

# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

## SPINY LOBSTER AD HOC ADVISORY BOARD RECOMMENDATIONS

FACILITATOR'S SUMMARY REPORT OF THE  
MAY 15, 2007 MEETING—MEETING IX

*Duck Key, Florida*

Meeting Design & Facilitation By

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# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD REPORT



## OVERVIEW

The Florida Fish and Wildlife Conservation Commission (FWC) has invited representatives of interests participating in Florida's Lobster Fishery to serve as members of an ad hoc lobster advisory board, "The Spiny Lobster Ad Hoc Advisory Board" (SLAHAB). The advisory board is designed to bring together a group of stakeholder representatives from around the state who represent the diversity of the lobster fishery community and includes commercial lobster trappers, commercial lobster divers, recreational lobster fishers, a special recreational license holder, wholesale lobster dealers, an NGO, and a representative from the FWC. The goal is to convene a group of representative stakeholders who can provide constructive comments and guidance to the FWC in the form of proposed refinements to the management of Florida's spiny lobster fishery. Over a period of sixteen months the advisory board will meet approximately eight times for approximately two days each to focus on reviewing and discussing lobster fishery issues and proposals for refinements to Florida's spiny lobster fishery.

The **first** meeting of the Spiny Lobster Ad Hoc Advisory Board was held on July 20, 2005 at the Sombrero Resort in Marathon, Florida Keys.

The **second** meeting of the Board was held on January 9 – 10, 2006 at the Marathon Government Center and the Marathon Garden Club respectively.

The **third** meeting of the Board was held on April 11 – 12, 2006 at Hawk's Cay on Duck Key.

The **fourth** meeting of the Board was held on May 23 - 24, 2006 at Hawk's Cay on Duck Key.

The **fifth** meeting of the Board was held on July 6, 2006 at Hawk's Cay on Duck Key.

The **sixth** meeting of the Board was held on September 6, 2006 at Hawk's Cay on Duck Key.

The **seventh** meeting of the Board was held on January 9, 2007 at Hawk's Cay on Duck Key.

The **eighth** meeting of the Board was held on March 21, 2007 at Hawk's Cay on Duck Key.

The **ninth** meeting of the Board was held on May 15, 2007 at Hawk's Cay on Duck Key.

## MEMBERS AND REPRESENTATION

### Commercial Trappers

Jeff Cramer  
Bruce Irwin  
George Niles  
Mary (Mimi) Stafford  
Manuel Toledo

### Recreational Fishers

Cyril (Cy) Dougherty  
Harry (Hal) Flowers  
Richard Sewell

### NGO

Bill Goodwin  
Roberto Torres

### Commercial Divers

Robert Cardin  
Peter Cone  
Jim Sharpe

### Wholesale Dealers

Peter (Pete) Bacle  
Manuel Prieguez

### FWC

Chuck Collins

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

FLORIDA LOBSTER ADVISORY BOARD  
PLAN DEVELOPMENT SCHEDULE AND PROCESS

<b>DATES</b>	<b>ACTIVITIES</b>
June 2005	Appointment of Florida Lobster Management Advisory Board
July 20, 2005	Advisory Board Meeting #1—Organizational, strategic visioning, identification of issues (Marathon)
January 9 - 10, 2006	Advisory Board Meeting #2 (Marathon)
April 11 - 12, 2006	Advisory Board Meeting #3 (Duck Key)
May 23-24, 2006	Advisory Board Meeting #4 (Duck Key)
July 6, 2006	Advisory Board Meeting #5 (Duck Key)
September 6, 2006	Advisory Board Meeting #6—Draft Approval (Duck Key)
November 2006	Public Workshops—Round One
December 6 – 7, 2006	FWC Commission Meeting—Draft Recommendations Review
January 9, 2007	Advisory Board Meeting #7—Review of FWC and Public Comments (Duck Key)
March 21, 2007	Advisory Board Meeting #8 (Duck Key)
May 15, 2007	Advisory Board Meeting #9—Adopt Recommendations (Duck Key)
Summer 2007	Public Workshops—Round Two
<u>Fall 2007</u>	<u>Advisory Board Meeting #10—Final Review of Rec's. (Duck Key)</u>
September 12 – 14, 2007	FWC Commission Meeting—Draft Rule Hearing (St Petersburg)
December 5 – 6, 2007	FWC Commission Meeting—Final Rule Hearing (Key Largo)

## **OVERVIEW OF BOARD'S KEY DISCUSSIONS AND ACTIONS**

**TUESDAY, MAY 15, 2007**

### **Agenda Review and Work Group Plan Overview**

Following are the key agenda items discussed at Meeting IX:

- To Approve Regular Procedural Topics (Agenda, Report, and Workplan Schedule)
- To Hear/Discuss Topical Presentations Related to Key Workgroup Issues
- To Review Lobster Advisory Board's Consensus Recommendations
- To Review and Discuss Staff Issues Regarding Board Recommendations
- To Consider Topics Identified by Members and Staff for Additional Evaluation
- To Evaluate Level of Acceptability for Proposed Options
- To Adopt Package of Consensus Recommendations for Delivery to the Commission
- To Discuss Where the Lobster Fishery Will Be in Ten Years
- To Select Board Representatives to Present Recommendations to the Commission
- To Review Recommendations Delivery Schedule and Discuss Next Steps

### **Board Member Attendance**

Meeting IX was opened at approximately 9:15 AM, and the following members attended: Pete Bacle, Robert Cardin, Chuck Collins, Peter Cone, Jeff Cramer, Cy Dougherty, Hal Flowers, Bill Goodwin, Bruce Irwin, George Niles, Mimi Stafford, Manny Toledo, and Roberto Torres.

### **Board Members Absent**

Richard Sewell, Manny Prieguez, and Jim Sharpe.

