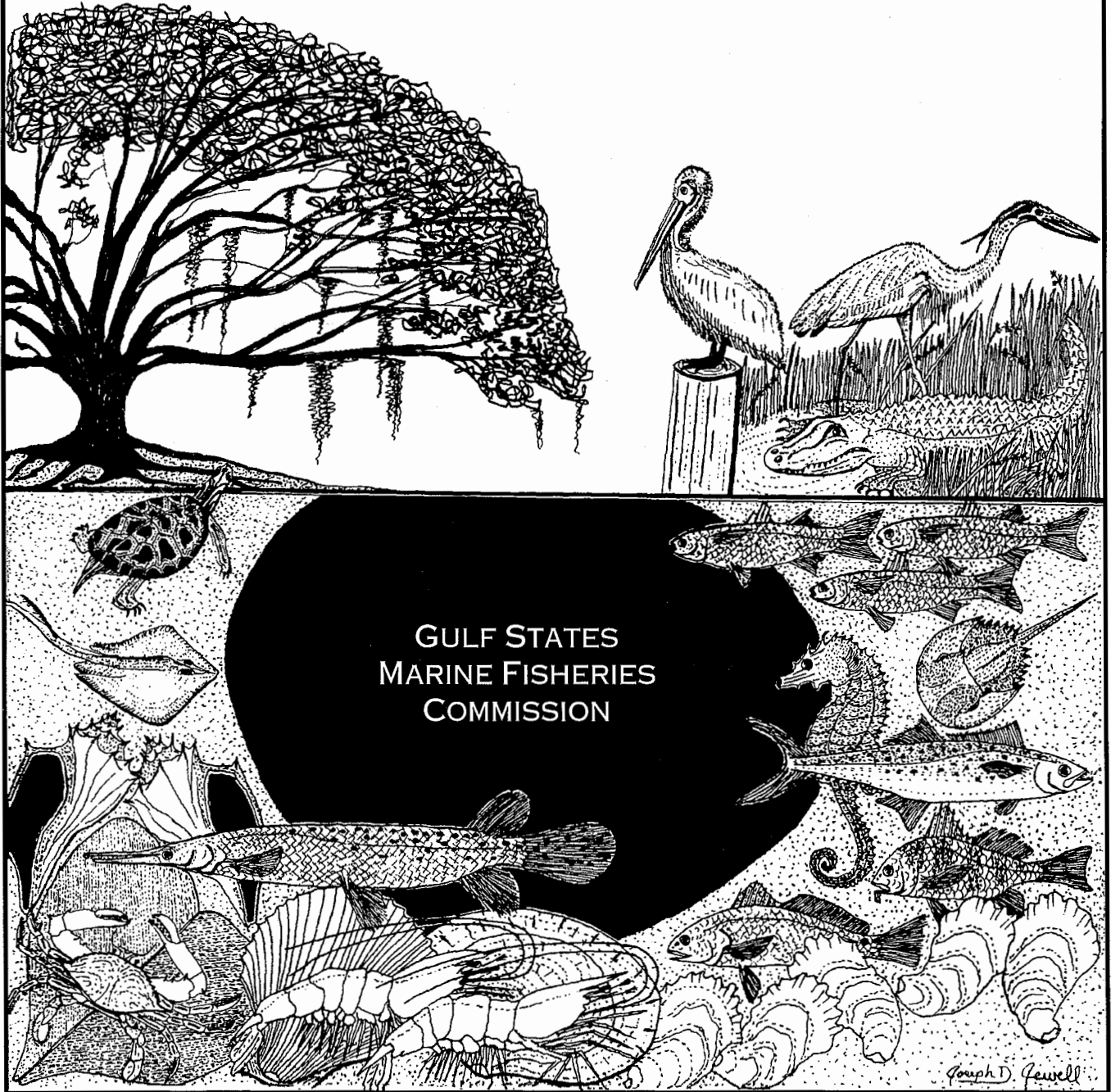
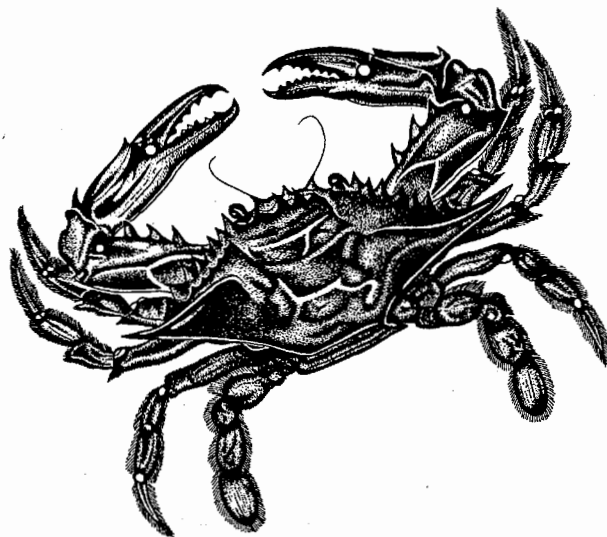


Proceedings:

Conflicts in the Gulf of Mexico Blue Crab Fishery - A Symposium



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sponsored by

the Gulf States Marine Fisheries Commission
TCC Crab Subcommittee

published by

Gulf States Marine Fisheries Commission
P.O. Box 726
Ocean Springs, Mississippi 39566-0726

March 14, 1995
Orlando, Florida

A publication of the Gulf States Marine Fisheries Commission pursuant to National Oceanic and Atmospheric Administrative Award Number NA56FI0085. This paper is funded by a grant from the National Oceanic and Atmospheric Administration. The views expressed herein are those of the author(s) and do not necessary reflect the views of NOAA or any of its sub-agencies.



