



Commercial Fisheries News, June 2004

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Saltwater

TRAP FISHING RULES APPROVED AT INDUSTRY'S REQUEST

The changes were based upon recommendations from FWC's Stone Crab Advisory Board and comments received at public workshops. The new rules will become effective in July and:

- Prohibit the possession of mechanical trap-pullers on vessels that do not have the SPL and a C# or X# or a federal fish trap permit (except under an accommodation with the Americans with Disabilities Act).
- Extend the area that is closed to blue crab traps Sept. 20 - Oct. 4 to include all Gulf waters between three and nine miles from shore to help prevent fishermen from stockpiling stone crabs prior to the opening of stone crab season. The closure also applies to the use of black sea bass traps.
- Open the lobster and stone crab trap certificate transfer window on June 15 rather than Aug. 1 to give fishermen more time to transfer trap certificates.
- Allow the biodegradable panel required in a wire stone crab traps to be oriented either vertically or horizontally.
- Allow a stone crab trap certificate holder to voluntarily and permanently give up some or all of his/her certificates.

LOBSTER TRAPPERS TO PAY ADDITIONAL \$25 TO FUND TRAP RETRIEVAL

Lobster fishermen with trap certificates who apply for the Crawfish Endorsement (C#) after June 30, 2004, will pay \$125 for the C#. The \$25 fee increase will be used to fund post-season retrieval of lost and abandoned traps. The \$10 per trap retrieval fee will be waived on up to five spiny lobster traps left in the water during the closed season. The fee increase does not apply to fishermen who harvest lobster with bully nets or by diving and who do not hold trap certificates.

PENALTIES FOR NET VIOLATIONS STRENGTHENED

New penalties have been established for flagrant violations of the net limitation law. The penalties apply to use of a monofilament gill net or a net greater than 2,000 square feet. The penalty for such violations is a third degree felony for the first and subsequent offenses. Civil penalties for a first flagrant violation are a \$5,000 fine and a suspension of all saltwater license privileges for 12 months. For a second flagrant violation the civil penalty consists of a \$5,000 fine, lifetime revocation of the saltwater products license, and the forfeiture of all gear and equipment. Any judicial disposition other than "dismissed" or "acquittal" will trigger assessment of civil penalties.

NEW FWC OFFICE OF LICENSING AND PERMITTING

Responsibility for the Commercial Saltwater Licensing (CSL) program was shifted from the Division of Marine Fisheries to the new Licensing and Permitting Office Effective July 1, 2004.

As a subsection of the new office, the CSL program remains at the same location in Tallahassee. The new licensing office was created as part of an effort to organize the agency along functional lines and focus agency resources on providing core products and services. The new office will process and issue a majority of the FWC's licenses and permits.

Commercial Fishing and Dealers Licenses Expire June 30 Each Year. If you forgot to renew early, please be patient. Processing of your license during this very busy time of year can take up to 6 to 8 weeks from the date your application is received.

Collection Agency to Handle Unpaid Fines, Fees, Penalties, and Other Amounts Owed - Licenses will not be issued to persons or firms who owe money to the FWC. Outstanding fees and penalties are turned over to the Florida Department of Management Services for collection. Untimely payment can cause licensing delays and poor credit ratings.

WHAT EVERY FISHERMAN SHOULD KNOW

Decisions about your eligibility to enter into or remain in a fishery or to receive fisheries disaster relief are often based on trip tickets reported under your license. Sales to someone other than a licensed Florida wholesale dealer may not be considered.

The Commission uses trip tickets or "landings data" when making fisheries management decisions. When an effort management plan is needed to reduce or maintain the number of participants or gear used in a fishery, unreported landings or "crew shares" may not be used to qualify for participation in a fishery. Fishermen are strongly advised to always request and retain copies of their trip tickets and to compare them with their Fish and Wildlife Research Institute (FWRI, formerly the FMRI) landings summary each year. For more information, contact the Trip Ticket Office at (727) 822-8783.

Wholesale dealers must report saltwater products to the FWRI Trip Ticket Office when they are purchased from the harvester. Dealers are required by law to give a copy of the record of purchase, referred to as a "trip ticket", to the fisherman. Wholesale and retail dealers who harvest their own products must also report their own landings on trip tickets.



Florida Fish & Wildlife Conservation Commission
Division of Marine Fisheries

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YOUR INVOLVEMENT IS THE KEY TO EFFECTIVE MANAGEMENT

The Division of Marine Fisheries is developing effort management plans for the blue crab and marine life fisheries and management options for other fisheries. Fishermen and dealers are strongly encouraged to attend local fisheries workshops, follow up and comment on the proposed rules presented the Commissioners, and maintain involvement until the rule is passed. Proposed rules can be eliminated, fine-tuned and adjusted up to and through the final review by the Commissioners. Continued input and involvement of industry participants throughout the process helps to ensure that approved rules are effective and enforceable without unnecessarily disrupting fishing operations.

