



Lobster Bully Net Fishery

Draft Rule

November 17, 2016

Florida Fish and Wildlife Conservation Commission

Division of Marine Fisheries Management

Photo courtesy of Tom Scudder

This presentation summarizes a series of proposed draft rules to amend the Florida Fish and Wildlife Conservation Commission's (FWC) spiny lobster bully net regulations found in Chapters 68B-24, and 68B-4, Florida Administrative Code (FAC). The proposed draft rules would create an open-access commercial bully net lobster endorsement, establish commercial bully net vessel marking requirements, prohibit trap pullers on bully net vessels, and prohibit the simultaneous possession of a bully net and any underwater breathing apparatus aboard a vessel involved in the commercial harvest of spiny lobster. Staff also recommend launching a "Respectful Bully Netting" outreach campaign to reduce conflicts between fishery participants and other stakeholders.

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Background – Bully Net Fishery

- Nighttime operation requiring clear skies and clear, calm water
- Harvest occurs in shallow water, often near to shore
- Primarily executed in the early months of the season
 - Conditions in winter months generally unfavorable
- Relatively minor but viable component of the commercial lobster fishery
 - Financially feasible means of entering commercial fishery
 - Provides lobsters in best condition for live market
- Also popular with recreational fishers
 - Family-friendly alternative to diving for lobster



The bully net fishery is conducted at night and requires clear, dark skies and shallow, clear water to operate effectively. Because of the fishery's dependence on shallow-water habitat, it often operates in near shore waters, adjacent to private property. Harvesters use lights directed at the seafloor to locate lobsters that are foraging on the bottom. Once the harvester locates a lobster, he or she uses the bully net, which is essentially a specialized dip net, to capture the lobster. Commercial bully netting effort typically peaks during the first few months of the lobster season when weather and water conditions are most favorable.

The bully net sector is a relatively minor but viable component of the commercial lobster fishery. It also provides a financially feasible option for new harvesters to enter the commercial fishery. The bully net sector is open to any licensed commercial harvester with a Restricted Species endorsement (RS) and a spiny lobster (crawfish) endorsement (C#). Other sectors of the commercial lobster fishery require a larger financial investment to participate. To commercially harvest lobsters by diving, a harvester must purchase an existing commercial dive endorsement (CD) from another harvester leaving the fishery. The CD became transferable effective July 1, 2015, and the cost to transfer an endorsement is variable and based on current market value at the time of the transfer (currently reported to be valued at approximately \$30,000). To commercially harvest lobsters with lobster traps, a harvester must purchase and transfer existing trap certificates from another harvester (average of \$100-\$200 per certificate in the 2014/2015 license year), build or acquire the traps, and purchase or gain access to a vessel large enough to transport and pull traps. Bully netting also provides lobsters in the best condition to be sold in the live market.

Bully netting is popular with recreational harvesters as well, during both the two-day recreational sport season and the regular season. Recreational bully netting is a family-friendly alternative to diving for lobster.

Current Regulations Applicable to Bully Net Fishery

- Minimum size limit: 3 inch carapace length
- Lobster must be landed whole
- Harvest of egg-bearing lobster is prohibited
- Bully nets cannot be larger than 3 feet in diameter

Commercial

- **License requirements:** SPL, RS, and crawfish endorsement (C#)
- **Season:** Aug. 6 – March 31
- **Daily bag and possession limit:** 250 lobster per person or vessel

Recreational

- **License requirements:** recreational license and a lobster permit
- **Season:** 2-day sport season and Aug. 6 – March 31
- **Daily bag limit**
 - Sport season: 6 or 12 lobster per person, depending on location
 - Regular season: 6 lobster per person



Photo credit: Mark Yokosama



All spiny lobster, including those harvested with bully nets, are subject to a three-inch carapace length minimum size limit for both recreational and commercial harvest. Additionally, lobsters must be landed in whole condition and egg-bearing lobsters cannot be harvested or possessed. Bully nets used for commercial or recreational harvest may not be larger than three feet in diameter.

In addition to these general regulations, commercial fishers who harvest lobster with bully nets must have a valid Saltwater Products License (SPL) with a Restricted Species endorsement (RS), and a crawfish endorsement (C#). The commercial season is open from Aug. 6 through March 31. Commercial bully netters are subject to a daily bag and possession limit of 250 lobsters per person or per vessel, whichever is less.

Recreational harvesters must possess a valid recreational saltwater fishing license and a recreational lobster permit. Recreational fishers may harvest lobster during the two-day sport season (the last consecutive Wednesday and Thursday in July) and during the regular lobster season from Aug. 6 through March 31. The recreational bag limit during the sport season is six lobsters per person per day in Monroe County and Biscayne National Park, and 12 lobsters per person per day in other areas of the state. The recreational bag limit during the regular season is six lobsters per person per day, statewide.