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Preface

When utilizing all common-property resources, competition between users and other interested parties will inevitably lead to conflict. The Gulf of Mexico blue crab fishery is currently experiencing various user group conflicts, and this symposium was an attempt to bring industry participants and fishery managers together to discuss these problems. Speakers were selected to represent a wide variety of ideological as well as geographic backgrounds. The TCC Crab Subcommittee would like to thank the participants for sharing their views and honest opinions regarding existing and potential conflicts. Thanks are also due to the Gulf States Marine Fisheries Commission for providing the forum for this symposium.

Presentations

Louisiana Blue Crab Industry - Conflicts with Other Natural Resource User Groups

by

Alan Matherne

My perspectives of the conflicts in this fishery are those of a Louisiana Sea Grant agent, a member of the Louisiana Blue Crab Task Force, and as a native of Louisiana. As an overview, the blue crab fishery ranks third in value among Gulf of Mexico fisheries. Louisiana has exploited crabs since the 1800s, and current hard crab landings average about 50 million pounds/year. Soft crab production has averaged about 200-400 thousand pounds/year. Underreporting, however, is a major problem, and actual landings are probably two or three times this number. The soft crab industry consists mostly of low-tech, recirculating systems, and premolts come mostly as bycatch from hard crab fishery. The number of licenses issued ranges from 2,500-3,000/year, and price to the fisherman has escalated recently, ranging from \$0.35 to \$1.00/pound.

Blue crabs are an annual crop, reaching maturity in 10-12 months. Crabs are taken year-round in state waters and occupy nearly the entire estuary, thus increasing the potential for conflicts. The fishery is easy to enter, with only a small skiff and perhaps 500 traps needed; it provides a source of income for low-income areas of the state. Recreational crabbers (chicken-neckers) are also an important component of the state's fishery.

The commercial fishery has evolved from primarily a trotline fishery to the current hard trap fishery of today. Some of the earliest conflicts in Louisiana were between commercial trotline and wire trap fishermen when that gear was introduced. The influx of Vietnamese in the 1970s changed the fishery causing some conflicts with native fishermen. The Occupational Safety and Health Act (OSHA) and upcoming Hazard Analysis-Critical Control Point (HACCP) mandate will cause problems for processors. Small processors may be unable to comply with these mandates and thus be forced out of business. Leadership and organization of crab industry participants in Louisiana revolve around two groups: Concerned Crabbers and the Louisiana Blue Crab Task Force.

Problems in the Louisiana fishery, in no particular order, are as follows:

- habitat degradation
- overcapitalization
- trap theft
- undersize crabs
- imports/surimi/prices
- time and area restrictions
- lack of soft crab production data, no licensing system
- gaps in biological knowledge

- industry would like predictive/modelling ability
- numerous user conflicts
- peeler availability
- bait shortages
- ghost fishing
- shrimp bycatch mortality (salt boxes)

Regarding salt boxes, the Louisiana Blue Crab Task Force has discussed the issue many times, but no action has ever been taken. The task force has also proposed legislation to enact a soft crab producers license. User conflicts, with descriptions and examples, are as follows:

Legal versus Outlaw - Violations go to a district attorney's (DA) office. If the DA is up for reelection, violators are often not prosecuted. Concerned Crabbers follows the progress of violators, have put pressure on DAs, and have had success in obtaining convictions.

Commercial Crabbers versus Commercial Shrimpers - Probably Louisiana's most prevalent conflict, this is basically an area conflict, as prime crabbing and shrimping areas are often in the same place. The use of turtle excluder devices (TEDs) are causing further problems with shrimpers, as crab traps caught in front of the TED cause lost shrimp before they (shrimp) enter the net. One example occurred in Vermilion Bay where shrimpers said crabbers were setting traps in clusters preventing boats from trawling. Crabbers said shrimpers were intentionally picking up traps in nets, selling or giving them to friends, and damaging traps. One crabber took the law into his own hands and set out bricks and barbed wire into the bay. This mess was caught by shrimpers, and a very volatile situation erupted. Local officials asked Louisiana's Shrimp and Crab task forces to form an ad hoc committee to put together recommendations, which were as follows:

1. designate separate areas for shrimping and crabbing;
2. set a commercial crab season;
3. recover unused traps and use them for erosion control or artificial reefs;
4. set a maximum number of traps to be fished per commercial fishing licenses to be issued;
5. increase enforcement and fines for violations;
6. set aside shrimp sanctuaries;
7. increase distance between traps, keep traps in a straight line; and
8. prohibit double-rig trawling and night shrimping in crab-only bays.

No immediate regulations were passed as a direct result of this conflict, and parties were asked to work out their problems. More recently, the legislature has passed some time and area restrictions in the Vermilion Bay and other areas. In Sabine Lake, there is a no crabbing zone on the Texas side (the city of Port Arthur has a statute whereby traps may not be fished unattended). Thus Texas crabbers move their traps to the Louisiana side causing havoc with the shrimp fishery. The Louisiana legislature has designated portions of Sabine Lake in Louisiana as closed to crabbing during certain times of the year. Other Louisiana locations with time/area restrictions include the Calcasieu and Tchefuncte rivers. It is currently illegal to place traps in navigable channels, but statute wording is too vague for enforcement, and no one knows exactly where these channels are.

