

Spiny Lobster Fishery Management Plan Lobster Advisory Committee Recreational Lobster Fishery Management Recommendations



The California Department of Fish and Wildlife (CDFW) recently met with the Lobster Advisory Committee (LAC) Recreational Representatives to discuss details regarding implementation of the proposed regulatory changes to the recreation lobster fishery recommended by the LAC. Input from CDFW Marine Region and Law Enforcement Division (LED) is provided in [Blue Font](#) below. This information is being disseminated to refine the details prior to the formal regulatory process which takes place after the Fisheries Management Plan (FMP) has been adopted in 2015. The LAC recommendations will be part of the Lobster FMP implementing regulations that will be formally introduced to the Fish and Game Commission (Commission) in mid-2015. It is expected that any new regulations adopted by the Commission would be implemented at the start of 2016-2017 lobster season.

Please Note: Proposals to prohibit or “ban” the use of conical hoop nets or to establish a seasonal limit were not part of the LAC’s consensus recommendations for the recreational fishery. CDFW will not be forwarding these proposals to the Commission as part of the LAC recommendations.

Full consensus was achieved by the Lobster Advisory Committee for the following:

Issue: Lobster caught by recreational fishermen is being illegally sold in the commercial market place. Requiring sport fishermen to clip or punch the center tail flap makes it possible for law enforcement to identify lobsters caught in a recreational fishery that end up in the market and take appropriate legal action. This proposal will give law enforcement a tool to address buyers and markets that purchase lobster from recreational fishermen.

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 achieved consensus on the tail-clipping proposal above.

CDFW Proposed Details:

- Allow both tail clipping and tail punching as an option: remove at least the bottom half of central tail fin or single hole punch the center tail fin with a hole no less than ¼ inch in diameter

- The tail must be clipped or punched at the same time the catch information is reported on the report card (T14 29.91(C): When the cardholder moves to another location code, or finishes fishing for the day, he or she must immediately record on the card the number of lobster kept from that location
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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.

Proposed CDFW 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 achieved consensus on the mechanical puller restriction 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 LED to ensure the new rule has “teeth” when it is applied.

CDFW Recommendation:

- Mechanized pullers should not be restricted beyond current legal use
 - The potential for illegal use given the circumstance is not viewed as a reasonable justification for restriction
 - Illegal use of mechanized pullers is not a commonly observed problem. LED reported one case over ten years ago, with four lobsters taken from a commercial trap using a mechanized puller
 - The creation of disabled hoop net puller permit creates an unnecessary burden on disabled persons through the potential added expense and time to obtain the necessary note from a physician in order to obtain a permit
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Issue: The 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. CDFW 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 LED
- 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 lobster opener proposal above. The group acknowledged concerns regarding the economic impact this proposal may have on some dive charters.

LAC recommendation is for a 6:00 a.m. Saturday start time (lobster opener)

CDFW Recommendation:

- Proposed 6:00 am Saturday start time is easier to facilitate enforcement patrols
 - Promotes a safer environment for both boaters and divers on opening day
 - Reduces the “rush” mentality which fuels negative diver/hoop netter interactions at harbors and jetties
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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.

CDFW Proposed Details:

- Buoy identification should be required with GO ID number. This number shall be legible, but there will be no size or color specification. Go ID number helps maintain fishermen’s confidentiality, and minimizes the risk of identity theft
 - LED can easily verify this number in the field as it can be cross referenced with the fishing license
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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: The LAC achieved consensus on the hooked device proposal above.

CDFW Recommendation:

- Remove “hooked device” for clarification
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MEETING PARTICIPANTS

CDFW Staff

Bob Puccinelli – Captain, Law Enforcements Division

Craig Shuman – Regional Manager

Tom Barnes – Manager of State Managed Species

Kai Lampson – Lobster FMP Coordinator

Representatives on the LAC

Jim Salazar – Recreational Fishing Representative

Michael Gould – Recreational Fishing Representative

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