

## CALIFORNIA SPINY LOBSTER FISHERY MANAGEMENT PLAN



# **California Spiny Lobster Fishery Management Plan Advisory Committee Charter** *Approved 8-1-12*

### **Background**

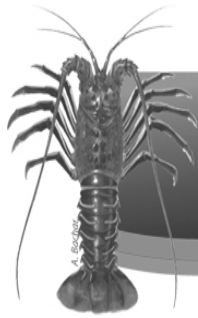
The Marine Life Management Act of 1998 (MLMA) mandated new, progressive, and comprehensive approaches to fisheries management. One key element is the development of fishery management plans (FMPs) for the fisheries in California. FMPs are planning documents that assemble critical information, analyses, conservation, and management alternatives. The Department of Fish and Game (DFG) submits each FMP to the Fish and Game Commission (Commission) for their consideration for adoption.

The preparation of a FMP is a complex process that requires considerable research and discussion before its adoption. In support of this effort, DFG hired scientific contractors to assist in drafting a FMP for the California spiny lobster. In addition, DFG contracted the impartial facilitation services of the Sacramento State University Center for Collaborative Policy to organize a series of public and advisory committee meetings as the FMP is developed. A concurrent management strategy evaluation process aims to assess the consequences of a range of fishery management options being explored.

### **Guiding Principles**

In accordance with the requirements of the MLMA, DFG sought interested individuals and subsequently convened a Lobster Advisory Committee (Committee) that represents a broad range of stakeholder interests. The Committee is charged to provide DFG with advice, feedback, and recommendations regarding the issues and actions to develop a Spiny Lobster FMP. To this end, Members of the Committee seek to:

- Advise DFG in the development of a scientifically sound, comprehensive and adaptable FMP for the California Spiny Lobster;
- Work collaboratively to produce a FMP that promotes economically viable commercial and recreational industries, enhances recreational opportunities for both consumptive and non-consumptive uses, minimizes by-catch, collects and utilizes essential fishery information, and maintains the sustainability of the lobster population and its ecosystem.



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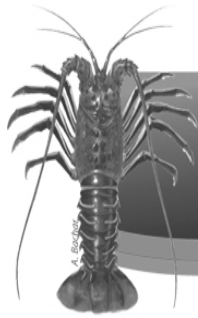


### Membership

The composition of the Committee reflects the diversity of interests and complexity of the California spiny lobster fishery. DFG opened up an application process for all interested parties to participate in the Committee. Following an evaluation of all applicant submissions, DFG nominated the following individuals as Committee Members or Alternates in May 2012.

**Table 1. Lobster Advisory Committee Members**

Member Name	Affiliation	Constituent Group
Rodger Healy	California Lobster and Trap Fishermen's Association (CLTFA)	Commercial Fishing Member
Jim Colomy		Commercial Fishing Member
Shad Catarius		Commercial Fishing Member
Josh Fisher		Commercial Fishing Alternate
Jim Salazar		Recreational Fishing Member
Michael Gould	Pacific Freediver	Recreational Fishing Member
Al Stasukevich	S.D. Anglers & S.D. Rod and Reel	Recreational Fishing Member
Paul Romanowski	Greater L.A. Council of Divers	Recreational Fishing Alternate
Lia Protopapadakis	Santa Monica Bay Restoration Commission	Marine Science Member
Kevin Hovel	San Diego State University	Marine Science Member
Jono Wilson	Bren School, UC Santa Barbara	Marine Science Alternate
Sarah Sikich	Heal the Bay	Environmental NGO Member
Huff McGonigal	Environmental Defense Fund	Environmental NGO Alternate
Sean Hastings	Channel Islands National Marine Sanctuary	Federal Agency Member
David Kushner	Channel Islands National Park	Federal Agency Alternate
Claudette Dorsey		Non-consumptive Recreational Member
Chris Grossman	Diver.net	Non-consumptive Recreational Member
Stefan Partelow		Non-consumptive Recreational Alternate



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### **Roles and Responsibilities**

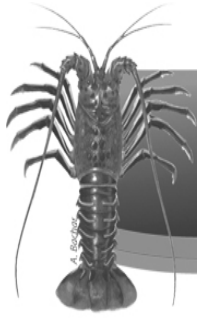
This section outlines the roles and responsibilities that DFG (the Convener), Committee Members and Alternates, and the Center for Collaborative Policy (the Facilitation Team) commit to during the development of the Spiny Lobster FMP.