Commercial Crabbers versus Other Commercial Crabbers - Conflicts are mainly at the edge of game management areas which are often prime crabbing areas.

Commercial Crabbers versus Commercial Net Fishermen - Seiners, trammel netters, and gill netters are restricted in certain areas.

Commercial Crab Industry versus Fishery Managers - There is the perception in Louisiana that redfish are overpopulated, and they consume mass quantities of crabs. Managers say otherwise.

Hard versus Soft Crabbers - Soft crabbers need small buster crabs; hard crabbers prefer these small crabs to escape and grow into legal size (5") crabs. A group of hard crabbers has endorsed the use of escape rings, but the Louisiana Crab Task Force voted against it.

Commercial Crabbers versus Hunters, Boaters, and Sport Fishermen - The main conflicts here are hazards to navigation, and running at night, in fog, and in shallow waters. Sport fishermen feel traps are not the most conservative gear available.

Commercial Crabbers versus Dealers - Dealers are often forced to buy undersize crabs; competition from other dealers and crabbers have put pressure on them to bring in undersize crabs.

Native versus Immigrant Crabbers - Vietnamese crabbers often work harder, longer, and use more traps than do native crabbers. They often don't abide by local customs (i.e., straight lines, minimum distance between lines).

Trap Fishermen versus Trawlers and Dredgers - Some trawl-caught crabs are landed in late fall and early winter. The law says trawl crabs must be bycatch, but some targeted trawling occurs in late fall. Trap fishermen are concerned but have never acted. It is felt that "shrimpers are the big dog in Louisiana when it comes to commercial fisheries, and crabbers are very careful about fooling with that big dog." In 1992-1993, one fishermen caught crabs with a modified dredge and was ticketed. There is much opposition to the use of dredges due to perceived population depletion, lowered market value, and destruction of water bottoms. Consequently, the legislature prohibited dredges as a legal gear for harvesting crabs.

Recommendations from the Louisiana Crab Task Force are as follows:

1. protect habitat, enhance restoration efforts;
2. to reduce overcapitalization, set moratorium on issuing of new licenses, limit fishing effort;
3. restrict night and double-rig shrimp trawling in certain areas;
4. set a minimum distance between traps;
5. establish an industry-funded, Crab Enforcement Strike Force (crabbers voted to increase their license fee to fund);
6. require escape rings and set a tolerance for peelers (voluntary at first, then mandatory if necessary);
7. set recreational size limit;

8. establish dual liability, whereby harvesters, buyers, truckers, processors, etc. are **all** responsible for violations;
9. set minimum trap mesh size;
10. provide education on shedding systems and premolt handling;
11. look into alternative baits, to ease bait shortages;
12. to reduce ghost fishing, mandate escape rings, degradable panels, non-floating line;
13. research bycatch mortality; prohibit salt boxes;
14. time and area restrictions, clarify definition of navigable channels (should be statewide, rather than piecemeal); and
15. gather better information on soft crab production.

Vision for the Future of Louisiana's Blue Crab Fishery - A limited number of professional crab fishermen, segregated into hard crabbers using wire traps with escape vents and soft crabbers using peeler traps, will operate under statewide time/area restrictions corresponding to peak shrimp harvesting periods. Also, increased product grading will occur, consequently increasing the economic value of the crab fishery to the harvesters, dealers, processors, and the state as a whole.

Questions

Phil Steele: How is the crab task force funded?

Alan Matherne: Not state-funded, voluntary, except for Alan & Vince Guillory's salary, and meetings are held in Louisiana Department of Wildlife & Fisheries (LDWF) buildings in Baton Rouge. Crabbers voted to increase the crab trap license fee from \$25 to \$100 to fund the Crab Enforcement Strike Force.

Steve Thomas: Do Concerned Crabbers still exist? The Louisiana Crab Task Force consists of how many people, and how are they selected?

Alan Matherne: Most Concerned Crabbers members went to the task force; voting members number 15 representing all interests. Members were selected by themselves. Fishermen sent a letter to the governor requesting a task force; the governor sent a letter to the secretary of fisheries; and the secretary said "come in and meet with LDWF staff." Now there are standard operating procedures, a nominating committee, and methods for removal of members for non-attendance.

User Conflicts in the Blue Crab Fishery - A Fisherman's Perspective

by

Sherman Siegmund

There are four or five main conflicts to the harvester. The first is shrimp boats; we get no help from the Florida Marine Patrol (FMP). The FMP and the Florida Department of Environmental Protection (FDEP) need to form net-free zones to reduce conflict. The FMP should set up a special task force to handle problems. Inter-industry thievery occurs during the day and night. When crab fishermen complain, no enforcement action is taken. In some districts reaction time is better than others, but all should react equally.

As you go up the (Gulf) coastline, the "good ole boy" attitude prevails, where fishermen believe they own the water in which they crab. This area was their father's domain and probably will be their grandson's domain. They threaten your life and destroy your gear. A task force could be instrumental in resolving these situations.

Recreational fishermen and poachers are always destroying buoys, stealing traps, and believe they are entitled to a free meal. My recommendation is to set up signs at all ramps instructing anglers of laws and where to report violators. All of our Florida scientists know what the problems are. We need to work together to maintain a viable, productive fishery.

