

Atlantic States Marine Fisheries Commission

PUBLIC INFORMATION DOCUMENT

**For An Omnibus Amendment To The
Interstate Fishery Management Plans For**

**SPANISH MACKEREL, SPOT,
AND SPOTTED SEATROUT**



ASMFC Vision Statement:

Healthy, self-sustaining populations for all Atlantic Coast fish species or successful restoration well in progress by the year 2015.

November 2009

**The Atlantic States Marine Fisheries Commission seeks your comment
on an Omnibus Amendment to the Fishery Management Plans
for Spanish Mackerel, Spot, and Spotted Seatrout**

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5:00 PM (EST) on January 15, 2010**. Regardless of when they were sent, comments received after that time will not be included in the official record. The South Atlantic State-Federal Fisheries Management Board will consider public comment on this document when developing the first draft of the Omnibus Amendment.

You may submit public comment in one or more of the following ways:

1. Attend public hearings held in your state or jurisdiction, if applicable.
2. Refer comments to your state's members on the South Atlantic State-Federal Fisheries Management Board or South Atlantic Species Advisory Panel, if applicable.
3. Mail, fax, or email written comments to the following address:

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If you have any questions please call Nichola Meserve at (202) 289-6400.

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***YOUR
COMMENTS
ARE INVITED***

The Atlantic States Marine Fisheries Commission (Commission) is developing an omnibus amendment to revise the interstate fishery management plans for Spanish mackerel, spot, and spotted seatrout. Management authority for these species within internal waters and from zero to three nautical miles offshore lies with the coastal states and is coordinated through the Commission.

This is your opportunity to inform the Commission about changes observed in the fisheries; actions you feel should or should not be taken in terms of management, regulation, enforcement, and research; and any other concerns you have about the resources or the fisheries, as well as the reasons for your concerns.

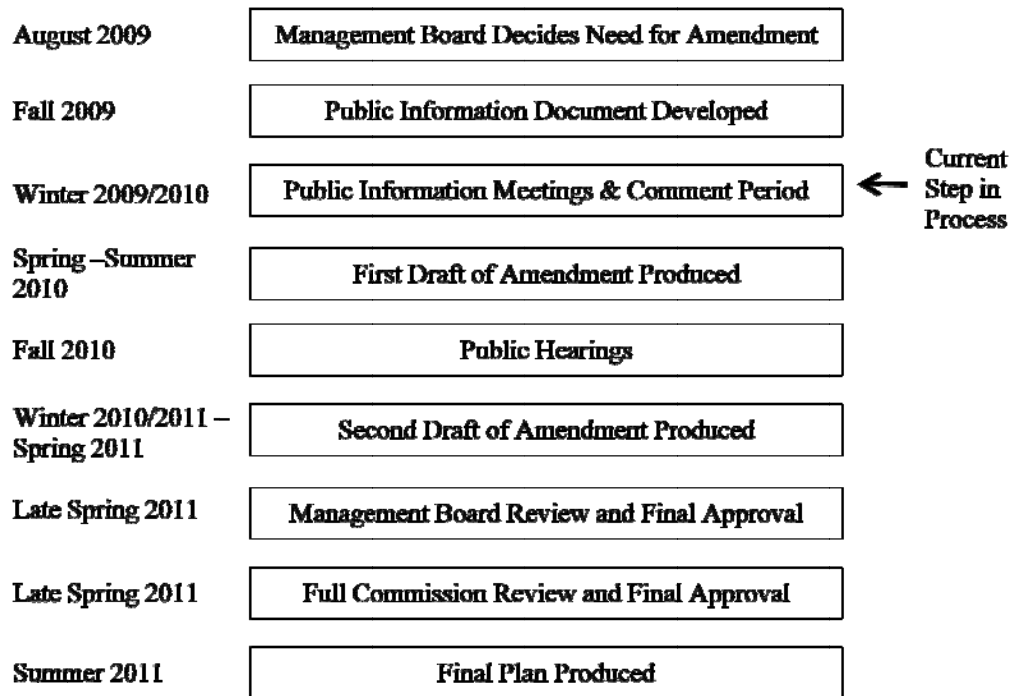
***WHY IS THE
ASMFC
PROPOSING
THIS ACTION?***

In October 2008, the Commission's South Atlantic State-Federal Fisheries Management Board (Management Board) initiated the development of an amendment to the Spanish Mackerel Fishery Management Plan (FMP) to address three issues: compliance measures (because the current plan's measures are recommended), consistency with federal management in the exclusive economic zone (because the plan is intended to track federal Spanish mackerel measures), and alignment with Commission standards (because the current plan does not include *de minimis* criteria and other standard elements).

