

Trap Fisheries Management



Final Public Hearing
September 27, 2018



Florida Fish and Wildlife Conservation Commission

Version 2

This presentation provides a summary of management needs and proposed final rules to amend the Florida Fish and Wildlife Conservation Commission's (FWC) stone crab [68B-13, Florida Administrative Code (FAC)], blue crab (68B-45, FAC), and spiny lobster (68B-24, FAC) regulations.

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Trap Fisheries: A Long-term Management Project

- Stakeholders and staff have identified a series of management issues
 - Stone crab sustainability
 - Minimizing bycatch
 - Addressing user conflicts
 - Achieving trap reduction goals
 - Understanding recreational trap fisheries
 - Addressing industry requests
- Large project with several phases
- Requires extensive coordination with stakeholders



As part of a long-term project to evaluate and improve the management of Florida's saltwater trap fisheries, staff has worked with stakeholders to identify areas where regulations could be clarified or modified to address specific management needs related to commercial and recreational fisheries. These management issues include topics such as improving sustainability of the stone crab fishery, minimizing bycatch in trap gear, addressing user conflicts within and among various fisheries, achieving commercial trap reduction goals, understanding effort and participation in recreational trap fisheries, and addressing management changes requested by industry. This is a large project that will be divided into several phases and requires extensive coordination with stakeholders.

Topic Outline

Today's presentation: Final public hearing on first phase

- Stone crab and blue crab: estimating recreational trap effort
- Stone crab: commercial license requirements
- Lobster: trap soak and retrieval dates



At the June 2018 Commission meeting, Commissioners approved a series of draft rules for the first phase of this long-term project and directed staff to return in September for a final public hearing. These proposed final rules will address concerns specifically related to estimating effort in the recreational stone crab and blue crab trap fisheries, commercial stone crab license requirements, and commercial spiny lobster trap soak and trap retrieval periods.

Recreational Stone Crab and Blue Crab Fisheries

Effort in recreational trap fisheries is unknown

- Recreational harvesters allowed 5 traps per fishery
- Effort data needed for stock assessments

Proposed final rules

- Require recreational stone crab and blue crab trap fishers age 16 and older to register for no-cost trap ID numbers
- Modify recreational stone crab and blue crab trap marking requirements to include trap ID numbers
 - Make stone crab changes effective Oct. 2019
 - Make blue crab changes effective Jan. 2020



Stone crab and blue crab support popular recreational trap fisheries in addition to their highly valued commercial fisheries. Recreational saltwater harvesters may use up to five blue crab traps and five stone crab traps; however, the level of participation and effort in these recreational trap fisheries is unknown. As a result, no estimates currently exist for recreational blue crab and stone crab harvest, which impacts the accuracy of stock assessments. Members of the commercial stone crab and blue crab fisheries have expressed concerns about increasing participation in these recreational trap fisheries over the past several years and the impacts that increasing recreational harvest may have on these fisheries.

To identify participants in the recreational stone crab and blue crab trap fisheries and allow researchers to estimate recreational effort in these trap fisheries for use in future stock assessments, staff is proposing final rules that would require recreational stone crab and blue crab trap fishers to register each year for no-cost, FWC-assigned trap identification numbers for each fishery. This recreational trap registration requirement would apply to all recreational harvesters 16 years of age or older, even if they are otherwise exempt from the recreational saltwater fishing license requirements (similar to the current Gulf Reef Fish Survey reporting requirements). The proposed final rules would also modify recreational stone crab and blue crab trap marking requirements to require FWC-assigned trap identification numbers to be placed on each trap. Persons who are exempt from the recreational trap registration requirement would not be required to include trap identification numbers on their traps. These proposed changes were broadly supported at public workshops.

Staff proposes making changes applicable to the recreational stone crab trap fishery effective Oct. 1, 2019, to be in place for the 2019-2020 stone crab season. Because the

blue crab fishery is open year-round, staff proposes making changes applicable to the recreational blue crab trap fishery effective beginning Jan. 1, 2020.

Commercial Stone Crab License Requirements

- SPL, RS, and stone crab endorsement required
- Harvesters allotted a portion of the traps in the fishery
- Individuals can maintain trap allotment without renewing licenses
- Allows for maintaining trap allotment solely as an investment
 - Contrary to goals of trap reduction program



Proposed final rule: Require active SPL, RS, and stone crab endorsement to retain stone crab trap allotment

- If lapsed for 3 consecutive years, the trap allotment will be forfeited
- Make changes effective July 2019



A commercial saltwater products license (SPL, Florida's basic commercial fishing license), a restricted species endorsement (RS), and a stone crab endorsement are required to commercially harvest stone crabs. The commercial stone crab trap fishery is managed under a trap reduction program, which establishes a maximum number of stone crab traps that can be used in the fishery. Each trap harvester is allotted a portion of the total number of traps available to the fishery. The stone crab trap reduction program also provides a mechanism to gradually reduce the total number of traps available to the fishery each time trap allotments are transferred between harvesters.