### **FWC Staff Attendance**

John Hunt, Program Administrator, FWRI  
Chad Hanson, DMFM  
Tom Matthews, FWRI  
Bill Sharp, Fisheries Management Analyst, DMFM

### **Facilitation**

The meeting was facilitated by Jeff Blair from the Florida Conflict Resolution Consortium at Florida State University. Information at: <http://consensus.fsu.edu/>

### **Project Webpages:**

<http://myfwc.com/marine/workgroups/index.html>  
<http://consensus.fsu.edu/FWC/index.html>

## **Welcome and Opening**

Bill Sharp, Fisheries Management Analyst, DMFM, welcomed members, staff, and the public to Meeting IX of the Lobster Advisory Board. Bill reviewed the revised meeting schedule found on page three (3) of this report. Bill reminded members that this was the last scheduled Board meeting, and the Board would be adopting their final package of recommendations regarding the lobster fishery at the conclusion of the May meeting. Bill noted that the FWC was agreeable to convening an additional Board meeting to allow the Board to review public and Commission comments and develop any refinements to the recommendations. In addition, a final meeting would allow the Board to discuss any staff recommendations that may vary from the Board's consensus package of recommendations to the Commission.

## **Process Review**

Jeff Blair, Board facilitator, reminded members that the purpose of the Board is to review the lobster fishery program and propose consensus recommendations for refinements and enhancement to the Commission. Board members were reminded that the Lobster Advisory Board is being asked to identify and evaluate the full range of options related to the issues under consideration and within the scope of the Board's mission. The facilitator explained that all options should be evaluated, even those with little or no apparent support, and that no final decisions would be made until the final package of recommendations was ready for consideration. The Facilitator requested that members consider each option on its own merits, and not in relation to the other options.

Jeff explained that Board members are charged with representing their broader stakeholder constituent groups. In addition, members were requested to consult with their constituents between meetings, to consider the package of recommendations on balance and in relation to the overall lobster fishery, and to bring additional options for consideration to subsequent meetings.

Jeff reminded members that during the May meeting the Board would work with the package of Draft Recommendations and discuss and evaluate any issues that member's and/or staff wish to have reconsidered. In addition, any new options would also be considered. Jeff reminded members that at the conclusion of the May meeting the Board will be asked to vote on the package of consensus recommendations for submittal to the Commission.

## **Agenda Review and Approval**

The Board voted unanimously, 13 - 0 in favor, to approve the agenda as presented.

## **Approval of the March 21, 2007 Facilitator's Summary Report**

The Board voted unanimously, 13 - 0 in favor, to approve March 21, 2007 Facilitator's Summary Report as presented.

## **Overview of Lobster Fishery Issues and Options Worksheet Process Used During Previous Meetings**

At previous meetings, worksheets were prepared based on the issues previously evaluated by the Board at the July 2005, and January, April, May, July, and September 2006 meetings. For each issue in turn, the Board was asked to consider and discuss research presentations prepared by staff (provided for some of the issues), to review the full range of options, to propose additional options, to seek clarification on the intent of each option, and then to evaluate each option using a four-point acceptability scale, where a 4 is acceptable, a 3 is minor reservations, a 2 is major reservations, and 1 is not acceptable.

Following the initial and additional evaluations, Board members were requested to explain their range of concerns, and to identify any additional information they need in order to further consider the issue and/or option. The Facilitator explained that in general, a 4 or 3 represents support for the option, and a 2 or 1 represents a lack of support for the option.

## **Draft Recommendations and Board Issues for Discussion Process**

During the January 9, 2007, March 21, 2007m and May 15, 2007 meetings the Board worked with their Draft Recommendations and discussed and evaluated issues that member's and/or staff wished to have reconsidered. Any new issues/options were also considered. In addition, at the January 2007 meeting the Board reviewed public comment and determined whether to make any changes to the Draft Recommendations based on the comments. For each issue considered the options acceptability process, described above, was used.

## **Evaluation of Issues/Options Identified by Board and Staff**

The Board continued the process of listening to and discussing research presentations on key issues, engaging in a general discussion on each topic/issue, and identifying and evaluating a full range of options for each topic/issue.

The results of the options evaluation exercise rankings and Board member's comments and reservations are included in the "Options Evaluation Exercise Results" section of this report beginning on page eight (8).

## **Issues/Topics**

The Board is developing recommendations for eleven (11) key topical areas.

The eleven issues/topics are:

Allocation, season length, harvestable size limits, fishery effects on natural habitat (the environment), other lobster species, commercial trap fishery: lobster trap certificate program and trap specifications, new entrants, the commercial dive fishery, the recreational fishery, and the commercial bully net fishery.

### **General Public Comment**

Members of the public were invited to address the Board. In addition, the public was encouraged to provide written comments on the form provided in the agenda packets. The Facilitator noted that all written comments would be included in the Facilitator's Summary Reports.

No members of the public addressed the Board during the May 15, 2007 meeting.

### **Agenda Items for Fall 2007 Meeting**

Review of Public comments.

Review of Commission comments.

Review of any staff recommendations.

Decision on any revisions to Board's consensus recommendations.

Selection of Board members to represent the Board to the Commission.

Trap replacement tags.

### **Adoption of Board's Consensus Recommendations for Submittal to the Commission**

The Board was asked to consider their package of "Consensus Recommendations"\* as a whole, and that a favorable vote indicates that on balance member's support the Board's consensus.

**Motion**—The Board voted unanimously, 13 – 0 in support, to adopt the Board's package of consensus recommendations for submittal to the Commission.

*(Attachment 2—Consensus Recommendations)*

**Motion**—The Board voted 12 – 1 in favor to hold a 10<sup>th</sup> meeting to review and decide on public, staff, and Commission comments.

**\*Consensus Recommendations:** options that achieve a 75% or greater number of 4's and 3's in proportion to 2's and 1's.