As the amendment process was getting underway, the fact was raised that the FMPs for two other species under the Management Board's purview do not include monitoring, management, or reporting requirements. Like the Spanish Mackerel FMP, both the Spot and the Spotted Seatrout FMPs were adopted prior to the enactment of the Atlantic Coastal Fisheries Cooperative Management Act and thus include only recommended measures. The FMPs were also prepared prior to the adoption of the Commission's Interstate Fisheries Management Program Charter, which provides standards and procedures for the development of interstate FMPs. The decision was thus made to expand the previously initiated amendment for Spanish mackerel into an omnibus amendment which would also address revisions to the spot and spotted seatrout management plans.

***WHAT IS THE
PROCESS FOR
DEVELOPING
AN
AMENDMENT?***

The publication of this document and announcement of the Commission's intent to amend the existing FMPs for Spanish mackerel, spot, and spotted seatrout is the first step of the formal amendment process. Following the initial phase of information gathering and public comment, the Commission will evaluate potential management alternatives and the impacts of those alternatives. The Commission will then develop a Draft Omnibus Amendment, incorporating the identified management alternatives, for public review. Following that review and public comment, the Commission will specify the management measures to be included in the Omnibus Amendment, as well as a timeline for implementation. The proposed timeline for completion of the Omnibus Amendment is as follows:



WHAT IS THE PURPOSE OF THIS DOCUMENT?

The purpose of this document is to inform the public of the Commission’s intent to gather information concerning the Spanish mackerel, spot, and spotted seatrout fisheries and to provide an opportunity for the public to identify major issues and alternatives relative to the management of these three species. Input received at the start of the amendment development process can have a major influence in the final outcome of the amendment. This document is intended to draw out observations and suggestions from fishermen, the public, and other interested parties, as well as any supporting documentation and additional data sources.

To facilitate public input, this document provides a broad overview of the issues already identified for consideration in the amendment; background information on the Spanish mackerel, spot, and spotted seatrout populations, fisheries, and management; and a series of questions for the public to consider about the management of the species. In general, the primary question on which the Commission is seeking public comment is: **“How would you like the Spanish mackerel, spot, and spotted seatrout fisheries to look in the future?”**

WHAT GENERAL ISSUES WILL BE ADDRESSED?

Two reasons for developing an omnibus amendment for Spanish mackerel, spot, and spotted seatrout are:

- To provide for the implementation of mandatory measures; and
- To provide consistency with Commission standards and procedures for interstate FMPs.

An additional reason to amend the Spanish Mackerel FMP is:

- To increase consistency between state and federal management.

These issues are explored in more detail below.

**ISSUE 1:
CONSISTENCY
WITH
GUIDANCE
PROVIDED IN
THE ACFCMA**

*(Issue for Spanish
mackerel, spot,
and spotted
seatrout)*

Background: The Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) was enacted for the purpose of supporting and encouraging the development, implementation, and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources. Enforcement of state compliance with mandatory plan provisions is carried out by the Secretary of Commerce, who has the authority to declare a moratorium in a state's fishery if that state has not implemented and enforced the plan as required and if doing so is necessary for the conservation of the fishery in question. Under the ACFCMA, the Commission is responsible for:

- Preparing and adopting coastal FMPs to provide for the conservation of coastal fishery resources, in consultation with appropriate Councils,
- Specifying the requirements necessary for states to be compliant with the plan and identifying each state that is required to implement and enforce the plan,
- Reviewing, at least annually, each state's implementation and enforcement of the plan to determine whether each state is effectively implementing and enforcing the plan within established timeframes, and
- Notifying the Secretaries of Commerce and the Interior within 10 working days if it determines that a state is not compliant with the plan (and withdrawing any such determination immediately if the state implements the actions required).

Statement of the Problem: The current Spanish mackerel, spot, and spotted seatrout FMPs were approved prior to the enactment of the ACFCMA, therefore, states are not obliged to promulgate any management or monitoring measures in the plans. These three FMPs are the only Commission FMPs that have not been updated to include the provisions of the ACFCMA.

Objective: Develop management programs for Spanish mackerel, spot, and spotted seatrout in which states are obliged to promulgate management measures necessary for the conservation of the resource. If any species does not currently require conservation measures, updating the plans with the provisions of the ACFCMA will permit more timely adoption of conservation measures in the event that they become necessary.

**ISSUE 2:
CONSISTENCY
WITH
COMMISSION
STANDARDS
AND
PROCEDURES
FOR FMPs**

*(Issue for Spanish
mackerel, spot,
and spotted
seatrout)*

Background: In 1994, the Commission adopted an Interstate Fisheries Management Program (ISFMP) Charter to establish standards and procedures for the preparation of coastal fishery management plans (ASMFC 2003).