General Stakeholder Concerns

- Participation in the commercial bully net sector has increased in recent years
 - May reduce the financial viability of the bully net fishery for individual harvesters
- Potential use of the bully net fishery as a cover for illegal lobster harvest
- Conflicts between waterfront homeowners and bully netters

Staff received input from stakeholders at Commission meetings, bully net-specific workshops, statewide marine fisheries workshops, and other public meetings



Staff have received input and heard concerns about bully netting from stakeholders during public testimony at the November 2014 Commission meeting, as well as during bully net-specific public workshops, general statewide marine fisheries management workshops held in south Florida, and during other public meetings.

Established, long-time commercial bully netters have expressed concern regarding a recent increase in the number of commercial harvesters participating in the bully net fishery. Specifically, they are concerned that this increase in participation could reduce catch rates and thus reduce the financial viability of the bully net fishery for individual harvesters.

Stakeholders have also expressed concern that because the fishery operates at night, the bully net fishery could potentially be used as a cover for illegal lobster harvest, such as trap robbing, commercial dive harvest without a CD, or illegal harvest from casitas.

In addition, staff have heard concerns regarding conflicts between recreational and/or commercial bully netters and waterfront homeowners related to bully netters fishing close to shore late at night.

Factors to Consider for Bully Nets

- Self-limiting fishery
- Results in very little bycatch with minimal impact to habitat
- Provides a financially feasible entrance into the commercial lobster fishery
 - Allows opportunities for young and/or new fishers
 - Preserves the culture of participation in the Keys commercial lobster fishery
 - Allows commercial fishers that rely on harvesting a variety of species to include lobster in their diverse fishing portfolio

Staff recommend pursuing minor changes to management at this time in order to better determine the scope of the fishery and improve enforceability



There are a variety of factors to consider when determining how heavily the lobster bully net fishery should be regulated.

Because bully netting requires calm, clear water and dark, clear night skies to be effective, effort in this fishery is inherently self-limiting. Bully netting is a highly selective method of harvest where the fisher visually targets and harvests individual lobsters; therefore, this method results in very little bycatch with minimal habitat impacts.

Bully netting is a financially feasible means of entering the lobster fishery, which provides opportunities for young and new lobster harvesters, and preserves the culture of participating in the Florida Keys lobster fishery.

In addition, because bully netting is currently open-access, commercial fishers that rely on harvesting a variety of species can include some lobster harvest in their fishing portfolio at a lower cost than could be achieved with the commercial trap or commercial dive fisheries. In the Keys, commercial fishermen have historically harvested a wide variety of species, targeting different species as they become abundant in the area throughout the year. The open-access nature of the bully net fishery preserves this opportunity with respect to lobster. Limited-access programs, like those found in some other commercial fisheries, limit the opportunity for harvesters to reduce their reliance on any single species by participating in a variety of fisheries.

In consideration of these factors as well as stakeholder concerns, staff recommend pursuing minor changes to the management of the commercial bully net fishery at this time in order to better determine the scope of the fishery and to improve enforceability.

Proposed Commercial Bully Net Endorsement

Options

1. Status quo: harvester must possess an SPL, RS, and crawfish endorsement (C#)
2. Open-access bully net endorsement (*staff recommendation*)
3. Limited-entry bully net endorsement with qualification requirements
 - Similar to the CD

Stakeholder Input

- A bully net-specific endorsement is generally supported by commercial fishery
 - Many support a limited-entry endorsement

Staff recommend creating an open-access, bully net-specific lobster endorsement (option 2)



The first potential management change staff considered was the creation of a commercial bully net endorsement program. Under this consideration, the first management option is to maintain the status quo (no endorsement requirement) and allow any commercial harvester with an SPL, an RS, and a crawfish endorsement (C#) to commercially harvest lobster with bully nets.

The second option (**staff recommendation**) is to create a no-cost, open-access bully net endorsement that would be required in conjunction with a crawfish endorsement to commercially harvest lobster with a bully net. This endorsement would make it possible to better determine the size of the commercial bully net fishery. An open-access endorsement program could potentially be ready in time for the 2017/2018 lobster season.

The third option is to create a limited-entry bully net endorsement program with specific qualification requirements, similar to the CD. A limited-entry bully net endorsement would make the entire commercial lobster fishery limited-access, which would make it very difficult for new participants to enter the fishery. This option would require establishing initial qualification requirements, and could include limiting the number of endorsements available after the initial qualification period. An example of a possible qualification requirement would be documentation of a pre-determined level of commercial lobster landings harvested by bully net during a given qualification timeframe. If previous landings are used as part of the qualification requirements, an appeals procedure will also need to be created for individuals who believe they qualify but are initially denied, likely increasing the amount of time needed to implement this type of endorsement. Administrative requirements associated with creating a limited-entry program would delay the start of such a program until at least the 2018/2019 season. A limited-entry endorsement was initially requested by members of the bully net fishery, and was supported by many workshop attendees and survey respondents.

