

Florida Fish and Wildlife Conservation Commission's Lobster Advisory Board

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Consensus Building/Adaptive Governance

July 2, 2008

Case:

The Lobster Advisory Board (LAB) met between July of 2005 and May of 2007 in a series of nine meetings. It was set up with the goal of adaptive management. Formed by the Florida Fish and Wildlife Conservation Commission (FWC), the objective was to build consensus on recommendations and proposals in order to refine FWC's spiny lobster fishery management. The scope of the board was purely regulatory advice. It was not involved in decisions on enforcement, research, or outreach.

History:

While over harvesting is not a problem, the lobster fishery management came up for recommendation due to controversy over allocation, types of traps, trap certificate programs, sport mini-season, etc. (NOAA, Fisheries Management Issue: Pro-active Management of Harvest Allocation in the Florida Spiny Lobster Fishery)

The lobster trap certificate program brought about changes in the allocation of the fishery as the program cut the number of traps commercial trappers were allowed to put into the water. Within a short time, recreational divers and commercial divers were harvesting a greater number of lobsters. This caused some harsh feelings between the different fishery users as the trappers felt they had been sentenced to harsher restrictions. The FWC's management plan did not include management of allocation. This meant the allocation of the fishery was open to fluctuation. Deciding whether this should be regulated was one of the main issues on the LAB's agenda. (Fisheries Management Issue: Pro-active Management of Harvest Allocation in the Florida Spiny Lobster Fishery)

Added to the issue of allocation is the problem of “casitas.” Casitas are illegal lobster homes. They are set in the water to attract lobsters and make it easier for commercial divers to make a lobster catch. While they are illegal, they are often reported as commercial dive sites and enforcement has become a problem. This has also changed the allocation of the fishery. Trappers and Recreational divers are in general against their use. Another problem has been the fear that “casitas” have changed the migration patterns of the lobster. This brings in environmental concerns. (Fisheries Management Issue: Pro-active Management of Harvest Allocation in the Florida Spiny Lobster Fishery)

Environmentally, there is concern over not only the use of “casitas,” but also about the damage traps can cause to the natural environment. Hurricanes are a natural part of Florida’s weather system. When hurricanes come, they can cause traps to be lost and float around in the water, damaging coral reefs and seagrass beds. While plastic traps are not common, they do not break down, causing more environmental harm than wooden traps. Trap materials were a key concern of environmentalists. (NOAA)

Another issue of importance was recreational mini-season, a two day lobster season open for recreational fishers before the opening of the commercial season. A majority of the recreational fishing takes place during these two days. The Florida Keys is the geographical location where most of the recreational fishing occurs. Due to the fact that the Keys are mostly marine protected, there is concern about the environmental strain mini-season has on the ecosystem. Commercial trappers do not like mini-season due to the amount of people fishing and the number of lobsters taken at from the water during those two days. They do not think it is fair for recreational fishers to take so many when they have not had a chance to harvest since commercial trappers are dependant on their

catch. Recreational fishers are not dependant on their catch. There is also the problem of enforcement, with some recreational fishers harvesting more than the daily limit. For many who live in the keys, they do not like the mad rush to the water that these two days bring. But, mini-season does bring in significant revenue to the Florida Keys and Monroe County. Therefore, it is difficult to dismiss the economic benefits of these two days.)

Fisheries Management Issue: Pro-active Management of Harvest Allocation in the Florida Spiny Lobster Fishery. Fisheries Management Issue: Special Recreational Lobster Sport Season. Long-term trends in the recreational lobster fishery of Florida, United States: landings, effort, and implications for management.)

There were many other issues of concern with the lobster fishery. These issues include lobster harvestable size limits, the PAV-1 virus, trap theft, gentrification of the Florida Keys, access to the water and fishery, trap soak time, etc. Yet, due to the scope of the board, not all of these issues were addressed. What is important to know, though, is that there were many controversial issues which were important economically, environmentally, and socially. (Blair, Meeting 1 and 2; Interview: Jeff Blair)

Parties:

FWC's strategic plan calls for stakeholder involvement and collaboration in management planning and decision making. For this reason, an advisory board was set up to refine the FWC's spiny lobster fishery management plan and make recommendations. Jeff Blair of the Florida Conflict Resolution Consortium (FCRC) was brought in as a neutral facilitator to help guide to process.

