



CDFW Feedback on Implementation Details of the Lobster Advisory Committee Commercial Recommendations:

The California Department of Fish and Wildlife (CDFW) recently met with the Lobster Advisory Committee (LAC) Commercial Representatives to discuss details regarding implementation of the proposed regulatory changes to the commercial 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 part of the Lobster FMP implementing regulations that will be formally introduced to the Fish and Game Commission in mid-2015. Any new regulations that are adopted would not be implemented until the 2016-2017 lobster season.

LAC Commercial Proposal

Table 1. COMMERCIAL TRAP LIMIT

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)
<p>CDFW supports the proposed LAC trap limit of 300 traps with the ability to stack another permit for a maximum of 2 permits (2 permits X 300 traps = 600 trap maximum). The second permit remains transferable, and the death provision only applies to transferable permits.</p>		
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
<p>CDFW recognizes that a "Phase-In Stacking Permit" may no longer be necessary given the projected timeline for the proposed implementing regulations. New regulations would become effective for the 2016/2017 season.</p>		

Table 2. GENERAL PROVISIONS

- Death provision applies only to transferable permits
CDFW Proposed Details:
 - non-transferable permits can never be transferred - even upon death

- All traps must be tagged (on trap or buoy or both)(must be purchased annually); details to be worked out with LED
CDFW Proposed Details:
 - Traps shall be tagged w/ Dept. issued trap tags
 - 300 trap tags shall be issued once a year to each permittee before the start of the season
 - Program costs to be incorporated into permit fees, and tags will not be purchased separately

- 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)
CDFW Proposed Details:
 - The Department is considering defining catastrophic loss as the loss of 75 or more tags per permit. Catastrophic loss claims will be formally submitted to the Department for approval. LED will determine whether to approve or deny catastrophic loss claims. Claim information must include a detailed description of the circumstance that caused the loss, date of loss, number of traps lost along with their tag numbers, and location of lost traps (Latitude and Longitude coordinates).
 - Catastrophic loss tags_would be uniquely identifiable.

- Allow scuba equipment on board commercial vessels to retrieve lost traps or remove line from prop (not allowed to “fish” when on scuba)
CDFW Proposed Details:
 - Scuba gear already allowed per T14 122. Cannot be used for “take”
 - Provide clarification that no lobsters can be taken or possessed w/scuba gear, or any other underwater breathing apparatus (including hookah). However, this equipment can be used to locate and secure (retrieve) traps
 - Provide clarification that lobsters contained in a trap that has been secured using scuba gear, or any other underwater breathing apparatus equipment (including hookah), can be possessed after the trap has been serviced aboard the vessel

- More than one permittee may operate from a single vessel; each permittee whose traps are being pulled must be aboard
CDFW Proposed Details:
 - Dual Permittee on board – both permittees will be responsible for any violation found on vessel

- 7 day soak time using “Federal Rules” regarding weather
CDFW Proposed Details:
 - Adopt similar language to CFR Title 50 §660.230(3)
 - Traps must be attended at least once every 7 days. No specific weather exemption. If traps cannot be pulled due to weather, fishermen will be responsible for burden of proof (e.g. NOAA weather advisory, or other formal documentation from a government weather agency)

- 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

CDFW Proposed Details:

- Formalize the “note” process by requiring permittees to submit a waiver request to the Department. Waiver should be similar to the Dungeness Crab Waiver to Pull Traps
- Specific protocol and procedures for the Lobster Waiver to be established by LED
- CDFW will determine each waiver request on individual case basis. The information submitted in the waiver request will be used to determine the conditions. Lobsters may not be retained unless specified by CDFW as a condition on the waiver
- Department to be notified in advance
- Responsibility for violations is transferred to the individual permittee that has permission to pull
- Traps need to be either removed from water or wired open as specified by CDFW as a condition on the waiver.
- Establish provision to allow other fishermen targeting other species to recover lost or derelict gear (if found more than 9 days after the close of lobster season). This would be modeled after the existing provision for the recovery of up to 6 Dungeness crab traps.

- 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 Proposed Details:

- Allow traps to be deployed (unbaited and doors wired open) 9 days before the commercial opener, and allow traps to remain in the water (unbaited and doors wired open) not more than 9 days after the close of the season. Traps must be out of the water no later than 9 day after the close of the season.
- “Bait day” remains the same

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

CDFW Proposed Details:

- This is already allowed under current regulations and so a regulatory change is not necessary to implement it. Therefore, the following clarification is provided as guidance to encourage effective compliance. Each buoy identifying a lobster trap would display the commercial fishing license identification number of the lobster operator permit holder followed by the letter P. The commercial fishing license number and the letter P would be at least one (1) inch in height and at least one-eighth (1/8) inch in width, and either branded on the buoy in a way that is clearly readable or painted in a color that contrasts with that of the buoy. All lobster permit holders would maintain lobster trap buoys in such a condition that buoy identifying numbers are clearly readable.

- **Additional Issue (Not addressed by the LAC):** Traps that are wired open and unbaited still need to be serviced every 96 hours per FG9004

CDFW Proposed Details:

- Traps that are wired open and unbaited would be exempt from the trap service requirement for a period up to 14 days. Traps that have not been serviced after 14 days will be considered

abandoned.

CDFW Staff

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Representatives on the LAC

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MEETING PARTICIPANTS

Prepared by CDFW February 20, 2015