

MEETING SUMMARY | June 20, 2012

Spiny Lobster Fishery Management Plan

Lobster Advisory Committee

Meeting in Brief

The Lobster Advisory Committee (LAC) formally convened and shared collective hopes, concerns and vision for the California Spiny Lobster Fishery Management Plan (FMP) development process being led by the Department of Fish and Game (DFG). DFG clarified the FMP background, concept and expected outcomes. Facilitators from the Sacramento State University Center for Collaborative Policy (Facilitation Team) presented findings and recommendations of situation assessment interviews conducted with a range of lobster stakeholders. The LAC reviewed, offered feedback and approved key sections of the project charter. Finally, the LAC discussed the process by which an initial list of potential conservation and management measures (suggested by stakeholders for DFG consideration) could be clarified, reviewed and worked on in the future. Several Committee Members (Members) made recommendations for how to seek constituent feedback on a general versus specific list of relevant management topics.

Next Meeting

August 1, 2012 | 8:00 a.m. – 3 p.m. | DFG office in Los Alamitos (early time by Committee request)

Action Items

Timeline	Name	Action Item
Late June	DFG	Send contact information to LAC members for DFG enforcement staff
Late June	DFG	Provide general conservation topics list for discussion with LAC Members' constituents
Late June	CCP	Disseminate meeting summary and second version of charter with editorial revisions developed at June meeting
Early July	DFG	Provide draft components of fishery overview chapter for LAC review
July	LAC	Solicit constituent feedback on general management topics list
July	LAC	Provide feedback on draft components of fishery overview chapter
July	CCP/LAC	Solicit Member feedback on process and reporting via phone calls

FMP Conceptual Framework

DFG Biologist Kristine Barsky, project manager for the spiny lobster initiative, reiterated the background, purpose and conceptual framework of FMPs (as described during the April public meetings) and welcomed support from the newly formed LAC.

The Marine Life Management Act of 1998 (MLMA), she noted, requires development of FMPs for all California fisheries. FMPs focus on preventative measures that ensure long-term sustainability of the fishery and resource. To this end, and with guidance from the MLMA, DFG designed the LAC to ensure broad stakeholder involvement and provide recommendations as DFG and its contractors develop components of the FMP. DFG retains the authority to develop the FMP in order to effectively manage a public trust resource, and is looking for constructive input from the LAC.

Dan Sforza, Assistant Chief for southern California, highlighted DFG Law Enforcement Division's commitment to the FMP. He encouraged Members to seek buy-in from DFG Wardens and the wider public as it considers proposed conservation and/or management recommendations. One Member

expressed concern that past industry attempts to improve management failed due to lack of support from DFG enforcement. In response, Assistant Chief Sforza agreed to make wardens available as needed or appropriate during the FMP process.

Kristine Barsky reviewed the three-year timeline of the initiative. LAC Members, she pointed out, are tasked with editorial review of FMP components before they are posted on the project website for public comment. The draft FMP undergoes scientific peer review and public review in 2014 before submission to the Fish and Game Commission (Commission) for consideration for approval. The Commission is the final authority on FMP content and any proposed fishery regulation changes. DFG will keep the Commission informed of LAC work as it unfolds. Members of the Commission, or its Executive Director, may at times attend LAC meetings. Ms. Barsky reiterated that the primary purpose of the FMP is to ensure the sustainability of the lobster population and its ecosystem, while promoting an economically viable commercial fishery, enhancing recreational opportunities for both consumptive and non-consumptive uses, minimizing bycatch, and collecting essential fishery information. Successful collaboration between DFG and the LAC may also create a model for the development of FMPs for other California fisheries.

Situation Assessment Presentation

The Facilitation Team presented key findings and preliminary stakeholder recommendations on the FMP based on situation assessment interviews conducted with a range of fishery interest groups.¹ The assessment aimed to capture stakeholder concerns, opinions and interests and thus helps structure the LAC and public participation process. A summary slide integrated process recommendations of the Facilitation Team with those provided by interviewees. The summary list of assessment topics included the following:

- Current status and management of the lobster fishery
- Most pressing threats and challenges
- Public involvement and advisory committee process
- Role of science in the lobster fishery management plan
- Advisory committee composition and process
- Addressing scientific uncertainty and data gaps
- Suggested conservation and management measures for advisory committee discussion
- Measures of success for the spiny lobster FMP process

Following the presentation, Member questions and comments focused on the need for broad geographical and organizational representation on the committee, proposed methods for soliciting public comments and the outreach and communication role of all interest groups.

Hopes, Concerns, and Vision Exercise

Members engaged in an interactive exercise that explored individual and collective hopes, concerns and vision for the FMP process. The exercise afforded Members a platform to express the interests of their constituency, listen actively to others, and build shared understanding of all Member perspectives. Exercise results are included in Table 2 below.