### **Adjourn**

The Board voted unanimously, 13 – 0 in support, to adjourn at 2:35 PM on May 15, 2007.

## OPTIONS EVALUATION EXERCISE PROCESS OVERVIEW

During the meeting, Board members were asked to consider research information provided by FWC staff, discuss the research, review the range of options previously evaluated by the Board, to propose additional options, to rank each of the options for acceptability, and to offer their comments and explain their reservations related to each of the options evaluated.

The following scale was utilized for the ranking exercises:

<b>Acceptability Ranking Scale</b>	<i>4 = acceptable, I agree</i>	<i>3 = acceptable, I agree with minor reservations</i>	<i>2 = not acceptable, I don't agree unless major reservations addressed</i>	<i>1 = not acceptable</i>
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## BOARD WORKSHEET PROCESS OVERVIEW

For each topic/issue (11 topical areas) the following process/format was used:

- \* Research/data presentation(s) were given on the topic, if available,
- \* Questions and answers on the presentation(s),
- \* General discussion with Board and staff on the topic/issue,
- \* Identification of new option(s) (if any),
- \* Refinements proposed to existing options (to enhance option's acceptability),
- \* Acceptability ranking of options (new, those with a 50% or greater level of support from previous meeting(s), and any a Board member proposes to be re-evaluated),
- \* Data/Research needs identified.

## ISSUES OUTSIDE THE SCOPE OF THE FISHERY MANAGEMENT PLAN

The following issues were identified by the Board and/or staff at the July 2005 Board meeting. However, these issues are not within the scope of the fishery management plan and cannot be resolved directly through agency rulemaking.

The Board may decide to discuss these issues further once they have concluded consideration of draft management plan changes.

- A) Pav-1 Virus
- B) Origin Of Recruitment Of Florida's Spiny Lobster Stock
- C) Outreach
- D) Land Use Issues
- E) Enforcement
  - Trap Theft
  - Counterfeit Lobster Trap Tags
  - Bag Limit Excess
  - Pre-Season Penning
- F) Research

## **ISSUES/OPTIONS EVALUATED BY THE BOARD**

Following are the issues/options identified by the Board and/or staff for evaluation. Included are the acceptability ranking of the options (if ranked), and member's discussions, comments, and reservations regarding the issues/options:

### **BOARD DISCUSSION OF ISSUES**

The Board discussed the following at the May 2007 meeting:

#### **Lobster Trap Certificate Program**

This issue was discussed at the May 2007 meeting and no changes were made to the Board's current recommendations.

#### **Dive Endorsement Transferability**

This issue was discussed at the May 2007, and the Board developed a consensus recommendation to recommend that a process be convened to evaluate this issue in detail.

#### **Season Length**

This issue was discussed at the May 2007, and the Board confirmed the consensus recommendation developed at the March 2007 meeting.

### **Miscellaneous Issues**

#### **Trap Replacement Tags**

The Board identified the time it takes to receive replacement tags for lost or stolen traps as an issue, and requested data/estimate on the number of replacement tags provided annually.

Staff responded that they will review the issue and respond back to the Board, Staff will discuss with licensing (L&P) that the length of time to get replacement tags is problematic. They will also discuss with Law Enforcement and get their input and any statistics on the issue.

It was estimated that last year 8 of 10 of fishermen had significant number of traps stolen (i.e., ~20 traps in a line are mission, etc), last year was the first incident of needing replacement tags.

## 2. BROAD SCALE ISSUES ACROSS ALL USER GROUPS

**ALLOCATION:** A shift in the landings allocation from the commercial trap fishery to the commercial dive and recreational fisheries as the Lobster Trap Certificate Program (LTC) progressed was an important factor initiating the comprehensive reevaluation of the spiny lobster fishery. Deciding on a broad direction for how to address allocations is a critical first step for the Board, as this decision will provide considerable guidance for evaluating many of the other issues that have been identified.

*No new allocation options were evaluated during the May 2007 meeting.*

**SEASON LENGTH:** Season length is a complex issue that encompasses biological (reproduction, molting), environmental (trap and diver interactions with habitat), enforcement (egg stripping), social (vacation plans and onset of other fisheries), and economic considerations. This issue may best be discussed later in the evaluation process because the specific mechanisms for responding to allocation issues may address aspects of this issue.

*The Board reached consensus on the following recommendation:*

*Set trap in water the day after mini-season ends. Contingent on correlation with federal requirements.*

	4=acceptable	3= minor reservations	2=major reservations	1= not acceptable
3/07	8	3	0	0
5/07	7	3	3	0

### Member's Comments and Discussion (May 2007):

- Collins: this decision seems to go against environmental concerns by letting the traps stay in the water longer.
- Torres: why was this agreed upon in March?
- Cramer: it give a couple extra days in some years, it's a safety issue, rush to get traps in, season basically starts first day of mini season, recreational guys get two days in before trap season starts, not really environmental issue, gives more flexibility to fisherman.
- Stafford: used to have a longer soak period, gives chance to get traps out slower instead of running out at 12 AM, gives a day before harvest starts, benefit to fishermen.
- Niles: 2-3 days won't make difference, even if storm hits, we monitor weather and won't set traps in bad weather.
- Flowers: what is the safety issue?
- Stafford: fishermen are tired and accident prone, and there is a rush for all to get traps set at the same time.
- Collins: are there accident statistics from LE?
- Cramer: want to get all traps set before we start pulling, get boat ready, accommodate for bad weather, provides more flexibility.
- Bacle: historically we always had 10 days soak time, traps will not catch in first 5 days, season at fish house begins several days after season opens, opening day was the biggest day of year because traps in shallow water caught lobster, now cleaned out from recreational divers.