A bully net-specific endorsement is generally supported by the commercial fishery.

Staff recommend the second management option: creating an open-access bully net endorsement.

Additional Proposed Management Measures

Regulatory measures

- Require bully net-specific commercial vessel marking
- Prohibit trap pullers on bully net vessels
- Prohibit the simultaneous possession of a bully net and any underwater breathing apparatus aboard a vessel being used to commercially harvest or transport commercial quantities of spiny lobster

Stakeholder input: Moderate support for each proposed regulatory measure

Outreach effort

- “Respectful Bully Netting” outreach campaign



Staff also recommends implementing several additional regulatory management measures, in conjunction with creating an open-access commercial bully net endorsement, including: (1) requiring commercial bully net vessels be marked with the harvester’s bully net endorsement number using reflective paint or tape that can be read at night; (2) prohibiting trap pullers on bully net vessels; and (3) prohibiting the simultaneous possession of a bully net and any underwater breathing apparatus (i.e., dive tanks, surface-supplied diving rigs, hookahs, but not including masks, snorkels, or fins) aboard a vessel being used to commercially harvest lobster or to transport a commercial quantity of lobster.

Stakeholders expressed moderate support for options 1 and 2. Option 3 was based on a recommendation received from stakeholders at public workshops.

In addition to these proposed regulatory measures, staff suggests developing a “Respectful Bully Netting” outreach campaign to address some of the user conflicts that have developed with the expansion of the commercial and recreational bully net fishery.

Benefits of Proposed Management Measures

Open-access bully net endorsement

- Continue to allow opportunities for participation in the commercial lobster fishery
- Obtain better information about fishery participation

Limit the potential for the bully net fishery to be used as a cover by individuals who are violating existing regulations

- Prohibit trap pullers on bully net vessels
- Prohibit the simultaneous possession of a bully net and any underwater breathing apparatus aboard a vessel commercially harvesting lobster

Address waterfront homeowner/fishery participant conflicts

- Require commercial bully net vessels to be marked
- Launch a “Respectful Bully Netting” outreach campaign



Creating an open-access commercial bully net endorsement would preserve the viability of bully netting as a traditional method of harvest while continuing to allow new opportunities for participation in the commercial lobster fishery. The bully net endorsement would also enable staff to obtain better information about participation in this portion of the commercial lobster fishery. Given the self-limiting nature of this fishery, staff do not believe that a limited-entry program is necessary to ensure the financial viability of the fishery at this time. However, the open-access endorsement would lay the groundwork for a more restrictive program if deemed necessary in the future.

Prohibiting trap pullers on bully net vessels and prohibiting the simultaneous possession of a bully net and any underwater breathing apparatus aboard vessels used to commercially harvest lobster (or to transport commercial quantities of lobster), would reduce the potential for the bully net fishery to be used as a cover for illegal lobster harvest, in response to concerns expressed by members of the fishery.

Requiring commercial bully net vessels to be marked with the harvester’s bully net endorsement number and launching a “Respectful Bully Netting” outreach campaign are expected to help minimize the user conflicts between waterfront homeowners and participants in the recreational and commercial bully net fishery. Requiring commercial bully net vessels to be marked will create consistency with the lobster trap and dive fisheries, which are already subject to this requirement, and create accountability for professional behavior on the water. Requiring these markings to be displayed with a reflective material, such as reflective paint or tape, will allow these markings to be readable at night when they are illuminated with a flashlight. The outreach campaign would target both recreational and commercial harvesters as well as homeowners to try and minimize negative interactions and build a sense of mutual respect among these various stakeholders.

Proposed Draft Rules

68B-24.0055 Commercial Requirements

- Create an open-access, bully net-specific commercial endorsement

68B-24.006 Gear, Traps, Buoys, Identification Requirements, Prohibited Devices

- Require commercial bully net vessels be marked with the harvester's bully net endorsement number
- Prohibit trap pullers on a vessel marked with a commercial bully net endorsement

68B-24.007 Other Prohibitions

- Prohibit the simultaneous possess of a bully net and any underwater breathing apparatus aboard a vessel being used to commercially harvest lobster or to transport a commercial quantity of lobster

68B-4.019 Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels

- Prohibit trap pullers on a vessel marked with a commercial bully net endorsement
- Clarify existing rule language related to possession of trap pullers by updating references to other commercial fishing licenses and endorsements



68B-24.0055, FAC, would be modified to require a commercial bully net endorsement to harvest spiny lobster for commercial purposes with a bully net.