BLUE CRAB MORATORIUM TO BE EXTENDED

Commissioners plan to hold a final public hearing before the end of this year on proposed rule amendments that would allow use of degradable staples to attach panels to blue crab traps; allow biodegradable panels in blue crab traps to be oriented either vertically or horizontally; allow male blue crabs used as bait in peeler traps to be fed; and extend the blue crab endorsement moratorium to July 1, 2006.

After hearing recommendations of the Blue Crab Advisory Board (BCAB) and staff, the FWC directed staff to continue working with the BCAB to develop a blue crab trap certificate effort management rule to be submitted to the Commissioners before May 2005. Staff plans to continue meeting with BCAB members and blue crabbers through the summer. The additional time will be needed to ensure maximum industry involvement and support for a trap certificate program.

Because a comprehensive program has not been fully developed at this time, a request for legislative action to authorize fees and tag provisions could not be submitted for consideration during the 2005 session. Therefore, implementing legislation, if approved, would become effective until July 1, 2006.

ANNUAL FOOD PERMIT REQUIRED

Seafood processors and markets and other facilities manufacturing, processing, packing, holding, or preparing food, or selling food at wholesale or retail in Florida must have an annual food permit issued by the Florida Department of Agriculture. For more information, please call 850-488-3951 or go to the web site at www.doacs.state.fl.us and click on licensing, permits, and registrations. Select Food Processors to get to the laws/rules/requirements.

SEAHORSE LISTED AS CITES SPECIES

Effective May 15, 2004, there will be additional federal permit requirements for the export or re-export of seahorses from the United States. For additional information, please contact Patricia Fisher with the U.S. Fish and Wildlife Service at (202) 208-1459.

LIMITED ENTRY MARINE LIFE PROGRAM TO BE IN PLACE BEFORE JULY 1, 2005

Workshops to consider options for an effort management program were held during the spring of this year. Input from staff and workshop participants was incorporated into a proposed tiered license system outlined below. After reviewing the proposed rule and hearing input from industry participants, the Commission directed staff to try to simplify the tiered license system and to accommodate persons holding a live rock permit or lease. Staff is considering development of rule language to qualify a live rock lease holder who had more than \$1500 in landings during one of the four qualifying years and who held a marine life endorsement prior to 1998 for a transferable Marine Life Dive endorsement (MLD). Staff is still investigating issues surrounding live rock lease holders who did not have landings and/or a marine life endorsement prior to 1998.

The Commission has also directed staff to limit the number of SPLs that can be endorsed by the MLD to two. This would allow a person to have either one vessel and one individual license or two vessel licenses. Final adoption of a rule is scheduled for the December 2004 Commission meeting. Additional workshops will be held during the summer and fall to gather more input and support from the industry.

Proposed Marine Life Tiered License System:

- The ability to receive a transferable Marine Life Dive endorsement (MLD) will be based on an applicant's reported income from landings of "Marine Life" species during one of the license years between July 1, 1999, and June 30, 2003. The MLD will allow collectors to harvest by diving or with other legal gear. To qualify, a collector must have had at least \$1500 in reported income from "Marine Life" landings during one the qualifying years.
- Collectors with reported income of less than \$1500 can apply to receive a transferable Marine Life Bycatch (MLB) endorsement that allows harvest with gear other than by diving.
- Divers who have less than \$1500 in landings and wish to harvest by diving may opt to receive a Marine Life Non-transferable endorsement (MLN) that allows harvest by diving or with the same gears allowed by the MLD.
- Endorsements without reported landings during the qualifying years will be revoked. The program allows collectors who do not otherwise qualify to enter into the program by purchasing an MLD or MLB from someone who is leaving the fishery.

DOLPHIN AND WAHOO

A draft rule to adopt the federal 20-inch minimum size limit for dolphin and a 500 pound commercial trip limit on wahoo in state waters and require the federal vessel permit for commercial harvest and sale of dolphin and wahoo is tentatively scheduled to be presented at the September 2004 meeting.

BLACK SEA BASS TRAPS

Based on a recommendation by the Stone Crab Advisory Board, the Commission has approved a rule to prohibit use of black sea bass traps in state waters of the Gulf in an area between three miles and nine miles from shore from September 20 thru October 4 to help prevent fishermen from stockpiling stone crabs prior to the opening of stone crab season.

FWC staff has conducted public workshops to discuss other black sea bass issues and plans to hold additional workshops during the summer to further develop a rule to help control the use of illegal fish traps and further limit the use of fish traps in the future. The proposed rule would establish trap marking and endorsement requirements for black sea bass traps and is needed due to the recent implementation of a trap debris and removal rule, the 2007 phase-out of fish traps in federal waters, and reported use of illegal fish traps off the north-central Gulf coast of Florida. Requiring black sea bass traps to be marked would prevent misidentification and removal of legal traps during coastal cleanup events, provide a way to identify lost or stolen gear, assist with enforcement of trap specification requirements and deter use of illegal gear. The FWC intends to conduct a final public hearing on this rule in the fall of 2004.