With the closing of Florida's gill net fishery, there will be a large influx of former net fishermen into the crab fishery. My recommendation is to set a permit allowing interstate crabbing, instead of moratoriums to crabbing. In the years after recent storms in Florida, there were no crabs here, but Louisiana had some of its best years ever.

We should stop pollution of our estuaries, otherwise there will be no more crab fishermen. Law enforcement should have a strike force in each district to deal with thievery and other problems. The regular marine patrol has enough to do dealing with illegal fishermen and drunken boaters and has no time to devote to enforcement of crab violations.

Questions

Paul Coreil: How is trap theft handled?

Sherman Siegmund: It is a felony by law but rarely prosecuted. We have told the marine patrol when and where theft is occurring, and we are ignored. If ticketed, you go before a judge. The judge has the final decision, but for most first offenses, it amounts to a slap on the hand.

Steve Thomas: How will gill netters enter the crab fishery?

Sherman Siegmund: Florida has displaced them out of their fishery; most gill net fishermen already have blue crab licenses and will go back to crabbing. There will be an influx of traps/buoys everywhere, and recreational fishermen will complain. There is a group in Tampa

that wants to ban crabbing because they don't like buoys everywhere. They think because they have gotten rid of gill nets that they can get rid of every commercial fishery the same way.

Steve Thomas: What is your recommendation to retard this influx?

Sherman Siegmund: You cannot prevent this, and the industry will regulate itself. The abundance of crabs will determine numbers of traps fished. I endorse a one-year delay in issuing new blue crab permits; this will prevent persons from entering the fishery when crabbing is good and abandoning traps when it goes down. It would make for more responsible fishermen.

Phil Steele: How do you feel about limiting numbers of traps?

Sherman Siegmund: A better solution is limiting the number of boats used; one boat/permit. Limiting the number of traps is limiting how much money you can make. If you do limit us, you should limit the construction industry, everything. Boaters always complain about too many traps, but you never hear crabbers calling marine patrol complaining, "I just lost ten traps to the boaters; what are you going to do about it?" We just accept that as part of the working expense. Boaters think that everything has to be perfect for them. They have to realize that we are making a living, just like they go out and pollute our bays, constructing seawalls, putting fertilizer on their lawns on shorefront property. If you had signs at all the ramps, as you do for manatees or seagrass beds, saying crabbers are trying to make a living, molesting traps is punishable by law, try to leave traps alone, etc., some boaters might. There are a lot of conscientious people out there.

Page Campbell: How many traps can you fish at once?

Sherman Siegmund: In a day? Approximately 300 to 350, but sometimes you can't fish them every day, so it would be nice to have two lines and fish each every other day. I feel 500 traps is a limit for one permit. If you want to fish more, then you would need another permit. I don't want to be limited to 300 traps; every ten traps is a hundred pounds. I don't think a trap limit is feasible; if you do, make it high enough to fish one line every other day, but not 200 traps like Texas. I think that's ludicrous! It's just telling you they don't want the industry there. There are conflicts everywhere on the water; boating, or crab traps, or gill net fishing, or hook and line fishing. There's problems in the (Florida) panhandle with people coming down from Alabama catching little trout. They shouldn't be catching those, but they do.

Conflicts in the Blue Crab Fishery - A Processor's Perspective

by

Keith Ashton

I'm very reticent to be here because what I want to talk about is conflict, and my conflict is not really with anybody else who's in the private enterprise. I really believe I'm here to represent America's most endangered species, the independent businessman. The conflicts I have are that I can't get enough crabs, and I believe government agencies are making my life very difficult with what crabs I have. It seems easy to enact laws, but there is no thought to what the end result really is.

What happens on the way to getting crabs? We are in Seadrift, Texas (San Antonio Bay between Houston and Corpus Christi). We process, depending on the year, one to two million pounds of crabs. We directly employ 10-15 people, we indirectly employ 20-40 pickers (they are self-employed), and we buy crabs from 20-40 crabbers. Who can buy crabs in the state of Texas? The answer is pretty well anybody. Yes, you should have a license. It costs \$500/year, and that's all you need. You don't need a facility, don't need anything else to be a crab buyer. What happens to crabs, do they come to a processing plant, to people who have an investment in the industry? The answer is "no." Anybody can buy crabs and ship them out of state or out of country with no regard to legal, local institutions who have invested money.

There's very little, if any, inspection in the state of Texas. I checked with my two principal places who bought crabs for me last year. They were never inspected for size of crabs. I'm told that's due to a budget crunch in the system; they don't have enough money to put gas in vehicles to go and inspect crabs. The first problem I face is undersize crabs. You say don't buy it, but if I don't buy it, the next guy down the road buys it. If he doesn't buy it, they ship it to Louisiana in a truck, and the truck is not inspected either. The buying of crabs is a problem - anybody can do it with very little restrictions.

We have a preponderance of Vietnamese crabbers in Texas, and there is no question that their thought on life is for today; tomorrow does not exist. Therefore, they will rape the fishery. Unless we get some help from the enforcement agency at the point of landing, or out in the bay, the processor should not be held responsible for undersize crab violations.

