Lobster Stamp Requirements and Recommendations for CLTFA
A supplement to the Southcoast Master’s Thesis Group Project

More information and copies of this document can be found at [http://fiesta.bren.ucsb.edu/~southcoast/](http://fiesta.bren.ucsb.edu/~southcoast/)
Please contact us at [southcoast@bren.ucsb.edu](mailto:southcoast@bren.ucsb.edu) if you have any questions about our project or this material.

Representatives from the Environmental Defense Fund have introduced legislation to create the Commercial Lobster Stamp. On February 25, 2009, Assembly Member Saldana introduced bill number AB571, which will require purchase of a Commercial Lobster Stamp with every commercial lobster permit. Revisions to the bill are ongoing and we recommend California Spiny Lobster fishery representatives use this Lobster Stamp Requirements and Recommendations document we created to ensure that the final version of the bill addresses the potential issues identified through our research and successfully achieves the fishery's goals.

Based on our research and discussions with relevant parties, we have compiled a list of requirements that we recommend be written into the Lobster Stamp legislation. These requirements will ensure that the fishery’s concerns and interests are addressed and protected under the new legislation. In addition, we have included examples of legal language on which to model the Lobster Stamp legislation. The requirements are as follows:

**The stamp should be mandatory, purchased annually when renewing commercial lobster permits.** This will ensure that the entire fishery contributes to the stamp funds. Making purchase of the stamp from DFG at the time of buying the lobster permit will make enforcement of payment easy.

**Model Legislation:**

*Salmon Stamps; Application and Fee: Cal Fish & Game Code Section 7860.a*

“Except as provided in subdivision (f) or (g), no person who is 18 years of age or more and less than 70 years of age, on or before April 1 of the current license year, shall take salmon for commercial purposes or be on board a vessel on which salmon are taken for commercial purposes while salmon are being taken or transported unless that person has a commercial fishing salmon stamp issued pursuant to this section affixed to his or her commercial fishing license.”

**The legislation will include a range of acceptable activities for which the funds may be used.** From our survey, we have determined that some activities of interest to fishermen include Marine Stewardship Council Sustainability Certification, buyback and retirement of transferable lobster permits, and hiring a fishery advocate. The fishery should specify some of the activities on which the funds can be spent, and specify that the funds may not be incorporated into the DFG or OPC general fund or used for any activities not recommended by the committee, regardless of budget year.

**Model Legislation**

*Fees from Abalone Stamp to Restoration & Preservation Account: Cal Fish & Game Code Section 7149.9.a.1-3*

“7149.9. (a) Fees received by the department pursuant to Section 7149.8 shall be deposited in the Abalone Restoration and Preservation Account within the Fish and Game Preservation Fund, which is hereby created. Notwithstanding Section 13340 of the Government Code, the moneys in the account are continuously appropriated, without regard to fiscal year, to the department to be used only for the Recreational Abalone
A committee or board of directors should be established to determine how the funds will be spent. This committee will be elected by and made up of fishery members. The committee will vote on activities on which the stamp funds shall be used.

**Our recommendations concerning the committee are as follows:**

- The Committee's recommendations should be binding – the money should be used only for the projects or activities recommended by the Committee, and the Governor or Legislature should not have the ability to appropriate the funds for other uses.
- Appropriation of the stamp funds to the Committee for use on their recommended activities should be required without approval by the Legislature, regardless of budget year.
- The fishermen representatives on the committee should be elected directly by the fishery.
- The Committee should consist largely, if not entirely, of fishermen, and should include alternates to attend meetings if the fishermen committee members are unavailable.
- The Committee should include at least one representative and alternate from each county in the CSL fishery (Santa Barbara, Ventura, Los Angeles, Dana Point, and San Diego) in order to ensure that the entire range of the fishery is represented. We suggest that fishermen from each port elect one or two representatives from their port to sit on the committee.
- Though it may be helpful to include non-fishermen, such as the OPC Secretary or scientists, in the committee to discuss how the funds can be effectively spent, we recommend that any non-fishermen on the committee be included in a nonvoting role.
- Given the limited number of permit holders qualified and interested in serving on the committee, there should be no term limit for fishery representatives on the committee.
- The committee should meet at least once per year, or more frequently as required.

**Model Legislation**

These examples of legislation concerning existing advisory committees provide good examples of committee membership. The Commercial Salmon Trollers Advisory Committee is composed of one DFG member and five representatives of the commercial salmon fishery, each with an alternate. The Recreational Abalone Advisory Committee (RAAC) consists of six representatives of the recreational abalone fishery, one DFG member, and two scientists not associated with DFG. We recommend modeling the membership of the Lobster Stamp Committee on these examples. However, neither of these committees are perfect models for the Lobster Stamp Committee, and our recommendations above should be taken into account if the committee is modeled on existing committees.

