



## **LOBSTER FISHERY MANAGEMENT PLANNING PROCESS**

### **OXNARD PUBLIC MEETING APRIL 18, 2012**

### **INFORMAL QUESTIONS AND COMMENTS SUMMARY**

#### **QUESTIONS & RESPONSES**

\*As stated by DFG at the beginning of the meeting, these proceedings have been summarized and are not a verbatim transcript of what was said at the meeting.

Question: I am a recreational fisherman. I fish from Oxnard to south of Orange County, and I have noticed a decrease in catchable legal lobsters. Is there something the California Department of Fish and Game (DFG) can do to address this decline or does this have to wait until 2015?

Response: DFG is taking data from the entire fishery. If the data or other sources indicate a resource issue, we do not have to wait until 2015 to act.

Question: Does the DFG have a website where questions can be posted.

Response: Yes, you can go to the Lobster FMP Issues, Questions & Answer page on the website at <http://www.dfg.ca.gov/marine/lobsterfmp/qna.asp> and click on the link "Submit questions and written comment".

Question: What are the plans for fishery independent monitoring?

Response: We have California Recreational Fisheries Survey (CRFS) samplers who are doing fishery dependent monitoring at docks, launch ramps, piers and beaches who are in the room with us this evening. There is the California Cooperative Oceanic Fisheries Investigations (CalCOFI) study through Scripps Institution of Oceanography, lead by Dr. Tony Koslow, Research Professor and Director of CalCOFI. They are looking at 60 years of water samples. They have collected lobster larvae (phyllosoma) from the water samples, the abundance, and how this corresponds to changes in the ocean over time. We also will be looking at what is the best way to monitor the fishery in the FMP process.

Question: Does DFG ever get zeros on the report cards? Maybe people who are not having success fishing are not turning in their cards.

Response: Yes, we do get report cards with zeros. It is important for us to distinguish between people who are unsuccessful fishing and people who did not fish at all, even though they purchased a lobster report card. DFG sells around 30,000 lobster report cards annually. A lot of these recreational lobster fishermen are not successful.

Question: Are commercial fishermen required to write down how many lobsters they take?

Response: Yes, this is one of the required fields on the commercial lobster log. Logbooks record the daily catch: the number of sublegal lobster released, legal lobster retained, the number of traps pulled, and their soak time. In addition, the pull date, DFG catch block, and closest landmark are also recorded. Landing weights are recorded on the landing receipt, and the receipt's serial number is recorded on the logbook page.

Question: We would support a slot limit, but would DFG be able to support such a change by getting new monitoring equipment? Would the scientist tell us if slot limits would make a difference?

Response: There is a debate about whether a slot limit would help the lobster resource, and we will look at this during the FMP process.

Question: Would it help to know the sex of the lobster we take and to provide that information on the report card?

Response: It may be hard for some people to identify the sex of the lobster so I do not know if we could depend on the accuracy of the information we would receive.

Question: Are lobsters from Mexico feeding into the fishery and then when they go into the cold water column are they dying? Has anyone done any genetic studies?

Response: There is probably some exchange between the two countries, as lobster spend seven to ten months in the open ocean as larvae drifting in the plankton. There are some studies following drift and channel currents. There is likely some local recruitment going on, too. I am not aware of a scientific paper that answers the question. Some limited genetic work has been done.

Question: Do you have any results you can show us as to how successful the Marine Protected Areas (MPAs) are so far?

Response: Matt Kay has clearly seen a size increase inside the reserves in the northern Channel Islands. Additionally, based on tagging, he has seen lobster move outside the MPA and spill over into fishing grounds; but you do not see a “classic fishing the line” pattern. This may be because there are not many habitat corridors right outside the MPAs he studied.

Question: Other than the size increase in the northern Channel Island MPAs, are you seeing any increase in lobster population?

Response: He did see catch increase. Matt set traps inside and outside of three MPAs, and the catch was 4 - 8 times higher within the MPAs than outside of them. Many of the MPAs are in prime habitat. We do not know if there will be more offspring as a result of the MPAs, or if they will increase the overall population, mainly because we do not know if the offspring will survive. There is the potential for the overall population to increase, but we do not have scientific proof yet.