Regarding soft-shell crab, we do require escape vents in Texas, but the soft-shell industry is not recognized as an industry in the state of Texas. There is a 5% by number tolerance of undersize crabs allowed. Nine to ten years ago we were probably the largest shedder of crabs; our business has eroded because anybody can shed crabs. They do it in their garages, anywhere they want. There's absolutely no inspection, no control over the quality of the product going to the end user. The Texas Department of Health (TDH) inspector will come into my plant and there will be five to six persons cleaning soft-shell crabs. The inspector walks right past because he has absolutely no jurisdiction. The requirements for soft-shell crabs that Texas does have are so lax that I'm not sure what sort of product is getting to the market. The situation is getting worse, because we are now spending government money to tell everyone how to shed crabs.

There was no problem shedding crabs in existing processing plants. Now we are telling people how to set up shedding plants in their garages; I'm not sure if that is right.

One major conflict is the fact that a plant has a great deal of money invested, and there may not be a plant in Texas that is making money. Ten years ago there were 20 plants in Texas; today there are only seven. Every time there is legislation of any form, it costs money. As an independent businessman, going to the bank with a negative balance sheet makes it very difficult to get money to do the things that I'd like to do in a plant. Never mind those things that are legislated upon me.

One large problem is OSHA. One of the great things about having a large business is that we're a super target for OSHA. They can find us, but they can't find all the smaller operations. As an example, last year I got a \$600 fine for having one receptacle on the wall with reverse polarity. I don't know how many people understand reverse polarity, but I didn't. In our receiving area we have a neon light fixture that attracts flies away from the crab. We also have a bug zapper, connected by an ungrounded extension cord. For this we were fined \$1,200!

HACCP - what a great thing for the space program; what a great thing for General Mills. Frankly, I can't afford it. We've been operating for 29 years; to the best of my knowledge we have not killed or maimed anyone. Now we have a 29-year old plant, and frankly, we're praying for a hurricane. That's a sad thing to say, because there is no way with the equipment we have that we can meet the requirements of HACCP. Every process is going to have to be monitored. It will probably cost us \$30,000/year for somebody to do the monitoring. There are great ideas, but a small independent businessman cannot afford them.

The Texas Department of Health (TDH) makes it very difficult for a processor to compete, either domestically or on the international level. They have their own set of rules. In Texas, cooked crab must be washed after backing. As anyone knows, that is the easiest way of introducing bacteria to crab meat there is. The Food and Drug Administration (FDA) inspector comes in once or twice a year, takes samples, and says this is not the best way to pick crabs; however, he is not willing to testify to the TDH that no other state requires washing cooked, backed crab meat. Cost-wise, this adds about \$0.25/pound for every pound we pick.

We have other laws, which at best are subjective, rather than objective. The plant must have walls that are smooth and easily cleanable. What is smooth? What is easily cleanable? You might say the finish on a Rolls Royce car is smooth, or a razor blade, or paint is smooth. But under a microscope it is not really very smooth. We're dealing with microorganisms (*Listeria*, *Staphylococcus*), so what is really smooth? Is the local inspector reasonable or unreasonable with regard to these types of subjective evaluations?

Laws do not really specify that surfaces inside a freezer must be smooth and easily cleanable. Freezers are seldom cleaned more than once a year. Our freezer is unusable by TDH standards because it has a blown-in foam lining. TDH says this lining could contaminate the crab meat. The crab meat is in a plastic container; the plastic container is in a wooden box; the wooden box is in a plastic crate. None of the field representatives agree that there is a problem, yet nobody is willing to go all the way to the top and fight for the crab plant, saying "you're being unreasonable!" Or they say "Why don't you just reline the freezer?" I say "Why don't you

send the \$2,000 or \$3,000 it would cost to reline the freezer?" They don't want to talk about that.

Legislation, I believe, will kill the crab plants in Texas. Specifically with imports. An unlicensed processor may get 5,000 pounds of crabs, take out 500 pounds of jimmies which are sold at an inflated price to a restaurant in Baltimore. What's left is processing crab which may be sold live to growing Asian markets, again at inflated prices. What's left is trash crab. Either I buy it, my competitor buys it, or it is put on a truck to Mexico. How can Mexico accept this poor product? It is very simple. I will average one pound of crab meat for every ten pounds of crab bought. It will cost me \$1.05 just to pick the crab meat. The same pound of crab meat, in Mexico, costs \$0.25 to \$0.30 to pick. They have no health departments putting costs on their plants. The other advantage that they have is many newer plants that probably will meet HACCP legislation in the United States. I worry about some of the crab meat being imported; I don't believe it's picked under the same rules and regulations that we have to pick by. I know for a fact that they are picking undersize crabs in Mexico.

What I want is some way to funnel grant monies available to educational institutions in this country to come directly to the processor. For example, there was a \$50,000 federal grant given to the oil industry to study zebra mussels. That's great; however, I do believe the oil industry has enough money to study it themselves.

The crab industry needs help in getting capital to meet HACCP requirements. They need help to do a better, more efficient job of taking the resource available, and getting more meat out of it. We're running on a 30-year old boiler retort system that is not the most efficient. When you put 3,000 pounds of crab into cook at one time, you don't have control over optimum **anything!** I believe we could increase our yield of crab meat with less crabs if we had a more modern system, but we need some help. With the balance sheets we're showing today, we're not going to get it from the banking system.

Questions

Alan Matherne: What are some of the conflicts you have besides with government?

Keith Ashton: Although I am aware of many other problems, my main problem is with regulators, and the supply of crab.