- Irwin: traps don't catch for 2-3 days when in the water, soaked traps vs., traps from the hill catch more (e.g., ~50 lbs vs. 10 lbs).
- Torres: this will effectively increase the length of the season.
- Collins: actually just the time of soak will increase.

**Reservations (May 2007):**

- Torres: there are some additional environmental impacts from longer soak time.
- Irwin: the most extra possible will only be 6 days.

**HARVESTABLE SIZE LIMITS:** This issue is a combination of biological factors related to sustainability of the fishery and economic factors including market processes and potential impacts to total harvest.

*No new harvestable size limits options were evaluated during the May 2007 meeting.*

**FISHERY EFFECTS ON THE ENVIRONMENT (NATURAL HABITAT):** All sectors of the fishery interact with and change the environment. The purpose of this section is to evaluate management options that may reduce environmental damage caused by harvesting activities. This issue may best be discussed later in the evaluation process because the specific mechanisms for responding to allocation issues may address aspects of this issue.

*No new environmental effects of the fishery options were evaluated during the May 2007 meeting.*

**OTHER LOBSTER SPECIES:** The lobster rule has no or only minimal regulations regarding the other lobster species. However, these species are economically important or ecologically important. The only regulations on these species at the present time is a prohibition on landing egg-bearing slipper lobsters, and the harvest of all species of the genus *Panulirus* and the Family Scyllaridae (slipper/shovelnose lobsters) from John Pennekamp State Park during the two-day sport season. Staff frequently field questions regarding these species prompting concern that fishing effort is higher than perceived. Most of the species live in coral reefs and similar hardbottom habitats; therefore, the potential for coral damage exists due to directed fishing effort toward these species. These species include the spotted lobster (*Panulirus guttatus*), and slipper lobster (Family: Scyllaridae).

*No new other lobster species options were evaluated during the May 2007 meeting.*

### 3. ISSUES REGARDING THE COMMERCIAL TRAP FISHERY

The three broad issues facing the commercial trap fishery are: 1) the trap certificate program; 2) various trap design and trap use issues; and, (3) ensuring the long-term sustainability of the trap fishery via developing mechanisms to find new entrants into the fishery.

**LOBSTER TRAP CERTIFICATE PROGRAM:** The trap certificate program contains issues whose direction will be determined in part by the Board recommendation regarding allocation and by additional issues that are unique to the trap fishery.

*The Board discussed trap reduction at the May 2007 meeting and no consensus was reached for any further trap reductions.*

#### **Trap Reduction Discussion**

- Bacle: letting new entrants in the fishery is critical, the graph presented by showed transactions very well. There are not many transactions allowing young people to enter fishery.
- Torres: lobster is an inefficient fishery, operating inefficiently, allow trap reduction, fewer traps = fewer environmental damage, \$72/trap gross revenue produced per trap during season. Less traps will yield the same harvest. Trap reductions will reduce the inefficiency and still maintain the harvest at the optimum level.
- Niles: we have been surviving for 30 years on 12 lbs per trap, that's not inefficient.
- Torres: costs of getting into fishery is too much to get in.
- Bacle: FWC staff does not know we are overcapitalized, it is a very efficient industry, individual fishermen should decide what is efficient not the government.
- Torres: 20-30lb per trap in landings (from 1970's), landing were way underestimated. The harvest per trap is way down from when there were fewer traps in the water.
- Flowers: what is the ratio of gross and net per trap?
- Collins: there are too many variables to be accurate.
- Cramer: too many variables, some under-reporting, stone crab buy-catch out of lobster traps, \$88 figured per trap, good amount of profit in that figure, to run a business a minimum of 2600 lobster traps takes \$100-125,000 to operate.
- Irwin: I disagree with the 20-30 lbs. per trap in 1970's statement.
- Torres: in the 1970's there were a lot fewer traps, and higher landings per trap.
- Irwin: there was a tremendous buildup of traps during 1980's, harvest is cyclical, up and down, in 1990's landings went up even with more traps.
- Torres: landings per trap went down in 1990's.
- Irwin: not true, it was true in 1980's but not for 1990's.
- Bacle: in the 1970's there were very few recreational divers, futile to estimate 70's and 80's because it is a different fishery now with recreational divers in such quantity now, best boats have to have traps and produce, maintain good boats, best guy sold out 3 boats, went from 50,000 lbs from fisher to a new entrant who may get lucky to get half that catch amount.
- Irwin: if less traps will increase trap per catch, why hasn't that happened yet?
- Torres: decrease in population of lobster.
- Hunt: LTC has removed the latent effort, but not real effort yet, not getting the benefits yet, traps that produce very few landings, have not hit the point where latent effort is not out of fishery,

some argue need latent effort in fishery, but individual fishermen won't receive benefits (more lbs per trap) until there is a decrease in the latent portion of the fishery, won't be measured in whole fishery, those fishers that have been selling their traps are not the most efficient fishers.

