

Lobster-Surfer Agreement

On May 3, 1993 a newspaper article appeared listing numerous surfers who lost their life due to lobster trap entanglement. This article drew the attention of SDOF board members and they initiated talks between the Lobster Association and Surfrider Foundation to find a solution to the problem.

An agreement was reached on March 19, 1996.

The newspaper articles and terms of the final agreement are included in this document.

The San Diego Oceans Foundation
Promoting ocean stewardship since 1984.....

Lobster traps snag unwary surfers

by Bob Clark

In recent years, loose lobster traps have become a serious safety hazard for surfers, swimmers and divers along the lobster-rich reefs off San Diego's beaches. From San Ysidro to San Clemente lobster traps and their attached ropes and buoys have taken and endangered lives.

March 15, 1984: Gary Decker, an experienced 19-year-old surfer, drowns 200 yards off Imperial Beach. A lobster trap buoy line is found entangled with his surfboard leash.

Oct. 4, 1985: Brian Brokaw, another experienced surfer of 22, drowns in 7 feet of water off Carlsbad State Beach. A lobster trap buoy is found entangled with his surfboard leash.

Oct. 10, 1987: David Marsh, a navy man, goes diving for lobster with two buddies off La Jolla Shores. He becomes separated from his diving partners. His body is recovered at a later date by a lobster fisherman who discovers Marsh wrapped up in a buoy line.

Dec. 8, 1987: Don Vaughn, surfer and former state lifeguard, has an incredibly harrowing near-death experience late one afternoon while longboarding off Sunset Cliffs in Point Loma. His surfboard leash gets tangled with a lobster trap buoy line and the whole mess ends up wrapped tightly around his left ankle, preventing him from reaching his leash release. For 3-1/2 hours Vaughn, while floating in the channel between Chasm's and Newbreak in the dark, tries desperately to pull up the lobster cage that is attached to his numb left leg. After 20 to 30 attempts, with now shredded hands, he manages to pull up the cage and grab it with his right hand. He finally frees his ankles from the huge knot, but has to leave his board with the trap and swims a half mile to shore.

July 14, 1989: Robert McClothlin, a 15-7-year-old scuba diver, drowns in 50 to 60 feet of water in Fry's Harbor off Santa Cruz. He became entangled in a lobster trap buoy line while low on air and couldn't be rescued in time by frantic friends.

Feb. 4, 1990: Ken Stenwedel, 25-year longboard veteran, nearly "meets his maker" while surfing big waves off Igers in Carlsbad. He is dragged under water when a buoy line becomes entangled with the leash line he didn't, and in the future won't, use.

A few months earlier, an out-of-control lobster boat almost ran Stenwedel over when a fisherman strayed into Igers lineup attempting to recover a trap and was swamped by a set wave.

The lobster trap problem isn't just limited to the waters off our beaches. This



San Diego
Oceans Foundation

This article is the result of our last Fisheries Committee meeting on Tuesday, March 19, 1996 between the...

- Lobster Association
- Surfrider Foundation
- Department of Fish and Game
- Lifeguard Representatives

Friday, March 22, 1996

Conditions found safer for surfers

By TERRY RODGERS
Staff Writer

Surfers who challenge the big swells that hit the San Diego County coastline face less of a peril from buoy lines attached to lobster traps that get dragged into the surf.

That was the conclusion reached earlier this week during a meeting of representatives from the Surfrider Foundation, the lobster industry, lifeguards and state Fish & Game Department.

The participants agreed that surfers are safer because of better communication between lifeguards and fishermen, along with improved procedures developed three years ago for dealing with errant lobster traps that get pushed close to shore.

"We really have achieved a good sense of equilibrium here," said San Diego Lifeguard Chief Chris Brewster. "I think we have reduced the statistical chances of (an entanglement death) happening, but we have not eliminated it."

Frustrations reached a peak in 1993, when the Surfrider Foundation, sensing a lack of response to a handful of deaths and close calls by surfers who became entangled in lobster trap buoy lines, announced plans to seek a ban on lobster fishing within 1,000 feet of shore.

The nonprofit San Diego Oceans Foundation intervened by mediating a series of negotiations that resulted in the fishermen agreeing to do a better job of policing their industry and keeping traps away from heavily used surfing zones.