68B-24.006, FAC, would be modified to require commercial bully net vessels to be marked with the harvester's bully net endorsement number, and to prohibit trap pullers on vessels marked with a commercial bully net endorsement.

68B-24.007, FAC, would be modified to prohibit the simultaneous possession of a bully net and any underwater breathing apparatus, as defined in 68B-4.002, FAC, aboard a vessel being used to commercially harvest lobster or to transport a commercial quantity of lobster. Underwater breathing apparatus, as defined in 68B-4.002, FAC, means any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is able to obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water.

68B-4.019, FAC, would be modified to prohibit trap pullers on vessels marked with a commercial bully net endorsement number, and to clarify existing rule language related to possession of trap pullers by updating references to other commercial fishing licenses and endorsements.

Staff Recommendation

Approve the draft rules to

- Create an open-access commercial bully net lobster endorsement
- Require commercial bully net vessels be marked with the harvester's bully net endorsement number
- Prohibit the simultaneous possession of a bully net and any underwater breathing apparatus aboard a vessel being used to commercially harvest lobster or to transport a commercial quantity of lobster
- Prohibit trap pullers on commercial bully net vessels

Staff also recommend launching a "Respectful Bully Netting" outreach campaign

If approved and directed, return for a final public hearing at the February 2017 Commission meeting in Crystal River



Staff recommends approving the draft rules to create an open-access commercial bully net lobster endorsement; require commercial bully net vessels be marked in a reflective material with the harvester's bully net endorsement number; prohibit the simultaneous possession of a bully net and any underwater breathing apparatus, as defined in 68B-4.002, FAC, on a vessel used to commercially harvest lobster or to transport a commercial quantity of lobster; and prohibit trap pullers on commercial bully net vessels.

Staff also recommends developing a "Respectful Bully Netting" outreach campaign to reduce user conflicts between waterfront homeowners and participants in the bully net fishery.

If approved and directed, staff will return with a final public hearing at the February 2017 Commission meeting in Crystal River.

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



Recent Timeline – Lobster Bully Net Fishery

Nov. 2014: Stakeholders expressed concerns about the bully net fishery at the November Commission meeting

Jan. 2015: Public meeting to hear concerns about conflicts between waterfront homeowners and bully netters

Feb. 2015: Public workshops on management of the commercial bully net fishery

July 2015: Statewide marine fisheries workshops

July/Sept. 2015, Aug. 2016: Staff ride-alongs with bully netters and Law Enforcement

Sept. 2016: Review and discussion of lobster fishery with focus on the bully net fishery

Today: Draft rule hearing



At the November 2014 Commission meeting, staff presented a review and discussion of the lobster fishery as part of an agenda item about management of the lobster dive fishery. Stakeholders in attendance at that meeting expressed concern about the status of the bully net portion of the fishery. Commercial fishers expressed concerns over increased participation in the fishery, and waterfront homeowners expressed frustration with nighttime disturbances by bully netters as well as concerns about the safety of their property when a large number of people are on the water nearshore at night.

At the Commission's direction, staff subsequently met with stakeholders from many groups to gain insight into concerns related to this traditional fishery. In January 2015, staff hosted a public meeting in Islamorada to hear concerns specific to the conflict between waterfront homeowners and bully netters. Approximately 75 members of the public attended this meeting. In February 2015, staff hosted three public workshops on the topic of regulation and management of the commercial bully net fishery. These workshops were held in Key West, Key Colony Beach, and Key Largo, with approximately 140 commercial and recreational bully netters and concerned citizens in attendance.

Staff also heard additional input and feedback about management of the bully net fishery at the open-agenda statewide marine fisheries management workshops held in south Florida during the summer of 2015. Staff has also made several trips to the Keys (July/September 2015 and August 2016) to observe the fishery.

At the September 2016 Commission meeting, staff presented a review and discussion of the spiny lobster fishery, with a focus on the bully net fishery to summarize concerns heard during public workshops and to discuss potential management actions for the bully net fishery.

Today's Draft Rule hearing is the culmination of all the feedback and public input gathered as a result of these efforts.

Overview – Spiny Lobster Fishery

- Lobster is one of Florida's most valuable commercial fisheries
 - Dockside value averaging \$20-24 million annually
- Culturally important to south Florida
 - Commercial harvest dates back to the early 1800s
- Development of overseas market for live lobster has changed the commercial fishery in recent years
- Recreational fishery important for tourism and south Florida economy
- Majority of Florida's lobsters are spawned in the Caribbean
 - Harvest rates have a limited impact on fishery productivity in subsequent years



Spiny lobster supports one of Florida's most valuable commercial fisheries, with an annual dockside value averaging \$20-24 million. Increased landings and price per pound generated a dockside value of approximately \$50 million in 2013.

