



This document summarizes a proposed rule amendment to the Florida Fish and Wildlife Conservation Commission's (FWC) rule for spotted seatrout (*Cynoscion nebulosus*), 68B-37, Florida Administrative Code (F.A.C.). The proposed rule amendment is a result of a new stock assessment for spotted seatrout that was completed in 2010. Results showed that spotted seatrout populations are exceeding the FWC's management goal in all regions of Florida. The proposed rule amendment would loosen regulations for both the recreational and commercial fisheries.

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Recent Spotted Seatrout Management

April 2011 Commission Meeting

- Presented 2010 stock assessment

June and July 2011

- Held 8 public workshops around the state

September 2011 Commission Meeting

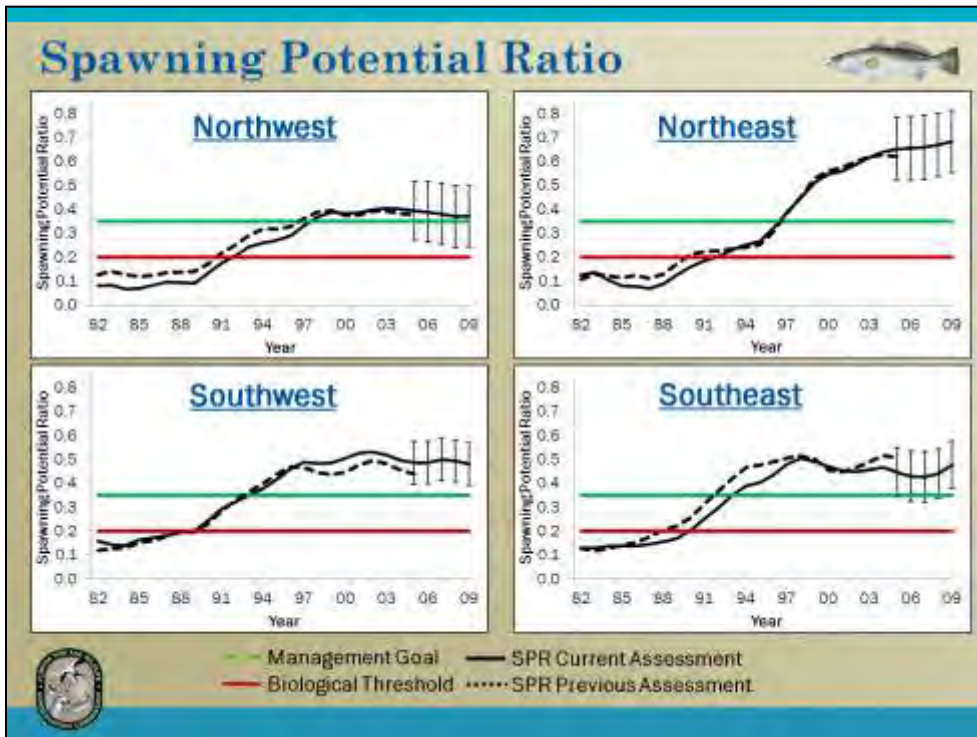
- Draft rule presentation that included public opinion gathered at workshops

Today

- Final Public Hearing incorporating research based on direction from September meeting



The most recent spotted seatrout stock assessment was completed in 2010, and includes data through 2009. It was presented at the April 2011 Commission meeting. At the September meeting, the Commission approved draft rule recommendations and directed staff to work with members of the public on several additional items and options. Today's final public hearing presentation incorporates research on the items that staff was directed to investigate at the September meeting.



The above graphs are from the 2010 spotted seatrout stock assessment. Spawning Potential Ratio (SPR) compares the spawning ability of a stock in the fished condition to the stock's spawning ability in the unfished condition. The Commission's management goal for spotted seatrout is 35% SPR, which is represented by a green horizontal line on each graph. The red horizontal line at 20% SPR represents the estimated biological threshold for spotted seatrout. The SPR for the current assessment is represented by the solid black line. The SPR from the previous assessment, completed in 2006, is shown by the black dotted line. The SPR varied little between the previous and current stock assessments. The SPR for spotted seatrout has remained steadily above the 35% SPR goal in all areas. The current estimated SPRs (averaged for 2007-2009) are:

- Northwest: 37%
- Southwest: 49%
- Northeast: 67%
- Southeast: 45%

Proposed Rules

68B-37.002 Definitions



NEW

- Define “Southeast” and “Southwest” regions

68B-37.003 Size Limits and

68B-37.006 Gear Specifications and Prohibited Gear; Bycatch Allowance

- Clarify that size limits and allowable gears extend into federal waters

68B-37.004 Regional Bag Limits; Closed Seasons

- Remove the recreational regional season closures



The proposed rules would modify 68B-37.002, F.A.C., by adding a definition for “Southeast Region” and “Southwest Region.” Section 68B-37.003, F.A.C., and 68B-37.006, F.A.C., would be modified to clarify that rules in these sections apply in federal waters adjacent to state waters. The proposed rules would also modify 68B-37.004, F.A.C., by removing recreational regional season closures.

