

This document summarizes proposed final rules amending Chapter 68B-14, Florida Administrative Code (FAC), within the Florida Fish and Wildlife Conservation Commission's (FWC) marine fisheries regulations. The proposed final rules would increase the minimum size limits for harvest, importation, and sale; reduce the recreational bag limit; and modify commercial trip limits for mutton snapper. This document also summarizes comments gathered at FWC and federal Council public workshops.

UPDATE: This document has been revised based upon public feedback from the August 2016 public workshops.

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Background

November 2015: Commission discussed mutton snapper status and management

- Stock assessment indicated regulatory changes are needed
- Expressed desire to keep state and federal regulations consistent
- Directed staff to hold public workshops

February 2016: FWC and South Atlantic Council public workshops

June 2016: Commission reviewed public comments and approved draft rules

Directed staff to hold additional public workshops

August 2016: FWC and South Atlantic Council public workshops

Today: Final public hearing with review of public comments and proposed final rules





In November 2015, the Commission discussed the status and management of the mutton snapper fishery. The 2015 mutton snapper stock assessment indicated regulatory changes are needed for the fishery. The Commission expressed a desire to keep state and federal mutton snapper regulations consistent to prevent confusion for harvesters. Because the public has been vocal about wanting changes for mutton snapper regulations in the past, the Commission directed staff to hold public workshops to gather more information about stakeholder concerns, as well as desired management changes in light of the recent stock assessment.

During February 2016, FWC and South Atlantic Council staff jointly held public workshops to collect stakeholder input on possible changes to mutton snapper regulations. The Commission reviewed public comments on mutton snapper during their June 2016 meeting in Apalachicola. Based on these comments, the Commission approved draft rules for a final public hearing. Because public comments were divided on special protections for the mutton snapper spawning aggregation at Western Dry Rocks, the Commission also directed staff to hold additional public workshops. Staff held public workshops in south Florida and St. Petersburg in August. Three of those workshops were held in cooperation with the South Atlantic Council.

Today, staff will provide a review of public comments and present proposed final rules for this fishery.

Review - Stock Status and Management



- 2015 stock assessment
 - Not overfished, overfishing not occurring
 - Population is smaller than previously estimated
- Councils required to reduce federal quotas
 - Harvest under current regulations expected to exceed proposed quotas
- Mutton snapper management framework
 - Managed in state waters by FWC and in federal waters by Gulf and South Atlantic councils
 - South Atlantic quota 82%; Gulf quota 18%
 - FWC is taking the lead on regulatory changes and coordinating with councils





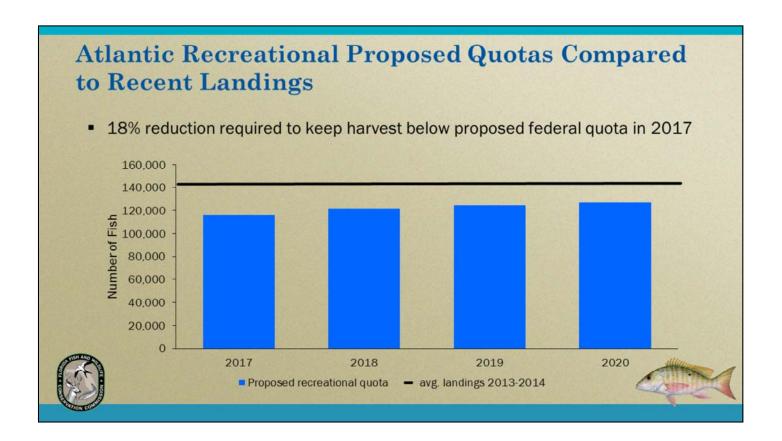
Recreational harvest occurs primarily in state waters

Before reviewing public comment and proposed final rules, here is a brief review of the status of mutton snapper and how the fishery is managed.

All mutton snapper in U.S. waters come from a single stock, which primarily occurs off south Florida. FWC's 2015 stock assessment for mutton snapper found the stock is not overfished and overfishing is not occurring; however, the population is smaller than previous assessments suggested, and likely always has been.

Because the stock is smaller than previously believed, the South Atlantic and Gulf councils are required to reduce federal harvest quotas. In total, the proposed mutton snapper quotas will be 36.5% lower in 2017 compared to 2016. If recent landings trends continue, harvest under current regulations is expected to result in overages of the proposed quotas. Thus, changes to regulations are warranted to avoid future federal quota overages and closures.