Statement of the Problem: The Spanish mackerel, spot, and spotted seatrout FMPs were enacted prior to the adoption of the ISFMP Charter, and are thus not consistent with the standards and procedures for Commission FMPs. Each Commission FMP should identify, for example, those measures that are compliance requirements, criteria for designating a state as *de minimis* and the related exemptions, and procedures for conservation equivalency, if applicable.

Objective: Develop management programs for Spanish mackerel, spot, and spotted seatrout that are consistent with the ISFMP Charter's standards and procedures, and that provide clear direction to states for implementing the management program.

Considerations:

- 1) Recommended versus mandatory management measures: All to none of the recommended regulatory and monitoring measures in the three FMPs (see Table 1), as well as new measures selected by the Management Board, could become recommended or mandatory measures.
 - Spanish mackerel: Converting recommended measures directly to compliance measures could mean requiring: 1) recreational and commercial minimum size limits, 2) a commercial closure on directed fishing when the commercial quota is reached; 3) commercial trip limits and recreational bag limits; 4) gill net minimum mesh size; and 5) commercial and charterboat permits.
 - These regulations are largely implemented by states except permits.
 - Spot: Converting recommended measures directly to compliance measures could mean requiring: 1) bycatch reduction devices (BRDs) in all trawls or trawls of certain characteristics, and 2) regulations to protect age 1 spot such as minimum size limits and gear restrictions.
 - BRDs are currently required in all South Atlantic shrimp trawls and many other gear types have minimum mesh requirements that affect spot catch.
 - Only Georgia has a minimum size limit for spot (8" total length (TL)).
 - The Management Board has previously deemed the management measures in the Spot FMP to be vague and possibly no longer effective in achieving the goals of the FMP, and thus recommended the development of new measures.
 - Spotted Seatrout: Converting recommended measures directly to compliance measures could mean requiring: 1) a 12" TL minimum size limit, and 2) comparable minimum mesh size limits for directed fisheries (currently defined as trips where seatrout is more than 60% of the total catch by weight).
 - All states have implemented at least a 12" TL minimum size limit.
 - The Spotted Seatrout Plan Review Team (PRT) has recommended that efforts be continued to achieve full implementation of the FMP, and has discussed the possible need for more conservative regulations and a higher spawning potential ratio (SPR) objective. However, the necessity of inter-jurisdictional management for a largely non-migratory species has also been discussed (ASMFC 2008a).
- 2) *De minimis* criteria: A state may be granted *de minimis* status (exempting it from certain, specified requirements) if, under existing conditions of the stock and scope of the fishery, conservation and enforcement actions taken by the state would be expected to contribute insignificantly to a required coastwide conservation program (ASMFC 2003). *De minimis* criteria are not defined in any of the three species' FMPs. Other Commission FMPs most often use a one or two percent landings limit compared to coastwide total landings (or commercial and recreational landings separately). The Spanish Mackerel PRT recommended a 5% commercial landings limit to be exempt from commercial trip and landings limits (ASMFC 2008b); however, this recommendation originated over ten years ago and should be reconsidered.

- 3) Overfishing definition: An overfishing definition is a standard element in Commission FMPs. Assessment results are compared to the overfishing benchmark(s) to determine stock status.
 - o Spanish mackerel: The overfishing definition in the interstate plan is based on the overfishing definition in the 1990 version of the federal FMP (SAFMC 1990). The federal FMP has since been revised (e.g., SAFMC 1998). The last assessment was completed and peer reviewed in 2008 (SEDAR 2008).
 - o Spot: No overfishing definition or stock assessments exist, although the Spot PRT has been monitoring relative abundance indices and reported that data may be adequate for an assessment (ASMFC 2009).
 - o Spotted seatrout: No overfishing definition exists, although the FMP has a 20% SPR objective. There are several state-specific assessments (see for example Murphy et al. 2006, Jensen 2009).

**ISSUE 3:
CONSISTENCY
BETWEEN
STATE AND
FEDERAL
MANAGEMENT**

(Issue for Spanish mackerel only)

Background: The Spanish Mackerel FMP was designed to complement federal Spanish mackerel regulations in the South Atlantic Fishery Management Council's Coastal Migratory Pelagic Resources FMP. As such, the FMP recommended regulations consistent with those in federal waters at the time of its adoption (1990), and established a process to track federal regulations through an annual review and Board recommendation process. While the federal FMP has been amended numerous times since 1990, the Spanish Mackerel FMP has not been revised and the history of Management Board recommendations to the states is not well documented. Consequently, the Spanish Mackerel PRT has recommended an improved mechanism to track and enforce state adoption of regulations consistent with federal regulations.

Statement of the Problem: The mechanism for tracking federal Spanish mackerel regulations and revising state requirements for consistency is vague and ineffective.

Objective: Develop a management program that can respond to changes in federal regulations in a timely and efficient manner, and which clearly records resulting revisions to state requirements.

