



## Stone Crab Trap Gear Specifications

Consent Agenda Item #3 - Final Public Hearing

September 2, 2015

Florida Fish and Wildlife Conservation Commission

Division of Marine Fisheries Management

Version 1

This document summarizes a proposed final rule to amend the Florida Fish and Wildlife Conservation Commission's (FWC) stone crab trap regulations, 68B-13.008, Florida Administrative Code (FAC). The proposed final rule has been modified since the draft rule hearing and would now only prohibit the use of round entrances in stone crab traps and limit the allowable size of rectangular entrances for these traps in Collier, Monroe, and Miami-Dade counties. The proposed changes would prevent the use of stone crab traps for targeting lobster.

Staff presented the proposed changes to the Commission as a draft rule at the April 2015 Commission meeting. At that time, the Commission approved advertising the proposed changes in the Florida Administrative Register and directed staff to return for a final public hearing. Staff have continued to work in cooperation with the industry on the most appropriate allowable configuration for these traps to arrive at the proposed final rule.

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## Background

- FWC has been working to ensure access to the lobster fishery is fairly managed
- Substantial overlap in the stone crab and lobster fisheries in Collier, Monroe, and Miami-Dade counties
  - Fishermen in the region typically active in both fisheries
  - Both fisheries use traps
  - Both fisheries under trap reduction programs
- Industry has expressed concerns about the use of stone crab traps to target lobster
  - Gives those fishermen an unfair advantage in the lobster fishery



In recent years, the Commission has worked to ensure that the commercial spiny lobster fishery is managed fairly and to ensure that participants in all components of the commercial fishery (trap, dive, and bully net) have appropriate access to lobster resources. However, recent changes in the way the stone crab fishery operates could be giving stone crab fishermen an unfair advantage in the lobster fishery.

There is a substantial overlap between the lobster fishery and the stone crab fishery in south Florida. Both fisheries rely heavily on the use of traps, with stone crabs taken almost exclusively in traps and over 90% of the lobster harvest coming from the trap fishery. The two fisheries overlap primarily in Collier, Monroe, and Miami-Dade counties and most of the lobster trap fishermen in this region also participate in the stone crab trap fishery.

This issue is further complicated by the fact that both fisheries operate under trap reduction programs that limit the total number of traps that can be used in each fishery. These programs were established by the Florida Legislature and are implemented jointly by the FWC and the Legislature. The trap reduction programs are designed to decrease the number of traps in the water over time, increase catch per trap, and decrease user conflicts.

In recent years, participants in the stone crab fishery have begun building and deploying stone crab traps of a design that was not commonly used in south Florida in previous years, and using them to target lobster. Representatives of the lobster industry have voiced concerns about this practice and, with the support of the stone crab industry, have requested changes to the rules for stone crab trap specifications for south Florida in order to prevent the use of these atypical stone crab traps in the region.

There are approximately 475,000 traps in the lobster fishery statewide, while there are over 600,000 stone crab traps licensed in Collier, Monroe, and Miami-Dade counties alone, many of which could potentially be directed toward lobster if this new practice is allowed to continue.

## Targeting Lobster in Stone Crab Traps

- Substantial increase in lobster prices due to live market
- Stone crab catch is down
- Significant difference in fair market value of trap certificates:
  - Stone crab: \$10 each
  - Lobster: \$150 each
- Using stone crab traps to target lobster allows fishermen to:
  - Avoid purchasing more costly lobster trap certificates
  - Use both lobster and stone crab traps to target lobster
- Stone crab traps used to target lobster may reduce the catch from traditional lobster traps



Bycatch of lobster in stone crab traps has always occurred, and vice versa. Recent changes, though, to markets for both of these species have created additional motivation for fishermen to shift their effort from targeting stone crab to targeting lobster. Spiny lobster prices have increased substantially in recent years, primarily due to the high demand created by a market for live lobsters in Asia. Prices exceeded \$15 per pound at the height of the 2014 season. In addition, recent declines in stone crab catch have resulted in stone crab fishermen seeking other avenues to supplement their income.

Due to the high demand for spiny lobster, the limited number of available lobster trap certificates, and the depressed stone crab fishery, the fair market value of trap certificates is dramatically different for the two fisheries. Stone crab trap certificates are reportedly selling for around \$10 each, while lobster trap certificates are reportedly selling for over \$150 each. The price of these tags is determined by the principles of supply and demand, with the funds from their sale going directly to the fisherman selling the tags. Sales are required to be reported to FWC for the purpose of transferring ownership of trap certificates and registering the trap reductions.