- Toledo: huge latent effort, 33% of # traps latent? Disagree.
- Stafford: trappers are only part of industry that has had reduction, haven't discussed commercial dives yet, using less gear but haven't seen benefits because so many different sectors are now in the industry.
- Bacle: latent effort is good, what is the real compelling reason to cut the number of trap certificates, what does it accomplish, it is a remote possibility that new entrants will rush out and start fishing latent traps, there is no compelling reason to cut trap certificates.
- Cardin: quit issuing crawfish endorsements, stop the special recreational license for non-commercial that are allowed to exceed bag limit.
- Sharp: created in 1992 when became RS, owned commercial endorsement to exceed bag limit, so license was created but did not qualify for RS, those landings became recreational landings instead, it is being phased out, should go away in ~2010, reduction in other sectors, staff presented management plan to manage shifts in allocations.
- Collins: other means to reduce recreational landings, move mini-sport season to mid-week.
- Cone: need to reduce the number of traps to reduce destruction to habitat, traps do a lot of damage.
- Torres: the intent in saying we need to reduce the number of traps is not to lower landings, but the number of traps, to make fishery more efficient.
- Flowers: why was there an agreement in 2001 to bring traps down to 400,000?
- Sharp: compromise number between DMFM and MCCF.
- Irwin: it makes sense to take out the least amount of people who are contributing the least. Will not see benefits, trap reduction for those who are not efficient, but bad for the overall industry, fish houses are declining rapidly because they are not making a lot of money and pressures to sell the properties are high, if we can only sell a portion of what we used to, then not making more money, if don't make fish houses able to make money, then will lose fish houses and lose the industry, we will have to go somewhere else.
- Bacle: production is 800,000-1M per year, 40% reduction in landings with trap certificate program, the program is one of the major causes but not the only one, there are lots of issues affecting the fishery: not replenishing fishermen, lower work ethic standard, need to have high production/volume, lobster are not stationary, they move around, it is not a closed system, if can't keep fish houses open then fishers will sell elsewhere.
- Dougherty: should be agreeing to reduce traps if not doing so is an open door to create artificial habitat, have real problem with artificial habitat, will kill trappers because will draw from traps into artificial habitat.
- Hunt: agree that we have to protect the volume coming into fish houses and to find ways to keep fish houses in the Keys, the fishery issue is more complex than just volume, more traps in fishery does not necessarily mean more catch, data from the modern fishery does not show that relationship, the report from the beginning of the Advisory Board process shows harvest does not correlate with the number of traps, essentially can reduce traps but still keep volume, challenges assumption that more traps = higher volume of catch.
- Irwin: basically trap numbers do not matter, but only the available number of lobsters does?
- Hunt: the availability of lobsters overwhelms any other variability.

- Collins: has seen tremendous increase in the number of outside trucks coming down and loading lobsters out of Monroe County, fish houses do need to exist, may need to get some relief through local government but that's not an issue for the Board. Lots of lobsters go north.
- Niles: efficient fishermen (30lb/trap) spend nights on the water, that's a choice, I have a family I want to stay home with, this way of life is a choice, other species is part of volume not just lobster, there were 8 fish houses in Key West and that's down to 2. Too expensive to own land in Key West. We should be congratulated for reducing 40% of traps, instead we are always being jumped on, we have already reduced a lot, we're not starting from zero. I have been involved with fishery management since the 1970's, catch per trap after reduction has not gone up for whatever reason (e.g., latent effort), now asking for trust, good business man would not believe someone who told him business is going up when its not, we've turned down trap reduction at every meeting, hate to see it go through at the last meeting.
- Sharp: we haven't addressed how artificial habitats affect the environment and landings.
- Dougherty: need to address illegal casitas, concern prompted at Commission meeting where supporters were there for the benefit of casitas, and the Commission was going along with it.
- Blair: remember the SLAB has not agreed to recommend in favor of casitas.
- Sharp: there are a lot of other factors, still not seeing a tight relationship between traps and landings, probably more to do with population/availability, waterfront economics/gentrification, fewer traps means a smaller foot print, more efficient fishery would behoove the fishery in the long run.
- Bacle: does not know of any lobsters sold at fish house that have come up from casitas, divers don't usually sell to fish houses, sell to highest buyer because they don't have the volume, simplest relationships sometimes most accurate 650,000 traps when reduction started and now ~40,000, less traps does mean lower landings, after 13 years still has not seen the relationship, urge everyone to vote against trap reduction.
- Torres: general comment applies to all fisheries, if you want to protect landings you have to protect the resource, lots of people getting out of fishing because landings are not there. not just real estate, etc, have to protect resources.
- Toledo: fished for 21 years, had to buy double amount of traps to keep landings, so sees correlation between traps and landings.
- Stafford: was initially supportive of more efficient industry, but has had to buy more certificates/traps to keep catch up, catch per trap has gone down per trap, benefits not there, hard to be confident that continued reduction will have benefits.
- Cramer: protecting the resource is a big deal, commercial fishermen believe in that, want to see it protected as much as anybody because we rely on it, we are going to the Commission with our preferred option of no more reductions.
- Sharp: there is no Commission direction on this issue yet.
- Cramer: does Commission direct staff's recommendation?
- Sharp: we do not have official recommendation at this point, we will take all input into consideration including SLAB, workshops, surveys, and public input at the Commission meeting.
- Cramer: our preferred option is way too aggressive, industry suffer if it doesn't work.
- Flowers: is the resource stabilized at this point?
- Hunt: lobster are not overfished in the Keys, the size of the population is dependent on recruitment, juvenile density dependent on habitat issues.
- Flowers: is population of lobster being overfished, are we taking more than we can produce.

- Hunt: models of our fishery show it is not overfished, however impacting reproductive stock, the source of our stock is not here and we can't control all of the variables.
- Flowers: no one killing lobster resource (i.e., stock), so the reason for cutting traps is due to environmental impacts?
- Hunt: yes, combined with making fishery more efficient, consistent story.
- Blair: we have heard the pros/cons on both sides, does anyone want to have any option(s) evaluated? Please review the various options evaluated by the Board.
- Flowers: is this shown on graphs?
- Bacle: sends message for new entrants on whether to get in the fishery, any reduction keeps certificate prices up and hurts recruitment of fishery participants.

*Option: passive reduction with 10% instead of 25% trap reduction (only for transactions)*

	<i>4=acceptable</i>	<i>3= minor reservations</i>	<i>2=major reservations</i>	<i>1= not acceptable</i>
<i>Initial 5/07</i>	<b>2</b>	<b>5</b>	<b>5</b>	<b>1</b>

**TRAP SPECIFICATIONS:** There are several issues relating to trap use and specifications that have been raised over the years.