Conflicts in the Blue Crab Fishery - An Enforcement Perspective

by

Bruce Buckson

The Florida Department of Environmental Protection (FDEP) is not the rule-making authority; that falls with the Florida Marine Fisheries Commission (FMFC). I work as a liaison with FMFC. The blue crab fishery in Florida is primarily an inshore fishery. On the west coast of Florida, north of Tampa, the Gulf Coast is closed to shrimping, thus there is reduced conflict with shrimpers. Conflicts still occur, and laws have been passed to reduce these conflicts.

Another main conflict is with recreational boaters complaining about blocked channels, although not necessarily marked channels. There may not be a violation, but there is still a conflict. Recreational boaters are also targets of complaints from crabbers - damaging traps, theft, etc. The conflict is not one-sided.

There was an incident in Tampa where crabbers and shrimpers were fishing the same area and threats were made to rig barbed wire and cinder blocks to hang shrimp nets. We never determined if this actually ever occurred, but the conflict was real.

We have a conflict with guide fishermen in the Tampa Bay area, a turf war. Guides claim that crabbers place traps in an area preventing them from fishing that area. Again there is no legal problem, but a conflict nonetheless.

The most significant problem that I'm aware of is between crabbers themselves is again, turf wars - theft, trap damage, etc. There is the age-old idea that since my family was here first, I alone can place traps here and no one else can. This has created problems enforcement-wise with potential and often real violence.

Problems with the Court System - Marine patrol can make a case, but that doesn't mean the violator will be prosecuted. In Florida, these are misdemeanor violations that are presented to a state attorney's office. The state attorney (SA) can choose either to file or not to file a charge. Normally they do, but often they confer with the marine patrol officer beforehand trying to settle out of the court system.

As an example, marine patrol had a trap theft case on video, a third-degree felony punishable by up to five years in jail. The case went to the state attorney (who thought it was humorous) and asked if the officer was sincere in wanting to file the case. It is very serious to the fisherman, though it may not be to the court system. Marine patrol deals with these problems on a regular basis. It is a matter of triage on the part of the state attorney, and often cases are assigned much lower priority than marine patrol would like to see. Undersize crab cases are assigned even lower priority.

In many cases, state attorneys have been educated about fishery violations, but you have to stand before a judge, an elected official, in an area where he would like to seek reelection.

Certain statutes mandate a minimum fine of \$100, and there is a requirement of additional penalties for certain violations per unit of fishery (for example, additional fine per undersize stone crab claw). Certain judges in the state do not impose these penalties, and marine patrol is not in a position to tell judges, "Your honor, you just broke the law because you didn't enforce that penalty the way the statute says!" Marine patrol deals with this on a daily basis; it does not mean that they enforce the law any less, but this conflict is often overlooked or unknown to fishery participants and managers.

Recommended Solutions - Area closures may work, but they have not been proposed by the marine patrol as yet. We may support these to reduce conflicts as well as signs at ramps. This may be a solution for the FDEP to pursue as an educational tool. I do have a personal interest to see how strike forces work with different fisheries and how these would be funded.

Questions

Rick Leard: Are all cases filed with state attorneys, none with county or local attorneys?

Bruce Buckson: Yes, they go to state attorneys but are then prosecuted in county courts, which may be different from systems in other states.

Rick Leard: Other states have an oversight committee to review performance of judges to prevent abuses of law. These committees, in a workshop format, can advise judges of what they should or shouldn't do.

Bruce Buckson: Florida does have such a committee; I believe a judge in Citrus County was removed for violations. Sheriff's association meetings and attorney's meetings are also good forums to review marine fisheries law and court abuses. Now is a good time with the net ban coming into effect to place educational tools in with other amendments.

Steve Thomas: A judge's actions reflect a particular attitude about the importance of that illegal activity. If someone were caught stealing from a merchant's cash register, there would be no question of whether or not to file a case.

Bruce Buckson: To understand a court's position, you would need to sit through a day's docket which may include violent crimes in areas such as Dade County (Miami); again, it is a matter of triage.

Phil Steele: One judge in Dade County wanted to invalidate every marine regulation on the books last year. How hard is it to make an undersize crab case, and where does liability lay? With the processor, fisherman, trucker, dealer?

Bruce Buckson: It is a possession law, so whoever is caught at the time is guilty unless they are able to demonstrate unknowingness. How difficult? Not anymore difficult than other violations. Law enforcement has always disagreed with any tolerance of undersize animals for enforcement purposes; although tolerances may be needed for other purposes.

Sherman Siegmund: Is there a possibility of an 800 number to report violations and speed up reaction time? Seems like there are different response times for different districts. Are there not enough officers in metropolitan areas to cover situations like this?

Bruce Buckson: Partially, yes. There are approximately 8,400 miles of coastline to cover in Florida, and we have under 400 officers which leaves about 21 miles of coastline per officer. It's a fact of life. Yes, we are short-handed. I cannot explain why response in one district may not be what you expect. Feel free to call state headquarters in Tallahassee, but that will delay response more than anything. If your expectations were not met, then we have failed. There is a toll-free number (1-800-DIAL-FMP) that rings at the nearest enforcement district. Also "*-FMP" works as well.

Jim McAllister: There are two sides to every story; sometimes we get feuds between crabbing families. They call in wanting marine patrol to straighten out these problems. Families often fake thefts to irritate other crabbers. These squabbles take up a lot of our time, but we realize there are many legitimate violations occurring. We try to respond to these quickly.