The mutton snapper fishery falls under three management jurisdictions. FWC manages mutton snapper in state waters, and the South Atlantic and Gulf councils manage the fishery in federal waters. Although there is only one stock of mutton snapper, the quota is divided between the two councils and each Council independently manages mutton snapper within their respective jurisdiction. The South Atlantic Council manages 82% of the federal quota and allocates their share between the recreational fishery (83%) and the commercial fishery (17%). The Gulf does not divide their 18% quota share between sectors. FWC is taking the lead on modifying mutton snapper regulations and is coordinating with the councils, because almost all mutton snapper are harvested off Florida and 81% of recreational harvest off Florida occurs in state waters.



Recent harvest suggests the proposed federal quotas will not affect all fisheries equally. This figure compares average Atlantic recreational landings (black line) with the proposed Atlantic recreational quota allocation (blue bars). If recreational harvest exceeds the quota in a given year, Atlantic federal waters will likely close to recreational mutton snapper harvest for the remainder of the year.

If trends continue, data indicate the Atlantic recreational fishery might need to reduce harvest by 18% to avoid a quota overage. The Atlantic commercial fishery is not likely to exceed its quota and a Gulf quota overage is not expected.

Current Mutton Snapper Regulations



Harvest Regulations by Area		All State Waters	South Atlantic Federal Waters	Gulf Federal Waters
Recreational	Size Limit	16 inches TL		
	Bag Limit	10 fish/person within 10-fish snapper aggregate		
	Closed Season	None		
Commercial	Size Limit	16 inches TL		
	Harvest Limits	July – April: no restrictions; May – June: 10 fish/person/day or trip		None
	Closed Season	None		
	Allowable Gears	Hook and line	and spearing	Hook and line, spearing, and bottom longline



*Riley's Hump is closed year-round to all harvest

Current mutton snapper regulations are largely consistent across state and federal boundaries. These boundaries converge in the Keys, which is where the majority of mutton snapper harvest occurs. Differences in mutton snapper regulations only exist between federal Gulf commercial regulations and the commercial regulations for the other two jurisdictions.

During May and June, in all state waters and Atlantic federal waters, commercial harvesters are limited to the recreational bag limit of 10 fish per person per day or trip, whichever is more restrictive. This means each person aboard a commercial vessel may harvest 10 fish each trip for the purpose of sale. Throughout the rest of the year, there are no commercial trip limits for state waters or Atlantic federal waters. In Gulf federal waters, there is no commercial trip limit.

In all state waters and federal waters, all fishermen may use hook-and-line and spearing gear to harvest mutton snapper. In Gulf federal waters, commercial harvesters may use these two methods as well as longline gear, which is prohibited for harvesting any fish in state waters and for harvesting mutton snapper in Atlantic federal waters.

In Atlantic federal waters, there is a no-take closed area to conserve the mutton snapper spawning aggregation at Riley's Hump in the Dry Tortugas.

Mutton Snapper Spawning

- The non-schooling fish form large spawning aggregations during full moons from April through August
 - Peak often occurs May July, but can start in April
 - Individual fish may spawn multiple times per season
 - Average length at sexual maturity
 - Males = 16 inches
 - Females = 18 inches
- Aggregations occur at predictable locations, including
 - Riley's Hump in federal waters: closed to harvest
 - Western Dry Rocks in state waters: open to harvest



Photo Credit: C. Parsons 2009

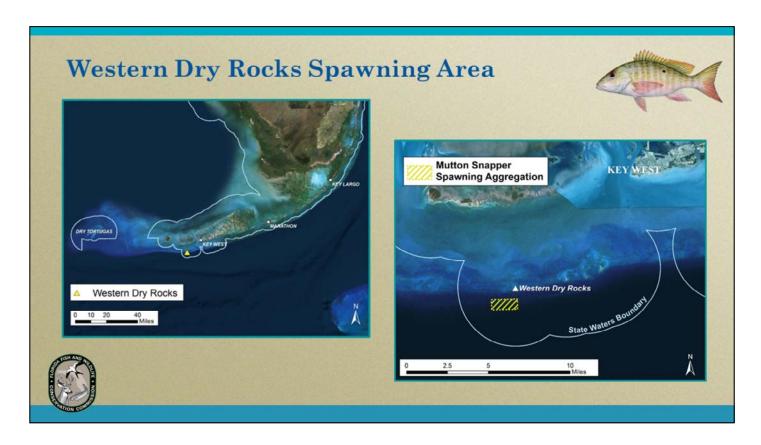


Adult mutton snapper do not form schools; however, they form large spawning aggregations during full moons from late April through August. The largest aggregations typically occur between May and July, but can also occur in April. Individual fish can participate in multiple spawning events each year.