*The Department of Fish and Game:* Pursuant the Fish and Game Code Sections 7075-7078, DFG is charged to prepare the FMP through a stakeholder engagement process that provides meaningful involvement for participants in the lobster fishery, marine scientists, and other interested parties. DFG relies on the Committee to inform the content of the FMP. Subsequent to this process, and following a period of public review, DFG prepares a final FMP for the Commission for adoption. The Commission is the final decision maker on the content of the FMP. In support of this effort, DFG commits to:

- Ensure participation of DFG biologists, wardens and other appropriate staff or experts in Committee discussions necessary to support informed decision making;
- Engage in Committee discussions to ensure that Committee recommendations consider DFG interests and constraints;
- Serve as a bridge to regularly communicate Committee progress to the Commission prior to submission of a final draft FMP.

*Committee Members & Alternates:* The Committee is a collaborative advisory body representing six distinct interest groups as defined in Table 1. Specifically, the Committee provides DFG advice, feedback, and recommendations regarding the issues and actions to develop the FMP. In addition, the Committee gives guidance on FMP objectives and end products, as well as provides ideas for management options that address the key issues put forth by interested parties. The Committee does not author the contents of the FMP, but instead reviews draft documents generated during the FMP process to provide direction and feedback. The work of the Committee helps inform a concurrent fishery management strategy evaluation process being led by the DFG that aims to assess the consequences of a range of fishery management options being explored. All Committee recommendations for management options must comply with state and federal regulations.

Committee Members are volunteers as defined in DFG's Volunteer Handbook. Each participant is reimbursed for expenses per general regulations. Reimbursement is only for persons that are selected as Committee Members. Alternates may receive



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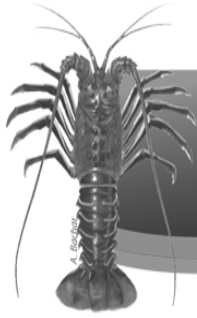


reimbursements in the event that they replace Members at a given meeting or meetings. In serving on the Committee, Members and Alternates agree to work collaboratively and meet the following responsibilities:

- Arrive at each meeting fully prepared to discuss all agenda items and relevant issues. Preparation may include, but is not necessarily limited to, reviewing meeting summaries, draft FMP chapters, and other information distributed in advance of each meeting;
- Build trust and cooperation with other Members and represented constituencies;
- Develop a problem-solving approach in which the interests and viewpoints of all Members are considered;
- Explore all options to resolve disagreements, including the use of subcommittees, caucuses and one-on-one discussions, as supported by the Facilitation Team;
- Act as a liaison throughout the FMP process to inform and solicit input from interested constituencies to assist in the development of the FMP;
- Present constituent views on the issues being discussed and commit to engage in respectful, constructive dialogue with other Members of the Committee;
- Ensure accuracy of information dissemination; correct false information as needed or appropriate;
- Avoid representing individual viewpoints as those of the Committee and respect confidential conversations;
- Members should work to ensure broad constituent understanding and support for their recommendations to the Committee and DFG.