Lifeguards who see lobster traps in the surf always have had the option of retrieving the wire-mesh traps or cutting them loose from their buoy lines to protect the public.

Today, under the new procedures, lifeguards contact fishermen directly either by marine radio or telephone about errant traps that have drifted too close to shore. Owners of lobster traps retrieved by lifeguards must claim them within seven days or the equipment can be tossed away.

"It seems to be getting done without too much growling," said Brewster.

The fishermen have developed a roster of volunteers who move traps farther out to sea before and after a big swell. They also pick up each other's traps that have been collected by various lifeguard agencies.

area is unique in that it is the only region where lobsters are found off heavily used public beaches. The traps, when uprooted by heavy surf or placed carelessly and/or abandoned by an inexperienced minority of lobster fisherman, are washed up on the beaches. These traps are often rusty, broken up and/or razor sharp. With the end of lobster trapping season at hand, students should keep an especially sharp eye out for these derelict traps.

These hundreds of "accidents waiting to happen" litter San Diego County's beaches and surfines each year. In the last three years the Marine Safety Department has collected more than 400 loose traps. Since Oct., 1991, lifeguards in Encinitas have retrieved 345 traps, while the city of Solana Beach has collected 107 traps in the last two lobster seasons.

September 22, 1993

**A Voluntary Agreement
Regarding Lobster Traps and Surf Zone Safety
Between the
CALIFORNIA LOBSTER ASSOCIATION
and the
SAN DIEGO CHAPTER OF THE SURFRIDER FOUNDATION
Facilitated Under the Auspices of the
SAN DIEGO OCEANS FOUNDATION**

The **CALIFORNIA LOBSTER ASSOCIATION** has agreed to:

1. Develop a volunteer group to help police the industry, communicate with lifeguards and identify and return traps. This committee consists of:

Point Loma to Crystal Pier - Tobin Rippo, Floyd Corkill
Crytal Pier to La Jolla Cove - Don Tomlinson
Cardiff/Solana Beach to Scripps Pier - John Bowen, John Guth
Oceanside to Scripps Pier - Bob Phillips
Imperial Beach - To Be Arranged

The committee will:

- a. Create a phone/radio tree to ascertain that all lobster permittees get advance warning of approaching swell or weather.
- b. Call the lifeguards if they are aware of a trap in the surf.
- c. Be responsible for having a letter on board his or her vessel giving authorization to pull traps of fishermen within the area.
- d. Take calls from lifeguards to pull traps out of an area that have the potential to get into the surf zone.

In an emergency, these individuals can be reached on the marine radio via channel 8. This list will be updated prior to the season after fishing areas have been determined.

2. Obtain from lobster permittees their license numbers, names, addresses, and phone numbers and provide that list to the appropriate lifeguard services.
3. Support the legislative/regulatory efforts to be spearheaded by the San Diego Oceans Foundation (see below).

**AN AGREEMENT BETWEEN THE CALIFORNIA LOBSTER ASSOCIATION
AND THE SAN DIEGO CHAPTER OF THE SURFRIDER FOUNDATION
September 22, 1993**

The **SAN DIEGO CHAPTER OF THE SURFRIDER FOUNDATION** has agreed to:

1. Continue to promote the printing of articles in surfing publications advising surfers to wear quick-release leashes in surf zones where errant lobster traps may be encountered.
2. Assist in the distribution of the surf alert posters (see attachment A).
3. Continue to inform its members of the advisability of wearing quick-release leashes in surf zones where errant lobster traps may be encountered.
4. Continue to encourage development and promote the use of a quick release surf leash.
5. Support the legislative/regulatory efforts to be spearheaded by the San Diego Oceans Foundation (see below).
6. Temporarily close the door on the issue of placing identification tags on the traps themselves pending the results of the voluntary options in this agreement.

