



This document summarizes a draft 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 draft rule would modify the allowable dimensions for stone crab traps and trap entrances in Collier, Miami-Dade, and Monroe counties. The proposed changes would prevent the use of stone crab traps for targeting lobster.

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Background

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



The Commission has been working in recent years to make sure the 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, Miami-Dade, and Monroe counties, and most of the lobster trap fishermen in this region also participate in the stone crab trap fishery.

The 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 across each. These programs are implemented jointly by the FWC and the Legislature and are designed to decrease the number of traps in the water over time, increase catch per trap, and decrease user conflicts.

During the last lobster season, participants in the stone crab fishery began building and deploying stone crab traps of a different design that were not previously used in south Florida, and using them to target lobster. Representatives of both the stone crab and lobster industries have voiced concerns about this practice and the industry has requested changes to the rules describing the stone crab trap specifications for south Florida in order to prevent the use of these stone crab traps in the region.

There are over 600,000 stone crab traps licensed in the Collier, Monroe and Miami-Dade Counties, many of which could potentially be directed toward lobster if the practice is allowed to continue.

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
- Fishers are likely losing lobster catch to those using stone crab traps in the lobster fishery



Bycatch of lobster in stone crab traps has always occurred, and vice versa. But recent changes to both fisheries have created additional motivation for fishermen to shift their effort from targeting stone crab to 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 exceed \$15 per pound at the height of the season. In addition, the recent declines in the stone crab fishery catch have resulted in stone crab fishers 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; FWC does not receive any portion of the proceeds. Sales are required to be reported to FWC for the purpose of transferring ownership of trap certificates and registering the trap reductions.

The use of stone crab traps and trap certificates to target lobster allows fishers to purchase less costly stone crab trap certificates to enter the lobster fishery or increase their stone crab trap allotment with the intent of fishing those additional traps for lobster. Fishers who already hold both lobster and stone crab trap certificates can also shift the effort of the stone crab traps they already own to focus more of their traps on lobster harvest.

Achieving the original trap reduction program goals of reducing the number of traps fished while preserving the equity of the catch requires fishers to abide by the original intent of the regulations. Circumventing this intent by using traps from one fishery to deliberately target another species directly undermines the trap reduction program and unfairly shifts the lobster catch away from fishers who are abiding by the original intent of the regulations.

Stone Crab/Lobster Trap Regulations

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

* Both programs 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 can 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, can 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 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' x 2' x 2' or a maximum of 12 cubic feet (cu. ft.). Stone crab traps cannot exceed 2' x 2' x 2' or 8 cu. ft.; however, the typical stone crab trap is much smaller at approximately 16" x 20" x 12" and/or 2 cu. ft. 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). Lobster fishers must also hold a crawfish endorsement (C#), while there is a separate stone crab endorsement (X#). Participants in both fisheries are required to hold species-specific trap certificates for each trap they put in the water.

Stone Crab/Lobster Trap Comparison



A visual comparison of a typical stone crab and lobster trap illustrates the differences in size, materials, and entrances as they are commonly seen in south Florida. The stone crab trap (shown here 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 overall volume and entrance of the lobster trap is significantly larger than the typical stone crab trap to allow for the larger average overall size of lobster.

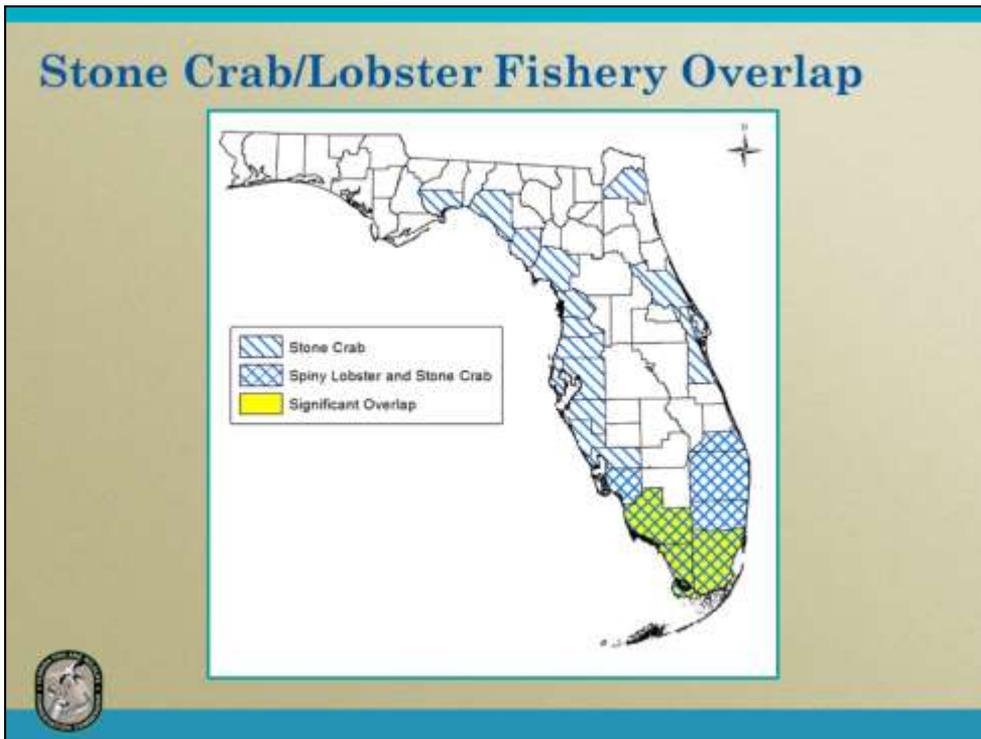
Stone Crab Traps Used to Target Lobster

- Typical stone crab trap entrance is rectangular with rounded corners
- Round or larger rectangular entrances allow easier access for lobsters
- Larger sized stone crab traps with round entrances reportedly catch ~90% as many lobsters as traditional lobster traps
- Industry has requested rule changes to prevent the use of these lobster-like stone crab traps in the primary areas where the lobster fishery operates



