

MEETING SUMMARY | July 10, 2013

Spiny Lobster Fishery Management Plan

Lobster Advisory Committee



Meeting in Brief

Department of Fish and Wildlife Updates

The Lobster Advisory Committee (LAC) received an update on the recent Marine Resource Committee (MRC) meeting; the MRC is a subcommittee of the Fish and Game Commission. At the meeting DFW staff presented the *Guidelines for Management Options for the Spiny Lobster Fishery Management Plan (Commercial and Recreational)* to two Commissioners. DFW explained that additional work needed to be done on a harvest control rule, and emphasized the aim of the LAC is to achieve consensus on recommendations for the lobster FMP. Subsequent group discussion brought clarity on a range of issues related to FMP development and the ongoing role of the LAC.

Discussion and Evaluation of Commercial and Recreational Fishery Management Options

The LAC discussed and evaluated a refined commercial trap limit proposal that aims to meet management goals identified in the *Guidelines* document while also incorporating the interests of the commercial fleet to the highest degree possible. The LAC achieved consensus on the full proposal concept, including agreement on the proposal's goals with acknowledgement that minor adjustments to the trap tier provisions may still be warranted. Any changes that result from caucus discussions between DFW and the commercial sector will be brought back to the full LAC for discussion and final agreement.

The LAC also discussed and evaluated a set of recreational management issues that had been considered, and in some cases approved as straw proposals, at the April meeting. The LAC achieved consensus on a number of the recreational proposals but requested additional time for constituent outreach in order to secure feedback on newly introduced ideas (e.g. tail cutting) that garnered broad support.

Next Meeting

August 15, 2013 | 8:00 a.m. – 3 p.m. | DFW office in Los Alamitos, in the upstairs conference room

<http://www.dfg.ca.gov/marine/lobsterfmp/>

Action Items

Timeline	Name	Action Item
Early August	DFW	Distribute lobster harvest control rule framework to facilitate LAC thinking and discussion
August 7	LAC	Email DFW inquiries and suggested questions to be addressed during harvest control rule discussion

DFW Updates

Lobster FMP Project Manager Kristine Barsky introduced new Marine Regional Manager Craig Shuman to the LAC. He in turn welcomed everyone and thanked the group for its longstanding commitment and collaborative efforts to date. He expressed optimism that the LAC could find agreement on commercial and recreational fishery management measures. Kristine Barsky followed with an update on the recent MRC meeting of the Fish and Game Commission. At this meeting DFW staff introduced the *Guidelines for Management Options for the Spiny Lobster Fishery Management Plan (Commercial and Recreational)*, noted additional work to be done on a harvest control rule and stressed that the LAC continues to work towards consensus recommendations that inform lobster FMP development. Open discussion revisited and brought further clarity to a range of issues:

- A primary aim of the lobster FMP is to manage and maintain a robust, productive and profitable fishery
- DFW will submit the FMP to the Commission for consideration for adoption; the Commission retains ultimate decision making authority
- At upcoming meetings the LAC will review a table of potential management options that can be considered should a harvest control rule be triggered
- Marine protected areas (MPAs) will be taken into consideration when developing a lobster harvest control rule, and may potentially serve as a biological buffer that reduces the likelihood of a harvest control rule being triggered
- The abalone fishery provides lessons learned for successful application of a harvest control rule in California waters
- DFW Enforcement will work with the commercial and recreational sectors respectively to “iron out” specific details of any recommended regulatory or other management changes; Paul Hamdorf is the DFW Enforcement lead
- The LAC will be provided an opportunity to review the research and sampling / monitoring recommendations in the FMP (e.g. DFW is recommending a study of lobster trap destruct devices and more work on bycatch species and their survival)

Discussion and Evaluation of Commercial Lobster Fishing Management Options

Lobster FMP Assistant Coordinator Kai Lampson introduced a commercial trap limit proposal developed from ongoing caucus meetings between DFW and commercial LAC members. The proposal builds on the *Guidelines* document and aims to meet management goals identified and discussed at the June LAC meeting. In developing the proposal, all parties made a significant effort to consider and address the commercial fleet’s interests to the highest degree possible. The Commission’s Executive Director Sonke Mastrup participated in the caucus meetings and thus provided the full LAC with a broad overview of the proposal’s purpose and main elements.