To facilitate the success of this agreement, the **SAN DIEGO OCEANS FOUNDATION** has agreed to:

1. Write a letter to the State Fish and Game Commission and/or the California Legislature to encourage regulatory or legislative amendments which will allow the California Department of Fish and Game to send lists of lobster permittee names to lifeguards and other appropriate safety officers (see suggested language in Attachment B). This will be done after discussions with the DFG's Wildlife Protection Division headquarters in Sacramento. The City of San Diego will be encouraged to facilitate this effort.
2. Write a letter to the State Fish and Game Commission encouraging regulation changes which will allow the limited use of stringer lines in shallow water applications in order to improve safety conditions.
3. Write a letter to the State Fish and Game Commission requesting the Commission limit entry to the lobster fishery in San Diego County and to create a proficiency/testing process for new permittees.
4. Coordinate the release of information to the media regarding the agreements made between the San Diego Chapter of the Surfrider Foundation and the California Lobster Association. Any information released will be accomplished with the full approval of both parties to this agreement and the cooperating agencies.
5. Host a meeting in April, 1994 to review the success of this agreement.

The voluntary agreements made were developed with the cooperation of the California Department of Fish and Game, City of San Diego Lifeguards, City of Del Mar Lifeguards, City of Solana Beach Lifeguards, State of California Lifeguards, and California Sea Grant. Representatives of these organizations participated in some or all of the meetings held on April 20, 1993, June 24, 1993, August 5, 1993 and September 22, 1993. The San Diego Oceans Foundation coordinated and hosted those meetings. Nettleton Communications of San Diego mediated this agreement.

SURF ALERT



BEWARE
of

**Lobster Trap Buoy Lines
During Lobster Fishing Season**

October 3, 1993 thru March 17, 1994

Be Alert! Buoy lines can become tangled in surfboard leashes.
We encourage all surfers to wear breakaway leashes during the season.

Don't become a Victim!



*A Public Service Message to the Surfing Community from the
Solana Beach Marine Safety Department*

DRAFT LEGISLATIVE LANGUAGE

An act to amend Section 9002 of the California Fish and Game Code, relating to moving lobster traps and identifying their owners. (Note: Strike-out language is current language proposed for deletion. Underlined language is language proposed for addition.)

Section 9002 of the California Fish and Game Code is amended to read:

§9002. (a) Except as provided in subdivisions (b), (c) and (d), it is unlawful to willfully or recklessly disturb, move, or damage any trap which belongs to another person and which is marked with a buoy identification number pursuant to Section 9006.

(b) A person, who has been issued a general trap permit under Section 9001 and has it in his or her possession, may pull or raise a trap marked with a buoy, if the buoy is marked with a buoy identification number pursuant to subdivision (b) of Section 9006. A person pulling or raising a trap marked with a buoy identification number, other than his or her own buoy identification number, shall have written permission in his or her possession from the other person who holds the buoy identification number that is marked on the buoy.

(c) Subdivision (a) does not apply to employees of the department while engaged in the performance of official duties.

(d) Subdivision (a) does not apply to publicly employed safety personnel, including, but not limited to, lifeguards, marine safety officers, harbor patrol officers, and peace officers, who, while engaged in the performance of their official duties, may remove a trap, buoy, or line located in or near breaking surf or adjacent to a public beach which they believe poses a public safety hazard. If any of those persons remove a trap, a buoy, or a trap or buoy line, any captured marine life shall be immediately returned to the ocean. ~~Persons removing a trap or buoy, or a trap or buoy line, shall report to the department the buoy identification number for the purposes of identifying the owner. The person removing the trap or buoy, or trap or buoy line, shall notify the owner of its removal and the location where it can be reclaimed.~~ Persons removing a trap and any attachments thereto whose licensed owner can be identified shall contact the owner by personal contact, by telephone, by recorded message left on a telephone answering machine or by regular US Mail sent to the address of the licensed owner and advising where the property has been left. Such persons shall have no responsibility to secure the trap or attachments. Employees of the Department are specifically authorized to divulge the names, addresses and license numbers of currently licensed lobster fishers to representatives of public safety agencies described in this subdivision to assist in the return of property to licensed owners. If the licensed owner has been notified pursuant to this subdivision but has not retrieved the trap within seven days or if the licensed owner of the trap cannot be identified, the trap may be discarded. This subdivision does not create any duty on any state or local agency to remove or move a trap, line, or buoy which may endanger the public safety and does not create any liability pursuant to Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code.