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Permit
Review and Discussion
Update 1: March 18, 2009
Florida Fish and Wildlife Conservation Commission
Division of Marine Fisheries Management

Update 1: This report has been updated to clarify points about the status of the stock and about the potential management issues. Slides 1 and 3 and slides 6 through 10 have been modified.

This is a review and discussion of issues relating to the permit fishery. Permit are the basis of a large recreational and a small commercial fishery in Florida. This report summarizes the life history, the current regulations, the recreational and commercial fisheries, reviews management concerns, and provides stock status for permit in Florida.

This issue is an element of the Division of Marine Fisheries Management annual Workplan to review management concerns about the removal of fish from spawning aggregations, and law enforcement concerns that state regulations currently do not apply in federal waters. Some stakeholders have more recently proposed making permit a gamefish, making permit catch and release only, and establishing a tagging program.

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The Species

- Permit are prized fighters and are also considered excellent table fare
- Usually found in schools in shallow water and also around structures
- Peak fishing season is April to October
- Spawning season is from March to August with a peak in May, June, and July
- Permit can attain sizes of 40 inches fork length and weigh up to 50 pounds



Permit (*Trachinotus falcatus*) are prized fighters that are also considered excellent table fare. Permit are usually found in schools in shallow water and also around structures. Permit inhabit the waters of northern and central Florida during the warmer months and the waters of South Florida year-round. The peak fishing season occurs from April to October. The spawning season occurs from March to August with a peak in May, June, and July. Permit form aggregations to spawn, however there is limited information about these aggregations in Florida. Permit can attain sizes of 40 inches fork length and weigh up to 50 pounds; and they attain sexual maturity between 17 and 21 inches fork length.

History of Regulations

- **Jan 1996** – Established 10” to 20” slot; established a 10-fish bag limit for pompano and permit combined, with one allowed over 20”; hook and line gear only; designated as restricted species
- **Jan 2004** – Established 11” minimum size; established a 6-fish bag limit for pompano and permit combined, with one allowed over 20”
- **July 2005** – limited the number of permit and pompano greater than 20” to 2 per vessel



In 1994 the Commission directed staff to devise aggregate size and bag limits for many finfish species. Permit was examined along with pompano and African pompano. During a draft rule review, the Commissioners voted to prohibit commercial harvest and sale of permit and establish a 20 inch minimum size limit. The Commission’s management strategy for permit was to increase abundance and yield of fish harvested in Florida; to protect and increase abundance of the spawning stocks; and to obtain maximum benefits by managing permit as a highly restricted recreational fishery. However, after hearing public comments, the final rule that became effective in January 1996 established a 10 to 20 inch slot and a 10-fish bag limit for pompano and permit combined, with one fish allowed over 20 inches. The rule also continued to allow commercial harvest by designating permit as a restricted species and defining the gear for harvest in state waters as hook-and-line only.

In 2002, a FWC stock assessment found that pompano was in an overfished state. In response, in 2004 the minimum size limit for permit was raised from 10 to 11 inches and the recreational bag limit was reduced to 6 fish.

In 2005, in response to increasing reports of for-hire vessels targeting spawning aggregations of permit, the Commission voted to establish a vessel limit of 2 pompano or permit larger than 20 inches fork length.

Current Permit Regulations

- Permit are managed together with pompano because they are difficult to distinguish at smaller sizes



Recreational

- **Slot Limit:** 11" to 20" fork length
- **Bag Limit:** Combined 6-fish bag with pompano, with one fish allowed over 20"
- **Gear:** Hook and line only, no snatching or spearing allowed in state waters



Permit, pompano, and African pompano all belong to the jack family and are managed together in Rule 68B-35, Florida Administrative Code (F.A.C.) due to the difficulty of distinguishing between permit and pompano, especially at smaller sizes. For recreational harvest there is currently an 11 to 20 inch fork length slot limit that was established in 2004. The bag limit is a combined limit with pompano of 6-fish, with 1-fish allowed over the 20 inch maximum size limit. In state waters, hook-and-line is the only allowable gear for the recreational harvest of permit. Snatching and spearing of permit is not allowed in state waters.