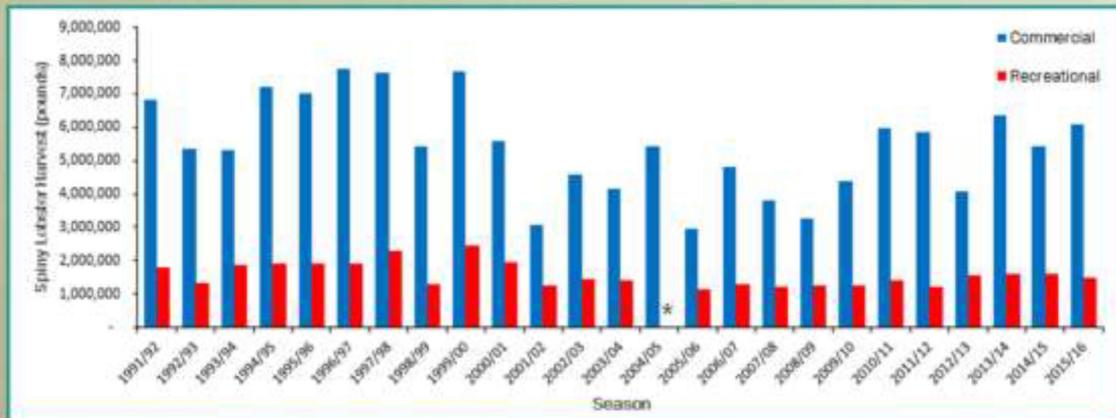
This fishery has a long, rich cultural history in south Florida. The commercial fishery in the Lower Keys dates back to the 1800s, when lobsters were harvested primarily for use as bait.

Declining prices impacted the commercial fishery between 2008 and 2010, but the development of an export market for live lobster has helped to increase the value of this fishery in recent years. This new market has also driven changes to the fishery, with live lobsters selling for roughly twice the price of dead lobsters.

The recreational fishery is also a very important component of south Florida's economy, serving as a major tourism driver during both the two-day recreational sport season and the regular lobster season.

The lobster fishery is also relatively unique in that the majority of adult lobster harvested in state and federal waters off Florida are actually spawned elsewhere in the Caribbean. Therefore, annual harvest rates in Florida have a limited impact on the local fishery's productivity in subsequent years.

Lobster Landings by Sector



* Recreational landings are not available for 2004/2005



The spiny lobster fishery is important to both the commercial and the recreational sector. This graph shows the distribution of lobster landings (in pounds) by the recreational and commercial sectors since 1991. Recreational lobster landings are not available for the 2004/2005 fishing season. Total commercial harvest varies annually, but accounts for the largest proportion of total lobster harvest in every year. Recreational harvest levels tend to be less variable, particularly over the past 10 years.

Traditional Methods of Lobster Harvest

Trap

- Commercial fishery only
- Historically, trap landings consisted of greater than 90% of total commercial catch
- Trap reduction program in place since 1993



Dive

- Began in the 1950s and increased in popularity in the 1990s
- An increase in commercial landings from the dive fishery led to creation of the Commercial Dive endorsement (CD) in 2004

Bully net

- Bully netting is one of the oldest methods of lobster harvest
- Open-access commercial fishery



The spiny lobster fishery is primarily carried out by three different means of harvest: traps (commercial fishery only), diving, and bully netting. In recent history, the trap fishery has been responsible for more than 90% of the commercial catch. As this portion of the fishery and the number of participants grew, fishermen placed more and more traps in the water in an attempt to maintain their individual portion of the catch. This eventually resulted in an overcapitalized fishery, with more traps in the water than were needed to harvest the available lobsters. Thus, in 1993, the Marine Fisheries Commission in conjunction with the Florida Legislature developed an effort limitation program called the Spiny Lobster Trap Certificate Program. This program limited the number of traps allowed in the water in a given year to those that had been issued a trap certificate by the state. This program was designed to not only cap the number of traps in the fishery, but to reduce the number of traps and increase the efficiency of the trap fishery by lowering the total number of certificates issued over time. The lobster trap fishery has been under some version of a trap reduction program since that time.

The dive fishery, which first developed in the 1950s, has always been a relatively minor component of the commercial fishery. During the early to mid 1990s, the dive fishery accounted for only about 3% of the total commercial harvest. Landings from the dive fishery began to increase in the late 1990s. This, compounded by the decline in the overall fishery, led to user conflicts between participants in the trap fishery (that was managed by a limited effort program) and the dive fishery (that was not subject to effort limitation). These factors contributed to the reevaluation of the dive fishery and ultimately resulted in the development of the commercial dive (CD) endorsement program, which remains a limited-access program.