The average length at sexual maturity differs between the sexes for mutton snapper. Males are typically 16 inches in length and females 18 inches in length before their first spawn.

These aggregations are highly predictable and occur at the same locations from year to year. FWC researchers have documented mutton snapper spawning at Riley's Hump, which is located in federal waters near the Dry Tortugas. A closed area to protect this spawning aggregation at Riley's Hump was established in 2001. Since then, the number of mutton snapper in the aggregation has grown by 400%.

Western Dry Rocks is another known mutton snapper spawning aggregation site. This site is a popular fishing spot in Atlantic state waters, and fishermen converge on this one-square-mile area throughout the spawning season to target mutton snapper. Western Dry Rocks is also a favorite spot for targeting gray snapper and permit.



As mentioned previously, Western Dry Rocks is the most well-known and popular mutton snapper aggregation and fishing site in state waters. One reason for its popularity is its close proximity to Key West. It is also popular because many species of fish form spawning aggregations at the site, which makes for easy fishing.

Although anglers commonly refer to it as Western Dry Rocks, the aggregation actually occurs over Boca Grande Bar. The bar is a stretch of hard bottom that lies south of the reef tract and is a gentle rise that ranges in depth from 55 to 130 feet. For simplicity and consistency, the term *Western Dry Rocks* will be used to refer to this site for the remainder of the presentation.

The mutton snapper spawning area at Western Dry Rocks is marked by the yellow triangle in the image on the left and by the yellow box in the image on the right.

Western Dry Rocks Spawning Aggregations

- Spring/summer spawning species aggregate in a 1-square-mile area
 - Mutton snapper
- Spadefish
- Gray snapper
- Bar jack
- Mahogany snapper
- Goatfish

- Permit
- Larvae spawned at Western Dry Rocks seed fish populations throughout the Keys
 - Benefits entire Florida Keys ecosystem and fishing communities





Many species of spring/summer-spawning fish such as gray snapper, mahogany snapper, permit, spadefish, bar jack, and goatfish aggregate at Western Dry Rocks. Florida Fish and Wildlife Research Institute staff have not sampled this location during winter months, thus it is unclear if fish that spawn in the winter also aggregate at Western Dry Rocks.

Research indicates that several species generally aggregate in the same one-square-mile area at Western Dry Rocks. However, variations in environmental factors may cause species to shift their exact spawning location between the occurrences of full moons and from year to year. If this one-square-mile area were closed to fishing, a seasonal closure from April to July could protect the aggregations from most fishing pressure.

Studies of ocean currents indicate larvae spawned at Western Dry Rocks can seed fish populations throughout the entire Florida Keys archipelago. Thus, protection of spawning fish at Western Dry Rocks will benefit the entire Keys ecosystem and fishing communities.

August 2016 Public Workshops

Attendees asked to comment on

- 18-inch minimum size limit
- 3-fish recreational bag limit
- 3-fish/person/day commercial limit April June
- 500-lb./vessel commercial limit July March
- Perspectives on management at Western Dry Rocks

Public Workshop Locations

- St. Petersburg (FWC only)
- Stuart (FWC only)
- Dania Beach

- Duck Key
- Key West
- Key Largo (FWC only)







At the Commission's direction, staff coordinated with the South Atlantic Council to hold public workshops on the draft rules approved during the June Commission meeting and request additional information about Western Dry Rocks. During the workshops, staff presented information on projected reductions in harvest attributed to the draft rules. The data on projected reductions was new information for many stakeholders.

At each workshop, staff requested attendees respond to the draft rules approved at the June 2016 Commission meeting and provide their perspectives on management of Western Dry Rocks. The draft rules approved in June are:

- 18 inch minimum size limit for recreational and commercial harvest, and importation and sale;
- Three-fish recreational bag limit within the 10-fish snapper aggregate bag limit;
- Three-fish per person per day or trip, whichever is more restrictive, commercial limit in the Atlantic from April through June; and
- 500-pound per vessel Atlantic commercial limit from July through March.

Workshops were held jointly with the South Atlantic Council in Ft. Lauderdale, Duck Key, and Key West. The remaining were FWC-hosted workshops in Key Largo, Stuart, and St. Petersburg. Over 90 people attended the workshops and 50 participants provided comments on mutton snapper management.

