

MEETING SUMMARY | September 11, 2013

Spiny Lobster Fishery Management Plan

Lobster Advisory Committee



Department of Fish and Wildlife Project Updates

DFW Marine Regional Manager Craig Shuman welcomed everyone and thanked the Lobster Advisory Committee (LAC) for its longstanding effort to assist DFW in the development of a spiny lobster fishery management plan (FMP). Although the formal LAC process is coming to a close, DFW will continue to provide opportunities for input on the draft FMP. He encouraged the group to find agreement on the agenda items guiding the meeting.

Assistant Chief Paul Hambdorf revisited and clarified DFW Law Enforcement Division's (LED) role in the LAC process. LED is not present to endorse any particular proposals put forward, particularly those not relevant to law enforcement. Rather, LED's presence provides a "reality check" to ensure that any proposal is both workable and enforceable. In responding to a request for all lobster citations, he noted that LED does not currently possess an electronic record keeping system that enables generation of lobster specific citation data. Improvements to the DFW electronic records management system are currently under development.

Lobster FMP Project Manager Kristine Barsky noted that DFW plans to provide a FMP update at the December 11-12 meeting of the Fish and Game Commission (Commission) in San Diego. She revisited the project timeline, reminding the group that the draft FMP will be reviewed by the LAC in early 2014, sent for peer and public review and then forwarded to the Commission. DFW does not plan to hold another public meeting until comments can be considered and incorporated into the draft FMP as appropriate. Any regulatory change that emanates from the LAC is not scheduled for adoption until 2015.

Policy Statement

DFW, building upon multiple member interests expressed during the August LAC meeting, drafted and introduced a policy statement to address the issue of fair and equitable allocation across the fishery. The policy statement's primary aim is to provide guidance to the Commission as it seeks to meet the following Marine Life Management Act (MLMA) mandate, particularly during times when a decrease or increase in fishery resource allocation is considered or warranted:

FGC 7072 (c): "To the extent that conservation and management measures in a fishery management plan either increase or restrict the overall harvest or catch in a fishery, fishery management plans shall allocate those increases or restrictions fairly among recreational and commercial sectors participating in the fishery."

The draft policy statement originally included a goal statement similar to the MLMA text above. The LAC broadly endorsed the idea of removing the goal, as it was considered redundant, in favor of a refined set of objectives that address the above MLMA mandate. The LAC achieved consensus on the following policy statement objectives:

- Identify current effort levels for each sector, and establish controls to prevent unrestricted growth.
- Identify the proportion of overall catch and or effort from each sector, and, if necessary, take corrective action to maintain those proportions if the percent of total catch and or effort by sector deviates significantly from a pre-determined base period.

- Recognize the current differences between sectors in traditional fishing grounds and time-of-day fished, and seek to maintain those differences.
- If increases or decreases to the fishery are required due to application of the control rule, those changes should seek to maintain equitability and not give an advantage to either sector unless biological triggers require a change to allocation.
- End illegal commercialization.

LAC Action: The LAC achieved consensus on the five objectives above as a broad policy statement to guide allocation considerations for the lobster fishery.

Recreational Lobster Fishery Management Proposals

Assistant Lobster FMP Coordinator Kai Lampson introduced outstanding recreational fishery management proposals, including the season opener start time and seasonal limit. Both proposals originated in caucus with the recreational sector and evolved over the course of several LAC meetings. A newly introduced proposal focused on marking hoop net floats as a means to improve safety and accountability among recreational fishermen. Later proposals that grew from the conversation recommended hoop net limitations or a phase out of conical hoop nets at the time the commercial trap limit comes into effect. Much of the discussion was driven by broad LAC interest to reduce illegal commercialization. Many also expressed concern about unlimited growth of the recreational sector.

The LAC started by revisiting the season opener issue. Some members noted widespread support for the proposed Saturday 6 a.m. opener amongst the recreational community, stressing the safety benefits of this time. Moreover, a daylight opener enhances LED's ability to monitor activities and may improve California Recreational Fisheries Survey sampling. One point of concern expressed is the economic impact this time will have on recreational dive boats that currently run Friday evening charters. After significant discussion and deliberation, and seeing broad support for the proposal, the member who expressed concern used a LAC charter provision to "stand aside" and let the group achieve consensus on the issue. (This decision making provision allows any member to verbally note disagreement, yet still allow the group to reach consensus without them.)

Issue: Midnight opener creates a "rush" mentality that fuels conflicts between recreational users and poses a safety risk. The current lobster opener date and time can be difficult to understand (confusion regarding when the season actual "starts") and constituents are having trouble following the law. DFW has been asked to consider an alternate start time.

Proposal: Make the lobster opener 6:00 a.m. on Saturday instead of 12:01 a.m. on Saturday.