Under current regulations, fishermen can either purchase less costly stone crab trap certificates to enter the lobster fishery or to increase their stone crab trap allotment with the intent of fishing those additional traps for lobster. Fishermen who already hold trap certificates for both species can also shift the effort of the stone crab traps they already own to focus more of their traps on lobster harvest.

This effort shift is an issue because both industries made concessions and commitments when the trap reduction programs were implemented. The primary goal of trap reduction programs is to decrease the number of traps in the water while increasing the amount of catch per trap. Both lobster and stone crab trap reduction programs were established in collaboration with each respective industry. The lobster industry in particular agreed to large cuts in trap numbers with the promise of higher yields down the road. Allowing fishermen to use traps from one fishery to deliberately target species in another fishery directly undermines the goal of trap reduction programs and unfairly shifts the lobster catch away from fishermen who are abiding by the original intent of the regulations.

## Stone Crab and Lobster Trap Regulations

	<u>Stone Crab</u>	<u>Lobster</u>
<b>Materials</b>	wood, plastic, or wire	wood or plastic
<b>Entrance (Throat)</b>	rectangular (<5.5 in x 3.5 in) round (<5 in)	rectangular (>6 in x 3.5 in) round/square (>5.5 in)
<b>Max. Size</b>	2 ft x 2 ft x 2 ft (8 cu ft)	3 ft x 2 ft x 2 ft (12 cu ft)
<b>Season</b>	Oct. 15 - May 15	Aug. 6 - March 31
<b>Licenses*</b>	SPL, RS, X#	SPL, RS, C#

\* Both fisheries require the fisher to hold a species-specific trap certificate for each trap



There is significant overlap in the regulations for the stone crab and lobster fisheries. Traps for both fisheries may be made of wood or plastic slats, although wire is also an allowable material for stone crab traps. In south Florida, lobster traps are typically made of wood slats, while stone crab traps are typically made of either plastic or wood slats. The trap entrance, or throat, may be either round or rectangular (either with squared or round corners) for both traps, with rectangular and rounded rectangular entrances being the most common shapes for both trap types. Allowable entrance sizes are smaller for stone crab traps, but the largest allowable entrance sizes of stone crab traps approach the smallest allowable sizes for lobster traps. Lobster traps have an overall larger allowable trap size than stone crab traps to accommodate their larger sized catch. The maximum size for a lobster trap is 3 feet x 2 feet x 2 feet or a maximum of 12 cubic feet (cu ft). Stone crab traps cannot exceed 2 feet x 2 feet x 2 feet or 8 cubic feet; however, the typical stone crab trap is much smaller at approximately 16 inches x 20 inches x 12 inches and/or 2 cubic feet or less.

The seasons for the two fisheries also overlap significantly, with harvest of both species allowed from October 15 - March 31.

Both programs require a commercial saltwater products license (SPL) and a restricted species endorsement (RS) along with either a crawfish endorsement (C#) or a stone crab endorsement (X#) for the respective fisheries. Participants in both fisheries are also required to hold species-specific trap certificates for each trap they put in the water.

## Stone Crab and Lobster Trap Comparison



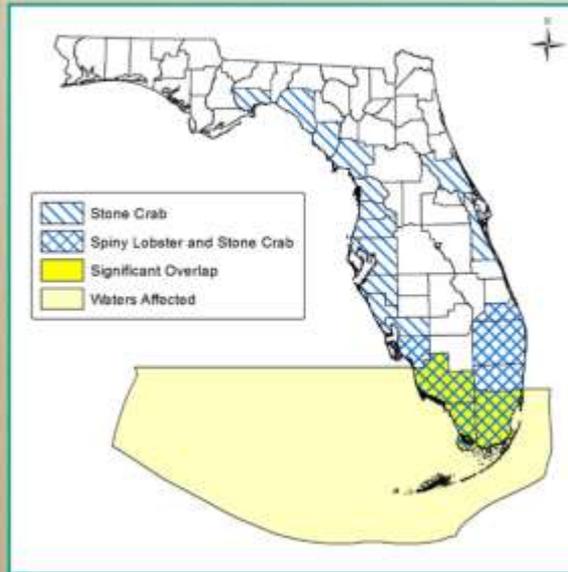
Images not shown to scale



The picture on the left provides a visual comparison of typical stone crab and lobster traps that are commonly used in south Florida and illustrates the differences in size, materials, and entrances. The stone crab trap (shown sitting on top of a lobster trap) is typically much smaller than the lobster trap with a smaller opening and is usually made of plastic instead of wood. The volume and entrance of the lobster trap is significantly larger than the typical stone crab trap to allow for the larger overall size of lobsters.