User Group Conflicts - Crab Fishermen in Alabama Waters

by

Steve Thomas

Fifteen months ago, Steve Heath of Alabama Marine Resources Division (AMRD) called to ask if I would be willing to help with conflicts with crab traps in Alabama waters. There is much passion involved in the use of natural resources. I was asked to help with the increasing problem with crab traps and to discover what perception the public had about how AMRD was doing its job. Background, procedures, outcomes, and recommendations will be discussed.

In Bayou la Batre, Alabama, crab picking was a dying industry. Processors determined the amount of crab landed in Alabama waters, and landings were dictated by what could be picked. Many coastal communities experienced an influx of Indochinese refugees who entered an open niche: that of crab picking. They provided a willing and able labor force. The amount of crab fishermen increased dramatically from 1969-1992. This increase coincides with the Indochinese influx. Number of traps also increased from about 10,000 in 1976 to a peak of 56,000 in the late 1980s. Also, the number of traps/fisherman increased from about 150/fisherman (before the influx) to about 300 traps/fisherman afterward. Here lies some of the problems with too many traps in the water. Total trap harvest naturally increased; pounds/trap is a mirror image of the number of traps in the water. The influx of Indochinese also caused an increase in the number of processing plants. Prior to influx, 13 plants existed; afterward, the number increased to 28 shops. Plant owners were competing with each other for labor, creating a shortage of Vietnamese pickers in the area. Thus additional whites and blacks who had been traditionally excluded entered the picking labor force.

The following groups were involved in the Alabama conflict:

- Duck Hunters - Leaving for trips predawn, they were running up in the delta and getting stranded when their boat motors hit crab traps.
- Property Owners - Could not get out of their dock areas because traps were so thick.
- Shrimp Fishermen - Complained that traps were getting caught in their trawl nets
- Crab Fishermen - Complaints were not being responded to, and these groups looked for other avenues to voice their complaints. I-10 across Mobile Bay is really a dividing line between management zones of the bay. The delta area to the north was managed by the U.S. Army Corps of Engineers, who received complaints from duck hunters. The Alabama Fish & Game Division had the problem of a saltwater species infringing on freshwater areas, creating interagency conflict. These two agencies were hopeful that AMRD could resolve this problem.

I was asked to meet with these four groups individually for the express purpose that this was an opportunity for citizens to shape management policy related to marine resources. I tried to place the problem with the effort of fishing itself (traps), rather than with the crab fishermen. We asked each group to identify three problems with increasing numbers of fishermen, three problems with increasing numbers of crab traps, and three other problems that increased crabbing

has caused for their particular group. We were fairly successful with all groups except for crab fishermen, who were suspicious from the start that this process was stacked against them.

The AMRD has a history of conflict with users; for the first time, the AMRD tried to bring user groups together, identify problems, and come up with a solution. After identification of problems, each group was asked to provide three solutions to each of these three types of problems.

Each group was also asked to identify three individuals who would represent them at smaller negotiating meetings with conflicting groups. Alabama Marine Resources Division staff was also present as an interested party at these negotiating meetings. When these groups met, each had a list of problems and a list of solutions.

Problems with traps were identified as: navigational hazards, ghost traps, decreased stock, threat to environment, density of traps, placement of traps, unidentified traps, decreasing size of crabs, take of female crabs, and oil company destruction of traps.

Recommended solutions (by associated problem) were:

- All rivers and bayous north of I-10 be closed to crabbing year-round (navigational hazard, decreased stock, disturb game)
- Require the use of non-floating line; make it illegal for boats to carry floats without traps (ghost traps)
- The AMRD should hold workshops with crab and shrimp fishermen resulting in effort reduction (density of traps, safety, unidentified traps, gear conflict)
- Designated area closures near shoreline, especially the eastern shore of Mobile Bay (trap placement, problem with sports fishermen)
- Keep bait and peeler crabs separate from crabs caught for human consumption (decreased size of crabs)

Actions Taken - The AMRD recommended that Mobile Bay north of I-10 be closed to crabbing on an emergency basis. This action took a lot of heat off of AMRD: threats from the Corps of Engineers, Alabama Fish & Game, concerns with powerful interest groups (hunters and property owners). Traditional full-time crabbers were willing to give up this delta area because it was used for the most part by Vietnamese and part-time crabbers, thus capitalizing on a crabber-crabber conflict. This was a means of reducing effort that they would like to see reduced anyway.

Conclusions about this Process - It allowed diverse groups to discover common grounds with each other providing a foundation for them to work together in the future. It led to an appreciation for their differences which led to some degree of respect. This process set the stage for future meetings with crab and shrimp fishermen.

CAUTION! Any discussion on effort management must take into account perspectives from local conditions. Local solutions should not be based on problems from larger or other geographical areas.

Questions

Larry Simpson: Regarding increased processing activity in Bayou la Batre, this probably accounted for decreased reported landings from Mississippi; these crabs were going straight to Alabama plants. What statutes were enacted resulting from workshops?

Steve Thomas: The emergency closure of Mobile Bay north of I-10. Noise from Florida's gill net ban and problems with red snapper and charter boat captains have pulled the AMRD staff away from this crabber-shrimper conflict.

Sherman Siegmund: Has there been a resultant shift of effort (traps) to the bay south of I-10?

Steve Thomas: Yes, but this shift has not been documented.