Considerations:

- 1) Upcoming federal revisions: The federal FMP is in the process of being amended to incorporate new Magnuson-Stevens Reauthorization Act requirements including annual catch limits and targets and accountability measures, and to respond to results of the most recent stock assessment (SEDAR 2008). Amendment 18 will also address allocation issues and specific restrictions to restrict fishing mortality to the target. The amendment is expected to be completed in 2010 for implementation in 2011.
- 2) Tracking mechanisms: The management program could be designed to respond to changes in federal regulations via an adaptive management process (i.e., through plan addenda) or a specification process (i.e., through Board actions).

**BACKGROUND
INFORMATION
ON THE
SPECIES AND
THEIR
MANAGEMENT**

Spanish Mackerel

Description of the Resource: Gathered in large schools, Atlantic coast Spanish mackerel generally range from New York to the Florida Keys. These fish spend winter off Florida, moving to North Carolina in early April and to the Chesapeake Bay and as far north as New England in June and July. Later in the year, as waters cool, Spanish mackerel return to warm Florida waters. Spanish mackerel prefer open water but are sometimes found over deep grass beds and reefs, as well as in shallow estuaries. Most spawning occurs between May and September off North Carolina and Virginia. Larvae grow quickly, reaching lengths of 12 to 15 inches in a year. They reach maturity by two years of age, generally between 13 and 15 inches in length, and live for five to eight years.

Description of the Fisheries: Since 1960, coastwide commercial landings of Spanish mackerel have generally fluctuated between two and six million pounds, with the exception of peak harvests of nine to 11 million pounds in 1976, 1977, and 1980 (Figure 1). In the last ten years, coastwide commercial landings have averaged 3.17 million pounds, with an average 78 percent of the coastwide harvest being landed in Florida, 17 percent in North Carolina, and four percent in Virginia. Spanish mackerel support recreational fisheries in the South and Mid-Atlantic regions, with the most extensive fisheries occurring in Florida and North Carolina. Landings in these two states have generally contributed 70 to 95 percent of the coastwide harvest since 1981. Over the past ten years, recreational anglers have harvested an average of 1.71 million pounds per year (Figure 1).

Description of Stock Status: The most recent stock assessment for Spanish mackerel was completed in 2008 (SEDAR 2008). The resulting stock status determination was that overfishing is not occurring, and that overfished status cannot be determined due to uncertainty in the assessment results. General trends in the assessment results show that fishing mortality increased from the late 1970s through 1991, resulting in biomass decline, but then fishing mortality declined and biomass has increased in recent years. Fishery-dependent data indicate an increasing biomass trend as well, except for the last four years that show a decline. The current fishing mortality does not seem to be inhibiting stock growth.

Description of Management: Spanish mackerel is jointly managed from New York to Florida by the South Atlantic Fishery Management Council (in federal waters) and the Commission (in state waters). The Council began management of Spanish mackerel through the Coastal Migratory Pelagic Resources FMP in 1982 to address problems such as inadequate biological and economic data to support management decisions, and conflicts between different user groups. The federal FMP has been revised over time to address other problems such as allocation, bycatch, monitoring, and stock status. See Table 2 for a summary of current federal regulations. A new amendment addressing annual catch limits and targets, accountability measures, allocation, and regulations to limit total mortality to the annual catch target is being developed for completion in 2010.

The Commission initiated interstate management of Spanish mackerel in 1990 to conserve the Spanish mackerel resource and to achieve compatible management among the states that harvest Spanish mackerel, and between the states and the

federal government (ASMFC 1990). The interstate FMP was developed to track the federal FMP, thus it adopted the management criteria (e.g., overfished definition) identified in the federal FMP and recommended complementary fishery regulations. A PRT was to annually review the adequacy of the interstate FMP in coordinating state and federal management and make recommendations for revisions. This process has not resulted in any amendments to the interstate FMP. See Table 3 for a summary of current state regulations.

Spot

Description of the Resource: Spot occur along the U.S. Atlantic coast in estuarine and coastal waters from the Gulf of Maine to Florida, although they are most abundant from Chesapeake Bay to South Carolina. They migrate seasonally, entering bays and estuaries in the spring and remaining there until late summer or fall when they move offshore to spawn between fall and early spring. The post-larvae move into estuaries and utilize low salinity tidal creeks where they develop into juveniles, which then move toward higher salinity areas during the summer and early fall and offshore in the fall as water temperatures decrease. Spot mature between the ages of two and three, at lengths of seven to eight inches. The maximum life span is about six years, although fish older than four years are uncommon.