One member expressed strong interest in the proposal’s goals and suggested that non-commercial LAC members should defer to commercial interests on decisions related to the specific details of the proposal (e.g. trap limit numbers). Others agreed to the benefits of refining the proposal’s goals. In contrast, commercial members expressed interest to have the full LAC support both the proposal’s goals and specific trap limit categories, numbers and provisions. To address this range of concerns, the LAC worked collaboratively to first refine the proposal’s goals and only then consider the details of each trap category. Marine Regional Manager Craig Shuman reminded everyone of the benefits of sending a set of consensus recommendations (commercial and recreational) to the Commission and thus encouraged the group to work together to find agreement.

In response to a request from LAC members and other individuals, comments and questions from the public interspersed the trap limit discussion. Some individuals expressed concern that the “600” permit category would create a rush to increase trap capacity. Others posed questions regarding impacts to non-transferable permit holders. Such comments were received and considered by the LAC as it evaluated the proposal. Of note, some commercial interests continue to voice concern that management changes may cause permit speculation.

At various stages of the conversation DFW staff clarified that the trap limit proposal represents a proactive stewardship tool that may bring immediate benefits to the fishery but does not equate to a conservation measure based on a harvest control rule, which will be discussed at later LAC meetings. Over time the trap limit is expected to reduce gear and the number of overall permits in the fishery.

Consensus achieved: Open discussion, deliberation and group problem solving led the LAC to reach consensus on two fronts relative to the commercial trap limit proposal below.

1. Goals/objectives: LAC consensus achieved (final agreement)
2. Full proposal concept: LAC consensus achieved (straw proposal)

The LAC acknowledged that minor proposal adjustments, if desired, could be considered before the group reaches final agreement, notably as commercial members talk to constituents and continue caucus meetings with DFW. Any suggested changes must be brought back to the full LAC for consideration, discussion and final agreement. Finally, one member noted the importance of being able to review and adjust management measures in the future, including the trap limit program, if stated goals are not achieved during implementation.

COMMERCIAL TRAP LIMIT PROPOSAL		
Category	Trap numbers	Provisions
“300” Transferable Permit (T) “300” Non-transferable permit (NT)	300	<ul style="list-style-type: none"> • Stackable (2 total maximum) • Transferable unless entry as a non-transferable permit • Can switch to “600” permit anytime until limit of 41 is reached (only T permits);(one way switch, can’t come back) • Death provision applies only to transferable permits • Need to control “gold rush” for permit stacking
“600” Permit Transferable Permit holders (T) who chose this category would have their permits become Non-transferable (NT)	600	<ul style="list-style-type: none"> • Stackable (can purchase one “300” permit but can’t fish more than 600 traps);(why not let folks fish 900?) • Non-transferable • Limit of 41 permits (first-come-first-serve) • Could also have a “post and bid” process to determine entry into permit category • May be modified by limiting term for “600” permit – 10 years at which point it reverts to 300 (NT) • Death provision does not apply

General provisions
<ul style="list-style-type: none"> • 7 day soak time using “federal rule” (tentative proposal) • Limit use of “note” to fish traps by other than permit holder • All traps tagged • Catastrophic gear loss provision
Proposal goals/objectives
<p><i>Short-term: realized upon implementation of regulations</i></p> <ul style="list-style-type: none"> • Gear reduction • Cap fleet capacity (traps) • Accurate assessment of gear being used
<p><i>Long-term: assessed in 5 year cycles or as needed</i></p> <ul style="list-style-type: none"> • Fleet permit capacity at approximately 100 permits • Caps fleet trap capacity at approximately 30,000 • Feedback loop used to adapt to changes and successes/failures (5 year check-in cycle to assess progress toward goals and objectives) • Fishery (socio-economic issues) can be linked to harvest control rule process • Viable and sustainable industry • Moves fishery toward compliance with MLMA • Reduces conflict on the water • Adjusts fishery to “post-MPA” circumstances

As the commercial trap limit discussion came to a close, Kristine Barsky revisited the general timeline for completion of the lobster FMP once the LAC has provided recommendations to DFW. Main elements of the process include the following:

- 2014 – peer and public review of draft FMP
- 2015 – potential adoption by Commission
- 2016-17 season – implementation of any new regulations

Discussion and Evaluation of Recreational Lobster Fishing Management Options

Kai Lampson reintroduced a set of recreational management measures that were initially discussed and evaluated by the LAC during the April meeting. At the July meeting the LAC achieved consensus on a number of recreational proposals but requested additional time for constituent outreach in order to secure feedback on newly introduced ideas (e.g. tail cutting) that garnered broad support. Any suggested changes will be discussed by the full LAC as it seeks final agreement on the range of issues and recommended solutions below.