On this slide and following slides, the NEW symbol indicates an item that has been changed following the Commission direction staff received during the draft rule hearing at the September meeting.

Proposed Rules

68B-37.005 Commercial Season; Harvest Limit

- *Change and lengthen the commercial open seasons:*
 - *Southeast: Open May - September*
 - *Northwest: Open September - January*
 - *Northeast and Southwest: Open June - October*
- *Allow year-round sale of spotted seatrout inventory*
- *Require landing and first point of sale in an open region*
- *Create a new form for out of season reporting of inventory*
- *Establish a vessel limit of 150 spotted seatrout when two or more commercial licensees are aboard*

NEW

NEW



The proposed rules would modify 68B-37.005, F.A.C., to expand the commercial open fishing season for each region, allow year-round sale of inventory, require landing and first point of sale in an open region, create a new form for reporting out of season inventory, and establish a vessel limit of 150 spotted seatrout when two or more commercial licensees are aboard. The items labeled as new have been previously advertised to the public.

Direction from September Meeting

Allow bycatch of spotted seatrout in seines

- Commercial fishermen catch spotted seatrout in seines while targeting other species

68B-37.006 Gear Specifications and Prohibited Gear; Bycatch Allowance

NEW

- Allow commercial fishermen legally fishing with seines for other species to keep and sell spotted seatrout caught as bycatch
- Establish a bycatch allowance for vessels with seines on board of 75 spotted seatrout
- Require same open seasons and size limits
- Would be submitted as Notice of Change



At the September meeting, staff was directed to look into several additional rule amendments and to gather information from the public. One of these additions was allowing bycatch of spotted seatrout in seines. Commercial fishermen catch spotted seatrout in seines while fishing for other species, and cannot keep them to sell because seines are not currently an allowable gear. Staff discussed this issue with the industry and while this is not a common occurrence in most parts of the state, when seatrout are caught in seines, they are often discarded dead. Most of the commercial industry staff contacted was in favor of this rule amendment. The rule could be amended to allow commercial fishermen legally fishing with seines for other species to keep and sell spotted seatrout caught as bycatch in seines. Allowing the sale of such bycatch would offer greater economic opportunity for commercial fishermen. Staff does not anticipate this allowance of bycatch greatly increasing the commercial effort. As a reminder, the commercial harvest of spotted seatrout currently makes up a very small percentage (2% in 2009) of the overall spotted seatrout catch in Florida. If approved, this rule amendment would be submitted via a Notice of Change.

Direction from September Meeting

Relax Northeast region regulations

- The SPR in the Northeast region is high, around 65%
- Could allow for more fishing opportunities in this region

68B-37.004 Regional Bag Limits; Closed Seasons

NEW

- Raise the recreational bag limit to 6

68B-37.005 Commercial Season; Harvest Limit

NEW

- Allow a longer commercial season (open 6 months, June through November)

- Both would be submitted as Notice of Change



An additional rule amendment that staff was directed look into was relaxing regulations in the northeast region of Florida. This region consistently has a high SPR, reaching about 67% in 2009. Because this region has a high SPR, regulations could allow more harvest while still achieving the Commission's goal of 35% SPR. For the recreational fishery, staff is suggesting to raise the bag limit from five to six fish. For the commercial fishery, staff is suggesting opening an additional month to the proposed commercial season, which would increase the season to six months (June through November). The members of the commercial industry that staff discussed this issue with approved of the proposed rule amendment. These rule amendments would allow more fish to be taken in this region while still keeping the spotted seatrout fishery at a sustainable level. If approved, this rule amendment would be submitted via Notice of Change.

