

## 4. CALIFORNIA SPINY LOBSTER

### Overview of the Fishery

In California waters, the spiny lobster, *Panulirus interruptus*, occurs in shallow, rocky coastal areas from Point Conception (Santa Barbara County) to the U.S.-Mexico border, and off southern California islands and banks.

Lobster fishing season runs from early October to mid-March. More lobster is taken by the commercial and sport fisheries in October than in any other month. Effort and landings drop sharply in January, and continue to decline through mid-March when the season ends.

Currently, most of the lobsters landed in the commercial fishery weigh between 1.25 and 2.0 lb. Lobsters in this weight range produce the tail size desired by the export market and restaurant trade. Lobster fishermen are paid between \$6.75 and \$8.00 per lb for their catch, most of which is exported to French and Asian markets. However, depressed markets overseas have resulted in efforts to re-establish domestic markets.

Southern California has supported a spiny lobster fishery since the late 1800s. At that time, spiny lobsters weighed between 3.5 and 4 lb on average, and were so abundant that a single person could catch 500 lb in just two hours. By 1900, legislation was enacted to protect dwindling spiny lobster stocks. A closed season and a size limit were instituted, and take of egg-bearing females was prohibited. Despite legislation, abundance continued to decline. As a result, the fishery was closed for two years (1909 and 1910). When the fishery re-opened in 1911, spiny lobsters were once again abundant. From 1916 until 1942, annual landings were generally in the 200,000 to 400,000 lb range (Figure 4.1 and Table 4.1).

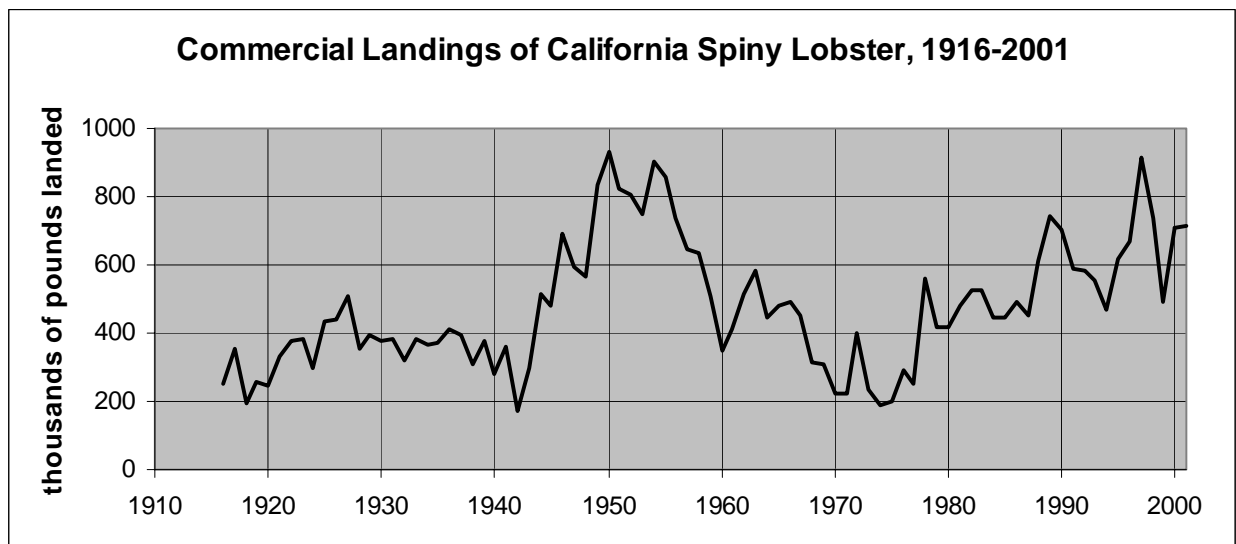


Figure 4.1. Annual (calendar year) commercial landings (pounds) of California spiny lobster from 1916 to 2001. Data from California Department of Fish and Game (DFG) Catch Bulletins (1916-1983) and the DFG commercial landing receipt database (1984-2001).