Description of the Fisheries: Spot support commercial fisheries along the Atlantic coast, particularly in the Chesapeake Bay and off North Carolina. They are harvested by a variety of commercial gears including haul seines, pound nets, gill nets, and trawls. Over the last ten years, the commercial fishery has annually landed an average of 5.41 million pounds, although there is a declining trend in commercial landings over this time period (Figure 2). Spot is also a popular recreational species that is sought by anglers from Delaware Bay to northern Florida. Most of the Atlantic recreational harvest is taken within three miles of the coast, from shore or by private or rental boats. Over the last ten years, recreational anglers have harvested an average of 3.61 million pounds annually (Figure 2).

Description of Stock Status: No coastwide assessment has been performed for spot, due largely to data inadequacies, its short lifecycle, and a perception of healthy stock status based on high landings over the long-term. Recently, the Commission has been investing more effort into compiling spot data. Relative abundance indices have been developed the past three years, indicating some concerning trends (ASMFC 2009). The availability of data for an assessment has also been assessed, with the analysis indicating that a stock assessment would likely be possible.

Description of Management: The interstate FMP for spot was approved in 1987 and includes the states from Delaware through Florida (ASMFC 1987). The plan identified two management measures for implementation: 1) promote the development and use of bycatch reduction devices (BRDs) through demonstration and application in trawl fisheries, and 2) promote increases in yield per recruit through delaying entry to spot fisheries to age one and older. Considerable progress has been made in developing, testing, and implementing BRDs, although

additional research and development of current and new devices is recommended (ASMFC 2008c). While many general gear restrictions, such as minimum mesh sizes and closed areas, help protect some age classes of spot, only Georgia has implemented a minimum size limit (and creel limit). See Table 4 for a summary of current state regulations.

Spotted Seatrout

Description of the Resource: On the Atlantic coast, spotted seatrout occur from Cape Cod to the Florida Keys, but are most abundant from the Chesapeake Bay southward. They are found primarily in estuaries, but move into nearshore ocean waters during cold periods. In general, spotted seatrout appear to be non-migratory and spend their entire life within five to ten miles of their natal estuary, although fish from the Chesapeake Bay have been known to migrate seasonally (south in the fall, north in the spring) to northern North Carolina waters. Sexually mature females spawn around estuary inlets from April to September. The fry gather in schools during their first summer and tend to travel together until they are four or five years old. They mature at the age of one year, when males are about 10 inches long and females about 11 inches. They may live as long as 18 years, but individuals over five years of age are rare.

Description of the Fisheries: Commercial landings of spotted seatrout along the Atlantic coast historically came from Florida's east coast and North Carolina, with Virginia, South Carolina, and Georgia accounting for a small portion of the total. Since the 1970s, commercial harvest has declined due to increased regulation and possible declines in abundance (Figure 3). Variability in annual harvest is typical and seems to parallel the climatic conditions of the preceding winter and spring (ASMFC 2008b). Over the last ten years, the commercial fishery has averaged 0.34 million pounds annually, much less than the average recreational harvest of 1.90 million pounds (Figure 3). Recreational catches are generally made with rod and reel, but some are taken by recreational nets and by gigging, where these methods are permitted. Most recreational fishing is conducted from private boats and the majority of the catch is taken in inland waters.

Description of Stock Status: A coastwide stock assessment of spotted seatrout has not been conducted given the largely non-migratory nature of the species and the lack of data on migration where it does occur. North Carolina, South Carolina, Georgia, and Florida have performed age-structured analyses on local stocks of spotted seatrout. Several of these assessments have been hindered by data limitations, and stock status differs by state. A 2006 assessment in Florida indicated a spotted seatrout population size well above the Commission's goal (Murphy et al. 2006) while a 2009 North Carolina assessment estimated a population size below the goal (Jensen 2009).

Description of Management: The Commission adopted the FMP for spotted seatrout in 1984 for the states from Maryland to Florida (ASMFC 1984), and Amendment 1 in 1991. The plan's objectives include maintaining a spawning potential ratio of at least 20% to minimize the possibility of recruitment failure.

Recommended management measures include a minimum size limit of 12 inches total length (TL) with comparable mesh size regulations in directed fisheries, and data collection for stock assessment and monitoring the status of the fisheries. All states with a declared interest in spotted seatrout have implemented at least the recommended minimum size limit. See Table 5 for a summary of current state regulations.

**WHAT ISSUES
DO WE WANT
YOUR INPUT
ON?**

A series of questions is provided to help facilitate the public comment process. Please also provide any general comments on the Spanish mackerel, spot, and spotted seatrout populations or management.