Modifications to stone crab traps allowed by current regulations have led to the use of traps that have not historically been used in the south Florida fishery. As shown in the picture on the right (not to scale), these atypical traps use a five inch round PVC entrance or a larger rectangular entrance, which allows large lobsters to enter and be caught from these atypical stone crab traps. In addition, the trap is composed of wooden slats, like lobster traps, and is constructed in a variety of sizes ranging up to the largest allowable stone crab trap size. In fact, larger stone crab traps with round entrances are reported to catch almost the same number (~90%) of lobsters as a traditional lobster trap. To prevent the use of stone crab traps in the lobster fishery, industry has requested a rule change to eliminate the use of atypical stone crab traps in the primary areas where the lobster fishery and stone crab fishery overlap.

## Stone Crab and Lobster Fishery Overlap



The map above illustrates the statewide distribution of commercial fishermen that hold stone crab and/or lobster trap certificates. The single hatch illustrates counties that have more than three stone crab trap certificate holders. Note the wide distribution of the stone crab fishery; it extends from the Big Bend and around the peninsula up to northeast Florida. The cross hatch illustrates the overlap of the stone crab and lobster fisheries, indicating counties where there are more than three lobster and stone crab trap certificate holders. The lobster trap fishery is concentrated in south Florida, with the highest numbers of lobster trap certificate holders in Collier, Monroe, and Miami-Dade counties. The bright yellow coloring of these three south Florida counties indicates the highest level of overlap of commercial harvesters licensed to fish traps in both fisheries, while the lighter yellow coloring shows the extent of both state and federal waters for those counties. State regulations for stone crab extend into federal waters throughout the state.

## Original Industry Requests

### Collier, Monroe, and Miami-Dade Counties

- Prohibit round entrances and reduce allowable width of rectangular entrances in stone crab traps
- Reduce allowable size of stone crab traps to traditional industry practice



The lobster industry approached staff with concerns about the increasing misuse of stone crab traps and provided suggestions on how to remedy the issue. Industry initially suggested eliminating the round throat option for stone crab traps, reducing the allowable width of rectangular stone crab trap entrances, and reducing the overall allowable size of stone crab traps fished in the region. Both the stone crab and lobster industries have expressed their support for changes to stone crab trap specifications in Collier, Monroe, and Miami-Dade counties, where the greatest degree of overlap between the two fisheries occurs.

At its April meeting, the Commission approved a proposed draft rule to reduce the overall trap size and modify the allowable entrance shape and dimensions for Florida's three southern-most counties. Since that time, staff has continued to work with industry to determine the most appropriate allowable configuration for stone crab traps in this area. This ongoing collaboration has resulted in a new staff recommendation.

## Staff Proposed Rule Changes

### 68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer

- For Collier, Monroe, and Miami-Dade counties only:
  - Prohibit the use of round entrances in stone crab traps
  - Limit the entrance size for stone crab traps to no larger than  $5 \frac{1}{2}$  in by  $3 \frac{1}{8}$  in
  - Staff now recommends changing only the entrance size and shape requirements



The new proposed final rule would modify 68B-13.008, FAC, to change the allowable entrances in stone crab traps for Collier, Monroe, and Miami-Dade counties. These changes would prohibit round entrances in stone crab traps, allow only rectangular or rounded rectangular entrances, and limit the size of those entrances to no larger than  $5 \frac{1}{2}$  inches by  $3 \frac{1}{8}$  inches.

Staff is recommending only changing the entrance size and shape requirements at this time and will continue working with industry to consider future changes to overall trap size.

These proposed changes would bring the gear regulations for these three counties in line more closely with the way the stone crab fishery has traditionally operated in the region and limit the ability of stone crab fishers to gain an unfair advantage over participants in the lobster trap fishery. The changes would not affect the traditional stone crab fishery in this area because the proposed regulations conform to the stone crab trap entrance design and size typically used in the region.