Bully netting, while one of the earliest methods of commercial lobster harvest, is not managed with any type of effort limitation. This lack of a limited-entry program has allowed a number of new participants to enter the fishery in recent years when the price of lobster has been high.

Current Commercial Lobster Regulations

- May be harvested by trap, diving, bully net or hoop net only
- Season: Aug. 6 – March 31
- Minimum size limit: 3 inch carapace length
- All lobster must be landed in whole condition (federal permit required to possess “wrung” tails on the water)
- Harvest of egg-bearing lobster is prohibited
- Small number of lobster may be retained as incidental bycatch in a net or trawl
- Harvest prohibited in Biscayne Bay-Card Sound Spiny Lobster Sanctuary, within certain areas of John Pennekamp Coral Reef State Park, and within certain zoned areas of the Florida Keys National Marine Sanctuary
- General commercial license requirements: SPL, RS, and crawfish endorsement (C#)



Photo credit: Kyle Miller



Spiny lobster may only be harvested commercially with traps, by diving, or with bully nets or hoop nets. The commercial season is open from August 6 through March 31. All spiny lobster are subject to a three-inch carapace length minimum size limit, and must be landed in whole condition (tail must remain attached to the body). Commercial harvesters who hold the required federal permit may separate the tails from the rest of the body while still on the water if the lobster are harvested from federal waters. The same federal permit is required to possess such wrung tails in or on state waters. The harvest or possession of any egg-bearing lobster is prohibited. Lobster may also be harvested as incidental bycatch in a net or trawl used in the directed harvest of another species provided that the combined weight of all lobster caught as bycatch does not exceed 5% of the total weight of all species lawfully in possession of the harvester at any time.

The harvest of lobster is prohibited within the Biscayne Bay-Card Sound Spiny Lobster Sanctuary, within coral formation protection zones in John Pennekamp Coral Reef State Park, and within Ecological Reserves, Sanctuary Preservation Areas, and Special-use Areas of the Florida Keys National Marine Sanctuary.

The harvest of lobster for commercial purposes requires a valid Saltwater Products License (SPL) with a Restricted Species endorsement (RS), and a crawfish endorsement (C#).

Additional regulations and license requirements apply to the commercial harvest of lobster using specific gears. These additional requirements are outlined on the following slide.

Commercial Lobster Regulations by Gear Type

Trap Fishery

- Trap certificates and tags required for each trap
- Specific trap construction guidelines; traps cannot be worked at night
- No harvest or vessel possession limits
- May possess up to 50 live undersized lobster per vessel plus 1 per trap to be used exclusively for luring or attracting other lobsters into traps

Dive Fishery

- Additional license required: commercial dive permit (CD)
- 250 lobster per day vessel limit (Broward through Lee counties)
- Harvest prohibited from artificial habitat (casitas)
- Trap certificates cannot be held by a person with a CD

Bully Net Fishery

- 250 lobster per day vessel limit
- Bully nets cannot be larger than 3 feet in diameter



Photo credit: Mark Yukovitch



In addition to general license and harvest regulations that apply to all commercial harvest of spiny lobster, specific requirements apply to the use of each gear type.

To participate in the trap fishery, a harvester must possess a lobster trap certificate and must purchase an annual lobster trap tag for each trap used to harvest lobster. Trap certificates may be transferred from another certificate holder. The number of trap certificates owned by a harvester determines the maximum number of spiny lobster trap tags the certificate holder may purchase each year. Each trap used to harvest spiny lobster must have a current year Commission-issued trap tag permanently affixed. Lobster traps may be constructed of wood or plastic, and can be up to 3 feet by 2 feet by 2 feet in size. Each trap must have a buoy which must be marked with the harvesters' Crawfish endorsement number. Traps may only be worked during daylight hours. There are no bag or possession limits for lobster harvested with traps. Properly licensed participants in the trap fishery may possess up to 50 live undersized lobsters plus 1 per trap aboard their vessel exclusively for luring or attracting other lobsters into traps.

To participate in the commercial dive fishery, harvesters must possess a commercial dive permit (CD) in addition to the crawfish endorsement (C#). A CD may be transferred from another harvester. Persons harvesting lobster commercially by diving in Broward, Dade, Monroe, Collier, and Lee counties (or adjacent federal waters) are subject to a harvest and possession limit of 250 lobsters per vessel per day. The harvest of lobsters from artificial habitat (i.e., casitas) is prohibited. A person who has been issued a CD cannot hold any trap certificates.

Persons harvesting lobster commercially by use of a bully net are subject to a harvest and possession limit of 250 lobsters per vessel per day. Bully nets may not be larger than three feet in diameter.

Hoop nets, which can also be used to commercially harvest lobster, may not exceed 10 feet in diameter. Additional statewide net regulations that limit the number of nets a person can fish and that require that the nets be tended prevent large-scale harvest of lobster with hoop nets. The fishery is therefore extremely small and harvest limits are not needed for fishers using this gear.