- What is your perception of the health of the Spanish mackerel, spot, and spotted seatrout populations, and what trends and/or issues do you see in the fisheries?
- What should be the objectives for the Spanish mackerel, spot, and spotted seatrout management programs?
- Should there be biological reference points, such as fishing mortality and biomass targets and thresholds, for Spanish mackerel, spot, and spotted seatrout?
- Should managers be prompted to revise the management program when a target is met or not until a threshold is met?
- What should be the management measures for the Spanish mackerel, spot, and spotted seatrout commercial and recreational fisheries? For example, should there be minimum size limits, maximum size limits, creel limits, trip limits, quotas, bycatch limits, closed seasons, closed areas, permit requirements, and/or limited entry into the fishery?
- Should fishery regulations be implemented coast-wide or state-by-state?
- Should any or all of the fishery regulations be mandatory for states to adopt? If a state delays implementation, what should be the penalty?
- Should *de minimis* criteria be defined and adopted that would exempt some states from specific management requirements because the states' landings are insignificant to the coastwide total? Below what level of harvest should a state's harvest be considered insignificant?
- Should states be permitted to submit proposals for alternative management that is conservationally equivalent to the required management program (e.g., a less restrictive bag limit given a more restrictive minimum size limit)?
- Should the amendment include monitoring measures (such as research surveys and biological sampling from the fisheries) for Spanish mackerel, spot, and spotted seatrout? Should state adoption of monitoring measures be recommended or mandatory? If a state delays implementation, what should be the penalty?
- For Spanish mackerel, should the interstate FMP continue to track the federal FMP, or should the interstate FMP provide more flexibility in the future regarding regulations in state waters?
- What are habitat issues for Spanish mackerel, spot, and spotted seatrout? How should these issues be addressed or evaluated further?

References

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Tables

Table 1. Recommended measures in the Spanish mackerel, spot, and spotted seatrout FMPs

Species, FMP Date, Management Unit	Recommended Regulatory Measures	Recommended Monitoring Measures
Spanish Mackerel 1990 NY – FL	<ol style="list-style-type: none"> 1. Commercial fishing year from April 1 to March 31 2. Minimum size limit of 12” fork length or 14” total length 3. Recreational caps and commercial quotas set by the Council; no directed fishing by commercially permitted vessels when the commercial quota is reached 4. Commercial trip limits 5. Recreational creel limit of 5 fish in FL and 10 fish in NY - GA 6. Minimum gill net mesh size of 3.5” stretched mesh 7. Consider requiring commercial and charterboat permits 	<ol style="list-style-type: none"> 1. Catch, landings, and effort data by gear, area, and season. 2. Catch size, age, and sex composition. 3. Recruitment indices.
Spot 1987 DE – FL	<ol style="list-style-type: none"> 1. Promote the development and use of trawl efficiency devices through demonstration in the southern shrimp fishery, and fish separators in the finfish trawl fishery. 2. Promote increases in yield per recruit through delaying entry to spot fisheries to ages greater than one. 	<ol style="list-style-type: none"> 1. Catch data, including size and age composition. 2. Effort data for fishery-dependent index. 3. Recruitment indices.
Spotted Seatrout 1984 (1991) MD – FL	<ol style="list-style-type: none"> 1. Minimum size limit of 12” TL. 2. Comparable mesh size regulations in directed fisheries (defined as containing at least 60 percent spotted seatrout by weight). 	<ol style="list-style-type: none"> 1. Catch data, including size and age composition. 2. Effort data for fishery-dependent index. 3. Pre-recruit index.

Table 2. Current federal regulations for Spanish mackerel

Commercial Fishery

- Permit requirement
- 12" fork length (FL) minimum size limit
- Season opens March 1 and closes end of February or when quota is filled
- Quota = 3.87 million pounds (55% of total allowable catch or TAC)
- Must be landed with heads and fins intact
- From CT/NY border to GA/FL border (northern zone), catch limit of 3500 pounds per vessel per day
- From GA/FL border to the Miami-Dade/Monroe County line in FL (southern zone), catch limit of 3500 pounds from March 1 to November 30, unlimited catch limit on Monday through Friday and 1500 pound catch limit on Saturday and Sunday from December 1 until 75% of the adjusted quota is taken, 1000 pound catch limit from when 75% of the adjusted quota is taken until 100% of the adjusted quota is taken, and 500 pounds after 100% of the adjusted quota is taken (the adjusted quota compensates for estimated catches of 500 pounds per vessel per day to the end of the season)
- Authorized gears include automatic reel, bandit gear, rod and reel, cast net, run-around gill nets, and stab nets
- Minimum size of 3.5" stretch mesh required for all run-around gill nets
- Purse seines and drift gillnets are prohibited

Recreational Fishery

- Gear restrictions apply
- 12" FL minimum size limit
- Must be landed with head and fins intact
- Daily possession limit of 15 per person Florida-New York
- Charter/headboat operators must possess vessel permit for coastal migratory fish and comply with bag limits
- Calendar year season
- Allocation = 3.17 million pounds (45% of TAC)