## **INFORMAL COMMENTS**

- As the Lobster Fishery Management Plan (FMP) is developed, the DFG and the Lobster Advisory Committee need to be sensitive to taking money out of commercial fishermen’s pockets.
- DFG needs to increase the return rate for Spiny Lobster Report Cards.
- DFG is developing a program so that people will soon have the option of submitting their report card data online as well as mailing in their report card at the end of the year.
- The Fish and Game Commission has decided to wait a couple of years before using the stick to enforce report card returns. We encourage people to be patient while we work to bring people into compliance before bringing out the stick.
- There is a regulation that if you do not return your Spiny Lobster Report Card by a certain date you lose your fishing license. (*Note: the regulation actually says you may be restricted from obtaining a report card the following year or subject to an additional fee for the card.*) This law should be enforced.
- The one constant about the sea is change. In response to the person who noticed a decrease in catchable legal lobsters, even established catch sites can change from day to day or week to week. I have not noticed a decrease in the lobster population.
- The commercial lobster fishery is in really good shape. It just needs a little fine tuning and it will be an excellent fishery that will get better as the years go by. A capacity goal should have been determined before the fishery went transferable. The effort on lobster, commercial and sport, is increasing at an alarming rate.

Add to the increased effort, the loss of fishing area of 25% from Marine Protected Areas (MPAs), and the potential for a viable and profitable lobster fishery will start to sharply decrease. To address this, I provide the following recommendations for commercial:

- Decrease the number of permit holders
- Choose a control date of April 18, 2012
- Create a permit buyback program
- Seek funding to support buyback program
- Charge an additional fee on top of lobster license to help fund buyback program
- Stop transferability of permits until a capacity goal is determined
- Seek a goal that allows for almost all permit holders to be hard workers

For recreational:

- Lower the number of permits and have more efficient fishermen
  - Limit number of participants
  - A hoop net should be the traditional net not the modern design, which is a trap
  - Current recreational bag limit is fine; however, it might be worth revisiting total in possession, in freezer at home, and some type of annual limit
- In many places in the 138-page December 2011 assessment of the California Spiny Lobster report the words *estimated*, *extrapolated* and *assumed* constantly appear making it very hard for everyone to truly understand what is actually happening with the lobster stock assessment. I recommend the following changes to the process to increase the credibility of any future stock assessment or the Lobster FMP:
    - Change the report card to being on a calendar year to coincide with the lobster season. Make it available for purchase September 1<sup>st</sup> and have it cover the entire lobster season dates. The cards must then be returned by April 15<sup>th</sup>. This would allow the data to be available in a timelier manner.
    - The new report cards have a bar code that identifies each fisherman. Fishermen who return their lobster card(s) should be able to purchase one the following year. Those who do not return their cards should not be able to purchase a card for one year. After the one year penalty time, they can buy a new lobster card.

- We need a slot limit from 3¼” to 5¼” or whatever a five pound lobster is.
- In other marine studies the fishing community has cried foul because of lack of scientific data. In the case of the spiny lobsters the recreational fishing community is actually causing the lack of scientific data by not turning in their lobster cards.
- We need biologists to advise us on slot limits and tell us who the best breeders are.
- As a recreational fisherman it should be my right to fish for lobster. DFG should balance it so that recreational and commercial fisherman have equal access.
- I do not dive anymore, and now I rely on commercial fisherman for my lobster. If I pay them I get a lobster for sure.
- I support having a Report Card that corresponds to the lobster season and there should be a penalty for those who do not return their cards.
- It is not worth thinking about a slot limit. In the reserves there will be larger lobsters and with the MPAs you are reducing the effort so the size frequency is going to increase.
- During the FMP process, we need to keep in mind the closing of the areas due to the MPAs and how this has impacted fishermen.
- The water has definitely been cold the last two years and I have not seen a single lobster this year that is even close to molting.
- The FMP requires us to be able to monitor the fishery. Currently, the funds do not exist to appropriately monitor the Spiny Lobster Fishery. We need to identify a suitable and sustainable funding mechanism to pay for ongoing monitoring of the fishery and for research. I suggest these funding possibilities:
  - Endowment or capital pool
  - Add fee to commercial permit or transfer of permit which would be dedicated to monitoring
  - Funding should not grant funded
- Concerned that OPC is driving a political process
- Commercial Port sampling in every port
- We need to do a proper stock assessment that includes port sampling data
- It is shocking that there were 30,000 Lobster Report cards sold last year. The commercial fishermen have to file a daily log and they keep good records. The recreational fishery is data poor. We need to improve this. Changing the