Following World War II, seasonal landings increased, peaking in the 1949-1950 season at a record 1.05 million lb (Figure 4.2). A general decline followed for 25 seasons, reaching a low of 152,000 lb for the 1974-1975 season. After this poor season, landings increased for four seasons (from the 1975-1976 season through the 1978-1979 season), and then remained between 400,000 and 500,000 lb per season through the 1987-1988 season. From the 1987-1988 season to the 2000-2001 season, landings have ranged from a low of 510,000 lb (1999-2000 season) to a peak of 970,000 lb (1997-1998 season). Increases and declines in landings are not unexpected in the lobster fishery, which is strongly influenced by weather, El Niño and La Niña events, and the export market.

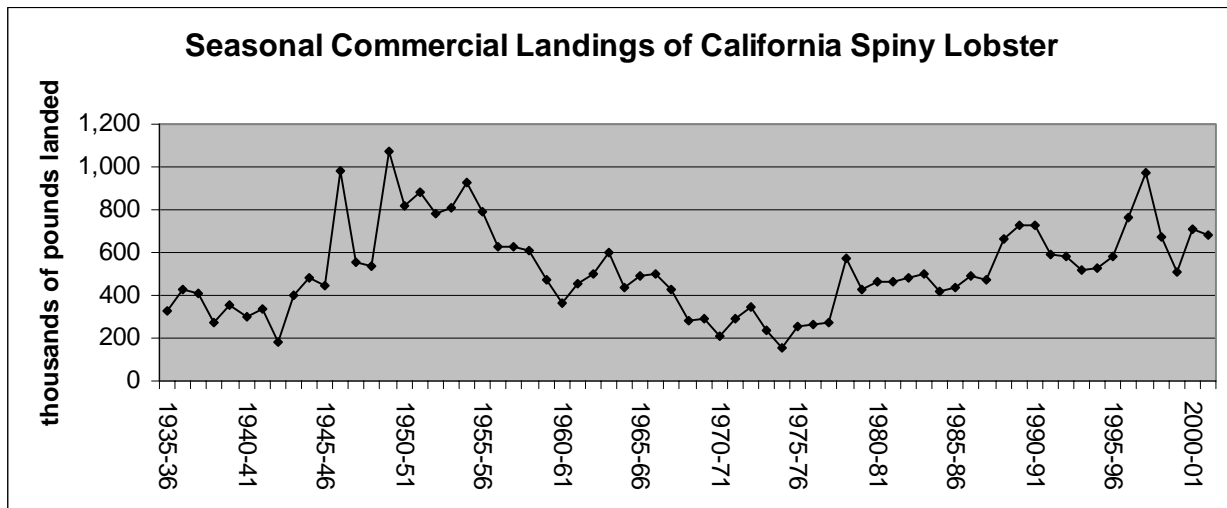


Figure 4.2. Commercial landings (pounds) of California spiny lobster by season (early October to mid-March) from the 1935-1936 season to the 2000-2001 season. Data sources are California Department of Fish and Game Catch Bulletins.

Each lobster fisherman typically uses from 100 to 500 traps, although some fishermen may use as many as 750 traps at the peak of the season. Lobster traps are box-like devices usually constructed of heavy wire mesh, although other materials (such as plastic) may be used. Traps are baited with whole or cut fish, and placed on the sea floor using cement, bricks, or steel as ballast. Each trap is marked with a buoy bearing the fisherman’s license number followed by a “P”.

High speed boats from 20 to 40 ft in length are popular in the fishery, but boats range in size from 15 ft skiffs to 50 ft vessels. Most lobster boats are equipped with a davit and hydraulics to pull traps from the water, and sophisticated electronic equipment that allows fishermen to find good lobster habitat and locate their traps. Traps are usually fished along depth contours in water less than 100 ft in depth, or clustered around rocky outcrops. Some marine-life refuges and reserves do not allow the take of lobster; in addition, commercial lobster traps are prohibited in certain parts of Santa Catalina Island, Santa Monica Bay and Newport Bay. Fishermen set traps closer to shore when the season opens, and farther from shore, at depths of up to 300 ft, by season’s end.

A number of management measures have been enacted to protect the resource. Commercial fishery management measures include:

- A size limit of 3.25 in. carapace length (CL), measured from the rear edge of the eye socket to the rear edge of the body shell. The minimum size limit ensures the existence of several year-classes of younger broodstock, even if all legal-size lobsters are caught each season.
- The commercial lobster fishery runs from early October through mid-March. The closed season from early spring to early fall protects egg-carrying females and molting lobsters.
- Lobster traps must have a destruct device that is approved by the Department of Fish and Game (DFG) to ensure that lost or abandoned traps do not continue to capture marine life indefinitely.
- Lobster traps must have escape ports (measuring 2.38 in. x 11.5 in.). Escape ports effectively minimize the retention of undersized lobsters, and have been required since the 1976-1977 season. The escape port has been credited with reversing downward trends in landings prior to 1976.
- A restricted access program (see following sub-section).

