

- *Remove language referring to specific fishing season dates*
- *Clarify language that closes state waters when adjacent federal waters are closed*



The second king mackerel chapter in Florida rule deals with the Atlantic Fishery (68B-30, FAC). Because there are two king mackerel chapters in state rule, similar changes would need to be made to the king mackerel Atlantic Fishery rule chapter as those that are proposed for the Gulf-Atlantic Fishery to make the state king mackerel rule chapters consistent.

The proposed rules would modify 68B-30.003, FAC, (Commercial Harvest Limits; Recreational Bag Limit; Gear Specifications) to include the same transit provision proposed for 68B-12.0046. This would allow fishermen to transport legally-harvested king mackerel through and land them in zones closed to commercial harvest.

Lastly, for Chapter 68B-30.004, FAC, (Seasons) the proposed rules would remove language referring to specific fishing years for the same reasons put forward for proposed changes to Chapter 68B-12, FAC. The proposed rules also clarify existing language that specifies state waters close to the commercial harvest of king mackerel when adjacent federal waters are closed.

Staff Recommendations

Approve the proposed draft rules to:

- Set state king mackerel commercial vessel limits in the Gulf-Atlantic Fishery equal to new vessel limits in adjacent federal waters
- Remove references to specific fishing season dates
- Clarify language that closes state waters when adjacent federal waters are closed
- Establish a transit provision to allow transport of legally-harvested fish through all closed zones

If approved, the rules will be noticed and filed without further hearing, unless requested



Staff recommends approving the proposed rules to revise commercial vessel limits in the Gulf-Atlantic king mackerel fishery; remove references to specific dates for fishing seasons of the commercial Gulf-Atlantic and Atlantic king mackerel fisheries; clarify language linking commercial season closures in state waters to closures in federal waters; and establish a transit provision allowing transport of legally-harvested fish through and landing of harvest in all closed zones.

If approved, staff recommends the rules be noticed and filed without further hearing unless requested. Staff has evaluated the rules under the standards of 68B-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 Commission meeting presentation



State King Mackerel Fisheries and Corresponding Federal Zones

State Waters	Federal Waters
Gulf-Atlantic Fishery	Gulf Migratory Group (GMG) Eastern Zone including: <ul style="list-style-type: none">• Northern Subzone• Southern Subzone• East Coast Florida Subzone
Western Region	<ul style="list-style-type: none">• GMG Eastern Zone Northern Subzone• GMG Eastern Zone Southern subzones
Eastern Region (Nov. 1-March 31)	GMG Eastern Zone East Coast Florida Subzone (Nov. 1-March 31)
Atlantic Fishery	Atlantic Migratory Group Southern Zone



2015 Federal King Mackerel Commercial Quotas by Zone

Migratory Group	Federal Waters Zone	Commercial Quota
Gulf	Eastern Zone Florida East Coast Subzone	1,102,896 pounds
	Eastern Zone Northern Subzone	178,848 pounds
	Eastern Zone Southern Subzone (Hook and Line)	551,448 pounds
	Eastern Zone Southern Subzone (Gillnet)	551,448 pounds
Atlantic	Southern Zone	2,587,960 pounds



Note: This slide only shows the quotas for federal waters adjacent to Florida. The overall quotas for the Gulf and Atlantic stocks are larger.

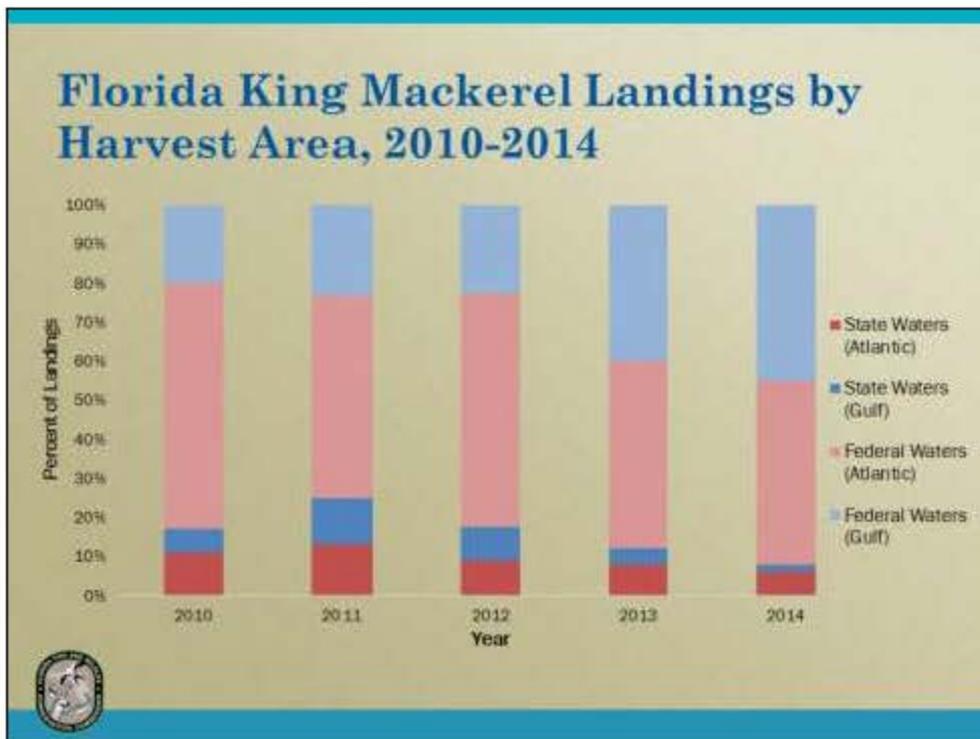
King Mackerel Federal Permits

Permit	Number of Active Permits
King mackerel commercial permit (Overall total)	1,340
King mackerel commercial permit (FL residents only - out of the 1340 total permits)	944
King mackerel commercial gillnet permit	19



A single federal king mackerel permit is required to commercially harvest king mackerel in the Atlantic or the Gulf of Mexico. There are currently 1,340 active commercial king mackerel permits, and of those 1,340 permits, 944 are registered Florida residents. Permit holders can fish on either coast with this permit. To harvest king mackerel in state waters, commercial harvesters must possess a state-issued SPL and RS in addition to the federal permit.

Source: NOAA Fisheries Southeast Regional Office Freedom of Information Act permit information, accessed May 13, 2015.



This figure shows where king mackerel landed in Florida were commercially harvested. Since 2010, commercial harvest in Florida state waters has accounted for an average of 16 percent of the total landings.