**Commercial Salmon Trollers Advisory Committee: Cal Fish & Game Code Section 7862**

“A Commercial Salmon Trollers Advisory Committee shall be established consisting of six members selected by the director. One member shall be chosen from the personnel of the department. Four persons shall be selected, with alternates, from a list submitted by a fishermen's organization deemed to represent the commercial salmon fishermen of California. One member shall be selected, with an alternate, from lists submitted by individual commercial passenger fishing boat operators or by organizations deemed to represent the commercial passenger fishing boat operators of California…”

**Recreational Abalone Advisory Committee (RAAC): DFG Code Section 7400**

“(a) The director shall appoint a Recreational Abalone Advisory Committee consisting of nine members who shall serve without compensation. The members of the advisory committee shall be selected as follows: (1) Six members who are not officers or employees of the department. The six members shall be residents of California and meet the following requirements: (A) Two members shall reside north of the southern boundary line of Marin County and a line extending due east from the easternmost point of Marin County located in San Pablo Bay. The two members shall be selected from nominations submitted by the Northern California Shellfish Assessment Program or by
individuals or organizations that actively participate in the recreational abalone fishery, except that not more than one of the members selected shall be an active or former commercial abalone diver or involved in commercial seafood processing or marketing. (B) Two members shall reside south of the southern boundary line of Marin County and a line extending due east from the easternmost point of Marin County located in San Pablo Bay and north of the boundary between Santa Barbara and San Luis Obispo Counties and a line extending due east from the easternmost point in that boundary line… (C) Two members shall reside south of the boundary between Santa Barbara and San Luis Obispo Counties and a line extending due east from the easternmost point in that boundary line… (2) One member shall represent the department in enforcement activities and shall be selected from personnel in the Wildlife Protection Division. (3) Two members shall be marine scientists who are or have been involved in abalone research at universities, state universities, or in state or federal programs. Not more than one of the persons shall be an officer or employee of the department…”

The percentage of collected funds taken in overhead charges by the collection agency should be minimized.
The percentage of collected funds taken for overhead or administrative costs can be specified in the legislation. To minimize the administrative costs to the Department of Fish and Game, we recommend that the Department remand the funds to the Ocean Protection Council, which will then act as a trustee of the funds until required for use by the fishery.

**Model Legislation**

*Fees from Abalone Stamp to Restoration & Preservation Account: Cal Fish & Game Code Section 7149.9.c*

(c) The department shall maintain internal accounts that ensure that the fees received pursuant to Section 7149.8 are disbursed for the purposes of subdivision (a). Not more than 20 percent of the fees received pursuant to Section 7149.8 shall be used for administration by the department.

The quantity of money collected from each individual should be specified.
From our survey results and CBA and to maximize ease of collection, we recommend a $300 flat fee collected annually from every commercial lobster permit holder.

**Model Legislation**

*Salmon Stamps; Application and Fee: Cal Fish & Game Code Section 7860.c*

Except as provided in subdivision (b) of Section 7852.3 and this subdivision, the department shall issue a commercial fishing salmon stamp upon application therefor and payment of the fee of eighty-five dollars ($85). For any commercial salmon season preceded by a commercial salmon season in which the commercial troll salmon landings in this state equal or exceed 3,000,000 pounds dressed weight, as determined by the department, the fee shall be increased by twelve dollars and fifty cents ($12.50) for every 250,000 pounds over 3,000,000 pounds of dressed weight landings, except that the total fees as adjusted shall not exceed two hundred sixty dollars ($260).

The stamp should expire periodically and require renewal by the fishery.
This will ensure that funds do not continually be collected if support for the lobster stamp and interest in funding fishery projects decreases in the future. We recommend an expiration period of five years, based on the California Salmon Stamp.

**Model Legislation**

*Salmon Stamp: Cal Fish & Game Code Section 7863*

7863. This article shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2012, deletes or extends that date.
Pathway to the Commercial Lobster Stamp

The Commercial Lobster Stamp Pathway illustrates our group’s work on the Commercial Lobster Stamp and the next steps the fishery should take. The results from our cost benefit model, survey, and legal analysis all contributed to creating the Lobster Stamp Requirements document for the fishery. This document serves as a guide for the fishery to creating successful legislation as they continue on the path towards turning the Lobster Stamp into law. Below are the steps towards the Lobster Stamp that we recommend the fishery should take. Although these steps fall beyond our involvement with the project, they follow from our research and work on the Lobster Stamp.

1) **Align with legislator and/or NGO**: The fishery has already aligned with the Environmental Defense Fund (EDF), and a placeholder bill has been submitted to the state assembly.

2) **Assemble Political Contacts**: EDF is in contact with members of the state legislature who can assist the fishery in supporting the bill. We also compiled a list of suggested assembly members likely to support the Lobster Stamp for the fishery to contact. These include John Laird, Jared Huffman, and Pedro Nava.

3) **Draft Bill**: The fishery can use our Lobster Stamp Requirements and suggested political contacts to ensure that the bill language avoids potential concerns and that the legislation accomplishes the fishery’s goals.

4) **Fishery Approval**: Next, we recommend fishery approval of the edited legislation. Leaders of CLTFA can request feedback from the entire fishery through a mail survey or at regional meetings.

5) **Legislative Approval**: Finally, the fishery will be ready to seek legislative approval and creation of the Commercial Lobster Stamp.