

MEETING SUMMARY | August 15, 2013

Spiny Lobster Fishery Management Plan

Lobster Advisory Committee



Department of Fish and Wildlife Updates

Lobster FMP Project Manager Kristine Barsky opened the meeting by providing an update on the recreational lobster fishery report card and an overview of the FMP production and review process.

DFW is mailing 40,000 letters to inform lobster report card holders about the upcoming transition from an annual to seasonal card and the associated April 30, 2014 submission deadline. The number of report card returns for 2012/2013 doubled from the previous season, and return rates are predicted to increase as a result of DFW's focused effort. The letter highlights a non-return fee for any recreational fisherman that does not submit his/her report card by the established due date. DFW plans to send another "reminder" mailing to all report card holders during the upcoming season. The recreational lobster community supports the aforementioned changes and has played a helpful role in both informing and educating the public about the issue.

Several draft FMP chapters have been shared with the lobster advisory committee (LAC). All chapters are currently in draft form and will undergo additional edits. The LAC is tasked to provide initial input on these draft chapters during the August/September 2013 time period. The full draft FMP will be complete by January, 2014. Shortly thereafter the Ocean Science Trust, a non-profit group of scientists that aims to integrate unbiased science into decision-making, will conduct a peer review of all the science components of the document. The LAC will be able to review the draft FMP both before and after this peer review process. The public will then have an opportunity to review the draft FMP and provide comment. A final draft FMP, following peer and public review, will be submitted to the Fish and Game Commission (Commission) in early 2015. Finally, a California Environmental Quality Act (CEQA) analysis will consider environmental impacts of any management changes.

A number of LAC members requested that DFW convene public meetings to share the work and outcomes of the LAC process and provide a status update on the draft FMP. Some suggested replication of the early FMP outreach effort in which meetings were held in both Oxnard and San Diego in order to increase public participation and access to information. DFW assured the LAC that the public will have ample time to review and provide comments because the FMP and any accompanying regulations would not be adopted until 2015.

DFW is planning to provide a FMP process update at the Fish and Game Commission meeting in December 2013. During this presentation DFW will share LAC recommendations, as well as the proposed harvest control framework and toolbox. The public is welcome to attend.

DFW introduced the idea of holding a LAC meeting in the summer of 2014 to receive public input on the draft FMP before it's formally submitted to the Commission in 2015. The public will also have opportunities to provide comments during the Commission's review of the FMP and during the regulatory process (if new regulations are to be considered). The regulatory process would be initiated in 2015.

Commercial Lobster Fishery Proposal

Kristine Barksy introduced the latest iteration of the commercial management measures proposal, describing each category, associated provisions and goals/objectives of a trap limit program. Upon implementation the program is expected to hold the fishery at or slightly below current trap numbers. Future effort reduction may be realized over time, which in turn will contribute to a reduction in bycatch and improved understanding of the amount of gear used in the fishery. The temporary “phase-in” stacking permit will allow a permittee to temporarily stack an additional permit (allowing that permittee to fish up to 300 additional traps) for a period of up to three years. The aim of the temporary phase-in stacking permit is to provide a bridge opportunity for permittees who are seeking to purchase a second permit (transferable permit) but are unable to do so immediately following the establishment of the 300 base trap limit.

A range of LAC member questions and comments helped clarify a number of issues, including permit transferability options, trap tagging and desired fishing behavior changes that could result from the proposed trap limit program. Some stressed the importance of trap recovery programs, partnerships and the need for voluntary trap loss reporting. Others noted that allowing dive gear aboard commercial lobster vessels will enable more immediate gear recovery. The LAC eventually came to consensus in support of the trap limit program.

LAC Action: Building on previous deliberation, the LAC reached full and final consensus on all commercial management measures and associated goals/objectives included in the table below.

CATEGORY	NUMBER OF TRAPS	PROVISIONS
“300” Transferable Permit (T) “300” Non-transferable permit (NT)	300	<ul style="list-style-type: none"> • May stack another permit for a maximum of 2 permits (2 x 300 traps = 600 trap maximum) • The second permit remains transferable • Death provision applies only to transferable permits (NT permits are not transferable – even due to death)
Phase-In Stacking Permit	300	<ul style="list-style-type: none"> • Available to either transferable or non-transferable permittees • Non-transferable permit • Only available for three years (must be renewed annually) • Permit funds would go for commercial lobster research & monitoring – (\$5,000 - \$10,000 annual permit fee) • Would become effective when trap limits go into effect