Comments from August 2016 Public New Workshops





Most common recommendations and comments

- Keep fishery open year-round
- Overwhelming support for proposed 18-inch minimum size limit
- Reduce the recreational bag limit to 3 or 5 fish
- Limit commercial harvesters to recreational bag limit during spawning
- Retain the current 10-fish/person/day commercial limit during spawning
- Support for proposed 500-lb./vessel Atlantic commercial limit (July March)

Other recommendations and comments

- Public opinion divided over closure of Western Dry Rocks
- Requests to allow a 2-day possession limit for campers in the Tortugas



Water quality and pollution are major problems

Workshop participants agreed on several items and generally commended FWC for being proactive about mutton snapper management. They also expressed an almost universal desire to maintain year-round mutton snapper fishing.

Stakeholders overwhelmingly supported the proposed 18-inch minimum size limit.

With few exceptions, there was support for a recreational bag limit reduction; however, many people suggested a reduction to five fish instead of the proposed three fish. Several commenters recommended a recreational vessel limit in addition to a bag limit.

Only a few people addressed commercial harvest limits. There was significant backing for either the commercial harvest limit matching the recreational bag limit or a vessel limit during the spawn. However, most commenters suggested the commercial harvest limit remain at 10 fish per person per day or trip, whichever is more restrictive, during spawning months. Opposition to the proposed April through March 500-pound per vessel Atlantic commercial trip limit was minimal.

Public opinion on Western Dry Rocks remains split. Overall the majority of workshop participants support a closure at Western Dry Rocks; however, a large number of stakeholders attended the public workshop in Key West to request that Western Dry Rocks remain open.

Anglers who camp in the Dry Tortugas requested a special allowance to possess twice the daily bag limit for mutton snapper. At most workshops, there were attendees who shared concerns about pollution, poor water quality, and their impact on fish populations.

The rationale for these recommendations will be presented on the following slides.

Size Limit Considerations



Rationale for 18-inch minimum

- Would increase likelihood of a female spawning prior to harvest
- Minimal discards from commercial fishery expected
- Projected to reduce Atlantic recreational harvest by 61%

Other considerations

- Large fish are less common north of the Keys
- May result in increased abundance of larger fish and cause the quotas to be caught faster



Overwhelming stakeholder support for an 18-inch minimum size limit

With few exceptions, stakeholders supported the proposed 18-inch minimum size limit as it would increase the likelihood of female mutton snapper spawning at least once prior to harvest. Both recreational and commercial fishermen felt this was a compelling reason to support an 18-inch minimum size limit. Commercial harvesters from both the Atlantic and the Gulf noted commercial harvest of fish smaller than 18 inches is uncommon, thus commercial discards due to a size limit increase are expected to be minimal.

Analyses of past recreational harvest projects that an 18-inch minimum size limit will reduce Atlantic recreational harvest by 60.6%. This exceeds the anticipated need for an 18% reduction for Atlantic recreational harvest to hopefully keep the fishery open year-round.

Several recreational anglers who fish north of West Palm Beach opposed the minimum size limit increase because mutton snapper in excess of 16 inches are less common north of the Keys. A few charter captains and anglers noted that, if the size limit increases, anglers from the Florida peninsula may have a hard time finding legal mutton snapper during the first few years, but they expect that would change as more fish reach harvestable size.

The anticipated increased abundance of larger mutton snapper caused by an 18-inch minimum size limit may lead to fishermen harvesting larger, heavier fish than they have in the past. As the commercial quota is measured in pounds and the recreational quota is based on the average weight of fish, it is plausible that this could cause fishermen to harvest the commercial and recreational quotas more quickly. This is an ongoing problem for the Gulf recreational red snapper fishery.

Recreational Bag Limit Considerations



Commission draft rule suggested 3-fish bag limit

- Stakeholders requested a reduction to ensure fishery remains open year-round
- Stakeholders suggested current 10-fish limit is too high for this large snapper
- Can reduce pressure on spawning fish
- Bag limit decrease alone will not achieve needed 18% reduction
- Projected reductions in Atlantic recreational harvest from year-round bag limits
 - 3-fish bag limit = 1%
 - 5-fish bag limit = 0.2%



Recreational anglers supported a 5-fish bag limit after learning that the size limit increase achieved the necessary harvest reduction

When stakeholders first approached FWC to ask for changes to mutton snapper regulations, their original request was to reduce the mutton snapper recreational bag limit. In June, the Commission proposed a draft rule that would reduce the bag limit from 10 to 3-fish. Stakeholders believed a bag limit reduction would ensure the fishery remains open year-round. They suggested the current 10-fish recreational bag limit is too high for the second-largest mutton snapper in the aggregate bag limit. Additionally, they wanted to reduce harvest pressure on mutton snapper during the spawning season.