Permit regulations only apply in state waters, according to current rule language. While the gear provisions clearly do not apply in federal waters, it could be interpreted that a recreational angler cannot possess more than 6 permit per day between 11 and 20 inches and no more than 1 permit larger than 20 inches in state waters regardless of where they were harvested.

Current Permit Regulations

Commercial

- Saltwater Products License and Restricted Species Endorsement required
- **Slot Limit:** 11" to 20" fork length
- **Bag Limit:** Unlimited for 11" to 20" fish, only two fish greater than 20"
- **Gear:** Hook and line only, no snatching or spearing allowed in state waters



The commercial harvest of permit requires a saltwater products license and a restricted species endorsement. The commercial slot limit for permit is the same as the recreational slot of 11 to 20 inches fork length. There is no commercial bag limit for permit in state or federal waters for fish within the 11 to 20 inch slot. However, for fish greater than 20 inches, only 2 are allowed to be taken commercially. Like the recreational harvest, hook-and-line gear is the only allowable gear for commercial harvest in state waters. Snatching or spearing of permit is not allowed in state waters for commercial harvest.

FWC Observations on Permit Status

- The recreational fishery accounts for 76% of total statewide landings
- Recreational landings have varied, but data is poor
- Commercial landings have been stable since 1999
- 86% of the statewide landings were made on the Gulf coast
- Inadequate information available for formal stock assessment - also cost prohibitive
- Classified as stable, but recruitment has fluctuated



In 2007, the recreational fishery accounted for 76% of the total statewide permit landings. Commercial landings have been generally stable since 1999, with 13,980 pounds being reported in 2007. Eighty-six percent of the statewide landings were made on the Gulf coast (which includes Monroe county) in 2007.

There is currently inadequate information on the life history, reproduction, and recruitment to conduct a formal stock assessment for permit. Trying to obtain the necessary information is also cost-prohibitive. However, a 2008 Florida Fish and Wildlife Research Institute (FWRI) Status and Trends Report characterizes the stock as stable. The fishery has been stable on both coasts since 1996. The FWC fishery independent monitoring survey has measured fluctuations in the recruitment of permit, with recruitment being at low levels on both coasts during 2001 through 2003 before increasing through 2005. Recruitment in 2006 and 2007 was lower than levels seen in 2005.

Possible Management Issues



Targeting spawning aggregations

- Anglers targeting spawning aggregations in federal waters
- Aggregations occur in relatively the same place each year and contain from 50 to 200 fish
- During spawning these permit are very vulnerable to spearfishing because they display little fear of divers
- Reports from anglers have suggested that these aggregations have decreased in size
- Due to the vulnerability during this time period, a spawning season closure could offer greater protection



There are several potential management issues that have been identified for the permit fishery. All of these would need to be researched further by staff before consideration of possible management responses. One concern is anglers targeting spawning aggregations of permit in federal waters. These aggregations have been noted in both state and federal waters, but are seen primarily in federal waters off southwest Florida. A peer reviewed publication (Crabtree et al., 2002) and personal communication from C. Koenig have suggested that these aggregations occur in relatively the same place each year and contain anywhere from 50 to 200 fish during the peak spawning season. A peer reviewed paper that examined the spawning behavior of permit in Belize reported that fish in this condition are vulnerable to spearfishing and hook-and-line fishing because they displayed little fear of divers. Reports from anglers have suggested that the size of these aggregations in Florida waters has decreased in the last few years. A potential management consideration would be to create a spawning season closure that could offer greater protection.

Possible Management Issues



Extending state regulations into federal waters

- There are no regulations for permit in federal waters
- Magnuson Stevens allows state regulations to extend into federal waters in the absence of federal rules
- Current FWC rule language does not clearly specify that size limits, bag limits, and gear restrictions extend into federal waters
- Extending state regulations into federal waters would aid enforcement and provide more protection for spawning aggregations
- FWC rules could be extended into federal waters



Another potential management issue, related to the removal of fish from spawning aggregations, is that there are no regulations for permit in federal waters. Thus, there is no protection for spawning aggregations of permit in federal waters. However, according to the Magnuson Stevens Fishery Conservation and Management Act Title 16 U.S.C. Section 1856 a state can extend regulations into federal waters if there is no federal management plan or if there are no regulations for federal waters. Currently, the size and bag limit language in 68B-35, F.A.C., prohibits the possession in state waters of more than 6 pompano or permit between 11-20 inches fork length and no more than 2 per vessel greater than 20 inches. Extending state regulations into federal waters would aid enforcement and provide more protection for spawning aggregations. Law enforcement has difficulty enforcing current state permit regulations because there are no federal regulations in place. For example, a recreational or a commercial harvester can use any gear in federal waters to harvest permit, not just hook-and-line since there are no gear restrictions for harvesting permit in federal waters. The Florida permit rule language could be amended to specify that state regulations also apply in federal waters. This issue has also been identified for other species such as tripletail and snook, which also do not have federal management plans.