Proposed Elements of the Draft Rule:

- Adopt current statutory black sea bass trap provisions into FWC rules
- Require a non-transferable black sea bass trap endorsement to harvest fish with a black sea bass trap in state waters after July 1, 2005
- Establish an appeals process for persons who are denied a black sea bass trap endorsement
- Prohibit leasing of a black sea bass trap endorsement
- Establish trap marking requirements
- Prohibit working black sea bass traps at night
- Add an 8-cubic-foot volumetric equivalent to the legal dimensions of black sea bass traps and increase the circular escape vent size in black sea bass traps from 2 inches to 2 3/16 inches.

PUFFER FISH BAN

Puffer fish caught in Brevard County have been found to contain saxitoxin, which causes a response similar to paralytic shellfish poisoning in humans. A long-term prohibition of the harvest of puffer fish on Florida's central east coast is necessary until it is determined that saxitoxin is no longer present in this area. The FWC has approved a rule that prohibits the harvest of all puffer fish (Genus *Sphoeroides*) from the waters of Volusia, Brevard, Indian River, St. Lucie and Martin counties.

GUIDELINES FOR DETERMINING MESH AREA OF NETS

Rules that regulate net fishing in Florida's waters are scattered throughout the Florida Constitution, Florida Statutes and FWC rules. Plans are to bring all the regulations together in a single rule to reduce confusion. The following method is used to determine the square footage of a net other than a cast net or net in the form of an elongated bag. (Shrimp Trawls) Nets will also be closely inspected for inconsistencies in construction that may unnoticeably increase the amount of mesh area.

Depth of the Net:

Determine the stretched mesh size of the webbing in inches. Divide the stretched mesh size by 2. This will determine the bar measurement. $(\text{Stretched mesh}) \div 2 = (\text{Bar})$

Count the number of meshes deep. Multiply the number of meshes deep by the bar measurement (half the stretched mesh). This will determine the depth of the net in inches. $(\text{Meshes deep}) \times (\text{Bar}) = (\text{Depth of net in inches})$

Convert the inches deep to feet by dividing by 12. $(\text{Depth of net in inches}) \div 12 = (\text{Depth of net in feet})$

Length of the Net:

Determine the stretched mesh size of the webbing in inches. Divide the stretched mesh size by 2. This will determine the bar measurement. $(\text{Stretched mesh}) \div 2 = (\text{Bar})$

Determine the number of meshes per tie. Determine the number of ties on the headrope. Multiply the number of meshes per tie by the number of ties on the headrope. This will determine the number of meshes on the headrope. $(\text{Meshes per tie}) \times (\text{Ties on the head rope}) = (\text{Meshes on the headrope})$

Multiply the total number of meshes on the headrope by the bar measurement. This will determine the total number of inches of mesh on the headrope. $(\text{Total meshes}) \times (\text{Bar}) = (\text{Inches of mesh on the headrope})$

Divide the number of inches on the headrope by 12. This will determine the number of feet of mesh on the headrope or the length of the net. $(\text{Inches of mesh on the headrope}) \div 12 = (\text{Length of net in feet})$

Mesh Area:

Multiply the depth of the net in feet by the length of the net in feet to obtain the area of the net. $\text{Depth of Net} \times \text{Length of Net} = \text{Mesh Area}$



YOUR INPUT IS NEEDED TO DEVELOP EFFECTIVE FISHERIES MANAGEMENT PLANS.

If you cannot attend a FWC meeting or workshop, mail your comments to the FWC or send e-mail to Marine@fwc.state.fl.us.

FWC WILDLIFE ALERT REWARD PROGRAM

If a violation is in progress or needs immediate attention, report it to the Wildlife Alert Reward Program by calling 1-888-404-FWCC (3922). Examples of such violations include hunting, capturing or killing protected species, fishing by illegal methods, or boating under the influence. It is important to report violations as soon as possible and provide as much detail as you can about the physical descriptions of violators, vehicles, license tag numbers, etc.

You may remain anonymous. You may obtain a confidential code number. You will not be required to testify in court. You may or may not be contacted for additional information depending on your preference. If you have your code number and your information results in an arrest, you may be eligible for a reward of up to \$1,000 (depending on the severity of the case). The telephones are answered 24-hours a day, seven days a week. Cellular phone customers throughout most of the state can make a free call by dialing *FWC or #FWC depending on your service carrier.

For Additional Information Please Contact:
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Tallahassee, Florida 32301
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FWC MEETINGS:

September 22-24, Tampa, and December 1-3, Key Largo

On The Agenda: Black Sea Bass Traps, Apalachicola Oyster Season, Blue Crab and Marine Life Effort Management, and Spanish Mackerel in Martin County

WORKSHOPS:

Blue Crab, Marine Life, Spanish Mackerel Net Fishery in Martin County and Black Sea Bass

Agenda documents and workshop notices are posted on the web at MyFWC.com. For a listing of currently scheduled workshops in your area, phone the Commercial Saltwater Licensing program at 850-487-3122, press 7, and listen to the pre-recorded listing.

Rules and meeting agendas and dates are subject to change. This newsletter was prepared for informational purposes only. As always, fishers and dealers should consult official rules and statutes. For more information Contact: FWC Division of Marine Fisheries Management Commercial Outreach Program at 850-922-4340 Extension 204.

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