reporting period of the report card to coincide with the lobster season is a good idea. It might be useful for people reporting online to be able to do so monthly. I recommend limiting the number of Lobster Report Cards sold. People who do not return their card should get put on a waiting list or into a lottery system. I have to fish twice as many traps to catch the same amount of lobster. If we are going to decrease the amount of effort it should be on the commercial and the recreational end.

- Set-up port representatives to support advisory committee
- Get together a joint fishery and scientific stock assessment review that is going to analyze the current stock assessment and address the problems it identifies in the data collection system
- Close all fishing one mile from any harbor entrance
- Add additional columns to the report card to record number of shorts released, number of males and females kept, and the sizes kept: legal, medium, and trophy
- Consider creating a higher minimum size limit of 3-3/4"
- Use lobster card funds for enhancement
- Clarify what a hoop net is
- Advisory committee member's phone numbers should not be publicly shared
- Encourage report card returns
- Labeling hoop nets to identify the owner who is fishing it
- Problem with unattended gear and animosity of hoop netters towards divers
- Slot limit (minimum and maximum sizes)
- Commercial trapping in near-shore diving areas should have depth requirements
- Set-up a sport and commercial habitat committee to evaluate marine map data from MLPA process
- Increase minimum distance between traps
- Penalize those that don't return report card by denying card for next year
- Develop communication with wardens about technical design of trap limits as harvest control. Utilize experience with Dungeness crab fisheries in Oregon and Washington
- Set an upper size limit, the equivalent of an 8-9 lb. lobster
- Remaining fishing areas have more concentrated effort due to protected areas
- There should be a minimum distance between adjacent traps

- The lobster season opening date should be flexible. If the lobster are still soft delay the season. Mexico floods the commercial market right before our season opens. A later season would be better financially.
- Use a slot limit. A slot limit is successfully used in West Australia
- No berried females should be taken by anyone
- Don't make regulations that DFG can't enforce
- Get rid of latent commercial permits by making those permittees pay more if they don't fish
- Buyers and commercial fishermen should be assessed \$1,000 annually for lobster research
- There should be a monetary incentive for returning your Report Card. Your price for a Report Card stays the same the next year if you return your card. Use a carrot, not the stick.
- Don't limit Report Card sales or commercial fishermen more
- Trap limits are a good idea
- Some commercial trappers fish the line in the La Jolla Reserve. The buoy is outside, but the trap is inside
- Analyze the number of traps a commercial fisherman can actually pull
- Fishermen should be responsible for abandoned traps
- Should regulate the mesh size of hoop nets and conical nets
- Reduce the number of hoop nets per boat and per person
- Raise the size limit to 3½ " carapace length and the bag limit to 10 lobster per day
- Close lobster season on January 1.
- Mandate that female lobster are catch and release
- Do not allow hoop netting in harbors
- Don't allow commercial fishing any closer than one mile from harbor entrances
- Use the funds from Lobster Report cards proactively, for raising lobsters and enhancement. Don't use the funds just for data entry.
- The recreational bag limit is okay, but limit the yearly take or total catch overall
- Since the majority of lobster are caught before January, shorten the season

- If you don't return your Report Card you're not eligible to purchase one the next year
- Make the report card correspond to lobster season, not annual
- Establish a slot limit