*No new trap specification options were evaluated during the May 2007 meeting.*

**NEW ENTRANTS:** Concern has been expressed about the long-term sustainability of the fishery, especially the trap fishery. Various ideas need to be developed to enhance the opportunity for new individuals to enter the fishery.

*No new other entrants options were evaluated during the May 2007 meeting.*

#### **4. ISSUES REGARDING THE COMMERCIAL DIVE FISHERY**

The commercial dive fishery has been minimally regulated. The need for further regulatory efforts will be determined largely by the approach the Board takes regarding allocation.

*The concept of dive endorsement transferability was discussed at the May 2007, and the Board developed a consensus recommendation to recommend that a process be convened to evaluate this issue in detail.*

*Loss of license for convictions (stronger penalties) for use of illegal habitat.*

**Motion**—The Board voted unanimously, 13 – 0 in support, to revise this recommendation to reflect that it applies to the use of illegal habitat.

### **Board Discussion on Loss of License**

- Cardin: as it reads it seems discriminatory against divers. Any infraction could lead to a loss of license.
- Cone: if no risk, then it is only part of the cost of doing business.
- Cardin: there are fines guidelines for each of the fishery sectors.
- Collins: enhanced penalties (a tiered system), going into effect, commercial license programs carefully examines any infractions.
- Stafford: recollect memory of LE presentation that pled with Board to assist with the illegal habitat issue.
- Cardin: wish we'd say stronger penalties for illegal habitat in order to clarify the intent.
- Blair: should we vote to clarify and make the recommendation more specific to illegal habitat?
- Board: yes lets vote to clarify this applies to use of illegal habitat.

*Develop an input control effort management program (e.g. endorsement transferability).*

*The Board recommends that the Commission convene a process to review input control effort management program options for the commercial dive fishery, including transferability, developing a comprehensive strategy using the control date for qualifying landing up until March 31<sup>st</sup> 2007 as the threshold.*

**Motion**—The Board voted unanimously, 13 – 0 in support, to adopt the above recommendation regarding an input control effort management program for commercial divers.

### **Dive Endorsement Transferability Discussion**

- Niles: if dive endorsements were fully transferable, how would one qualify for the RS to get the dive endorsement?
- Sharp: nothing in endorsement rule to prevent the sale of the endorsement.
- Niles: but do you qualify for RS, if need RS then would cut down on latent effort expanding, favors full transferability, could use RS to slow latent effort down could be simple fix.
- Cardin: lots of latent effort, lose lots of non-commercial participants, favors full transferability, but need to have some tiered system so at some level endorsement would not be transferable. Can't see why we'd want to put low/no effort endorsements on the market.
- Cone: need to get the no/low effort (~40%) people out of the fishery, did they maintain RS.
- Sharp: to qualify they would have to sell at least 1 lb lobster at some point in the past.
- Cramer: is there a way to get the commercial divers together to come up with a plan, I sat on the marine life board when the tier system was set up, still ties to recreational bag limit on finfish, lets one keep their dive endorsement but don't make it transferable, similar to marine life, everyone over the threshold qualifying amount would maintain transferability.
- Torres: will the top producers go after the lower end producers if transferability is allowed?
- Sharp: that is a potential scenario.
- Bacle: what is the number of divers over 5000 lbs?
- Cone: Hurricane Wilma destroyed the artificial habitats.

- Irwin: we shouldn't set up the plan here, doesn't support transferability until an effort limit program is in place.
- Toledo: do divers do trip tickets like trappers?
- Group: yes.
- Cramer: agree that divers should get together and develop a system, suggests under 100lb is nontransferable, but over 100lbs transferable.
- Sharp: what defines a full-time serious diver, is it higher than 100lbs, what ever level would limit latent effort.
- Cardin: lots of permits issued with 5-20 lbs per year, shouldn't consider those permits as commercial.
- Blair: what is a reasonable threshold for transferable endorsements?
- Cardin: since 39% is under 100 lbs, that is the latent effort.
- Cone: should go higher, if not doing 500-1000lb not really a commercial diver, would eliminate casita issue, minimum days/year, or during season, using casitas in first part of season, many not even commercial divers but have some other occupation (e.g., lawyer, fireman, etc), look at seasonality of landings.
- Irwin: this is getting out of what we are supposed to be doing, staff or other group may come up with another plan, we're putting together pieces instead of a holistic plan.
- Toledo: 1000 lbs of lobster is not a lot, doesn't know enough about it (e.g., if they have other landings with other species with that number).
- Stafford: it will be perceived in a negative way if we make decision for the divers, divers should sit down with themselves, most impact would come from divers, let them make decisions, agrees with Bruce on this.
- Cramer: agrees with that, doesn't seem like staff likes to set up that type of Board.
- Sharp: this Board could recommend to set up commercial dive working group to address the issue, might behoove us to look at this in more depth because lots of other issues are being raised regarding different thresholds, we are just scratching the surface. The issue needs extensive discussion and evaluation before a recommendation is made.
- Cramer: not cutting anyone out if setting cut-off at a lower number (e.g., 100 or 500 lbs) but have concern with allocation if latent effort is sold to high producers.
- Blair: this Board has purview to take up this issue, they are supposed to be looking at the whole fishery, this issue is properly in front of the Board, but the issue of whether the Board has the information and time required to consider this at this point in time is another issue, and a legitimate reason to defer making a recommendation.
- Niles: commercial divers have a good representation on the Board, we should take commercial diver transferable to workshop and get feedback and go from there, 100lbs seems like a good cut off point.
- Cone: commercial dive groups have major divisions, one that favors casitas and one that favors natural habitat, wouldn't accomplish much if set up another work group, should address issue right here with this Board.
- Torres: setting up a management program and developing the details later, can actually vote on this now.
- Sharp: input control going back to over one year ago, to limit the total number of people in the fishery.