*The Facilitation Team:* The Facilitation Team serves as a third party neutral whose primary responsibility is to ensure an open process where all Member interests are heard and thoughtfully considered. To this end, the Facilitation Team works on behalf of the process and the parties contributing to Committee efforts. Specific responsibilities include:

- Facilitate all public and advisory committee meetings;
- Prepare and provide oversight of meeting agendas in consultation with DFG staff and Members. Draft agendas are provided no less than ten working days prior to any scheduled meetings. Agendas are also posted on the lobster FMP website;



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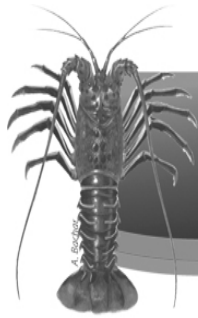
- Prepare and provide oversight of meeting summaries in consultation with DFG and with review by Members. Meeting summaries document Committee discussions, milestones, tasks and action items. The Facilitation Team crafts meeting summaries to assist Members with briefing constituents on relevant issues associated with FMP development;
- Ensure fairness in Committee deliberations and uphold Members, DFG, and the Facilitation Team's commitment to the Charter tenets;
- Regularly check-in with Members to ensure all issues are identified;
- Provide members with skills and advice to solicit input from constituencies and report back to the Committee;
- Structure meetings and other conversations to provide adequate time for discussions of relevant matters;
- Apply collaborative, interest-based negotiation methods that foster openness and identify areas of preliminary and final agreement for advice and recommendations to DFG.

*Role of Alternates:* Alternates are only required to attend Committee meetings if requested to serve as a temporary replacement for a Member. Any Member who cannot attend a meeting must ensure that his/her Alternate is adequately briefed on relevant issues and prepared to participate, offer advice and make any recommendations on his/her behalf. Alternates are encouraged to attend the first Committee meeting and may, at their choosing, attend any other meetings.

*Member Replacement:* Members may be replaced by the Alternate for that constituency if they decide for any reason to resign or cannot support the collaborative purpose of the Committee. Moreover, if a Member feels they can no longer support the charter, or there is a deliberate violation of the charter tenets, the DFG may replace the Member with the Alternate for that constituency. Replacements for Alternates are selected by DFG from the original pool of applicants or other interested parties.

### **Decision-Making Procedures**

*Consensus as the fundamental principle:* Members will strive for consensus in the advice and recommendations provided to DFG during the FMP development process. Working towards consensus is a fundamental principle.



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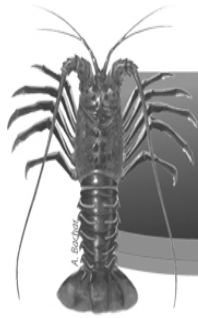
*Definition of consensus:* Consensus means that each member of the Committee supports or can live with the group decision and resulting recommendation provided to DFG, and believe that their constituents can as well. In reaching consensus, some Members may strongly endorse a particular recommendation while others may accept it as "workable." Others may only be able to "live with it." Still others may choose to "stand aside" by verbally noting a disagreement, yet allowing the group to reach consensus without them. Any of these actions still constitutes consensus.

*Less than 100% consensus decision-making:* The Committee will seek mutually acceptable and beneficial recommendations whenever possible. Any Member or Members that disagree with a recommendation must provide an alternative that attempts to meet his/her constituency's interests while also meeting the interests of other Members. The Committee will strive for consensus, but shall not limit itself to strict consensus if 100% agreement among all participants cannot be reached after all interests and options have been thoroughly identified, explored, and discussed. Less-than-consensus decision-making shall not be undertaken lightly.

In striving for consensus, it may at times be desirable to convene representatives of similar interests for candid and frank assessments of various proposed recommendations. Issues that are of specific interest or concern to one constituency may also be explored via caucus (representatives of that constituency). Caucus conversations may occur during or apart from Committee meetings and may include the Facilitation Team. Any Member or the Facilitation Team can request a caucus at any time. The Facilitation Team may attend and consult with parties during caucus discussions.

In the absence of full agreement, subcommittees may be formed to explore a topic in depth and develop a proposed recommendation for full Committee consideration. The full Committee decides the composition of any subcommittee. If the subcommittee is unable to reach agreement on the topic, it will present the range of opinions to the full Committee for consideration. The Committee will then determine its recommendation(s) consistent with its decision-making procedures.

If, after full exploration, the Committee cannot come to full agreement, recommendations may still be provided to the DFG with, if desired, the inclusion of minority opinions that note disagreement or concerns with the recommendation.