The Atlantic recreational fishery has the largest federal quota share at 68% of the South Atlantic and Gulf quotas combined. Regulation changes are likely needed to avoid a future quota overage. However, a bag limit reduction alone is not expected to achieve the desired 18% reduction in recreational harvest, because few people catch more than three mutton snapper per trip outside of the spawn.

Analyses indicate that a bag limit reduction will have minimal impact on overall Atlantic recreational harvest. A three-fish bag limit is projected to reduce Atlantic recreational harvest by 1%. A five-fish bag limit, which was recommended by many participants at the August 2016 public workshops, is projected to reduce Atlantic recreational harvest by 0.2%.

Because bag limit reductions are expected to create only minor reductions in recreational harvest, many public workshop attendees requested a five-fish recreational bag limit coupled with an 18-inch minimum size limit instead of the proposed three-fish bag limit. They claimed a five-fish bag limit is still conservative, yet also provides special opportunities for anglers who are able to catch five fish.

Commercial Harvest Limit Considerations



Commission draft rule suggested 3-fish during spawning; 500-pounds rest of year

- Commercial fisheries not expected to exceed quotas at current harvest levels
- Can address stakeholder concerns about potential overharvest of spawners
- Pending hogfish changes may cause effort shifts to mutton snapper
- A lower spawning season commercial limit can conserve spawners
- Currently commercial and recreational bag limit the same during spawning season
- Some commercial fishermen prefer closure at Western Dry Rocks to a commercial limit reduction
- A 500-lb./vessel limit from July March could prevent future expansion of the fishery
- Projected reduction for Atlantic commercial harvest
 - 3 fish/person/day, April June = 19%
 - 5 fish/person/day, April June = 14%
 - 500-lb./vessel limit, July March = 4%



Although commercial fisheries are not expected to exceed their quotas if recent landings trends continue, reducing commercial harvest limits in the Atlantic could address stakeholder concerns about potential future overharvest of mutton snapper and reduce pressure on spawning fish. In June, the Commission proposed a draft rule that would reduce the commercial limit from 10 to 3-fish during the spawning season (April – June) and a 500-pound vessel limit for the remainder of the year.

There is concern that commercial landings for mutton snapper will increase based on proposed changes for Florida Keys/East Florida stock of hogfish. The South Atlantic Council is required to implement drastic cuts to federal hogfish quotas and is proposing to reduce the minimum size limit and implement a low trip limit to constrain harvest to the smaller commercial quota. In response to these proposed changes, commercial divers have said they will target more mutton snapper.

Under current regulations, recreational and commercial harvesters are limited to 10-fish per person during the spawning season. During public comment, some stakeholders requested the spawning season commercial harvest limit in the Atlantic continue to be the same as the recreational bag limit. They asked for either a three or five fish per person commercial limit from April through June. Some commercial fishermen claim the current 10-fish per person limit is restrictive enough. There have also been requests to close Western Dry Rocks instead of reductions to commercial harvest limits.

If implemented, a 500-pound per vessel Atlantic commercial harvest limit from July through March, which most commenters support, could prevent future expansion of the commercial fishery. This would address stakeholder concerns about the possibility of commercial quota closures. This change is expected to affect fewer than 10 trips per year.

A three-fish per person per day limit from April through June is projected to reduce Atlantic commercial harvest by 19%. Alternately, a five-fish per person per day limit from April through June is projected to reduce harvest by 14%. A 500-pound per vessel limit from July through March is projected to reduce Atlantic commercial harvest by 4%.

Western Dry Rocks Considerations



- A closure is not required to achieve target reductions
- Stakeholder support for continued access
 - Popular destination for half-day fishing charters and private anglers
 - Anglers target both reef fish and pelagic species at the site
- Stakeholder support for a closure either year-round, seasonal, or just for bottom fishing
 - Multi-species aggregation site
 - Expectations that a closure would increase the abundance of multiple species of fish throughout the Keys



Public opinion on closures at Western Dry Rocks remains split

A closure to fishing at Western Dry Rocks is not required to achieve the target reduction in mutton snapper harvest or to prevent a quota closure of the Atlantic recreational fishery.

Stakeholders from the lower Keys want Western Dry Rocks to remain open-access because it is a popular destination for half-day fishing charters and private anglers. Charter captains in Key West noted they visit Western Dry Rocks to target mutton snapper, yellowtail snapper, gray snapper, black grouper, permit, king mackerel, cero mackerel, sailfish, and barracuda.

