

An Introduction to Derelict Trap Management Policy

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The TRAP Program’s Policy Innovation Lab (PIL) is conducting research into derelict trap management policies across U.S. coastal states. Through this research, the PIL has identified several policies that can be incorporated into state derelict trap management programs. Most states rely on a combination of these policies rather than a single policy solution.

This policy primer is intended to provide readers with a general understanding of the ways in which states manage derelict fishing traps. We provide an overview of policies concerning derelict trap definitions, trap identification, bycatch reduction devices, trap checking and emptying, closed seasons with mandatory trap removals, identification of authorized trap removers, ownership status of recovered traps, and penalties. The PIL is also developing a comprehensive, state-by-state analysis that will include specific statutory language, regulatory trends, and other information useful to policymakers and other stakeholders.

Definitions

Clear legal definitions can be important when managing traps because they specify when a trap is considered derelict or abandoned and may therefore be subject to seizure or other penalties. They clarify for fishers what types of traps will be considered derelict or abandoned and can improve consistency in enforcement and recovery options. Some states, like Louisiana, Texas, and California, use the term “abandoned” to refer to traps remaining in the water during the closed season. Florida includes traps in the water during the closed season in its definition and also states that traps are derelict if they lack a buoy, line, trap tag, or license during the open season.

Trap Identification Requirements

Trap identification requirements are standard trap management tools that improve enforcement and recovery efforts and support policies that allow recovered traps to be sold or given back to their original owners. Depending on the state, regulations may require both the trap and buoy to display owner identification, as in New York, Washington, and Florida; only the trap to be tagged, as in Louisiana and Texas; or only the buoy to be marked; as in Georgia and Alabama.

Bycatch Reduction Devices

Requirements for bycatch reduction devices are a common policy mechanism in most trap fisheries, though the purpose of the different types of devices varies. Escape rings or vents are used to allow crab and lobster that are below the legally harvestable size to escape from traps. Although not necessarily required with derelict trap issues in mind, they help with derelict trap bycatch by allowing smaller target and other species to exit if a trap is lost or abandoned. Many states, including Maryland, Alaska, and North Carolina, require escape rings or vents.

Degradable panels are required specifically for instances where a trap is lost or abandoned. As their name suggests, these panels are made from degradable materials (typically soft wood such as untreated pine) that fall apart rather quickly in aquatic environments, allowing at least some species caught in the trap to escape. Texas and New Jersey are two states that require biodegradable panels.

In some states, degradable materials are required for other trap components to limit bycatch in the event of trap loss or abandonment. In Washington, for example, strands used to strap the lid of Dungeness crab traps must be made of untreated cotton twine, hemp, jute, or sisal. In Oregon, untreated cotton must be used to secure the trap lid or an opening which, if removed, would allow species inside to escape.

Finally, some states require a specific device intended to keep diamondback terrapin from entering blue crab traps. Terrapin bycatch in these traps is an issue in some fisheries, and turtle excluder devices are designed to allow crabs to enter the trap but keep terrapin out. They are sized so that the terrapin's peaked carapace (upper shell) cannot pass through. Because terrapin are typically found in shallow areas in or adjacent to marsh, some states, such as New Jersey, only require turtle excluder devices in certain waters. In other states, such as Delaware, Florida, and Maryland, they are required for all recreational blue crab traps.

Requirements for Checking and Emptying Traps

Some states explicitly require fishers to check and empty their traps at specified intervals. Frequently checking traps can support gear maintenance and let fishers know if their traps have moved or are missing, which may reduce the occurrence of derelict or lost traps. It may also increase release of and reduce impacts to bycatch species. These requirements can also help officials identify abandoned gear. Some states, such as Florida and Rhode Island, require that traps are tended to daily. Delaware has a unique program that allows officials to easily identify and remove traps that are not checked every 72 hours per state law. There, traps can be tagged by state officials and if the traps are not emptied and the tags removed within 72 hours, they are considered abandoned and confiscated.

Closed Seasons with Mandatory Trap Removals

Closed seasons with mandatory trap removals are a straightforward mechanism for identifying derelict or abandoned traps: any traps left in the water after the removal deadline has passed are automatically subject to removal by officials or other authorized removers. This policy tool provides clarity and legal justification for authorized trap removers and certainty regarding enforcement for trap fishers.

In some states, closed seasons are an integral part of management of a particular fishery and may last many months. In California and Florida, for example, spiny lobster fisheries are closed for multiple months during the peak spawning season to protect stocks. In other states, the removal of derelict and abandoned traps is the primary purpose of closures. These closures, such as those in Louisiana and Texas, tend to be much shorter than those where management of the species stock is the primary concern, typically lasting one to two weeks.

Identification of Authorized Trap Removers

In some states, such as Alaska, derelict or abandoned traps may only be removed by agency officials or law enforcement. Other states, such as Alabama and Oregon, allow commercial trap fishers to remove traps that are not their property under specific situations. In places like Florida and Maine, the law explicitly states that individuals or organizations with permission from agency or law enforcement officials may remove derelict or abandoned traps. Finally, some states do not explicitly state that those other than agency officials or trap fishers may remove traps in their laws but have granted this authority to specific entities through scientific collection and other special permits. This is the case in states such as New York, Virginia, and New Jersey.

Ownership status of recovered traps

Who owns a recovered derelict or abandoned trap is another important policy element of derelict trap management programs. States utilize several options here. Some require those recovering traps to return them to the owner, if possible, although in these states this is often not explicit in the law itself. Alaska, New Jersey, and New York are some of the states using this approach. In other states, traps are forfeited to the state, either immediately upon recovery or after first attempting to return the trap to the owner. Delaware and Louisiana are examples of states that consider recovered traps property of the state. Another mechanism for dealing with recovered traps is to require their disposal, again often after first attempting to return them to their owner. Mississippi and Texas define derelict or abandoned traps as litter and require their disposal. Florida and South Carolina do not define these traps as litter but also require their disposal. Finally, some states transfer ownership of recovered traps to the person or organization authorized to remove them. This practice appears to be more common where fisheries utilize heavier, expensive traps that are difficult to recover, such as in the Oregon and California Dungeness crab fisheries.

Penalties

States use a variety of enforcement mechanisms, including trap confiscation, civil penalties, criminal penalties, and disposal authority for abandoned gear. Enforcement systems are commonly paired with clear ownership identification requirements and reporting procedures, making it easier for law enforcement officials to identify violators of derelict trap regulations. In some states, such as Florida and California, fishers are charged a fee for each trap removed as part of the state's derelict trap retrieval program in addition to other penalties.