Phil Steele: You haven't really reduced conflict but merely shifted effort to another geographical area. What about the economic impact of duck hunters versus crabbing? I feel it is irresponsible for us as resource managers to eliminate a problem in one area while doubling the problem in an adjacent area. There should have been more foresight.

Steve Thomas: The (trap displacement) issue was not looked at; the AMRD merely reacted to the level of noise being created by powerful user groups. Mobile Bay is effectively a sink; it is crowded now, but at what point does it become intolerably crowded? Many social issues are involved; resource competition is a class issue.

Sherman Siegmund: Was there no biological basis that traps were depleting the resource, or was this merely a user conflict?

Steve Thomas: Yes, a user conflict. The AMRD wanted to address the issue before the Corps of Engineers resolved the problem.

Summary Questions and Comments

Keith Ashton: Phil Steele made a comment that managers are not doing their job. I feel this is happening with red drum populations exploding in San Antonio Bay (Texas), thus depleting crab stocks.

Phil Steele: The states of Texas and Florida stock red drum; this is a result of stock depletion subsequent to the blackened redfish craze (mid-1970s). Culture of red drum was scientifically and economically feasible at that time. Commercial prohibition of red drum in Texas and Florida also occurred at this same time. You just cannot shut down a multi-million dollar project because it is not popular; thus Texas and Florida are still stocking redfish. There is a predator-prey relationship between red drum and blue crabs. Red drum out there in bays now (six to seven year old fish) are not those which have escaped offshore to contribute to the spawning stock. Whether states should continue to stock redfish, I can't say; I'm not an aquaculturist. Redfish do eat blue crabs, but blue crabs also eat other blue crabs, probably more so than redfish do.

Vince Guillory: Regarding a similar striped bass-blue crab controversy in the Chesapeake Bay, states tried to correlate relationships of striped bass and blue crab abundance. They found no inverse relationships nor any corresponding lags in abundance. They reviewed food habits of striped bass; incidence of crabs was not that high. They concluded that striped bass were not having a major impact on blue crab populations, although this was a predominant public perception. As for red drum, Louisiana is currently doing a field study of red drum food habits. Literature reviewed so far indicates that blue crabs, followed by red drum, are in my opinion, two major predators of blue crab. About 65 other species also prey on blue crabs, so red drum cannot be singled out as the main reason for decreased crab abundance.

Phil Steele: Until red drum in the bays escape offshore and contribute to the spawning stock, the commercial red drum fishery will remain closed. It would be irresponsible and ludicrous to stop protecting red drum now, when there are still about five years remaining until these fish escape offshore; that is from a biological perspective.

Steve Thomas: Stocked red drum do not significantly contribute to the spawning stock?

Phil Steele: Florida tag/recapture data show about a one percent return from the commercial fishery. Stocked redfish are small animals and may be being outcompeted by natural stocks. Work continues on the effect of stocking to red drum abundance.

Tom Wagner: Phil, hasn't Florida found that in some areas, up to 20% of red drum populations are stocked fish?

Phil Steele: No! More like one percent. Bag and size limits, both sport and commercial, may be relaxed some, but there should be no wide open fishing for red drum; this would defeat all prior efforts.

Vince Guillory: What about the effects of blue crabs on other species? Much work has been done on predator-prey relationships with blue crabs as the predator. In the Chesapeake, blue crabs are serious predators of soft clams. In Louisiana, blue crabs are a major predator of juvenile oysters. Should we shut down the blue crab fishery to save the oysters?

Steve Thomas: A more fundamental question is how to incorporate economic and social data into management in order to determine what level of harvesting could be tolerated for any particular species.

Sherman Siegmund: We should let the scientists determine what level of fish should be harvested. Where are the pools of blue crab larvae offshore in the Gulf?

Phil Steele: A nationwide megalopal settlement project has been going on for several years. I don't believe that megalopae are the problem with abundance; the bottleneck is more likely juvenile crabs. For example, Chesapeake Bay averages 120 megalopae/day on their settlement containers; they harvest 100 million pounds of crab/year. Mississippi sometimes gets 4,000 megalopae/day, and they have a minimal fishery. The point is that the Gulf is larvae-rich and habitat poor, except for maybe Louisiana. Chesapeake Bay is just the opposite.

Rick Leard: Biological evidence can only go so far in fisheries management. User conflicts are social, economic, and political, because fisheries are a common property resource. Whether crab, red drum, or whatever, different groups want a slice of this resource. For example, if the National Forest Service said everyone who has a chain saw can harvest trees, there would be conflict between those who want paper and those who want timber. In fisheries, there will always be social/political conflicts, unless some type of responsible user ownership is developed. Then they are the ones managing the resource, and states give them biological data to make their decisions.

Alan Matherne: Individual transferable quotas (ITQs) are a method of dividing shares of a resource.

Rick Leard: Halibut has recently come under an ITQ system, and industry is happy with it.

Sherman Siegmund: All commercial fishermen would like to see their resource continued, and they work for that. Other factors are involved besides harvest are how to curb pollution and habitat loss. The Gulf States should get together to curb pollution and habitat loss.

Steve Thomas: Disregarding pollution or habitat loss, there are still user conflicts regarding ownership. If you look at the gill net fishery, there was no discussion of ownership; that ownership was ripped out of their hands. Fishermen talking to each other is a healthy thing. All types of users are being called upon to organize.

Phil Steele: Biological basis of management is now fairly easy; user conflicts will continue and not go away. I think the Crab Subcommittee should continue these discussions in future GSMFC meetings.