Yet, most stakeholders who participated in the August public workshops asked FWC to create a closure, whether it is year-round, seasonal, or just for bottomfishing. They believe that protection of aggregating fish at Western Dry Rocks will lead to increases in the abundance of those species' populations throughout the Keys and provide a "savings account" to prevent future reductions in the fishery.

Proposed Final Rules

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper and 68B-14.00355 Size Limits for Importation and Sale

 Increase recreational, commercial, importation, and sale minimum size limits for mutton snapper to 18-inches total length

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption

Reduce mutton snapper recreational bag limit to <u>5 fish</u> 3 fish/person within the 10-fish snapper aggregate bag limit year-round

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

- E NEW -
- Replace the May June commercial mutton snapper harvest limit of 10 fish/person/trip in all state waters with a <u>5 fish</u>/person/day limit applicable from April June in Atlantic state waters
 - Establish a 500-pound commercial vessel limit for mutton snapper during the remainder of the year (July – March) in Atlantic state waters



The proposed final rules would modify 68B-14.0035, FAC, and 68B-14.00355, FAC, to increase the recreational, commercial, importation, and sale minimum size limits for mutton snapper from 16 to 18 inches total length.

They would modify 68B-14.0036, FAC, by reducing the mutton snapper recreational bag limit from 10 fish per person within the 10-fish snapper aggregate bag limit to five fish per person within the 10-fish snapper aggregate bag limit. Although the Commission approved a three-fish bag limit for final public hearing, staff is proposing a five-fish bag limit instead. The change is based upon comments from the August public workshops. A five-fish bag limit will provide anglers the opportunity to harvest more fish, and because the 18-inch minimum size limit will achieve the target reduction, a greater reduction in bag limit is not necessary.

The proposed final rules would modify 68B-14.0045, FAC, to replace the May through June commercial harvest limit of 10 fish per person per day or trip, whichever is more restrictive, in all state waters with a five-fish per person, applicable from April through June in Atlantic state waters only. (Note: the per person trip limit means each person aboard a commercial vessel may harvest five fish per trip.) The proposed final rules would also establish a 500-pound commercial vessel limit for the remainder of the year (July through March) in Atlantic state waters. Again, although the Commission approved a three-fish per person per day limit for final public hearing, staff is proposing a five-fish per person per day limit instead. This is also based upon public comments from the August public workshops, which included requests for the commercial harvest limit be the same as the recreational bag limit during the spawning season and support for a higher spawning season commercial harvest limit.

If approved, the changes to the proposed final rules 68B-14.0036 and 68B-14.0045, FAC, will be advertised via a notice of change.

Staff Recommendation



Approve the proposed final rules for mutton snapper to

 Increase the recreational, commercial, importation, and sale minimum size limits to 18 inches



- Reduce the recreational bag limit to <u>5 fish</u> 3 fish/person within the 10-fish snapper aggregate bag limit
- E NEW 3
- Replace the May June commercial trip limit in all state waters with a <u>5 fish</u>/person/day limit from April – June in Atlantic state waters
- Establish a 500-pound commercial vessel limit for the remainder of the year
 (July March) in Atlantic state waters

No closure recommended at Western Dry Rocks



- If approved, make rules effective Jan. 1, 2017;
 advertise changes to the proposed rules via a notice of change
- Federal councils anticipated to take final action in late 2016/early 2017

Staff recommends approving the proposed final rules to reduce recreational harvest of mutton snapper and address stakeholder requests for proactive management action. Specifically, staff recommends:

- Increasing the recreational, commercial, importation, and sale minimum size limits to 18 inches;
- Reducing the recreational bag limit to five fish per person within the 10-fish snapper aggregate bag limit;
- Replacing the May through June commercial trip limit in all state waters with a five-fish per person per day limit from April through June in Atlantic state waters only; and
- Establishing a 500-pound commercial vessel limit for the remainder of the year (July through March) in Atlantic state waters only.

Staff does not recommend a closure at Western Dry Rocks at this time.

If approved, staff recommends making the rules effective Jan. 1, 2017. The changes to the proposed final rules 68B-14.0036 and 68B-14.0045, FAC, will be advertised via a notice of change. Staff have evaluated the proposed rules under the standards of 68-1.004, FAC, and found them to be in compliance.

The federal councils are expected to take final action on their proposed mutton snapper regulatory changes in late 2016 or early 2017.