Current regulations allow fishers to maintain their stone crab trap allotment, but not fish, if they don't renew the required licenses each year. This has allowed inactive fishers to retain their trap allotment solely as a capital investment, which is contrary to the goals of the stone crab trap reduction program.

The proposed final rule would require fishers to maintain an active SPL, RS, and stone crab endorsement to retain their stone crab trap allotment. Under the proposal, a fisher's stone crab trap allotment would be forfeited and permanently removed from the fishery (contributing to trap reduction goals) if they fail to maintain the required licenses for three consecutive years. This management option was also broadly supported at public workshops. If approved, staff propose making the changes effective July 1, 2019, the beginning of the 2019-2020 commercial license year. Stone crab trap allotments would not be eligible to be forfeited under this proposal until the 2022-2023 commercial license year.

Commercial Spiny Lobster Trap Fishery



Trap soak period

- Industry request to extend pre-season trap soak period
- 2018 soak period modified by Executive Order

Proposed final rule: *Modify soak period to begin Saturday after mini-season in future years, effective Nov. 2018*

Trap removal period

- Currently, traps must be removed from the water 5 days after season ends
- Increasing length of the post-season trap removal period would allow additional time to fish before end of season

Proposed final rule: *Increase time allowed to remove traps from water to 10 days after end of season, effective Nov. 2018*



Staff will work with NOAA Fisheries to implement these changes in federal waters

Currently, commercial lobster traps may be placed in the water five days prior to the opening of the regular lobster season, beginning on Aug. 1 each year. Recently, the commercial lobster fishery requested to extend the length of the pre-season trap soak period and allow traps to be deployed immediately after the two-day recreational mini-season, which occurs on the last consecutive Wednesday and Thursday in July each year. At public workshops, members of the commercial lobster trap fishery broadly supported this potential change. Because the recreational mini-season occurs on the last consecutive Wednesday and Thursday of July each year, and the regular lobster season opens on Aug. 6 each year, the soak period would begin on a different date and would vary in length each year. Although the two-day mini-season ends on a Thursday, heavy boat traffic continues through the rest of the week. At the June 2018 Commission meeting, Commissioners directed staff to modify the 2018 trap soak period by Executive Order to begin on the Saturday following mini-season. To reduce the potential for user conflicts on the water and to lengthen the pre-season soak period during most years, the proposed final rule would modify the spiny lobster trap soak period to begin on the Saturday following the two-day mini-season each year, and would be effective Nov. 1, 2018 to be in place starting with the 2019-2020 season.

Currently, all lobster traps must be removed from the water within five days after the end of the season. Lobsters found in traps after the season ends cannot be harvested or sold, and must be released alive. To allow the lobster trap fishery to take full advantage of the open harvest season and in response to requests from the commercial lobster trap fishery, the proposed final rule would permanently increase the time allowed to remove lobster traps from the water after the end of the season from five days to 10 days, effective Nov. 1, 2018 to be in place for the current season.

The FWC manages the spiny lobster fishery in coordination with NOAA Fisheries through the federal South Atlantic and Gulf of Mexico Fishery Management Councils. Federal law

references FWC's rules applicable to the possession and use of lobster traps for commercial harvesters operating in federal waters off Florida; however, federal regulations are not automatically updated to reflect changes to FWC's rules. If approved, staff will work with NOAA Fisheries to implement these changes in federal waters in time for the 2019-2020 season.

Next Steps of Long-term Project

Continue working with stakeholders on next phase

- Clarify regulations related to deploying and pulling traps at night
- Partial payment of commercial stone crab trap allotment
- Update degradable panel requirements for spiny lobster traps
- Address additional stone crab management needs



In the next phase of rulemaking for the long-term trap fisheries management project, staff will continue working with stakeholders to clarify trap working regulations related to deploying and pulling traps at night, clarify industry desires regarding partial payments for annual commercial stone crab trap tags, update degradable panel requirements for spiny lobster traps to better reflect materials that are currently available to the fishery, and address additional stone crab management needs.

Staff Recommendation

Approve the proposed final rules to improve management of Florida's trap fisheries

Recreational stone crab and blue crab trap fisheries

- Require annual recreational stone crab trap registration, effective Oct. 2019
- Require annual recreational blue crab trap registration, effective Jan. 2020

Commercial stone crab trap fishery

- Require an active SPL, RS, and stone crab endorsement to retain stone crab trap allotment, effective July 2019

Commercial spiny lobster trap fishery

- Begin trap soak period the Saturday after mini-season, effective Nov. 2018
- Allow traps to be removed up to 10 days after season ends, effective Nov. 2018



Staff will work with NOAA Fisheries to implement lobster changes in federal waters

Staff recommends improving the management of Florida's stone crab, blue crab, and spiny lobster trap fisheries by approving final rules to:

- For all harvesters 16 years of age or older, require mandatory, no-cost annual registration of recreational stone crab traps and modify recreational stone crab trap marking requirements to include FWC-assigned trap identification numbers, effective Oct. 1, 2019;
- For all harvesters 16 years of age or older, require mandatory, no-cost annual registration of recreational blue crab traps and modify recreational blue crab trap marking requirements to include FWC-assigned trap identification numbers, effective Jan. 1, 2020;
- Require commercial stone crab fishers to maintain an active SPL, RS, and stone crab endorsement to retain their stone crab trap allotment, effective July 1, 2019 for the 2019-2020 license year;
- Modify the commercial spiny lobster trap soak period to begin on the Saturday following the 2-day recreational mini-season, effective Nov. 1, 2018; and
- Increase the time allowed to remove spiny lobster traps from the water after the end of the season from five days to 10 days each year, effective Nov. 1, 2018.