Current Lobster Fishery Issues

Bullynet fishery

- Increased participation
- Conflicts among waterfront homeowners and bully netters

Trap fishery

- Cut-offs and trap loss
- Habitat impacts
- Not meeting trap reduction goals

Enforcement

- Individuals making multiple trips in a day
- Trap robbing
- Untagged traps

Federal management considerations



As with any major fishery, there are a variety of competing interests in the lobster fishery. These interests, compounded by factors related to how the fishery operates have led to a wide variety of management issues. Issues identified include increased participation in the bully net fishery, user conflicts, trap loss and trap cut-offs by passing vessels, habitat impacts from lobster traps and trap debris, and the need to make further progress in meeting the goals of the spiny lobster trap reduction program. Enforcement issues raised by participants in the spiny lobster fishery include recreational harvesters taking multiple daily bag limits in a single day, trap robbing and trap molestation, and the use of lobster traps without the required Commission-issued trap tags.

Spiny lobster is also managed in federal waters by the South Atlantic and Gulf of Mexico fishery management councils. Council issues will be reviewed on the following slide.

Federal Management

- Managed jointly in federal waters by the South Atlantic and Gulf of Mexico Fishery Management councils
 - Councils set the annual catch limit (ACL) and annual catch target (ACT) that also apply to harvest in state waters
- ACL and ACT exceeded in recent fishing years
- Both Councils are considering revising spiny lobster management benchmarks and establishing new measures to monitor the fishery



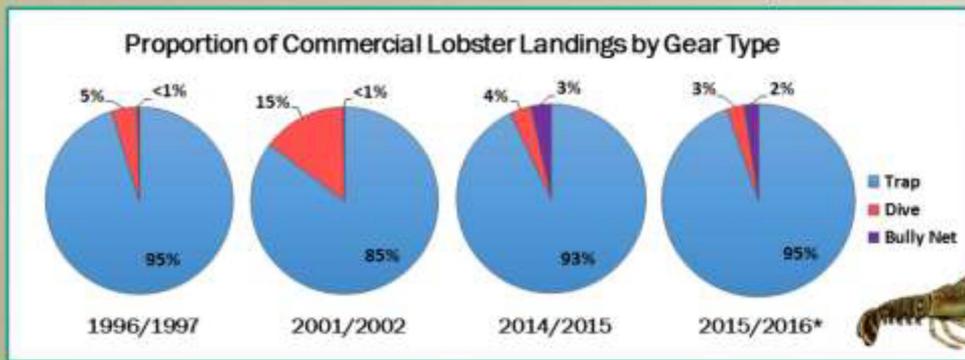
The spiny lobster fishery is managed jointly in federal waters by the South Atlantic and Gulf of Mexico fishery management councils. The councils set the annual catch limit (ACL) and annual catch target (ACT) benchmarks, in addition to other harvest regulations. Harvest in state waters counts toward the ACL and ACT. In recent fishing years, the fishery has exceeded both the ACL and ACT. Based on federal regulations, exceeding the ACT requires a meeting of the councils' Spiny Lobster Review Panel to review landings and other aspects of the fishery, and to provide management advice to the councils.

In 2016, the Review Panel, the South Atlantic Spiny Lobster Advisory Panel (AP), and the Gulf Spiny Lobster AP met to review landings and discuss whether management changes were necessary. All three panels noted that the current benchmarks are based on a period of unusually low landings. The panels recommended that the benchmarks be revised using a longer time series of data that would be more representative of the fishery.

Based on the Review Panel recommendations, the councils have decided to explore using a new time series to set the ACL and ACT. However, there is still a great deal of uncertainty about how the councils will ultimately address recent harvest overages in the lobster fishery and if that will affect management of the fishery in state waters.

Changing Commercial Fishery

- Proportion of commercial catch harvested by gear type has shifted over time
 - Traps have dominated the catch since the mid-1900s
 - Dive fishery expanded, peaking in the early 2000s
 - Bully net fishery has experienced a resurgence in recent years
- These shifts have resulted in user conflicts within the fishery



Some of the historical and recent issues in the fishery are related to changes in the distribution of the catch among various gear sectors within the commercial fishery. These figures illustrate how the proportions of commercial catch (by pounds landed) attributable to each method of harvest has varied since the mid-1990s.

Although the bully net is the oldest method of lobster harvest still active in the fishery, lobster traps have dominated commercial harvest since their introduction in the 1940s.