Possible Management Issues



Commercial trip limit

- Currently there is no trip limit for permit 11 to 20" in state or federal waters
- Even though the current commercial harvest of permit is small, there is the potential to grow
- A commercial trip limit could be considered

Stakeholder requests

- **Gamefish status** – Make permit a recreational fishery only
- **Catch and release fishery** – eliminate all harvest except for state record purposes
- **Tagging program** – establish a tag system for take



There is currently a trip limit of 250 pompano per person per day in state and federal waters for persons who have a Saltwater Products License and a Restricted Species Endorsement. However, there is no specified trip limit for commercial permit harvest of 11 to 20-inch fish in state or federal waters. Even though the commercial portion of the fishery is small, there is the potential for this fishery to expand. A commercial permit trip limit could also be explored to prevent the expansion of the commercial fishery in the future.

Some management issues have also been raised by stakeholders. One of these requests is to make permit a recreational fishery only and eliminate commercial harvest, i.e. gamefish status. This concept was discussed at the December Commission meeting in Key West. Another management approach that some angling groups have suggested is making permit a catch and release only fishery; the only fish that could be kept would be ones that were taken for state record purposes. Belize has recently passed legislation making permit, tarpon, and bonefish catch and release only and some sportfishing enthusiasts have cited this as a potential model for Florida. Finally, a tag system for permit has been suggested by angling groups. Some have suggested that in order to take a fish you would need to purchase a tag for permit, like the system that is currently in place for tarpon. However, others see this program as a tag that could only be used to take a permit to try for a state record. The fee structure for a tagging program would have to be established by the Florida Legislature.

Staff Recommendation

Based on our initial staff review and on the variety of interest and input received about permit, staff recommends exploring the following management issues through a series of public workshops:

- Spawning season closure
- Extending state regulations into federal waters
- Establish commercial trip limit
- Gamefish status
- Catch and release only
- Tag programs

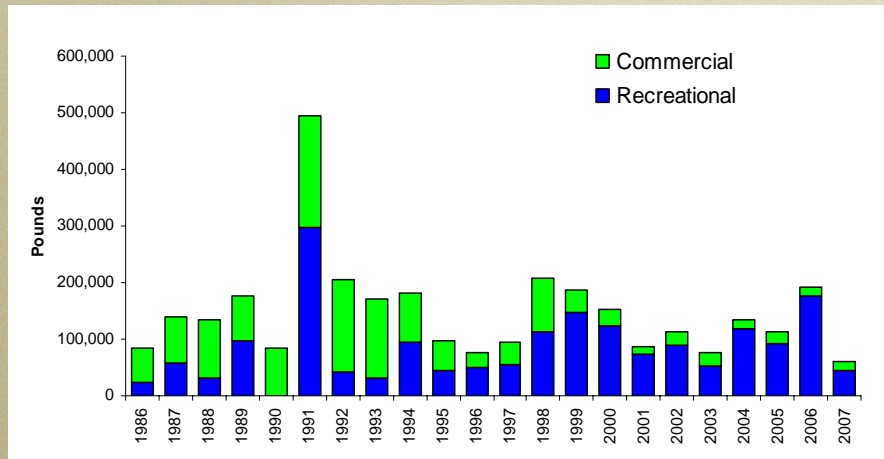


Staff has identified areas that warrant further research and recommends exploring the following management options for public workshops including: a spawning season closure, gear consistency between state and federal waters, establishing a commercial trip limit for state and federal waters, gamefish status, catch and release only, and a potential tagging program. Staff recommends exploring these management issues through a series of public workshops including working with stakeholders to develop long range strategies for research and management.