The LAB was composed of fifteen primary stakeholders, five commercial trappers, three commercial divers, three recreational fishers, two wholesale dealers, one Nature Conservancy representative, and one FWC representative. The Florida Fish and Wildlife Conservation Commission (FWC) was the convening party. It held the decision making power on the recommendations brought by the Lobster Advisory Board (LAB).

Process and Procedures:

The parties met nine times over the course of two years. Meetings were facilitated by Jeff Blair of the Florida Conflict Resolution Consortium (FCRC). Decision making power was reserved for the staff of FWC. Board members were asked to develop consensus recommendations for FWC.

Representation was not chosen in the typical case analysis and recommendation process format. Rather, FWC keeps a database of people they have worked with before and those who have come forward in the past on issues pertaining to the lobster fishery. Stakeholders were chosen from FWC's database. Therefore, Jeff Blair, as the facilitator, did not contribute to the stakeholder generation process. FWC chose the participants. (Interview: Jeff Blair)

According to Jeff Blair, a representative process is not a public process. Public workshops are a public process. The press was not invited to the board meetings; they could decide to come, however. The public was not notified by the board. There were public workshops which took place in concurrence with the board meetings between July of 2005 and May of 2007 to get public opinion and recommendations on the LAB's

actions. Reports of the public meetings were delivered to the board by Bill Sharp throughout the process. (Interview: Jeff Blair)

The first meeting was purely organizational in purpose. During this meeting, participants were introduced to Jeff Blair's meeting procedures and processes. It was a time to introduce parties to the idea of collaboration, interest based communication, and flesh out visions and issues. Options were not generated. Substance was not discussed. Facts were not analyzed. The purpose of the meeting was to get participants familiar with the process. Each member was invited to state what they would like to see as an outcome for the process. Visions were generated as to what each party would find as a terrible outcome ten years in the future and what would be a great outcome ten years in the future. This helped create a group vision. What happened was most likely shocking. Everyone desired a sustainable, healthy fishery. Vision was created. Parties were taught about collaboration. Commonalities were found. A mission statement was then drawn up based on the results of this discussion. It is as follows: (Interview: Jeff Blair; Blair, Meeting 1)

The Spiny Lobster Ad Hoc Advisory Board, representing diverse stakeholder interests from around the state, will provide advice and guidance to the Florida Fish and Wildlife Conservation Commission and staff to improve the viability and sustainability of Florida's lobster fishery, and the efficiency and effectiveness of the management program. The Board's initial task will be to review, discuss and seek consensus on guidance and advice to the Commission for proposed refinements to Florida's lobster fishery management plan.

After the creation of a mission statement and shared goal, parties were asked to develop a list of interests and topics to be discussed by the board. Again, substance was not introduced. The parties generated a list of twenty four topics for consideration. Each topic was then discussed to find what the sub interests and issues were for each category as well as the data needs. Due to the scope of the board, the issues were narrowed down to ten: allocation, season length, harvestable size limits, fishery effects on the environment/natural habitat, other lobster species, lobster trap certification, trap specifications, commercial dive fishery issues, recreational fishery issues, and commercial bully net fishery.(Blair, Meeting 1; Blair, Meeting 2)

At the onset of each meeting thereafter, meetings were opened by an employee of the Division of Marine Fisheries Management of FWC. Jeff Blair would then remind board members of the process, procedure, and scope of the meeting. Before anything else happened, the board would vote to approve the agenda for the meeting along with the facilitator's summary of the previous meeting. Intentionally done or not, this helped get board members into the mindset of working together and made sure everyone was satisfied with the process before continuing to substantive issues. (Blair, Meetings 2-9)

The second meeting was full of data presentation and information. No issue was ever addressed until there had been education on that topic. This served two purposes. First, it made sure everyone was at a working level on the issue. Second, it presented data sets to serve as a base for beginning negotiations, even if the data was not always agreed upon. When data was not agreed upon, board members would be reminded that the best science had been used, dissenting opinions were discussed, and the board was then

encouraged that the process had to start somewhere. Copies of the data and presentations were given to each member for them to take home and review further. After data had been presented, members of the board were given worksheets with issues and interests divided into topics. For each of these areas, potential solutions had been created by the FWC staff. Again, this was simply a starting point. Members were asked to review the presented options, propose different options, and seek clarification on each option for each issue. (Interview: Jeff Blair; Blair, Meeting 2)