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The rationale and basis for all recommendations, whether of a majority or minority of Members, must be provided to DFG.

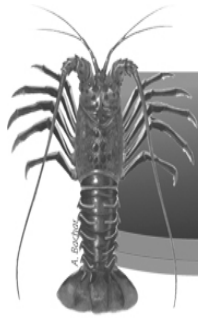
***Decision Outcomes:*** All agreements, advice, negotiated recommendations and minority opinions provided to DFG by the Committee reflect the outcomes of stakeholder discussions. Committee discussions, advice and recommendations serve as a source of information for DFG and their scientific contractors who, in turn, research and prepare the FMP. In addition, the work of the Committee informs the concurrent management strategy evaluation modeling system that aims to assess the consequences of a range of fishery management options. Upon completion of the FMP, DFG seeks scientific peer review of the document and opens up a process of public review. The Committee may be convened to review outcomes of peer and public review, particularly if substantive changes are suggested to the FMP. Finally, DFG submits the final draft FMP to the Commission for consideration for approval.

### **Work plan**

The Committee advises DFG in the development of a Spiny Lobster FMP over the period 2012 - 2014. The work plan, and associated agenda items, may be adjusted as needed or appropriate. During LAC meetings, public comment also informs FMP development. Key tasks and associated milestones for the Committee are listed in Table 2 below.

**Table 2. Proposed Lobster Advisory Committee Workplan**

<b>Meeting Date/Location</b>	<b>Anticipated Agenda Items and Milestones</b>
June 20, 2012 Los Alamitos	<ul style="list-style-type: none"> <li>• Member/Alternate introductions</li> <li>• FMP conceptual framework and timeline</li> <li>• Outcomes from stakeholder assessment</li> <li>• Committee charter development</li> <li>• List of initial conservation and management topics</li> <li>• Prepare for review of draft Fishery Overview chapter components</li> </ul>
August 1, 2012 Los Alamitos	<ul style="list-style-type: none"> <li>• Committee charter development</li> <li>• Feedback on draft fishery overview components</li> <li>• Educational presentations</li> <li>• Discuss constituent feedback</li> </ul>
September 5, 2012	<ul style="list-style-type: none"> <li>• General LAC meeting and discussion</li> </ul>



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Los Alamitos	
December 4, 2012 Location TBD	<ul style="list-style-type: none"> <li>• Review Lobster FMP work plan and MLMA objectives</li> <li>• Disseminate and discuss information on sustainability and fishery management</li> <li>• Brainstorm and discuss potential plans of action for input to MSE modeling process</li> </ul>
April 23, 2013 Location TBD	<ul style="list-style-type: none"> <li>• LAC member attendance not required</li> </ul>
April 24, 2013 Location TBD	<ul style="list-style-type: none"> <li>• LAC member attendance not required</li> </ul>
June 12, 2013 Location TBD	<ul style="list-style-type: none"> <li>• Review comments from public management options meetings</li> <li>• Review economic profile</li> </ul>
August 15, 2013	<ul style="list-style-type: none"> <li>• Review management strategy evaluation results</li> </ul>
2014 (To be scheduled)	<ul style="list-style-type: none"> <li>• Comments on final draft of FMP document</li> </ul>
Additional meetings may be scheduled on an as needed basis, but will not conflict with DFG Commission meetings.	

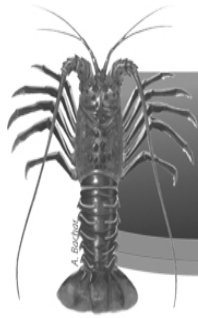
### Working Collaboratively

The Committee uses the following ground rules to establish a constructive environment for meetings and may modify them as needed or appropriate.