- Irwin: don't know what the options are going to do, need to know what each threshold will do, don't have basic data, have looked at data for everything we've done but not for this one.
- Hunt: the Commissioners have very clearly directed us (FWRI) to research affects of casitas, it will probably be at least three years to do work (grants submitted), don't know what outcome will be, one possible outcome could be that the Commission moves with setting up legalizing casitas, does it make sense to move forward on effort limitation before the research is done on casitas? Should we do something now or hold back until after more is known.
- Cramer: so are you saying to extend the moratorium until after this research is complete?
- Hunt: not offering an opinion but that could be an option.
- Collins: if work is still going on, could be argument to delay a decision.
- Bacle: natural bottom divers may not come out as the good guy (i.e., disturbing corals, etc) there is a real possibility that casitas could be the correct way to harvest lobsters.
- Hunt: we are already used to not being the good guy.
- Cone: have hard time believing that divers are having more impact than traps, this may be short-sighted, set up regulations to prevent casitas.
- Stafford: not enough time to address this, don't feel comfortable in being pushed into this.
- Cardin: can we take 100lb cutoff as transferable/ nontransferable once moratorium lifted (2010).
- Cone: go along with proposal but make control date as of March 2007 (end of last season), prefer not warning and give people chance to go out and catch lobster to get endorsement.
- Stafford: if someone has caught 100 lb could possibly transfer to someone who will bring in 5000 lbs.
- Cone: prefers a higher limit.
- Irwin: control date should be last 2-3 years because we would have a better idea of what's in the fishery.
- Toledo: a recreational diver could do 100 lb in year, this is too low a number.
- Cone: 100 lbs too low, should be 500 or 1000.
- Cramer: should be last two years for qualifying years.

*Less than 100 lbs - nontransferable, 100 lbs or more - transferable, control date = 2005-06 and 2006-07*

	<i>4=acceptable</i>	<i>3= minor reservations</i>	<i>2=major reservations</i>	<i>1= not acceptable</i>
<i>Initial 5/07</i>	<b>1</b>	<b>5</b>	<b>5</b>	<b>2</b>

*Less than 500 lbs - nontransferable, 500 lbs or more - transferable, control date = 2005-06 and 2006-07*

	<i>4=acceptable</i>	<i>3= minor reservations</i>	<i>2=major reservations</i>	<i>1= not acceptable</i>
<i>Initial 5/07</i>	<b>1</b>	<b>5</b>	<b>6</b>	<b>1</b>

**Member's Reservations (May 2007):**

- Collins: consider in future, but use control date up through this year.
- Sharp: an example of limiting input control would be limiting the number of endorsements; if is moratorium lifted then new endorsements could come in to the fishery.
- Bacle: concern with setting dates, putting fishermen into own their folder, some may get shut out for a number of reasons, set control dates.

- Stafford: concern with the possibility of bringing of casita divers into fishery.
- Irwin: that's true, but staff maybe able to bring that into the mix.
- Cone: wants to make sure that folks that are harvesting many lobsters via casitas not be rewarded.

*Develop an input control effort management program (e.g. endorsement transferability). The Board recommends that the Commission convene a process to review input control effort management program options for the commercial dive fishery, including transferability, developing a comprehensive strategy using the control date for qualifying landing up until March 31<sup>st</sup> 2007 as the threshold.*

	<i>4=acceptable</i>	<i>3= minor reservations</i>	<i>2=major reservations</i>	<i>1= not acceptable</i>
<i>Initial 5/07</i>	<b>0</b>	<b>10</b>	<b>3</b>	<b>0</b>

**Member’s Reservations (May 2007):**

- Cardin: not sure why we are laying out the guidelines
- Cramer: not affecting anyone with 100 lbs as a threshold.
- Stafford: concern with leaving qualifications it too open.

**5. ISSUES REGARDING THE RECREATIONAL FISHERY**

Recreational fishery management will be influenced by how the Board approaches allocation combined with the myriad of social issues that involve this sector.

*No new recreational fishery options were evaluated during the May 2007 meeting.*

**6. ISSUES REGARDING THE COMMERCIAL BULLY NET FISHERY**

The commercial bully net fishery has been minimally regulated. The need for further regulatory efforts will be determined largely by the approach the Board takes regarding allocation.

*No new commercial bully net options were evaluated during the May 2007 meeting.*

**Law Enforcement Discussion**

- Irwin: law enforcement was one of the top issues, would like to propose some type of recommendation, some type of task force that can move from area to area, officers have too many other things going on.
- Bacle: let’s not put more enforcement on fish houses.
- Irwin: concerned more with trap theft, tags, Major Russo really tried to do it.
- Torres: attitude in past from LE was not that great regarding trap theft, that’s changed.
- Irwin: LE attitude has changed for the better.
- Cone: do not see nearly enough of LE, do anything we can to get more officers on water.
- Collins: the more intelligence we have the better.

*The Board recommends that the Commission convene an initiative (i.e., a task force) to examine and assist the enforcement of fishery regulations (primarily regarding the lobster fishery).*

**Motion**—The Board voted unanimously, 13 – 0 in support, to adopt the above recommendation regarding law enforcement.

**ATTACHMENT I**  
**MEETING EVALUATION RESULTS—SPINY LOBSTER AD HOC**  
**ADVISORY BOARD**

**May 15, 2007—Duck Key, Florida**

*0 To 10 Rating Scale Where A 0 Means Totally Disagree And A 10 Means Totally Agree.*