Lobster fishermen are required to possess operator permits (\$265), and deckhands must have lobster crewmember permits (\$125).

Divers take most of the lobsters in the recreational fishery. Some commercial passenger fishing vessels schedule special recreational dive trips during lobster season. The total recreational take of spiny lobster is unknown. Recreational fishery management measures that protect this resource include:

- A size limit of 3.25 in. CL. The minimum size limit ensures that there will be several year-classes of younger broodstock, even if all legal-size lobsters are caught each season.
- The recreational fishery for lobster runs from early October through mid-March, same as the commercial season. The closed season protects egg-carrying females and molting lobsters.
- Recreational fishermen must possess a valid sport-fishing license with an ocean enhancement stamp.
- Skin and scuba divers may only use bare (or gloved) hands to take lobster. No fish spears, short hooked poles, or similar appliances may be used to remove lobsters from crevices and caves. Baited hoop nets may also be used to take lobster. South of Point Arguello (Santa Barbara County) no more than five hoop nets may be fished per person, and no more than 10 may be fished from any boat.
- Divers may take seven lobsters per day (reduced from 10 lobsters in 1971).
- Some marine reserves and conservation areas prohibit the take of lobster.

## Restricted Access Program

A permit system for the commercial take of spiny lobster began in 1961, but no limit was placed on the number of permits that could be issued. In 1986, the State Legislature granted the Fish and Game Commission (Commission) the authority to limit the number of permits to prevent overfishing or to ensure efficient and economic operation of the fishery. The restricted access program for spiny lobster was initiated in 1996.

### Historical timeline for the California spiny lobster restricted access program

1961	State Legislature requires a permit for the commercial take of California spiny lobster. The Legislature also delegates authority to the Fish and Game Commission for managing the fishery.
1986	State Legislature gives the Fish and Game Commission authority to limit the number of permits.
1994	The Fish and Game Commission places a moratorium on new permits.
1996	Restricted access program begins.

The program currently provides for two types of permits: a restricted access lobster operator permit and an unrestricted lobster crewmember permit. A lobster operator permit, which is non-transferable, is required for the commercial take of spiny lobster. A lobster crewmember permit is required to assist an operator. Any licensed fisherman may buy a lobster crewmember permit; however, an operator permit is only issued to fishermen who held a permit in the previous season.