Members agree to the following:

- Attempt to achieve outcomes that serve the best interests of the entire spiny lobster fishery while limiting negative impacts to respective constituency groups;
- Maintain an open mind, consider all perspectives and negotiate in good faith;
- Combine advocacy and inquiry to develop mutual understanding. In other words, strive to articulate the interests of respective constituency groups while also listening and asking questions in order to understand other points of view;
- View disagreements as problems to be solved rather than battles to be won. When developing a solution, think about the interests of others;
- Identify proposals to resolve problems presented, and remain open to considering others' proposals;





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- Refrain from ascribing motives or intentions to other participants; and
- Respect the integrity, value and time of other participants.

During Committee meetings, all meeting participants agree to:

### **Use Common Conversational Courtesy**

Treat each other with mutual respect during all discussions. This includes conversations among Members and Alternates, as well as with DFG staff, consultants, facilitators and members of the public that contribute to the FMP development process and outcomes.

### **Consider That All Ideas and Points of View Have Value**

All ideas have value in this setting. We are looking for creative and innovative ideas. The goal is to achieve a mutual framework of understanding among the group. Simply listen, you do not have to agree. If you hear something you do not agree with or you think is "silly" or "wrong," please remember that the purpose of the Committee is to share, discuss and evaluate ideas.

### **Be Honest, Fair, and as Candid as Possible**

Act in good faith, help others understand the constituency you represent and work to understand other constituencies.

### **Avoid Editorials**

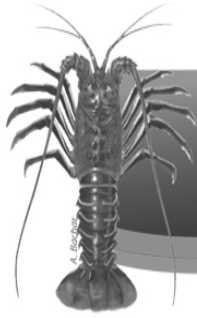
It will be tempting to analyze the motives of others or offer editorial comments. Please talk about YOUR ideas, thoughts and the interests of YOUR constituency. Avoid commenting on why you believe another participant thinks something.

### **Think Innovatively and Welcome New Ideas**

Creative thinking and problem solving are essential to success. Attempt to "climb out of the box" and think about the issues in a new way.

### **Invite Humor and Good Will**

While discussions may no doubt be of a serious nature, it is helpful to at times not to take ourselves too seriously. Humor and good will often helps a group find mutually agreeable solutions to challenging issues.



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### **Be Clear, Concise and Efficient**

Peoples' time is precious; treat it with respect. Always turn cell phones off or to vibrate during meetings, and take any calls outside the meeting room.

### **Be Comfortable**

Please help yourself to refreshments or take personal breaks as needed. If you have other needs please inform the Facilitation Team.

### **Outreach and Communication**

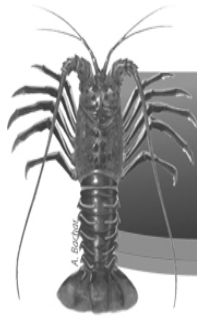
*Constituent outreach:* Committee Members (or Alternates as needed) serve as conduits for information sharing with and soliciting input from their respective constituencies. Members make an effort to communicate regularly with their constituencies and colleagues to keep them informed about the process and solicit input on the issues under discussion. The Facilitation Team, in consultation with DFG, assists Members in the development of effective communication protocols and methods for constituent briefings. Primary communications materials may include, but not necessarily be limited to, meeting summaries, a "Frequently Asked Questions" document, and draft components of the FMP, and specific instructions for review and solicitation of input.

In turn, constituents wanting to provide input to the process are encouraged to provide their concerns and suggestions to their representative Members on the Committee. To this end, constituents must have the ability to communicate with Members, or Alternates as appropriate.

*Media relations:* Members are not prohibited from speaking to or sharing information with or through the media, but when doing so must indicate that they are providing their individual perspectives and are not speaking for the Committee. Participants should neither characterize the positions and views of any other Member nor should they ascribe motives or intentions to the statements or actions of other Members.

### **Open Meetings**

Committee meetings are open to the general public for observation. Approximately thirty minutes of public comment will be permitted per meeting. Time is limited depending on the number of people who wish to speak. Written comments to DFG



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from the public on meeting discussions or any other issues relevant to the FMP are encouraged at any time.

### **Amendments to the Charter**

The Committee may use its decision-making procedures, outlined above, to make changes to this Charter as deemed necessary or appropriate.