



# Spiny Lobster Fishery Management Plan Update



**Marine Resources Committee Meeting  
March 4, 2015**

**Tom Barnes**  
Environmental Program Manager, Marine Region  
and

**Bob Puccinelli**  
Captain, Law Enforcement Division

# Scientific Review



- Coordinated by Ocean Science Trust
- **Scope:** Science supporting the reference point thresholds prescribed in the FMP, including the spawning potential ratio model
- **Reviewers:** 4 experts, selected in consultation with Ocean Protection Council Science Advisory Team
  - Reviewers remain anonymous until completion
- **Process:** Series of remote webinars, with CDFW engagement and opportunities for reviewers to convene independently
- **Results:** Final report to be delivered to CDFW late May 2015, made publicly available

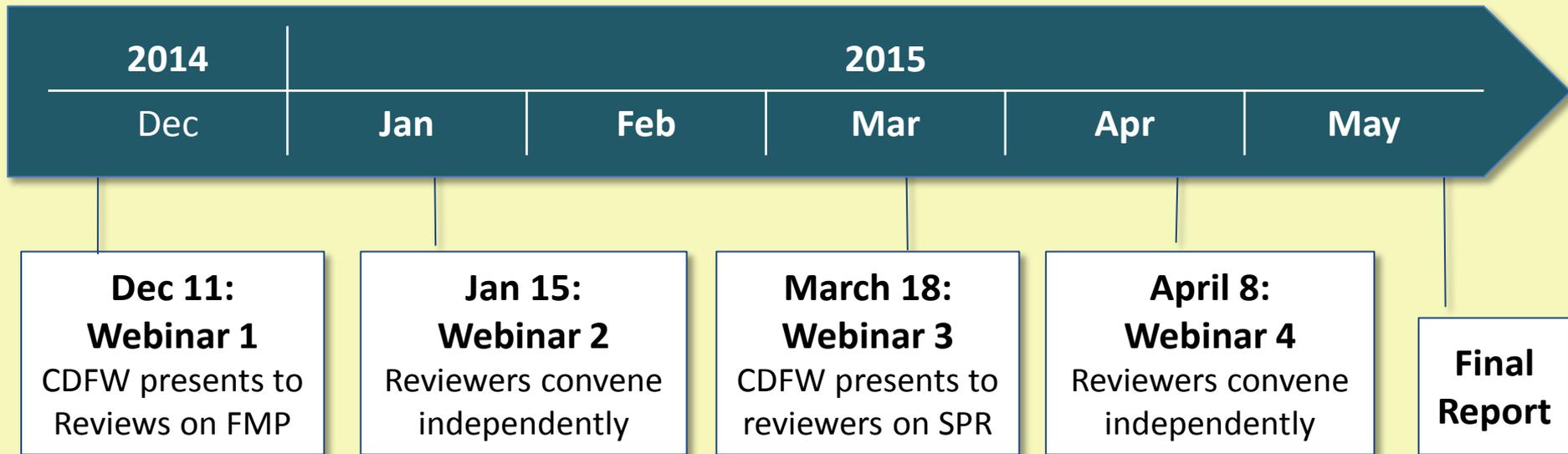
## Our Review Seeks to Promote:

- *Scientific rigor*
- *Transparency*
- *Legitimacy*
- *Credibility*
- *Saliency*
- *Efficiency*

Scope & Process documents available on Ocean Science Trust's website:

[calost.org/science-advising](http://calost.org/science-advising)

# Review Timeline



## ***Ocean Science Trust Contact:***

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# Timeline for FMP and Implementing Regulations

Milestones	FMP and CEQA	Implementing Regulations
March 4, 2015 MRC Meeting	Courtesy Draft FMP and timeline update	LAC recommendations and CDFW input; possible MRC input on regulatory options
April 8-9, 2015 FGC Meeting	Timeline update under MRC summary	Receive CDFW and MRC recommendations on regulatory options
Mid May 2015 OST Scientific Peer Review	Final report is submitted to CDFW	
June 10-11, 2015 FGC Meeting	Overview of FMP, including harvest control rules	Discussion and possible direction on regulatory options to include in ISOR
August 4-5, 2015 FGC Meeting	FGC receive FMP and CEQA document	Notice hearing (ISOR for FMP implementing regulations)
December 9-10, 2015 FGC Meeting	Discussion and possible adoption of FMP and certification of CEQA	Discussion and possible adoption of FMP implementing regulations
2016 New Regulations		Effective 2016/17 lobster season