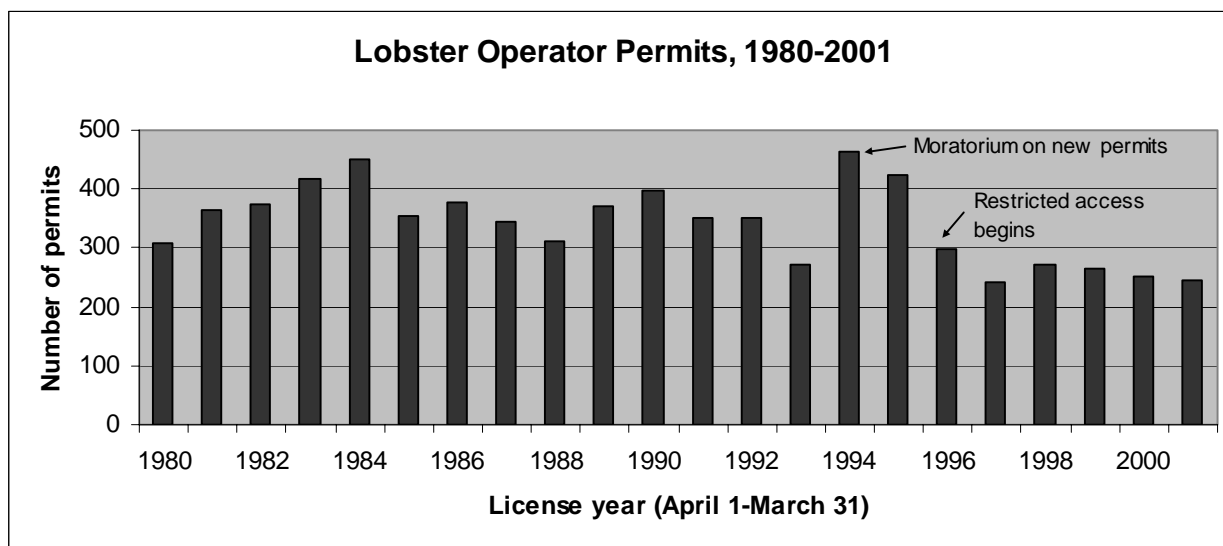


Figure 4.3. Number of lobster operator permits issued for the commercial California spiny lobster fishery from the 1980-1981 season to the 2001-2002 season. A permit was required beginning in 1961, and the restricted access program began in 1996. Data sources are the California Department of Fish and Game license reports.

The capacity goal (upper limit of fishing capacity) was 225 fishermen (or lobster operator permits) from September 1996 until February 2003. Attrition was the primary means for achieving the capacity goal. The number of permits has decreased since the program's inception (Figure 4.3). For the 2001-2002 season, 246 permits were issued. There is no minimum landing requirement. The permit must be renewed annually, but not all permittees participate in the fishery every year; this latent capacity causes concern because of the possibility of increased effort as other fishing opportunities diminish. In addition, while the restricted access program is reducing the number of permits, it may not be reducing effort in terms of the number of traps being fished. Current regulations do not limit the number of traps that can be fished by each permittee.

Prior to 2003, new permits were issued via a lottery drawing. In February 2003, the Commission adopted regulations that repealed the lobster permit lottery and the capacity goal of 225 fishermen. A new capacity goal will be established by the Commission after DFG reviews the restricted access program for spiny lobster.

The DFG had intended to review this program several years after its initiation to ensure that it was accomplishing its goals. The review, however, did not take place as soon as planned. It is anticipated that a formal review of the spiny lobster restricted access program will be undertaken in 2005. The review will evaluate the appropriate capacity goal, consider whether fishing effort is adequately limited, and consider whether permits should be transferable.

State law (Fish and Game Code §7065) requires that each restricted access program be reviewed at least every five years to make sure that it is consistent with the Commission's policy on restricted access. Table 4.2 lists the Commission's restricted access policies, and the lobster restricted access program's degree of consistency with each policy. Even though the lobster restricted access program was implemented before the Commission adopted a policy on restricted access, the program is consistent with most of the Commission's policies.

It is the policy of the Commission that each restricted access program should have an equitable and practicable system for reducing fishing capacity. Although constituent satisfaction with the current system has not been measured in this regard, the system was developed with constituent input. The California Lobster and Trap Fishermen's Association worked with DFG to develop the current management program. In addition to formalizing a trap-retrieval program for traps washed into the surf or onto the beach, association members regularly participate in the Commission process to resolve industry problems or improve current regulations.

### **Status of Biological Knowledge**

The California spiny lobster ranges from Monterey Bay, California to Manzanillo, Mexico. There is also a small, isolated population of this species at the northwestern end of the Gulf of California. The majority of the population is found between Point Conception, California (Santa Barbara County) and Magdalena Bay, Baja California, Mexico. Adult lobsters usually inhabit rocky areas from the intertidal zone to depths of 240 ft or more.

Spiny lobsters mate from November through May. The male attaches a putty-like packet of sperm, called a spermatophore, to the underside of the female's carapace

(body shell). When the female releases her eggs, she uses the small claws on her last pair of walking legs to open the spermatophore and fertilize the eggs. Fertilized eggs are attached to the underside of the female's tail primarily in May and June. Egg-carrying females generally inhabit water less than 30 ft deep and carry their eggs for about 10 weeks, with larger females producing more eggs. For example, at San Clemente Island, a female with a CL of 2.6 in. might carry about 120,000 eggs, while a female with a CL of 3.6 in. might carry 680,000 eggs.

Spiny lobster eggs hatch into tiny, transparent larvae with flattened bodies and spider-like legs. They drift with the prevailing currents, feeding on other tiny animals. They may drift 350 mi offshore, and are found from the surface to a depth of over 400 ft.

As with many crustaceans, spiny lobsters must shed their outer shell to grow. This process, known as "molting", is preceded by the formation of a new, soft shell under the old one. Lobsters take in water to expand the new shell before it hardens. They are more vulnerable to predation and physical damage right after they molt, until their shell becomes hard.