While the typical stone crab trap is designed to target stone crab, allowable modifications have led to the use of traps that have not historically been used in the south Florida fishery. These traps use a 5" round PVC entrance or a larger rectangular entrance that allows lobsters to go into the trap more easily rather than the traditional rectangular entrance. In addition, the trap is composed of wooden slats, like lobster traps, and is constructed in a variety of sizes up to the largest allowable stone crab trap size, which accommodate the larger size of lobsters. Larger larger stone crab traps with round entrances are reported to catch almost the same number of lobsters as a traditional lobster trap. To prevent this unintended use of stone crab traps in the lobster fishery, industry has requested rule changes to eliminate their use in the primary areas where the lobster fishery and stone crab fishery overlap.

Stone Crab/Lobster Fishery Overlap



The above map 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, Miami-Dade, and Monroe 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.

Suggested Changes

Monroe, Miami-Dade, and Collier Counties

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

The proposed changes would bring local gear regulations in line with the way the fishery has traditionally operated in south Florida and preserve fair access to available lobster resources

The stone crab and lobster industries have expressed support for these changes



Both stone crab and lobster industries have expressed support for changes to stone crab trap specifications in Monroe, Miami-Dade, and Collier counties, where the greatest degree of overlap between the two fisheries occurs. Industry has 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.

These proposed changes would bring the gear regulations for these three counties in line with the way the stone crab fishery has traditionally operated in the region and decrease the likelihood that stone crab fishers could gain an unfair advantage over other participants in the lobster trap fishery. The changes would not affect the traditional stone crab fishery in this area because the typical stone crab trap entrance design and size typically used in the region, which are effective at catching stone crabs, would continue to be allowable.

Summary of Proposed Changes

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

- For Monroe, Miami-Dade, and Collier counties only:
 - Allow only rectangular or rounded rectangular entrances in stone crab traps
 - Require that the entrance size for a stone crab trap not exceed $5 \frac{1}{2}$ in. by $3 \frac{1}{8}$ in.
 - Reduce allowable stone crab trap volume to no more than 16" x 20" x 12" or 3,840 cu. in.



The proposed draft rule would modify 68B-13.008, FAC, to make a series of changes to the stone crab trap specifications for Monroe, Miami-Dade, and Collier counties. These changes would allow only rectangular or rounded rectangular entrances in stone crab traps and limit the size of those entrances to be no larger than $5 \frac{1}{2}$ in. by $3 \frac{1}{8}$ in. In addition, the overall volume of the stone crab trap in these counties would not be allowed to exceed 16" x 20" x 12" or 3,840 cubic inches, which is just over 2 cubic feet.

Staff Recommendation

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

- Make rule effective only in Monroe, Miami-Dade, and Collier counties
- Eliminate round entrances in stone crab traps
- Limit entrance size to no larger than 5 $\frac{1}{2}$ in. by 3 $\frac{1}{8}$ in.
- Limit trap volume to no more than 16" x 20" x 12" or 3,840 cu. in.

If approved and directed, return for a final public hearing at the June Commission meeting



Staff recommend approving the proposed draft rule to prevent fishermen from using stone crab traps to target lobster in Collier, Miami-Dade, and Monroe counties. For these three counties, staff recommend eliminating the use of round entrances in stone crab traps, limiting the entrance size to 5 $\frac{1}{2}$ in. by 3 $\frac{1}{8}$ in., and limiting the trap volume to no more than 16" x 20" x 12" or 3,840 cubic inches.

If approved and directed, staff will return for a final public hearing in June.

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



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



Trap fisheries are expensive for fishers to participate in. They require capital outlay for trap construction as well as for trap deployment and monitoring. These expenses favor larger businesses because they can afford to make 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 setting a target optimum sustainable yield resulting from the fewest number of traps. 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 evolved 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 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 of undersized lobster as traps were left in the water for longer periods of time to increase catch.

In response to the 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. Trap certificates are required for each trap. For the first three years of the program, 10% active reductions in the total number of trap certificates issued occurred each year. Subsequent years saw modifications to the reduction schedule based on the needs of the fishery. Some years no reduction was required, other years saw an active reduction, a passive reduction (reduced only when certificates are transferred outside of the immediate family), or a combination of active and passive reduction. Current reduction efforts are passive, with 10% reduction required upon sale or transfer of trap certificates outside of the immediate family. These trap certificates reportedly sell for over \$150 each.

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

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 2002
 - 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 of 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 2002, 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. Like lobster trap certificates, stone crab trap certificates may be transferred or sold. Current fair market value for a stone crab trap certificate is reportedly approximately \$10. Statewide, there are over 1.1 million stone crab traps, with approximately 660,000 of those in Collier, Dade, and Monroe counties.

Bycatch in Stone Crab Traps

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



Species other than those that are targeted are also caught in traps. 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 fisher as long as the fisher has the proper licenses to do so. To sell lobster caught as bycatch from stone crab traps, the fisher must not only be licensed to harvest stone crab, but also to harvest lobster. This would require a fisher to hold an SPL, RS, X#, and C#. Bycatch limits vary by species. For fishers holding a crawfish endorsement, there is no limit on lobster bycatch from stone crab traps.

Trip tickets are set up to capture bycatch data. For each species, the gear fished can be indicated and includes an option to specify not only “traps,” but what type of trap was used. 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. 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.