# Department Supported Regulatory Options

- 1. Include all LAC consensus recommendations as options**
- 2. Update fisheries dependent data sources (logbooks and landing receipts)**
- 3. Include regulatory modifications necessary to implement the FMP**



# LAC Commercial Recommendations

## Trap Limit Proposal

Proposal	# of Traps	Provisions
Transferable Permit (T)	300	<ul style="list-style-type: none"> <li>• May stack another T permit for a maximum of 2 permits (600 trap maximum)</li> <li>• The second permit remains transferable</li> </ul>
Non-transferable permit (NT)	300	

CDFW supports the proposed LAC trap limit as it is detailed above.

Temporary Phase-In Stacking Permit	300	<ul style="list-style-type: none"> <li>• Non-transferable permit</li> <li>• Available to T and NT permittees</li> <li>• Only available for 3 years (renewed annually)</li> <li>• Permit funds for commercial lobster research &amp; monitoring – (\$5,000 - \$10,000 annual permit fee)</li> <li>• Effective when trap limits go into effect</li> </ul>
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CDFW recognizes that a “Phase-In Stacking Permit” may no longer be necessary given the projected timeline, because implementing regulations would become effective for the 2016/2017 season.



# LAC Commercial Recommendations Cont.

## **Death provision applies only to transferable permits**

- CDFW supports the recommendation

## **All traps must be tagged (on trap or buoy or both)(must be purchased annually); details to be worked out with LED**

- Traps tagged w/ Dept. issued trap tags
- 300 tags issued once a year to each permittee - costs incorporated into permit fees

## **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)**

- Considering defining loss - 75 or more tags per permit, claims formally submitted to CDFW for approval
- Claim details - date, cause of loss, # of traps, tag #s, and coordinates of lost traps
- Loss tags uniquely identifiable



# LAC Commercial Recommendations Cont.

**Allow scuba equipment on board commercial vessels to retrieve lost traps or remove line from prop (not allowed to “fish” when on scuba)**

- Provide clarification – scuba equipment can only be used to locate and retrieve traps. Lobsters contained in traps secured under these conditions can be possessed after the trap has been serviced aboard the vessel

**More than one may operate from a single vessel; each permittee whose traps are being pulled must be aboard**

- Both permittees will be responsible for any violation found on vessel

**Branding of floats allowed (details to be worked out with LED)**

- Lobster buoy identification either branded on the buoy in way that is clearly readable in a color that contrast or painted in a color that contrasts with the buoy
- Lobster trap buoys be maintained in a condition that buoy identifying numbers are clearly readable



# LAC Commercial Recommendations Cont.

**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**

- Waiver should be similar to Dungeness Crab Waiver to Pull Traps
- Waiver requests considered on individual case basis: lobsters may not be retained unless specified by LED
- Responsibility for violations transferred to permittee that has permission to pull traps
- Traps are to be removed from water or wired open as specified on waiver
- Establish provision to recover lost or derelict gear (if found more than 9 days after lobster season)

**7 day soak time using “Federal Rules” regarding weather**

- Traps must be attended at least once every 7 days. No specific weather exemption



# LAC Commercial Recommendations Cont.

**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**

- CDFW supports the recommendation
- “Bait day” remains the same

## **Additional Issues not addressed by the LAC:**

- Traps that are wired open and unbaited still need to be serviced every 96 hours per FG9004
  - CDFW proposes: traps wired open and unbaited would be exempt from the trap service requirement for a period up to 14 days. Traps not serviced after 14 days considered abandoned
- Revise Lobster Logbook format
  - CDFW proposes: update data fields for location and # of hrs fished and add a field to record number of traps fished



# LAC Recreational Recommendations

**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?)**

- Allow both tail clipping and tail punching as 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

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

- New time is workable for LED
- Proposal improves safety conditions
- Regulatory change has no impact on the resource
- Commercial season dates would not change
- CDFW supports the recommendation



# LAC Recreational Recommendations Cont.

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

- GO ID number - helps maintain confidentiality, and minimizes the risk of identity theft
- Requirement - legible, but no size or color specification

**Clarity on the definition of a “hooked” device: 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.**

- Remove “hooked device” for clarification



# LAC Recreational Recommendations Cont.

**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.**

- CDFW supports moving this option forward in regulatory package, but has concerns with this recommendation
  - 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

# Additional Questions



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