Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION
Marine Fisheries
RULE NO.: RULE TITLE:
68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer

PURPOSE AND EFFECT: There is substantial overlap between the lobster and stone crab fisheries in south Florida, with most of the lobster trap fishermen in Collier, Monroe, and Miami-Dade counties also participating in the stone crab trap fishery. In addition, both fisheries rely heavily on the use of traps and operate under trap reduction programs established by Florida Statutes and Commission regulations that limit the total number of traps that can be used. These trap reduction programs are designed to decrease the number of traps in the water over time, increase catch per trap, and decrease user conflicts while maintaining the overall catch and income for fishery participants.

Participants in the stone crab fishery have begun building and deploying stone crab traps of a different design that were not previously used in south Florida, and using them to target lobster. This practice allows fishers to target lobster in stone crab traps without having to purchase more costly lobster trap certificates, shifts lobster catch to stone crab traps, and circumvents the lobster trap reduction program. The purpose of this rule amendment is to modify the allowable dimensions for stone crab traps and trap throats in Collier, Monroe, and Miami-Dade counties. The proposed changes would prevent the use of stone crab traps for targeting lobster.

The effect of this change would be to amend 68B-13.008, F.A.C. (Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer), to make a series of changes to the allowable stone crab trap specifications for Collier, Monroe, and Miami-Dade counties. These changes would allow only rectangular or rounded rectangular throats (entrances) in stone crab traps and limit the size of those throats to be no larger than 5 1/2 in. by 3 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.

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 prevent stone crab fishers from gaining an unfair advantage over other participants in the lobster trap fishery. The changes would not affect the traditional stone crab fishery because the stone crab trap size and throat design typically used in the region, which are effective at catching stone crabs, would continue to be allowable.

SUMMARY: Rule 68B-13.008, F.A.C., would be amended to allow only rectangular or rounded rectangular throats in stone crab traps fished in Collier, Monroe, and Miami-Dade counties and limit the size of those throats to no larger than 5 1/2 in. by 3 1/8 in. In addition, the overall dimensions of a stone crab trap fished in these counties would not be allowed to exceed 16” x 20” x 12” or 3,840 cubic inches.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution
LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: During the Commission’s regular meeting June 23-25, 2015, 8:30 a.m. – 5:00 p.m.
PLACE: Hyatt Regency, 1000 Boulevard of the Arts, Sarasota, Florida 34236
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator, at (850) 488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554.

THE FULL TEXT OF THE PROPOSED RULE IS:
(1) No change.
(2) TRAP CONSTRUCTION. No person, firm, or corporation shall transport on the water, fish with, or cause to be fished with, set, or placed, in the harvest of stone crabs, any trap which does not meet the following requirements:
(a) Each trap shall be constructed of either wood, plastic, or wire.
(b) Except as described in subsection (c), such traps shall have a maximum dimension of 24 inches, by 24 inches, by 24 inches or a volume of 8 cubic feet.
(c) In Collier, Monroe, and Miami-Dade counties, such traps shall have a maximum dimension of 16 inches, by 20 inches, by 12 inches or a volume of 3,840 cubic inches.
(d) The throat or entrance to all wood and plastic traps shall be located on the top horizontal section of the trap.
(a) The use of round throats is prohibited in state and federal waters off Collier, Monroe, and Miami-Dade counties. In state and federal waters off Collier, Monroe, and Miami-Dade counties, the smallest inside opening of the throat shall not exceed 5 1/2 inches in the longer dimension and shall not exceed 3 1/8 inches in the shorter dimension.
(b) For traps fished anywhere other than state or federal waters off Collier, Monroe, or Miami-Dade counties, if the throat is longer in one dimension, the throat size in the longer dimension shall not exceed 5 1/2 inches and in the shorter dimension shall not exceed 3 1/2 inches. If the throat is round, the throat size shall not exceed 5 inches in diameter.
(3) through 4. No change.
Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01, 7-15-04, 7-13-08, 6-19-13, .

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2015