While some participants in the lobster fishery would like to see further limitations on trap size implemented now, along with the proposed changes to the allowable trap entrances, the commercial stone crab and lobster industries have expressed their support for these newly revised proposed rules as a first step. Staff will consider the requested changes to trap size as part of a more comprehensive evaluation of trap fisheries in future years.

## Staff Recommendation

Approve the final rule to prevent fishermen from using stone crab traps to target lobster

- Make rule effective only in Collier, Monroe, and Miami-Dade counties
- Prohibit round entrances in stone crab traps
- Limit entrance size to no larger than 5  $\frac{1}{2}$  in by 3  $\frac{1}{8}$  in
- Continue working with industry to consider future changes to trap size



*Approve filing the necessary Notice of Change*

*If approved, make the rule effective as soon as possible and authorize issuance of an Executive Order to ensure regulations are in place by October 5, 2015*



Staff recommend approving the proposed final rule to prevent fishermen from using stone crab traps to target lobster in Collier, Monroe, and Miami-Dade counties. For these three counties, staff recommend eliminating the use of round entrances in stone crab traps and limiting the entrance size to 5  $\frac{1}{2}$  inches by 3  $\frac{1}{8}$  inches. Staff will continue working with industry on future considerations to change the size of the trap.

If approved, staff will file the necessary Notice of Change and make the rule effective as soon as possible. Due to the compact timeline, staff also recommend the Commission authorize the Executive Director, in coordination with the Chairman, to issue an Executive Order, if necessary, to ensure that the new regulations will be in place at the beginning of the stone crab trap soak period on October 5, 2015. Staff have evaluated the rule under the standards of 68-1.004, FAC, and found it to be in compliance.

The following slides are considered backup material



## Trap Reduction Program Overview

- Trap reduction programs designed to:
  - Reduce number of traps in the water
  - Increase catch per trap
  - Preserve opportunities for small business interests



Participation in trap fisheries is expensive. Trap fisheries require capital investment in trap construction, as well as trap deployment and monitoring. These expenses favor larger businesses that can afford to build or purchase and pull more traps; allowing them to outcompete smaller operations. Trap reduction programs were designed for both the lobster and stone crab fisheries to maximize profitability with the least amount of expenditure. By reducing the number of traps, the capital outlay required is minimized, thus preserving opportunities for small businesses. In addition, both programs stipulate that no entity can possess or control more than a certain percentage of the total available trap certificates in any license year (1.5% for lobster and 1% for stone crab).

## Lobster Trap Fishery

- Fishery became overcapitalized with too many traps in the water
- Number of traps peaked at over 900,000
- This led to:
  - Decreased catch/trap
  - Increased user conflicts
  - Excessive lobster mortality
- Trap reduction program established in 1992
  - Goal: stabilize fishery by reducing number of traps
  - Uses trap certificates and active/passive reduction to decrease trap numbers
  - Target trap number is 400,000
  - Approximately 475,000 traps currently fished



The spiny lobster fishery in south Florida began in the early 1900s when crawfish were harvested for use as bait. Through the early 1900s, with improvements in transportation and preservation, a food market developed for spiny lobster because lobsters could be shipped along the east coast of the United States for human consumption. As traps became the prevalent method of lobster harvest, participants engaged in a “race to fish;” with individuals maximizing the number of traps they had in the water to increase their share of the catch. By the early 1990s, the spiny lobster fishery had become overcapitalized with too many participants and too many traps competing for a finite number of lobster. The number of traps in the water peaked at over 900,000, leading to decreased catch per trap, increasing user conflicts, and excessive mortality to undersized lobster as traps were left in the water for longer periods of time to increase catch per deployment.

To address the issue of overcapitalization, the Florida Legislature established a trap reduction program for the spiny lobster fishery in 1992. The stated goal of this program is to stabilize the fishery by reducing the number of traps over time. For the first three years of the program, 10% active reductions in the total number of trap certificates issued occurred each year (trap certificates are required for each trap). Subsequent years saw modifications to the reduction schedule based on the needs of the fishery. In some years no reduction was required; other years saw active reduction, passive reduction (reduction only when certificates are transferred outside of the immediate family), or both active and passive reduction. Current reduction efforts are passive, with a 10% reduction required upon sale or transfer of trap certificates outside of the immediate family. Current market value of lobster trap certificates is reported at over \$150 per trap.