Staff Recommendation

Approve the advertised rule amendments

- Allow recreational harvest all year; apply rules in Fed. waters
- Create 4th region and expand the commercial seasons
 - Southeast: May 1 – September 30
 - Northeast and Southwest: June 1 – October 31
 - Northwest: September 1 – January 31
- Allow year-round sale of spotted seatrout with a new form
- Establish a commercial vessel limit of 150 with two licensed fishermen aboard

Approve publication of Notices of Change

- Allow a bycatch of 75 fish with seines on board
- Raise the recreational bag limit in the Northeast to six
- Expand the commercial season in the Northeast to June 1 through November 30

Effective date of February 1, 2012



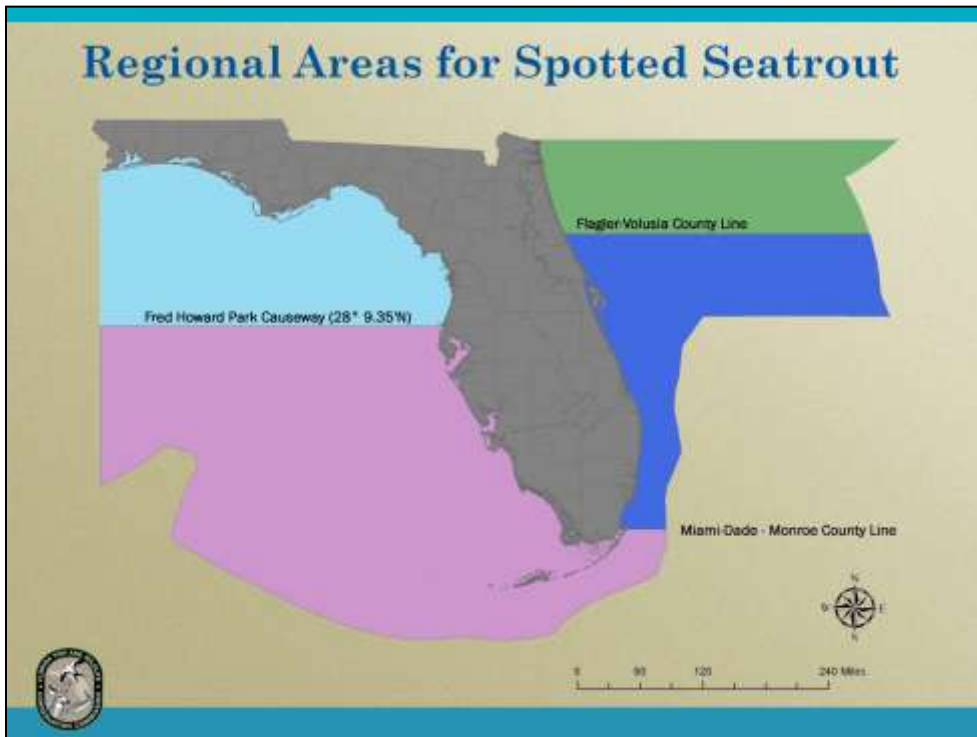
Staff recommends approving the change described to the advertised rule and authorizing staff to publish a notice of change. The proposed rules include allowing recreational harvest in all regions year-round (removing all closed seasons), expanding the commercial season in the southeast to be open from May 1 – September 30, the season in the northeast and southwest to be open from June 1 – October 31, and the season in the northwest region to be open from September 1 – January 31, allowing year-round sale of spotted seatrout with a new form, and establishing a vessel limit of 150 fish with two licensed fishermen aboard. If approved, the proposed rules that would be submitted via Notice of Change include allowing a bycatch of 75 fish for commercial fishermen with seines on board, raising the recreational bag limit to six fish in the Northeast region, and expanding the commercial season in the Northeast to six months (June 1 through November 30).

Staff is recommending that this rule become effective on February 1, 2012.

Staff has evaluated the rules under the standards of 68-1.004, F.A.C., and found them to be in compliance.

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





The northwest area includes Escambia through Pasco counties and the northeast area includes Nassau through Flagler counties. The south area includes Pinellas through Monroe counties on the west coast and includes Miami-Dade through Volusia counties on the east coast.

Current Spotted Seatrout Regulations

Recreational

- Slot Limit: 15-20 inches
- Bag Limit:
 - North: 5 (including 1 over 20 inches)
 - South: 4 (including 1 over 20 inches)
- Closed Season:
 - North: Closed February
 - South: Closed November and December
- Allowable Gear: Cast net and hook and line

Commercial

- Commercial Season: Open June 1 - August 31
- Slot Limit: 15-24 inches
- Daily Harvest Limit: 75 fish per person per day or per vessel, whichever is less
- Allowable Gear: Cast net and hook and line



This slide summarizes the current regulations for spotted seatrout in Florida. The recreational slot limit is 15-20 inches, statewide. The bag limit is five in the northern management unit, and four in the southern unit. The fishery is closed in February in the northern unit and in November and December in the southern unit. The only allowable gears for commercial and recreational harvest of spotted seatrout are cast net and hook and line.

The commercial season is open from June 1 to August 31. The slot limit for the commercial fishery is 15-24 inches. The daily harvest limit is 75 fish per person per day or per vessel, whichever is less.