In the five to nine months after hatching, larvae molt 12 times, slowly transforming into juveniles that look like miniature, transparent adults with extremely long antennae. Juvenile lobsters actively swim inshore where they settle on the sea floor and start to grow. They usually spend their first two years in nearshore surf grass beds, although they have also been found in shallow rocky crevices and mussel beds.

Molt rates for the California spiny lobster are assumed to be similar to those of the Japanese spiny lobster. A 0.24-inch CL Japanese spiny lobster goes through 20 molts to reach 1.18 in. CL at the end of its first year. Four molts during the second year expand carapace length to 2 in., followed by three molts in the third year. Once they reach 2.5 in. CL, spiny lobsters usually molt once per year following their reproductive period; however, growth rates between molts are highly variable and have been correlated with food availability, sex and size (the larger an animal, the slower it grows). Injuries or disease will often result in a slowing or complete cessation of growth until the injury has healed.

Lobsters (of both sexes) generally reach sexual maturity in 5 or 6 years at 2.5 in. CL, and reach a legal size of 3.25 in. CL in 7 to 11 years. Mature male lobsters grow faster, live longer, and reach larger sizes than females. Males can live up to 30 years, and females at least 20 years. Records exist of male California spiny lobsters that weighed over 26 lb and attained lengths of 3 ft. Today, lobsters over 5 lb are considered trophy sized.

Adult lobsters are found in rocky habitat, although they will also search sandy areas for food. During the day, spiny lobsters usually reside in crevices or holes, called "dens". More than one lobster is usually found in a den. At night, the animals leave their dens to search for a wide range of food. Adult lobsters are omnivorous. They consume algae, fish, and a wide variety of marine invertebrates such as snails, mussels, sea urchins, clams, and injured or newly molted lobsters. Lobsters are eaten by California sheephead, cabezon, kelp bass, octopuses, California moray eels, horn sharks, leopard sharks, rockfish and giant sea bass.

A large portion of the spiny lobster population makes annual offshore-nearshore migrations that are stimulated by changes in water temperature. During winter months, most male and female lobsters are found offshore at depths of 50 ft or more, although

individuals of both sexes have also been found in shallow water in winter. In late March, April, and May, lobsters move into warmer nearshore waters less than 30 ft in depth. Higher temperatures closer to shore shorten the development time for lobster eggs. Nearshore waters also have a more plentiful food supply. In late October and November, the waters close to shore cool, and most lobsters move offshore again. Winter storms that cause increased wave action in shallow waters encourage this movement. Lobsters generally move after dark in small groups to cross the sand.

### **Status of the Population**

Population size is unknown for the California spiny lobster. Commercial landings have fluctuated through the years (Figure 4.1 and Table 4.1), and are influenced by some factors that are independent of the health of the population (such as weather, oceanographic patterns, and the export market). The total recreational catch is unknown.

An illegal market has always existed for “shorts” (sub-legal-sized lobsters). Public education and adequate warden enforcement are key elements in reducing this problem.

The DFG has had a commercial logbook system in place since 1973. Required information in the logbooks include:

- Number of legal lobsters taken
- Number of shorts released
- Number of nights traps are in water
- Date traps were pulled from water
- Location of traps (by landmark and DFG fishing block number)
- Depth the traps are fished
- Number of traps fished

The release of numerous shorts is generally a good indicator of the strength of younger year classes in a population.

### **Management Considerations**

The spiny lobster is the only invertebrate in California that is subject to both a significant recreational and commercial fishery. The magnitude of the recreational fishery take is unknown. Spiny lobsters are long-lived and slow-growing. Future management activities that should be considered to insure the health of this resource and of the sport and commercial fisheries include:

- Initiating a program to determine the total recreational take of spiny lobster.
- Maintaining the current logbook program for both the commercial fishery and commercial passenger fishing vessel dive boats.
- Annually reviewing and analyzing all the lobster logbook data collected, especially catch and effort data.
- Conducting a formal review of the current restricted access program.
  - Conduct a capacity goal analysis to determine the goal that best matches

- the resource.
- Determine whether other effort controls, such as limits on the number of traps, need to be enacted to reduce capacity.
  - Evaluate the potential impacts of the latent capacity in the fishery (the capacity of the permits that are not used each season).
  - Evaluate the impacts of making permits transferable.