Issue: Establish seasonal limit to reduce commercialization of the recreational fishery and to share opportunities with other recreational and non-recreational interests.

Proposal: Set seasonal limit of 70 lobsters.

LAC action: *Consensus on full concept (straw proposal; no final agreement).* Some members require additional constituent consultation to secure feedback on the limit number.

Key discussion points

- Addresses commercialization by providing a tool for enforcement to check on limits; difficult to catch poachers without a limit in place
- Card violation is means by which to catch violators
- LAC may wish to recommend a seasonal limit range to the Commission
- Strengthening fines and penalties is a related topic but recommendations fall outside scope of the FMP process; interested parties can take message to the legislature
- The Commission may also wish to consider permit revocation for violators

Of note, the issue of tagging each recreationally harvested lobster was introduced at both the MRC and LAC meetings and did not gain traction in either setting.

New idea introduced: A member of the public suggested that the recreational fishery adopt the practice of cutting the middle tail fan on all caught lobsters. This idea gained significant traction and broad support amongst the LAC. Moreover, one member noted the outreach challenge that DFW faces in addressing the poaching issue and suggested the education slogan “clip it or ticket”. Some members require additional constituent consultation on the tail-cutting concept.

Issue: Spear fisherman have been harassed or cited for carrying a spear gun while in the pursuit of lobster. Constituents have asked for clarity on the definition of a “hooked” device.

Proposal: Keep change simple. **Ensure regulatory language focuses on *how* lobster can be taken (i.e. “skin and scuba divers may take lobsters by hand only”) and not *how it cannot be taken*; remove “hooked device” term from current regulations.** The proposal allows for possession of a spear gun or pole spear underwater while hunting lobsters. Misuse of this equipment to take lobster (lobster can only be taken by hand) would remain illegal.

LAC Action: *Consensus achieved (final agreement).*

Issue: Confusion over dates. The lobster opener and closure dates can be difficult to understand and constituents are having trouble following the law. The 12:01 a.m. opener poses a safety risk and DFW has been asked to reconsider an alternate start time.

Proposal: **Make the lobster opener 6:00 p.m. on Friday instead of 12:01 a.m. on Saturday.** Moving the opener to 6:00 p.m. would address safety concerns, reduce confusion, and aid DFW enforcement.

Key discussion points

- New date/time is workable for DFW Enforcement
- Proposal improves safety conditions
- Regulatory change has no impact on the resource
- The commercial season would open one day earlier

New idea introduced: Consider setting commercial traps earlier to avoid overlap with recreational fishermen.

LAC Action: *Consensus on concept (straw proposal; no final agreement).* No final agreement yet on

whether to deploy commercial gear 7 or 8 days prior to opener. The Department said that it would consider earlier deployment, but further discussion was needed to evaluate details.

Issue: Use of mechanized (power driven) pullers has made it easier to rob from commercial traps.

Proposal: Restrict the use of mechanized use to only persons in possession of proof of disability/medical (disabled persons form or proof of blue placard – DMV). This restriction would only pertain to power driven mechanized pullers and not hand operated davits with single pulley systems. The LAC achieved consensus on a straw proposal during the April 10, 2013 meeting but no final decision was made at that time.

LAC Action: *Consensus achieved; final agreement.*

Issue: Need to reduce abuse of the multi-day permits.

Proposal: Reduce multi-day permit to 14 lobsters.

Key discussion points

- Any change should aim to limit impacts on Commercial Passenger Fishing Vessels (CPFV)
- Consider restricting the number of multi-day permits that an individual can purchase
- Reduction to 14 total may be amenable to CPFVs; less support for reducing daily bag limit

LAC Action: *No action.* DFW and LAC members mutually agreed that the abuse of multi-use permits, and any attempt to find a solution to this problem, extends beyond the scope of the lobster FMP process.

Closing remarks

Marine regional manager Craig Schuman acknowledged the LAC's productive work and thanked everyone in the group for its efforts. The next LAC meetings will be held on August 15 and September 11, 2013 at the DFW office in Los Alamitos. The group will aim to finalize agreements on stewardship measures and then discuss a harvest control rule and associated triggers.