**1. Please assess the overall meeting.**

9.3 The background information was very useful.

9.3 The agenda packet was very useful.

9.6 The objectives for the meeting were stated at the outset.

9.3 Overall, the objectives of the meeting were fully achieved.

9.2 Review of Lobster Advisory Board's Draft Recommendations and Options Worksheet.

9.3 Presentation(s) on Board/Staff Identified Research/Data Topics.

9.3 Identification, Evaluation, Refinement, and Acceptability Ranking of Options.

9.5 Adoption of Package of Consensus Recommendations for Delivery to the Commission.

9.5 Review of Recommendations Delivery Schedule and Discussion Next Steps.

**2. Please tell us how well the Facilitator helped the participants engage in the meeting.**

9.8 The members followed the direction of the Facilitator.

9.8 The Facilitator made sure the concerns of all members were heard.

9.6 The Facilitator helped us arrange our time well.

9.3 Member input was documented accurately.

**3. What is your level of satisfaction with the meeting?**

9.2 Overall, I am very satisfied with the meeting.

9.7 I was very satisfied with the services provided by the Facilitator.

8.9 I am satisfied with the outcome of the meeting.

**4. What progress did you make?**

9.2 I know what the next steps following this meeting will be.

9.2 I know who is responsible for the next steps.

**5. Member's Evaluation Comments.**

- Meetings and information were professional and efficient.

## ATTACHMENT 2

### BOARD CONSENSUS RECOMMENDATIONS

(Adopted Unanimously May 15, 2007)

#### CONSENSUS DRAFT RECOMMENDATIONS BY ISSUE (Options with a 75% or greater level of support)

##### ALLOCATION

*Allocation Baseline by User Groups:*

*Trap Fishery: 72%; Recreational Fishery: 22%; Commercial Dive Fishery: 5%; Bully Net 1%.*

*Allocation Criteria/Parameters/Triggers for Response:*

*A review is triggered when an allocation share falls outside (above or below) normal parameters of the baseline for two consecutive years. Following are the parameters:*

	Trap	Recreational	C. Dive	Bully Net
High	77	26	8	3
<b>Baseline</b>	<b>72</b>	<b>22</b>	<b>5</b>	<b>1</b>
Low	67	18	3	0.1

*Response When an Allocations Falls Outside Normal Parameters:*

*Triggers reconvening of a stakeholder group to meet with FWC staff to review the situation and develop recommendations as/if needed.*

*The reconvening will happen quickly (soon after baseline parameter are exceeded).*

##### SEASON LENGTH

*Set trap in water the day after mini-season ends. Contingent on correlation with federal requirements.*

##### HARVESTABLE SIZE LIMITS

*Maintain Status quo. No changes to the current requirements.*

## **FISHERY EFFECTS ON THE ENVIRONMENT (NATURAL HABITAT)**

*The Board voted unanimously, 13 - 0 in favor, to recommend that a “comprehensive Keys shore clean-up plan” be developed and implemented.*

*The Board voted unanimously, 13 - 0 in favor, to recommend that an “emergency disaster trap clean-up plan” be developed and implemented.*

*Trap retrieval and sale of plastic traps that are recovered, funds to be used to support the program.*

*The Board voted unanimously, 12 – 0 in favor, to support draft rule language for Rule 68B-55.004, Retrieval of Derelict Traps Located in Closed Areas, and Rule 68B-55.005, Recovery of Traps in Area of Major Natural Disaster.*

## **OTHER LOBSTER SPECIES**

*Status quo. In general, the Board believes this issue is not a priority at this time.*

*Egg-bearing females of any species of lobster shall not be taken.*

## **LOBSTER TRAP CERTIFICATE PROGRAM**

*Continue the certificate program.*

*TCP fees if not paid within 2 years, certificates reverts back to state—instead of the current 3 years.*

*Remove 25% transfer surcharge when “A” certificates are sold.*

*Stop reductions immediately.*

*Buy back program, voluntary government with a provision for buybacks to be sold to new entrants into fishery, sponsored (state or Federal).*

## **TRAP SPECIFICATIONS**

*Continue to allow trawls.*

*Continue to allow all-plastic lobster traps (status quo).*

## **NEW ENTRANTS**

*Accommodate deck hands by allowing them to get certificates and pull from owners' boats.*

*Develop an incentive program (to facilitate new entrants).*

## **ISSUES REGARDING THE COMMERCIAL DIVE FISHERY**

*Annual law enforcement details during first two months of the season.*

*Loss of license for convictions (stronger penalties) for use of illegal habitat.*

*Develop an input control effort management program (e.g. endorsement transferability).  
The Board recommends that the Commission convene a process to review input control effort management program options for the commercial dive fishery, including transferability, developing a comprehensive strategy using the control date for qualifying landing up until March 31<sup>st</sup> 2007 as the threshold.*

*No diving for lobster (harvesting and possession) within 50' of illegal artificial habitat (change current rule from 10 yards to 50 feet).*

*Annual locate and removal efforts of habitat.*

*Fixed number of commercial dive endorsements (status quo).*

*Require C and D number on all catch gear for commercial divers.*

*Require commercial divers to use surface buoys with C-number on flag. on Gulf side of Keys.*

## **ISSUES REGARDING THE RECREATIONAL FISHERY**

*Require lobster tags to enforce bag limits and multiple daily trips (for the two-day season).*

*The endorsement (tags) should be "possession tags", a paper based system.*

*The tag program should only be for the two-day mini-season.*

*The program only applies to Monroe County.*

*All participants are required to have the endorsements for the two-day season; however, those participants who qualify for licensure exemptions can apply for a free endorsement.*

*Endorsements (tags) should be available by all of the existing methods: location-based printers, by mail, and through the FWC website.*

*Increase fee on recreational sector and earmark funds for tags (for the two-day season).*

## **ISSUES REGARDING THE COMMERCIAL BULLY NET FISHERY**

*The Status quo. No changes to current regulations.*

## **LAW ENFORCEMENT**

*The Board recommends that the Commission convene an initiative (i.e., a task force) to examine and assist the enforcement of fishery regulations (primarily regarding the lobster fishery).*