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*Revised May 2002*  
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*Section on Restricted Access Program added December 2002*  
*Revised May 2003*

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### **Further Reading**

- Bodkin, JL and L Brown. 1992. Molt frequency and size-class distribution in the California spiny lobster (*Panulirus interruptus*) as indicated by beach-cast carapaces at San Nicolas Island, California. *Calif. Fish and Game* 78(4):136-144.
- Booth, JD and BF Phillips. 1994. Early life history of spiny lobster. *Crustaceana* 66(3):271-294.
- Dexter, DM 1972. Molting and growth in laboratory-reared phyllosomes of the California spiny lobster, *Panulirus interruptus*. *Calif. Fish and Game* 58:107-115.
- Duffy, JM 1973. The status of the California spiny lobster resource. *Calif. Dept. Fish and Game, Marine Resources Tech. Rep. No. 10.* 15 p.
- Engle, JM 1979. Ecology and growth of juvenile California spiny lobster, *Panulirus interruptus* (Randall). *Sea Grant Dissertation Series, USCSC-TD-03-79.* 298 p.
- Lindberg, RG 1955. Growth, population dynamics, and field behavior in the spiny lobster *Panulirus interruptus*. *Univ. Calif. Pub. Zool.* 59(6):157-248.
- Mitchell, CT, CH Turner, and AR Strachan. 1969. Observations on the biology and behavior of the California spiny lobster, *Panulirus interruptus* (Randall). *Calif. Fish and Game* 55(2):121-131.
- Wilson, RC 1948. A review of the southern California spiny lobster fishery. *Calif. Fish and Game* 34(2): 71-80.



**Table 4.1. Commercial landings (pounds) of California spiny lobster, 1916-2001**

Year	Pounds	Year	Pounds	Year	Pounds	Year	Pounds	Year	Pounds
1916	250,632	1933	380,014	1950	933,449	1967	449,874	1984	444,998
1917	355,259	1934	366,651	1951	824,611	1968	312,483	1985	447,848
1918	195,750	1935	371,661	1952	807,070	1969	309,472	1986	488,804
1919	256,894	1936	414,183	1953	749,245	1970	225,399	1987	449,778
1920	247,156	1937	393,242	1954	901,293	1971	224,486	1988	610,859
1921	334,271	1938	308,378	1955	855,416	1972	398,217	1989	742,571
1922	376,310	1939	376,928	1956	735,869	1973	233,179	1990	705,341
1923	384,381	1940	281,102	1957	647,281	1974	190,950	1991	589,240
1924	294,356	1941	357,334	1958	632,618	1975	201,412	1992	585,556
1925	432,059	1942	168,641	1959	505,947	1976	292,534	1993	554,438
1926	442,198	1943	298,377	1960	351,032	1977	251,568	1994	470,144
1927	508,123	1944	512,490	1961	412,453	1978	560,986	1995	616,382
1928	355,800	1945	478,619	1962	515,816	1979	419,529	1996	668,453
1929	396,764	1946	690,272	1963	584,192	1980	416,249	1997	915,272
1930	374,450	1947	593,401	1964	446,655	1981	478,863	1998	735,703
1931	383,697	1948	563,520	1965	480,325	1982	524,710	1999	493,201
1932	319,307	1949	834,658	1966	489,088	1983	525,087	2000	706,234
								2001	716,655

Data sources: DFG Catch Bulletins (1916-1983) and DFG commercial landing receipt database (1984-2001).

**Table 4.2. Consistency of the restricted access program for the California spiny lobster commercial fishery with the Fish and Game Commission policies on restricted access for commercial fisheries (policy adopted June 18, 1999)**

Fish and Game Commission policies	California spiny lobster restricted access program's consistency with the policies
<i>Restricted access as a management tool</i>	
POLICY 1.1: The Fish and Game Commission (Commission) and the Department of Fish and Game (DFG) may use restricted access programs as one of a number of tools to conserve and manage fisheries as a public trust resource.	CONSISTENT The commercial restricted access program is one of the tools used to conserve and manage spiny lobster. Other tools include: time and area closures, commercial gear restrictions, recreational bag limits, commercial and recreational size limits.
<i>Goals and objectives of restricted access programs</i>	
POLICY 2.1: The Commission may develop restricted access programs for fisheries that retain the public ownership status of the resource for one or more of the following purposes: 1) to promote sustainability; 2) to create an orderly fishery; 3) to promote conservation among fishery participants; 4) to maintain the long-term economic viability of fisheries.	CONSISTENT The State Legislature granted the Commission authority to limit the number of permits to prevent overfishing or to ensure efficient and economic operation of the fishery.
<i>Development and review of restricted access programs</i>	
POLICY 3.1: Restricted access programs shall be developed with the substantial involvement of participants in the affected fishery and others, consistent with the stakeholder participation requirements of Fish and Game Code §7059. This approach shall balance the specific	NOT APPLICABLE The program was developed prior to the adoption of this policy or the enactment of Fish and Game Code §7059. However, participants were involved in the development of the program and subsequent