Key discussion points

- New time is workable for DFW Enforcement
- Proposal improves safety conditions
- Regulatory change has no impact on the resource
- Commercial season dates would not change

LAC Action: The LAC achieved consensus on the above proposal. The group acknowledged concerns regarding the economic impact this proposal may have on some dive charters.

The LAC considered a newly introduced proposal to mark hoop net floats. The proposal, developed by some within the recreational sector, seeks to require recreational fishermen to 1) mark, and also 2) closely attend hoop nets as a means to improve safety and increase accountability. Others in the recreational sector stated lack of constituent support due to enforceability challenges and ambiguity on the second element of the concept. The LAC, capitalizing on broad support for the first proposal element, separated the “marking” and “closely attending” concepts in order to achieve consensus on the former but not the latter. The LAC revisited challenges related to hoop nets later in the day when discussing the seasonal limit.

Issue: Marking hoop net floats will improve accountability and safety among recreational fishermen, and may help reduce illegal commercialization.

Proposal: Hoop net floats should be marked with unique ID (DL, Go ID, etc. — details to be worked out with LED).

LAC Action: The LAC achieved consensus on the marked hoop net proposal above. The second element of the proposal, that hoop net floats be “closely attended” did not receive full group support.

Similar to other recreational fishery management proposals, the seasonal limit idea dates back to early caucus discussions between DFW and recreational members. The goal of the seasonal limit is to reduce commercialization of the recreational sector. It is an individual limit, not a cap on the entire sector, and gives LED a tool to address commercialization.

As the proposal was re-introduced, several members continued to emphasize the need to address illegal commercialization as a real problem facing the fishery. Some noted that previous concern, regarding 70 as too high a limit, had been addressed by group consensus on the policy statement. Many still voiced concern about unlimited effort in the recreational sector, particularly in light of the recent expansion of hoop nets across the fishery. Once broad LAC support developed for the seasonal limit, two recreational members voiced concerns and lack of constituent support for the proposal. One noted unanimous opposition from his constituency. Neither offered an alternative proposal to address commercialization of the recreational sector.

Issue: Establish seasonal limit to reduce commercialization of the recreational fishery and 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 is dealt with elsewhere.

Proposal: Set seasonal limit of 70 lobsters.

LAC Action: No action taken. A broad majority of the LAC supported the proposal. Two members, still concerned about whether 70 was an appropriate limit, chose to stand aside in an effort to help the group find agreement. Ultimately, opposition from two recreational members prevented consensus on this proposal.

Given broad LAC concern about unlimited recreational effort, two new proposals, focused specifically on hoop nets, were introduced for consideration. One offered a range of limits on hoop

net possession. The other proposed a complete phase out of conical hoop nets at the same time that the recommended commercial trap limit goes into effect. Each proposal aimed to help minimize commercialization but also address potential future effort. The group engaged in extensive discussion on the problems and challenges surrounding the recent growth of conical hoop net use within the recreational sector. A summary of concerns expressed by many includes the following:

- The current lack of effort control for the recreational fishery
- The importance of stewardship even in the case of limited scientific information; broad anecdotal evidence of hoop net impacts as well as concerns identified in the lobster stock assessment report
- The need for shared sacrifice throughout the fishery relative to commercial concessions negotiated and agreed upon during the LAC process
- The advantage of providing guidance on the hoop net issue, versus no guidance, to the Commission

One recreational member, describing how his constituency does not support effort restrictions based on the current status of the fishery, cited that recent lobster report card data showed that the recreational sector is taking less of the overall catch than previously estimated, and that a high percentage of report card holders don't actually fish. Another recreational member noted how data gaps, compared to extensive data on the commercial sector, made taking action to control recreational effort problematic. In contrast, several other LAC members again cited broad anecdotal evidence and some scientific research as justification for addressing the challenges associated with conical hoop nets in particular. Some expressed frustration that members not in favor of the proposals did not provide an alternative proposal. While most LAC members demonstrated a preference for a complete phase out of conical hoop nets, the group was not able to achieve consensus on either hoop net possession limits or a phase out of conical hoop nets.

LAC Action: No action taken. All members of the LAC, minus two representing the recreational sector, support a complete phase out of conical hoop nets.

Discussion/Evaluation of Lobster Harvest Control Rule Framework and Toolbox

Kai Lampson reintroduced the lobster harvest control rule (HCR) framework discussed at the previous LAC meeting, describing minor additions based on limited LAC member feedback. The MLMA and the lobster FMP require the establishment of a control rule as a means to restore a declining or depressed fishery. The spiny lobster HCR is investigative in nature and uses multiple reference points to assess the fishery: Catch, Catch Per Unit Effort (CPUE), and Spawning Potential Ratio (SPR). Any application of the lobster HCR is not limited to a specific action but instead provides a menu of options to investigate, improve understanding of the problem facing the fishery, 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 new changes. In coming years, DFW plans to incorporate impacts of the trap limit program, new recreational data and MSE modeling results in order to determine the most effective reference points.