Table 3. Current state regulations for Spanish mackerel

<i>State</i>	<i>Recreational</i>	<i>Commercial</i>
New York	14" TL, 15 fish	14" TL. 3,500 lb trip limit.
New Jersey	14" TL, 10 fish	14" TL.
Delaware	14" TL, 10 fish	14" TL.
Maryland	14" TL, 15 fish	14" TL.
Potomac River	14" TL, 15 fish	14" TL. Closure if/when federal waters close.
Virginia	14" TL, 15 fish	14" TL. 3,500 lb trip limit. Closure if/when federal waters close.
North Carolina	12" FL, 15 fish	12" FL. 3,500 lb trip limit (Spanish and king mackerel combined). Purse gill nets prohibited.
South Carolina	12" FL, 15 fish	12" FL. 15 fish. Closure if/when federal waters close.
Georgia	12" FL, 15 fish	12" FL. 15 fish. Closure from December 1 - March 15.
Florida	12" FL, 15 fish. Transfer to other vessels at sea is prohibited.	12" FL. Trip limits: April 1-Nov 30, 3500 lb; Dec 1 until 75% of adjusted quota taken, unlimited Mon-Fri & 1500 lb Sat-Sun; >75% adjusted quota until quota filled, 1500 lb; > 100% of adjusted quota, 500 lb.

Table 4. Current state regulations for spot (including regulations related to BRDs due to the FMP management recommendation)

<i>State</i>	<i>Recreational</i>	<i>Commercial</i>
Delaware		
Maryland		No trawling in Chesapeake Bay.
PRFC		Recommended pound net BRD.
Virginia		No trawling in state waters.
North Carolina		Shrimp trawl BRD requirement. Crab trawl minimum mesh size 3" (4" in western Pamlico Sound). Shrimp/crab trawl incidental finfish trip limits: 500-1000 lb inshore; finfish weight must be < shrimp/crab weight Dec 1-Mar 31 in Atlantic. Flynet minimum mesh 3" square or 3.5" diamond.
South Carolina		Shrimp trawl BRD requirement. Whelk/crab trawl minimum mesh size 4" stretched. No finfish trawls operating. Gill net minimum mesh 3-5.5" stretched in inshore waters, 3-4.5" in Atlantic.
Georgia	8" TL; 25 fish limit.	8" TL. 25 fish limit except shrimp trawl (no limit). Directed finfish trawl prohibited. Shrimp trawl BRD requirement. Whelk trawl minimum mesh size 4" stretched. Gill nets prohibited (except shad).
Florida		Trawl BRD requirement. Directed finfish trawls and gill nets prohibited.

Table 5. Current state regulations for spotted seatrout

<i>State</i>	<i>Recreational</i>	<i>Commercial</i>
New Jersey	13" TL; 8 fish	13" TL except 12" TL when taken by otter trawl 9/1-12/31. 150 lb bycatch limit. Gill net open 1/1-5/20 & 9/3-10/19 & 10/27-12/31; mesh > 3.25" stretched except 2.75 - 3.25" stretched allowed within 2nm for permitted fishermen doing monthly reporting. Otter trawl open 1/1-7/31 & 10/13-12/31; mesh > 3.75" stretched diamond or 3.375 stretched square. Pound net: open 1/1-6/6 & 7/1-12/31. Hook & line: 8 fish, open year-round.
Delaware	12" TL	12" TL. Gill net minimum mesh 3.125" stretched April 1 – June 30.
Maryland	14" TL; 10 fish	12" TL. Trawl minimum mesh (3.375" square or 3.75" diagonal. Gill net minimum mesh 3".
PRFC	14" TL; 10 fish	14" TL
Virginia	14" TL; 10 fish	14" TL; hook & line: 10 fish limit. Quota: 51,104 lbs. Pound nets and haul seines allowed 5% by weight less than 14"
North Carolina	12" TL; 10 fish	12" TL; hook & line 10 fish limit
South Carolina	14" TL; 10 fish. Giggling allowed March-November only.	Gamefish status (no commercial harvest or sale)
Georgia	13" TL; 15 fish	13" TL; 15 fish limit except for shrimp trawl (no limit, BRD required).
Florida	15-20" TL slot with 1 fish >20" allowed; north region: 5 fish limit and Feb closure; south region: 4 fish limit and Nov-Dec closure	15-24" TL; June 1-Aug 31 season; 75 fish per day or vessel (the lesser); hook & line or cast net only

Figures

Figure 1. Spanish mackerel commercial and recreational landings; solid and dashed lines represent the ten-year (1999-2008) average landings for each sector (Source: NMFS Fisheries Statistics Division 2009)