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Fish and Game Commission policies	California spiny lobster restricted access program's consistency with the policies
needs of the fishery with the desirability of increasing uniformity among restricted access programs in order to reduce administrative complexity.	modifications. The lobster restricted access program was modeled after the sea urchin program.
POLICY 3.2: Each restricted access program shall be reviewed at least every four years and, if appropriate, revised to ensure that it continues to meet the objectives of the State and the fishery participants. Review of each restricted access program shall occur at least as often as the particular fishery is reviewed in the annual fishery status report required by Fish and Game Code §7065. The general restricted access policy should be reviewed at a regularly scheduled Commission meeting at least once every four years following its adoption.	CONSISTENT IN PART The program started before the adoption of this policy, and has not been formally reviewed since its inception in 1996. The DFG plans to review the program in 2005. This report ( <i>Annual Status of the Fisheries Report</i> required by Fish and Game Code §7065) briefly reviews the program, but does not formally measure participants' perceptions on whether the program is meeting its goals and objectives.
<i>Elements of restricted access programs</i>	
POLICY 4.1: Each new restricted access program shall be based either on one or more species or species groups targeted by the fishery or on a type of gear. In programs based on a type of gear an endorsement may be required for one or more species or species groups targeted by the gear type. Each restricted access program should take into account possible impacts of the program on other fisheries.	CONSISTENT <ul style="list-style-type: none"> <li>• The program is based on a single species and gear type.</li> <li>• The program was not expected to displace any participants, and thus, was not expected to impact other fisheries.</li> </ul>
POLICY 4.2: Each restricted access program that is not based on harvest rights shall have a capacity goal. The Commission, DFG and stakeholders will use the best available biological and economic information in determining each capacity goal.	NOT CONSISTENT Currently, the program does not have a capacity goal. A new capacity goal needs to be established.
POLICY 4.3: Each restricted access fishery system shall have an equitable, practicable, and enforceable system for reducing fishing capacity when the fishery is exceeding its participation goal and for increasing fishing capacity when the fishery is below its fishery capacity goal.	CONSISTENT IN PART Eligibility requirements were set for the initial permit, and since then attrition has been the means of reducing capacity. No system currently exists for increasing capacity.
POLICY 4.4: In fisheries that exceed their fishery capacity goals, permit transfers will be allowed only if they are consistent with the means for achieving the fishery capacity goal.	CONSISTENT Permits are not transferable.
<i>Permits</i>	
POLICY 5.1: The Commission will give adequate public notice of intent to establish a restricted access program. The Commission may set a Control Date for determining qualification for a restricted access program. A new restricted access program shall not allow fishing effort to increase beyond recent levels. Some level of fishery participation may be required to qualify for an initial permit. Fishery qualification can be based upon fishery participation during a period of time preceding notification of intent or on other factors relevant to the particular fishery. Affidavits of fishery participation or medical statements of inability to meet qualification standards shall not be accepted. Vessels under construction or inoperable during the qualification period shall not be considered for a	NOT APPLICABLE The program was developed before the adoption of this policy.

**Table 4.2. Consistency of the restricted access program for the California spiny lobster commercial fishery with the Fish and Game Commission policies on restricted access for commercial fisheries (policy adopted June 18, 1999)**