FMP Draft Charter

The Facilitation Team introduced and described the purpose of a draft advisory committee charter. The charter provides a governance structure for how the group works together. It describes guiding

¹ The assessment presentation may be found at: <http://www.dfg.ca.gov/marine/lobsterfmp/committee.asp>

principles, LAC membership, roles and responsibilities, decision-making procedures, and outreach and communication protocols.

Members offered a number of minor editorial revisions and sought clarification on specific sections of the charter. Some expressed concern about use of the words “habitat” or “ecosystem” in the guiding principles section, noting that the lobster FMP is focused on management of a single species. DFG staff affirmed that the FMP is focused specifically on management of the spiny lobster, but also noted that habitat and changing environmental conditions may need to be addressed. One Member described how the morning sessions demonstrated a vision for a healthy fishery and that this collective sentiment is encapsulated in the guiding principles section.

Additional comments focused on the roles and responsibilities of LAC Members, DFG and the Facilitation Team. Members stressed the need for timely dissemination of relevant data, meeting summaries and other products that enable the LAC to work effectively. A project work plan will guide LAC tasks and the timing of materials preparation and distribution. Given that no LAC Members are elected officials, the group is not bound by the constraints of the Bagley-Keene Act or Brown Act. One Member specifically requested that the Facilitation Team hold all parties accountable to their roles and responsibilities as described in the charter.

Members then discussed decision-making procedures. Consensus is a fundamental principle, as specified in the charter. To this end, the goal is to attain full agreement by the LAC on any recommendations submitted for DFG consideration. During its deliberations, the LAC may use caucuses or subcommittees that then report back to the full group. Less-than-consensus decision-making shall not be undertaken lightly. In the absence of full agreement, however, the LAC may document the range of opinions held on a particular issue or issues. Finally, one Member suggested inclusion of language that ensures the LAC an opportunity to respond to feedback provided during both the peer review and public review process.

DFG staff will provide oversight of outreach and communication of key LAC milestones. The Facilitation Team supports Member efforts to effectively solicit feedback from constituents and report back to the LAC. If speaking to the media, Members must indicate that they are providing individual perspectives and are not speaking for the full LAC. Members should neither characterize the positions and views of other Members nor should they ascribe motives or intentions to the statements or actions of others.

Following the inclusion of editorial revisions described above, the LAC approved the guiding principles, membership, roles and responsibilities, and decision-making procedures sections of the charter. The latest iteration of the charter is included as an attachment to this meeting summary. Additional discussion of the outreach and communication section of the charter will take place at the next LAC meeting.

Review of Initial Conservation and Management Measures

The Facilitation Team introduced a list of conservation and management measures suggested by stakeholders for DFG consideration. The proposed exercise aimed to solicit early feedback from Members in order to inform the project work plan and enable discussions on relevant management topics. A number of Members expressed reservations about the exercise. Some noted the importance of speaking with constituents before providing feedback on management issues. Others considered it premature to discuss specific management actions for various components of the fishery. Related to this, some noted the LAC’s need for educational presentations about key elements of the fishery. Still others made various suggestions for how the exercise might provide

initial feedback that helps inform future meeting agendas. In the end, several Committee Members made recommendations for how to seek constituent feedback on a general versus specific list of relevant management topics. DFG utilized these recommendations to develop a generalized list of conservation and management measures. Members subsequently received this list via email and should use it as a starting point for discussion with their respective constituencies.

FMP Chapter Review

DFG informed the LAC that draft components of the fishery overview chapter are near completion. DFG will send these components out to Members for review in early July. Members will be tasked to provide feedback prior to the LAC meeting scheduled for August 1, 2012.

Table 2. Outputs from Hopes, Concerns and Vision Exercise

Hopes	Concerns	Visions
<ul style="list-style-type: none"> • Bring together diverse stakeholders beyond FMP development to include implementation and coordination on other ocean issues 	<ul style="list-style-type: none"> • Unnecessary/burdensome restrictions not grounded in 'Real World' knowledge and solid, complete science 	<ul style="list-style-type: none"> • Arriving at durable sustainability through a new FMP process model that can be scaled to other fisheries/areas
<ul style="list-style-type: none"> • ↑↑ input from stakeholders constituents • Opportunity to learn all informed points of view about fishery • Limit effectiveness of anger, outrage and emotion in management and policy development 	<ul style="list-style-type: none"> • Commercial priorities and money will take top priority in FMP final product • Hostility of process may silence important voices and constituency groups • Continued passiveness of some stakeholders 	<ul style="list-style-type: none"> • A program that reflects the vitality of our lobster fishery; not reflecting fear or "What-ifs?"
<ul style="list-style-type: none"> • A sustainable resource with NO CLOSURES 	<ul style="list-style-type: none"> • Misunderstanding of the roles of Federal Representation • Ability to integrate marine protected areas 	<ul style="list-style-type: none"> • A healthy, profitable, fishery comprised of <u>professional</u> fishermen. A rewarding sport experience
<ul style="list-style-type: none"> • We CAN work together 	<ul style="list-style-type: none"> • Conflicts with NGOs need to be avoided • Emotion-based FMP 	<ul style="list-style-type: none"> • A sustainable resource with lobster for my children to catch and <u>no more closures</u>
<ul style="list-style-type: none"> • Learning and doing a good job representing my constituents • No marginal/insidious regulations 	<ul style="list-style-type: none"> • Long term adaptability • Ability to make timely, quick adjustments to management as needed or appropriate 	<ul style="list-style-type: none"> • All groups able to understand the whole • Sustainability does not have to be a compromise
<ul style="list-style-type: none"> • Respect for All Committee Members • A concise, forward thinking FMP 	<ul style="list-style-type: none"> • Overfishing (Local) • Majority of take by a few • Hoop nets should not be considered traps 	<ul style="list-style-type: none"> • FMP taken seriously by Commission • Lobster FMP is a model