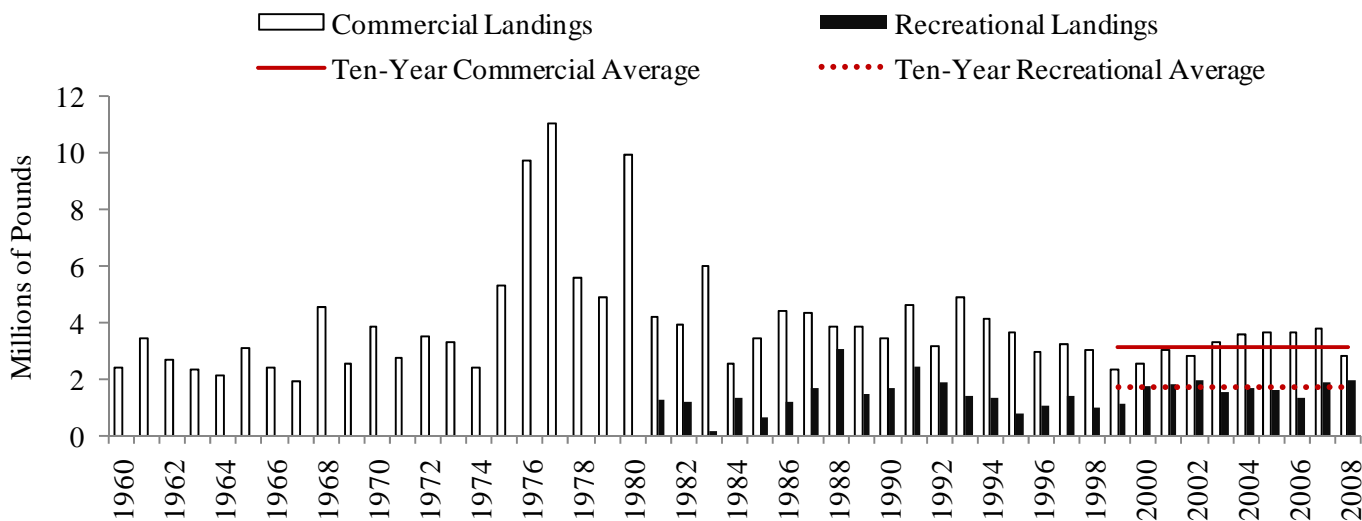


Figure 2. Spot commercial and recreational landings; solid and dashed lines represent the ten-year (1999-2008) average landings for each sector (Source: NMFS Fisheries Statistics Division 2009)

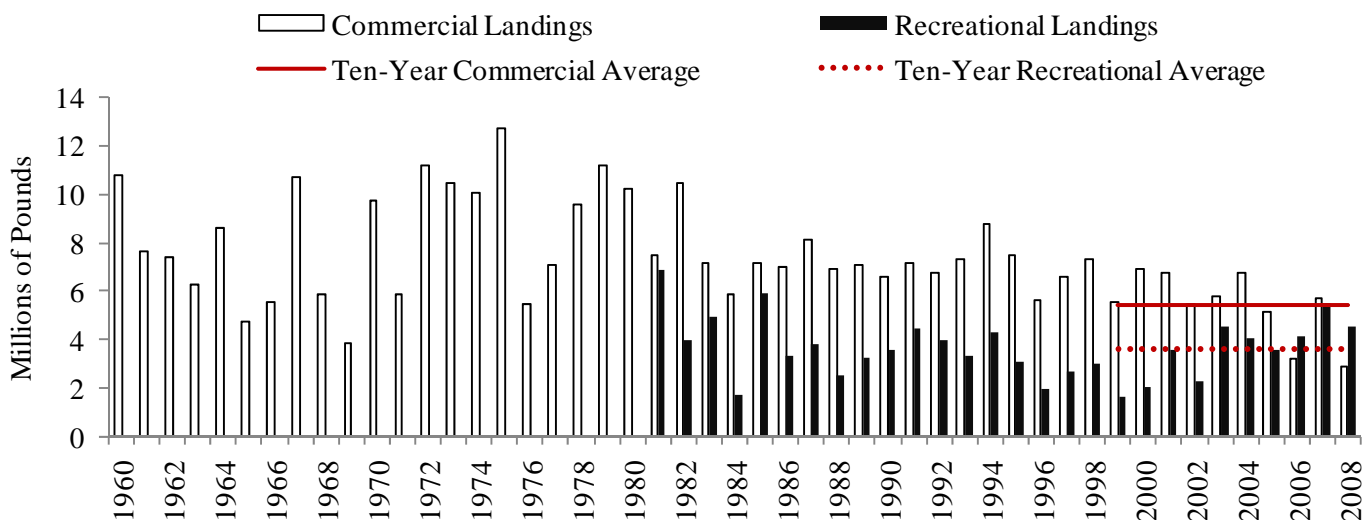


Figure 3. Spotted seatrout commercial and recreational landings; solid and dashed lines represent the ten-year (1999-2008) average landings for each sector (Source: NMFS Fisheries Statistics Division 2009)