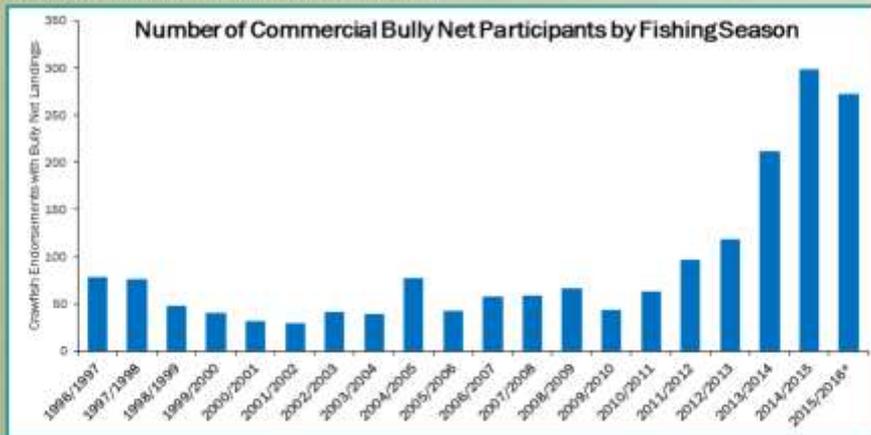
During the 1990s, the commercial fishery settled into a harvest pattern where roughly 95% of landings were produced by traps, 5% from the divers, and less than 1% from bully nets. However, by the early 2000s, the dive sector began harvesting a greater share of lobsters. Coincidentally, this shift occurred at the same time that a lobster virus caused a decline in the lobster population. Expansion of the commercial dive sector peaked during the 2001/2002 lobster season, when the dive sector contributed 15% of commercial landings. The loss of catch to the dive fishery and the population decline caused by the virus led to an economic loss for the trap sector. This spurred harvesters in the trap sector to request that the Commission develop management measures aimed at ensuring the sustainability for all aspects of the commercial lobster fishery. Management changes implemented since that time, including the CD endorsement program, contributed to the fishery's harvest patterns returning to those in the 1990s.

During the past two lobster seasons, however, the bully net sector has seen a resurgence. Bully net landings have risen from a 1% share to 2-3% share of commercial landings during this time. Recent increases in the price of lobster and absence of effort restrictions for use of this gear has spurred expansion within this sector. Though the overall shift in the catch to the bully net sub-sector is relatively small (from 1 - 3%), this shift makes up a larger portion of the catch early in the season when bully netting is at its peak.

Commercial Bully Net Participation

Reminder: Bully net is the only sector of the commercial lobster fishery that is open-access

- Influx of participants in recent years



*2015/2016 data are preliminary

As previously stated, the number of participants in the commercial bully net fishery has increased in recent years, with participation peaking in the 2014/2015 season. Between 2004 and 2011, the number of participants was less than 100 per fishing season. In 2011, the number of participants began to increase, peaking at approximately 300 participants in the 2014/2015 season.

This increase in participation may be the result of an increase in lobster prices for the export market of live lobster. This increase also corresponds with the increase in landings by the bully net sector, which is the only remaining portion of the commercial fishery that remains open-access.

Management Options Considered

Management options presented at bully net public workshops

- Create a bully net endorsement program
- Limit time of day bully net catch can be on a vessel
- Prohibit trap pullers on bully net vessels
- Establish a more limited bully net season
- Reduce the bully net trip limit

Additional suggestions received

- Prohibit bully netting during the 2-day sport season
- Prohibit dive equipment on a vessel with commercial bully net harvest
- Prohibit use of a single C# on multiple bully net vessels
- Prohibit harvest of lobster (bully nets or diving) within 300 ft. of shore
- Require bully netters to possess a measuring device
- Require lobsters harvested by bully net to be measured immediately upon removal from the water



To address concerns expressed by stakeholders, staff presented a suite of potential management options for public feedback at bully net-specific public workshops held throughout the Keys in February 2015. Potential management options presented at these workshops included creating a commercial bully net endorsement program (either open-access or limited-entry), limiting the time of day bully net catch can be aboard a vessel, prohibiting trap pullers on bully net vessels (to reduce the potential for bully netting to be used as a cover for trap robbing), establishing a more limited season for bully net harvest, and reducing the commercial daily bag and possession limit for bully net lobsters (currently 250).

Through input received at public workshops, via email and telephone correspondence, and via a survey completed by bully net workshop attendees, staff received many additional suggestions for possible management options related to the bully net fishery. Additional suggestions included prohibiting bully netting during the two-day recreational sport season, prohibiting the possession of dive equipment aboard a vessel with commercial bully net harvest (to address the potential for unlicensed or illegal lobster harvest by diving), prohibiting the use of a single C# on more than one bully net vessel, prohibiting the harvest of lobsters by bully nets or by diving within 300 feet of shore, requiring bully netters to possess a measuring device, and specifically requiring in rule that lobsters harvested by bully nets must be measured immediately upon removal from the water.