<ul style="list-style-type: none"> • LAC works cooperatively • Stay focused to the task 	<ul style="list-style-type: none"> • Being regulated out of lobster fishing by FMP or closures 	<ul style="list-style-type: none"> • Continue a heritage fishery • Balance good science
<ul style="list-style-type: none"> • Economically viable and sustainable lobster resource 	<ul style="list-style-type: none"> • For improvement, people/constituents may need to give/make change 	<ul style="list-style-type: none"> • Long-term sustainable lobster fishery for California • United ocean user constituency
<ul style="list-style-type: none"> • Continued sustainability 	<ul style="list-style-type: none"> • Report Card returns need to increase • No Closures 	<ul style="list-style-type: none"> • Successful plan • Group satisfaction
<ul style="list-style-type: none"> • Sustainable Fishery – Keep management simple 	<ul style="list-style-type: none"> • Limited biology weakens management efforts 	<ul style="list-style-type: none"> • Longevity for fishery
<ul style="list-style-type: none"> • Fair and transparent process that results in a fishery which is both biologically sustainable and economically healthy 	<ul style="list-style-type: none"> • Good science • Reach all constituents • Understandable conclusions 	<ul style="list-style-type: none"> • Marine Stewardship Council (or equivalent) rating • Economical and ecological, sustainable, viable lobster
<ul style="list-style-type: none"> • Decisions based on science and anecdotal knowledge 	<ul style="list-style-type: none"> • Balance and understanding of a way of life 	<ul style="list-style-type: none"> • Think long term and improvement of resources (lobster <u>and</u> ecosystem)
<ul style="list-style-type: none"> • True transparency and a fair shake before the Commission 	<ul style="list-style-type: none"> • Economics will not take priority over ecology and environment – need holistic, balanced solution 	<ul style="list-style-type: none"> • Lobster population that facilitates a healthy ecosystem and provides opportunity for recreation
<ul style="list-style-type: none"> • Improved lobster fishery management 	<ul style="list-style-type: none"> • This process cripples an existing fishery as the FMP for the near shore fishery 	<ul style="list-style-type: none"> • A commercially viable fishery for the future generations of fishermen
<ul style="list-style-type: none"> • FMP process prevents overfishing 	<ul style="list-style-type: none"> • All possible options truly considered by all 	<ul style="list-style-type: none"> • A proactive, flexible plan is created and adopted by Commission

<ul style="list-style-type: none"> • Economic ability to still make an income with this fishery • Close loopholes in a good fishery and not destroy it 	<ul style="list-style-type: none"> • Concerned that extensive and expensive process will not result in meaningful on the water change or process will not be viewed as success 	<ul style="list-style-type: none"> • LAC as conduit for collaborative, informed change • Future model for FMP development. Decrease fear of stakeholders
<ul style="list-style-type: none"> • Bringing younger generation into planning process and instilling stewardship 	<ul style="list-style-type: none"> • Influences by outside factors, special interests, Commissioners, etc. do not taint outcome 	
<ul style="list-style-type: none"> • Sustainable success • Short term/Long term • Example for future process 	<ul style="list-style-type: none"> • Budget – What if DFG has no \$ to implement the FMP? Projected budget needs to be in FMP 	
<ul style="list-style-type: none"> • Lack of corruption of process and outcomes 	<ul style="list-style-type: none"> • Need to bring science into FMP development 	
<ul style="list-style-type: none"> • The market situation will be brought into discussion 	<ul style="list-style-type: none"> • Lack of recruitment science will make planning difficult 	
<ul style="list-style-type: none"> • FMP will include discussion of how plan will be paid for 	<ul style="list-style-type: none"> • Regulations will not be based on reality 	

Themes and areas of agreement:

- Desire to work together cooperatively
- Create a model FMP process
- Bring in reliable scientific data
- Balance science with on the water experience
- Fair and transparent process
- LAC members be conduits to constituencies
- Sustainable fishery – healthy lobster resource
 - Viable commercial resource
 - Enhance recreation
 - Sustainability of resource
- Adaptive and responsive plan