Open discussion of the HCR framework and associated toolbox (menu of management options) amongst the LAC elicited the following comments, concerns and suggestions.

- A target reference point will be developed before FMP adoption

- Consider conservative targets until additional data demonstrates the impacts of MPA management and a commercial trap limit program on the fishery; ensure integration of these impacts into the HCR framework
- Utilize language that demonstrates how available tools applied from “triggered” reference points can be used in both directions (e.g. “adjust” is a key word)
- Ensure collaboration between research scientists and the fishing community
- Recognize short-term impacts and long-term benefits of management options listed in the HCR toolbox
- Incorporate additional recreational data as it becomes available
- Incorporate fishery independent data
- Consider additional data from commercial log books in the future
- Ensure review process is targeted or restricted in nature

At the culmination of the HCR framework discussion, the LAC briefly identified options for DFW to increase opportunities, relative to each sector, should the lobster population increase in the future:

- Raise the recreational seasonal limit or eliminate altogether
- Raise the recreational bag limit
- Open up new areas to commercial harvest
- Increase the commercial trap limit number
- Increase length of season

Monitoring, Research and Potential Funding Mechanisms

The LAC brainstormed critical future monitoring and research needs for the fishery. Subsequent to this discussion, the group identified potential funding mechanisms. (Note that there is no priority or logical sequence to either bullet list below; each simply represent the outputs of a group brainstorm.)

Monitoring and Research Priorities

- Investigate geographic origins and dispersal of larvae, and long-term recruitment rates
- Prioritize MPA research relative to the lobster fishery (e.g. sub-legal abundance; re-capture data; recruitment)
- Integrate non-MPA closures as research sites (e.g. Santa Monica Bay)
- Improve understanding of ecological interactions (e.g. identify habitat location, availability, quality etc.)
- Analyze socioeconomic data to determine economic viability of the fishery
- Use spot/commercial observer program to validate commercial data
- Add number of traps fished to commercial data log books
- Add slot for hours fished and number of hoops used to recreational report cards
- Consider a citizen reporting portal versus report cards
- Assess the scale/impact of illegal take
- Assess the scale/impact of bycatch and ghost gear

Potential Funding Mechanisms

- Shared revenue acquisition amongst all resource users (i.e. maintain equity across sectors)
- Public/private partnerships
- Private funding sources
- Resource distributor fees
- Taxing imports of other lobster species
- Research grants

- Ocean Protection Council grants/opportunities
- User fees
- Report card sales
- Calendar sales
- Sticker sales
- Ballot box initiatives

Fishery Management Plan Review

DFW requested that the LAC help identify what kind of conditions or circumstances might inform or initiate a review of the FMP in the future. It was suggested that a review of the FMP should not prompt an in-depth review of all aspects and components, but instead focus on the specific issues or circumstances that initiated the review. (Similar to the above, there is no priority or logical sequence the bullet list below.) LAC members identified the following conditions or circumstances:

- Unanticipated changes (biological, environmental, or socioeconomic) occur that make management measures ineffective
- Socioeconomic characteristics of sectors change significantly
- Unintended consequences result from new management regulations
- New science comes into play (e.g. biological information; environmental/oceanographic conditions)
- Improved understanding of MPAs on how they might benefit the fishery and the stock
- Significant changes in sector effort
- Significant changes in fishery yield
- Significant changes in illegal activity

Public Comments

The majority of public comments, interspersed throughout the day, focused on resource impacts associated with the recreational sector. Several members of the public identified the rise in hoop net use, specifically conical nets, as having caused a rapid decline in the lobster population in places like the front side of Catalina Island. Others cautioned against putting limits on the recreational sector in the absence of data that described the scale and extent of the problem associated with hoop nets. Some posed questions about how the marked hoop net proposal would work in practice. Many voiced support for the 6 a.m. recreational start time and the seasonal limit.

Closing Remarks

Kristine Barsky and Kai Lampson thanked the LAC for its dedication, hard work and long-term efforts to assist DFW in the development of a spiny lobster FMP. LAC members were encouraged to attend the December Commission meeting where the Harvest Control Rule will be introduced and an update on the LAC proposals will be presented. Marine Regional Manager Craig Shuman thanked everyone involved in the development of the lobster FMP to date and suggested that members sign up to the Commission listserv in order to receive regular updates on Commission activities. Finally, Marine Manager Tom Barnes acknowledged the challenging nature of the LAC's charge. The lobster FMP, he noted emphatically, will be better as a result of the collaborative work and consensus recommendations of this group.