In 2001, the target number of allowable lobster traps was set at 400,000; there are currently about 475,000 traps authorized to fish.

## Stone Crab Trap Fishery

- Commercial fishery emerged in the 1960s
- Like lobster, trap fishery became overcapitalized
  - Decreased catch/trap
  - User conflicts
- Fishery entered trap reduction program in 2000
  - Trap certificates
  - Trap reduction upon transfer or sale



The market for stone crab evolved much later than for spiny lobster, with a commercial fishery emerging in the 1960s. However, the fishery quickly encountered many of the same issues as the lobster trap fishery. It became overcapitalized with too many traps in the water leading to decreased catch per trap and increased user conflicts. In 2000, the Florida Legislature established a stone crab trap reduction program similar to the one implemented for lobster. This program also required certificates for each trap and implemented a passive reduction schedule. There has been no official trap reduction goal set in rule, but when the program was implemented it was believed that 600,000 traps would catch the optimum yield of stone crabs. Like lobster trap certificates, stone crab trap certificates may be transferred or sold.

Current fair market value for a stone crab trap certificate is reported at approximately \$10. Statewide, there are over 1.1 million stone crab traps, with approximately 660,000 of those in Collier, Monroe, and Miami-Dade counties.

## Bycatch in Trap Fisheries

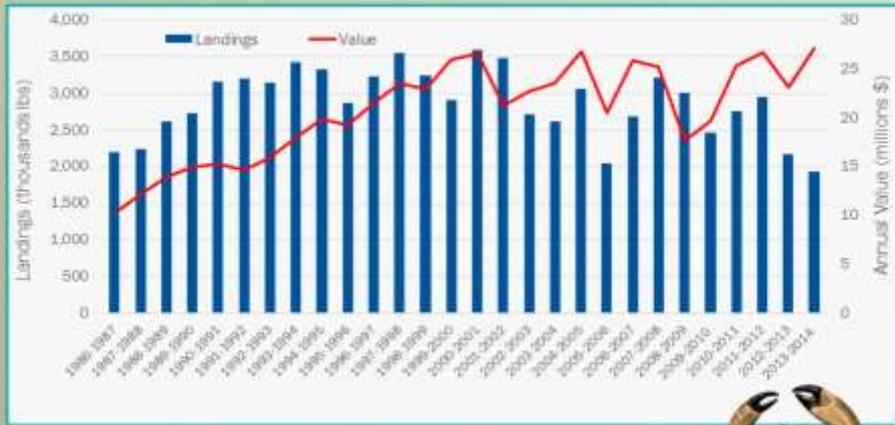
- Non-targeted species can be unintentionally caught in traps
- Bycatch may be sold if the fisherman is properly licensed
- To sell lobster bycatch from stone crab traps, fishermen need SPL, RS, X#, and C#
  - No limits on lobster bycatch for stone crab fishermen holding C#
- Trap type fished can be indicated on the trip ticket but is not required information



Finfish, lobster, crabs, and marine life make their way into various types of traps and are caught unintentionally as bycatch while fishing for other species. Bycatch from traps can be legally sold by the fisherman as long as the fisherman has the proper licenses to do so. To sell lobster caught as bycatch from stone crab traps, the fisherman must not only be licensed to harvest stone crab, but also to harvest lobster. This would require a fisherman to hold an SPL, RS, X#, and C#. While there are limits on bycatch harvest and retention for some species, for fishermen that possess and X# and an C#, there is no limit on lobster bycatch from stone crab traps.

It is possible to obtain bycatch information from trip tickets. For each species, the gear fished, including the type of trap, can be indicated. Thus, lobster landed from stone crab traps could be differentiated from lobster landed by lobster traps or other gear. However, this information is not mandatory and in some cases, only the general gear fished (e.g., traps) is indicated. Thus, obtaining reliable estimates of lobster bycatch from stone crab traps is difficult.

# Commercial Statewide Landings and Value: Stone Crab



Commercial statewide stone crab landings have declined in recent years, although the value of the fishery has increased since a dip in value in the 2008/2009 fishing year.

# Commercial Statewide Landings and Value: Lobster



Although lobster landings have remained relatively stable in the past decade, the value of lobster has significantly increased in the past five years.