If approved, staff will work with NOAA Fisheries to implement changes to the spiny lobster trap soak period and trap removal period in federal waters beginning with the 2019-2020 season.

Staff have evaluated the proposed final rules under the standards of 68-1.004, FAC, and found them to be in compliance.

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



Deploying and Pulling Traps at Night

"Traps may be worked during daylight hours only, and the pulling of traps from one hour after official sunset to one hour before official sunrise is prohibited"

- Confusion about what activities are allowed at night
- Industry supports continuing to prohibit pulling traps or harvesting from traps at night
- Request to allow traps to be deployed at night
- Concerns that allowing trap deployment at night during open season could increase theft



Staff will continue to work with industry to resolve this issue



Current rule language that establishes trap working regulations for the stone crab, blue crab, and spiny lobster fisheries prohibits “working” traps at night, but does not clearly describe what the term “working” means in this context. This has caused some confusion about what activities participants in these trap fisheries are allowed to conduct with traps at night. There was broad agreement among stakeholders at public workshops these trap working regulations need to be clarified.

Stakeholders were broadly supportive of continuing to prohibit pulling traps or harvesting from traps at night. Additionally, participants in the stone crab and spiny lobster trap fisheries have requested that they be allowed to deploy stone crab and spiny lobster traps at night during both the pre-season trap soak periods as well as during the open seasons.

Although this idea was supported at public workshops, concerns remain about the potential for an increase in the theft of traps or trap contents at night if the trap working regulations were modified to allow traps to be deployed at night during the open seasons. Current regulations for these commercial trap fisheries include specific buoy color and vessel marking requirements that are designed to ensure that Law Enforcement officers are able to determine that vessels are only pulling trap gear associated with that particular vessel. These marking requirements are adequate for enforcement during daytime conditions but are not adequate for enforcement at night.

Staff will continue to work with industry to determine the best path forward on this issues and will return with a recommendation during the next phase of rulemaking for trap fisheries.

Commercial Stone Crab: Trap Tag Orders

Industry requested ability to only purchase trap tags for traps they intend to fish

- Currently, entire trap allotment must be purchased each year
- Trap allotment forfeited if not paid in full for 3 years
 - Contributes to trap reduction goals

Public feedback

- Mixed feedback for not requiring purchase of entire allotment

Staff will continue to work with industry to resolve this issue



Members of the commercial stone crab fishery have requested the ability to purchase trap tags only for the traps they intend to fish each year. Currently, each stone crab fisher must purchase trap tags for their entire trap allotment each year, regardless of the number of traps they intend to fish, or if they don't plan to fish stone crab traps at all. If a fisher does not purchase their full allotment of trap tags each year for a 3-year period, their trap allotment is forfeited and is permanently removed from the fishery.

Staff presented a proposed management option at public workshops that would allow fishers to purchase trap tags for a portion of their trap allotment and would remove the requirement that trap allotments would be forfeited if a fisher does not purchase their full allotment of trap tags each year for a 3-year period. Representatives of the commercial trap fisheries provided mixed feedback on this proposal at public workshops, and staff will continue to work with the fishery on the this topic.

Background

- Stone crab, blue crab, and spiny lobster trap fisheries
 - Economically important
 - 3 of top 5 most valuable commercial fisheries in Florida
 - Recreational trap fisheries for stone crab and blue crab
- Complex regulatory structures
 - Different effort management programs
 - Long-term goals to reduce the number of traps used in commercial stone crab and spiny lobster fisheries
 - Developed in coordination with each industry



Florida's trap fisheries are some of the most valuable and economically important fisheries in the state, with the stone crab, blue crab, and spiny lobster trap fisheries comprising three of Florida's top five most valuable commercial fisheries. The average annual ex-vessel value of the commercial stone crab, blue crab, and spiny lobster fisheries over the last five years combined is more than \$88 Million. Stone crab and blue crab also support popular recreational trap fisheries.

The stone crab, blue crab, and lobster trap fisheries have complex regulatory structures, with commercial effort management programs tailored to the specific needs of each fishery. Both the commercial stone crab and lobster trap fisheries also include trap limitation programs with long-term goals to reduce the total number of traps used in each fishery, while optimizing yield per trap. These regulations have been developed over time in coordination with industry to meet the specific needs of each fishery.