GENERAL PROVISIONS
<ul style="list-style-type: none"> • Death provision applies only to transferable permits • All traps must be tagged (on trap or buoy or both)(must be purchased annually); details to be worked out with LED • Catastrophic gear loss provision; details to be worked out with LED (application would include requirement to report details of loss)(Information could be shared with permitted recovery projects) • Allow scuba equipment on board commercial vessels to retrieve lost traps or remove line from prop (not allowed to “fish” when on scuba) • More than one permittee may operate from a single vessel; each permittee whose traps are being pulled must be aboard • 7 day soak time using “Federal Rules” regarding weather • Limit use of “note” to fish traps by other than permit holder. May open (and retain the lobsters within) or retrieve traps belonging to another lobster fisherman with a note and notification to DFW LED (details to be worked out with LED); may not bait or fish traps for another permittee • Allow commercial fishermen to start hauling their traps to sea before the season starts on the Monday before opening week (9 days before the commercial opener) and allow traps with doors open to remain in the water not more than 9 days after the close of the season • Branding of floats allowed (details to be worked out with LED)
GOALS/OBJECTIVES OF PROPOSAL
<p>Short Term: realized when regulations implemented</p> <ul style="list-style-type: none"> • Expected to reduce gear (once Phase-In permits expire) • Cap Capacity of fleet (traps) • Accurate assessment of gear being used
<p>Long Term:</p> <ul style="list-style-type: none"> • Feedback loop used to adapt to additional data, fishery changes and successes/failures (Regular review by DFW and stakeholders to assess progress toward goals and objectives) • Viable and sustainable industry • Moves fishery toward compliance with MLMA • Reduce conflict on the water • Adjust fishery to “post-MPA” circumstances

Recreational Lobster Fishery Management Proposals

Also building on previous discussion, the LAC reached full and final consensus on two recreational management measures, including a tail-cutting rule and a ban on the use of mechanized pullers. Discussion and deliberation of an annual limit revealed a wide range of concerns and thus requires further exploration and proposal refinement. Due to time constraints the LAC did not yet re-visit the season opener proposal.

Assistant Lobster FMP Coordinator Kai Lampson introduced the latest iteration of the seasonal limit, including a newly proposed idea from the previous meeting to clip the middle tail fan of recreationally caught lobsters. The goal is to reduce commercialization of the recreational sector and promote shared access to the resource. It is an individual limit, not a cap on the entire sector,

and gives DFW Enforcement a tool to address commercialization in the recreational sector. The proposal may also address heavy fishing that is occurring in recreation only “hot spots” across the fishery. The proposal is not intended as a form of allocation or a harvest control rule.

A range of viewpoints demonstrated tentative support among many LAC members yet also revealed skepticism from some on the need and justification for the limit as well as the method for determining 70 as the appropriate number. Some suggested a lower seasonal limit (40) than what is currently proposed. Others noted an interest to put a maximum cap on effort. Several expressed concern about the potential for seemingly unlimited growth in the recreational sector, particularly amongst hoop net users. The discussion then turned to issues of effort and allocation, with a number of members emphasizing the need to maintain the current characteristics of the fishery, and supporting the idea of a policy statement that embodies this principle. Eventually, the group considered and came to consensus on the tail-clipping measure as a separate proposal. The establishment of a seasonal limit requires more discussion as the group did not reach consensus on this aspect of the proposal.

Issue: Establish seasonal limit to reduce commercialization of the recreational fishery and to share opportunities amongst recreational fisherman (this is not an allocation-amongst-sectors tool, nor is it a harvest control rule). Allocation amongst sectors and harvest control rules will be dealt with elsewhere.

Proposal: Set seasonal limit of 70 lobsters. **New idea introduced to Proposal:** Recreationally caught lobsters are to be tail-clipped (removing the bottom half of the central tail flap) or tail-punched in the central tail flap (Australia requires a 10 mm minimum hole). Additional details will be worked out with LED (e.g. clipped when landed?).

LAC Action: The LAC came to full and final consensus on the tail clipping measure as a separate proposal. The LAC did not reach consensus on a seasonal limit of 70 lobsters for the recreational sector.

The LAC next discussed a proposed ban on mechanized hoop net pullers for which the group had previously reached consensus. Some recreational members re-opened the discussion based on constituent concerns that the disability disclaimer may be too narrow and prevent fishermen who need a mechanized puller due to age or some other disability. These concerns were address through the inclusion of language that provides a general description of qualifying disabilities. Additional questions helped clarify that use of a mechanized puller is only permitted if the person possesses a *DFW Disabled Mechanized Hoop Net Puller Permit* (language below).