Fish and Game Commission policies	California spiny lobster restricted access program's consistency with the policies
permit.	
POLICY 5.2: New permits in a restricted access fishery shall only be issued when the fishery is below its fishery capacity goal.	CONSISTENT IN PART There are no provisions for issuing new lobster permits.
POLICY 5.3: Restricted access fishery permits shall be of one year duration and are renewed upon annual application and payment of the permit fee and shall be valid, provided they are annually renewed and the permit holder meets the requirements of the restricted access program for the life of the program.	CONSISTENT <ul style="list-style-type: none"> <li>• The permit must be renewed annually and is valid for the period of the commercial lobster season.</li> <li>• A permit fee is required.</li> </ul>
POLICY 5.4: Each fisherman-based program shall determine in what circumstances, if any, a substitute may fish the permit.	CONSISTENT No substitution is allowed; the holder of the operator permit must be onboard.
<i>Permit transfers</i>	
POLICY 6.1: Restricted access permits may be transferable. In fisheries in which the permit is transferable, transfer may be subject to conditions that contribute to the objectives of the restricted access program. In new restricted access programs, permit transfers will not be allowed unless a fishery capacity goal and a system for achieving that goal are part of the restricted access program. In existing restricted access programs, the objective is to review and revise those programs to include fishery capacity goals and systems to achieve those goals. A restricted access program may include a fee on the transfer of permits, in excess of actual administrative costs for the permit change, to offset other costs involved in the conservation and management of that fishery.	CONSISTENT <ul style="list-style-type: none"> <li>• The permit is not transferable.</li> <li>• The program does not have a capacity goal.</li> <li>• A new capacity goal needs to be determined. The DFG and the Commission will consider transferability of the permit when it reviews the program.</li> </ul>
<i>Vessel issues</i>	
POLICY 7.1: Vessels requested to be retired by the vessel owner will no longer be eligible to participate in commercial fisheries in California.	NOT APPLICABLE The permit is not vessel-based.
POLICY 7.2: Replacement vessels of the same or lower fishing capacity as the permitted vessel will be allowed only if the permitted vessel is lost, stolen, retired or no longer able to participate as a commercial fishing vessel.	NOT APPLICABLE The permit is not vessel-based.
POLICY 7.3: Each restricted access program that allows for vessel permit transfers may allow for vessel upgrades provided a permit consolidation/vessel retirement process consistent with the fishery capacity goal is made part of the program.	NOT APPLICABLE The permit is not vessel-based.
POLICY 7.4: A restricted access program may prohibit the use of support vessels or require that they be permitted in the fishery or that they pay a fee comparable to the permit fee.	NOT APPLICABLE The permit is not vessel-based.
<i>Harvest rights</i>	
POLICY 8.1: It is the policy of the Commission that harvest rights systems such as individual transferable quotas may be considered only after careful consideration of	NOT APPLICABLE The program is not based on harvest rights.

**Table 4.2. Consistency of the restricted access program for the California spiny lobster commercial fishery with the Fish and Game Commission policies on restricted access for commercial fisheries (policy adopted June 18, 1999)**

Fish and Game Commission policies	California spiny lobster restricted access program's consistency with the policies
<p>stakeholder input. In establishing such management systems, the State should consider: (1) fair and equitable initial allocation of quota shares which considers past participation in the fishery, (2) resource assessment for establishing total allowable catch estimates, (3) fishery participation goals and aggregation limits, (4) cost recovery from quota owners, (5) quota transferability, and (6) recreational fisheries issues.</p>	
<p><i>Administration of restricted access programs</i></p>	
<p>POLICY 9.1: Administrative costs shall be minimized and those costs shall be borne by the respective programs. Review or advisory boards may be considered on a program-by-program basis. The programs shall be administered in their entirety within an existing department unit.</p>	<p>CONSISTENT</p> <ul style="list-style-type: none"> <li>• The DFG License and Revenue Branch issues permits.</li> <li>• No formal review or advisory board exists. However, there is an active fishermen's association.</li> <li>• The Commission's hearing process is used for permit appeals.</li> </ul>
<p>POLICY 9.2: Fees collected from restricted access initiatives may, for cost accounting and reporting purposes, be deposited in a single dedicated Restricted Access Fishery Account within the Fish and Game Preservation Fund. A fund condition and activity report should be published annually.</p>	<p>CONSISTENT</p> <p>There is no dedicated account.</p>
<p>POLICY 9.3: Restricted access programs should provide specific disincentives for violations of pertinent laws and regulations. Enforcement costs of restricted access programs should be minimized through the use of new technologies or other means.</p>	<p>CONSISTENT</p> <p>All provisions of the Fish and Game Code and regulations are a condition of the permit. The Commission can revoke a permit for violation of the laws or regulations. A condition of the permit renewal is the submission of all required activity logs.</p>