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

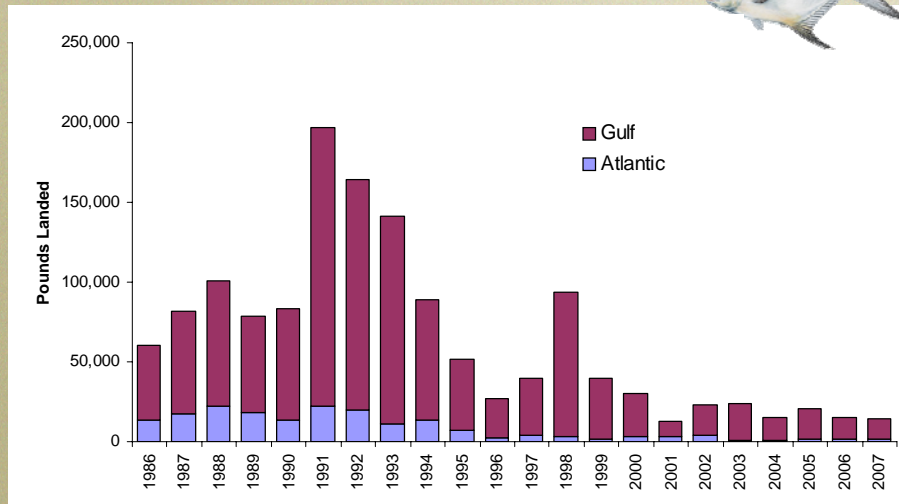


Permit Landings by Fishing Sector



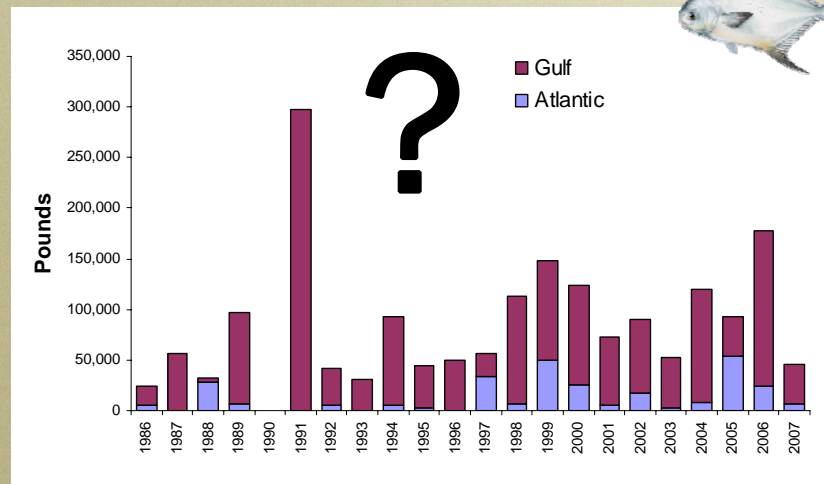
This graph shows permit landings by fishing sector from 1986 through 2007. Since 1996, the majority of permit have been taken by the recreational sector of the fishery. Since 2001, the recreational sector has accounted for 82% of the statewide landings on average. In 2007, the commercial sector accounted for only 24% of the annual statewide landings.

Commercial Landings by Coast



Commercial landings have been generally stable since 1999, with 13,980 pounds being reported in 2007. The majority of the commercial landings come from the Gulf coast. In 2007, most of the commercial harvesters were landing less than 500 pounds annually. At smaller sizes, permit and pompano are easily confused. Thus, some of the commercial permit landings could be misreported pompano landings.

Recreational Landings by Coast



This graph shows recreational permit landings by coast, with the Keys being reported as part of the Gulf coast. The recreational landings in 2007 were 58% lower than the average landings in the previous five years. Most (85% in 2007) of the recreational harvest occurs on the Gulf coast. The variation in the recreational landings could be due in part to the small number of permit interviews made annually by the Marine Recreational Statistics Survey (MRFSS). These recreational estimates are somewhat uncertain because we are trying to measure the number of fish landed per year from only a few angler interviews. For instance, there were no angler interviews with permit fishermen in 1990 on the Atlantic coast, thus the estimated landings were zero; as were the Gulf landings that year when all 18 interviews with permit anglers found that they had released all the permit they had caught.