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

Proposal: Restrict the use of mechanized pullers only to persons in possession of proof of disability/medical (Disabled Mechanized Hoop Net Puller Permit). This restriction would only pertain to power driven mechanized pullers and not hand operated davits with single pulley systems.

Clarification: This restriction only applies to individuals targeting or in possession of lobster, not persons solely targeting crab.

DFW Disabled Mechanized Hoop Net Puller Permit Form

The following conditions must be met to qualify for issuance of a Disabled Mechanized Hoop Net Puller Permit: *“For the purposes of this permit a disability means a permanent loss, significant limitation, or diagnosed disease or disorder, which substantially impairs an individual’s ability to physically pull by hand and retrieve a hoop net for the purpose of targeting lobster.”*

A medical physician must sign the permit application form.

LAC Action: The LAC came to full and final consensus on the proposal above. Some members noted that the broad wording of the disability option could render the management measure ineffective and suggested that the LAC work with DFW Enforcement to ensure the new rule has “teeth” when it is applied.

Discussion/Evaluation of Lobster Harvest Control Rule Framework and Toolbox

Dr. Matt Kay of Shoreline Resource Consultants assisted DFW during the presentation of the draft spiny lobster harvest control rule (HCR) framework to the LAC, including a toolbox of seven available regulatory options available to managers if limit reference points (trigger) are exceeded (signaling a declining fishery) and thereby mandating a management response. The framework also provides mechanisms for changing the management regulations if reference indicators are stable or increasing, thereby providing managers with a system to adapt to positive trends in stock size and fishery performance.

The Marine Life Management Act (MLMA) and the lobster FMP require a HCR as a means to restore a depressed fishery. That said, the LAC has collaborated and worked towards consensus on immediate management measures (see above) that promote a sustainable fishery and help to reduce the possibility of triggering a HCR. The HCR framework presented by Dr. Kay and DFW is designed in accordance with the MLMA objectives, yet also builds on substantial LAC input. Any application by DFW is not limited to a specific action but instead provides a menu of options to investigate, improve understanding of the problem and then determine the most appropriate management response. If a response requires Commission action, there would be ample opportunity for public input prior to implementation of any new changes

The spiny lobster HCR utilizes multiple reference points to assess the fishery: Catch, Catch Per Unit of Effort (CPUE), and Spawning Potential Ratio (SPR). Catch and CPUE are based on the level of commercial harvest. SPR is determined with data inputs from both the commercial and recreational sectors. Importantly, the use of multiple reference points enables resource managers to accurately assess the status of the fishery and thereby reduce the likelihood of a false interpretation due to an anomaly based on a single measure. The HCR can be implemented with existing fishery data, but is designed to incorporate new data as it becomes available. As noted above, the HCR also allows for easing of regulatory restrictions if the health of the stock improves. In the years ahead DFW plans to incorporate impacts of the trap limit program and MSE modeling results in order to determine the most effective reference points.

Commercial LAC members expressed concern about the method for determining the SPR reference point. Specifically, it was noted that the underwater habitat (not just surface area) of marine protected areas as well as the potential effort-based changes from the upcoming trap limit program need to be considered. SRC and DFW agree with this position and as such resolution of these factors is a high research priority in the FMP. In addition, some noted that while a single baseline measurement to limit catch could be used, it would be unwise to use a single season as a baseline;

an average from a number of recent years should be considered. Other members voiced concern about a data poor environment and highlighted the need to collect and analyze recreational information before any HCR application. DFW acknowledged these concerns and noted how additional recreational data will be incorporated in the future and may inform development of new reference points that help determine which sector may be contributing to a problem in the fishery.

Public Comments

Public comment interspersed discussion throughout the meeting. A number of individuals expressed support for a seasonal limit of 70 in the recreational sector. Others supported the idea of crafting a policy statement that addresses equity and fairness between the commercial and recreational interests. One individual showed surprise at the limited comments made relative to stock status, and how DFW’s understanding of the stock should affect management considerations. One commercial fisherman expressed concern that the trap limit program does not take into consideration the high cost of a second permit and the needs of fishermen who harvest lobster in waters distant from shore.

Next Meeting

September 11, 2013 | 8:00 a.m. – 3 p.m. | DFG office in Los Alamitos

Action Items

Timeline	Name	Action Item
Late August	DFW	Email Additional FMP Chapters to LAC members
August 29	LAC	Send input on Harvest Control Rule and Toolbox to the DFW
August 31	LAC	Provide initial feedback on FMP chapters 2, 4 and 5
September 20	LAC	Provide initial feedback on FMP chapters 3 and 6