There was no particular order in which issues were addressed. As there were many issues, presenting a single text would have been difficult. Therefore, issues were addressed issue by issue. Every issue was approached in each meeting. In some circumstances the board would choose to make movement on the issue or pass. Sometimes the board would call for more data or options. In general, there was first a presentation on the topic, whether at the beginning of the meeting or just before addressing the issue. Next options were presented and generated. After each option presentation, a consensus vote would be taken. Reasons for support or concern for the option were then voiced. A second option would then be presented or generated and the process repeated. (Blair, Meetings 2-9)

Votes for the different options were taken using consensus. Seventy-five percent approval made consensus. The reasoning behind this is that in a situation where interests and stakeholders are diverse, getting one hundred percent consensus is unreasonable, if not impossible. Often, with diverse stakeholders, it takes a good deal of collaboration simply to reach a seventy-five percent approval rate. Seventy-five percent approval is often acceptable as it is more than the traditional fifty plus one voting system. (Interview:

Jeff Blair) Each member of the Lobster Advisory Board had one vote per topic or management option. Votes were cast using numbers ranking approval level: 4- agreement, 3- acceptable with minor reservations, 2- major reservations, 1- not acceptable. Items that received close to fifty percent approval were kept on the agenda and readdressed each meeting until it was clear there was either gaining support or no support. Options clearly without support were removed. Sometimes options stayed at the table for months with fluctuations in approval ratings between meetings. This process made sure the board did not lock into any one option. It would eventually come to the top what options had gained approval. The board was made to understand that options with support, but not full consensus, would be written up in a minority report. This helped to build trust in the system, reassuring board members that their voice was being heard. (This was also reinforced by the facilitator's summary of the meetings showing each person's statements in writing.) In all issues addressed within this case consensus was achieved. (Blair, Meetings 1-9)

In the fourth meeting a new member was added to the board, Bill Goodwin of the Florida Marine Keys Sanctuary. Originally, he was added as a non-voting board member, but in meeting seven, the board decided to give him the ability to vote. He was added because it was realized that the non-governmental organizations (NGO) were under represented in the process. According to Jeff Blair, it was fairly easy to get him caught up with the process. He was encouraged to review past meeting summaries and data presentations and there was a slight debriefing which took place with Jeff Blair. The organization of the meetings, the meeting summaries, and previous attention to detail enabled him to join the process without placing an additional burden or strain on the

board or facilitation process. Jeff Blair claims a facilitator should not need to raise an issue on behalf of absent stakeholders or a group that is affected by the process but not at the table. He claims if this happens then the process is flawed. All stakeholders should be at the table. While all were at the table, not all were properly represented. For this reason, Bill Goodwin was added to the LAB. (Interview: Jeff Blair; Blair, Meetings 4 and 7)

In few instances, members of the board, according to meeting notes, would suggest that representatives would stay better connected with their stakeholders. (Blair, Meeting 7) Jeff Blair stated that this problem is generally confined to the NGO and public representatives. Depending on the circumstance, they may be representing a divided stakeholder group, as was the case in this situation with the recreational divers. In other circumstances there may be problems with NGO or public representatives should the representative not be credible or there is lack of experience and information with the facilitation process. When there is a representational problem, it is the responsibility of the facilitator to address that representative in private. If this does not work, then the facilitator should address the person who sent the representative. According to Jeff Blair, a facilitator should know the interests of each party at the table. This is vital to correcting mistakes before they become problems, such as a party misrepresenting their stakeholders or not knowing their own position. (Interview: Jeff Blair)

When asked whether the “groan zone” was encountered during the LAB, Jeff Blair responded, “I don’t believe in it.” According to him, there may be difficulties and the process may be slow, but that is inherent in any collaboration/dispute resolution process. The job of the facilitator is to make sure the process is clear and easy to navigate. According to Blair, if the “groan zone” is encountered, it means the facilitator

has not done their job. Success as a facilitator is when a true collaborative process has been achieved, when representatives are addressing not only their own narrow set of interests, but the interests of others, looking out for the best interest of the fishery, not their own. This was achieved. (Interview: Jeff Blair)

After each meeting, each representative was asked to evaluate the meeting, the facilitator, meeting satisfaction, process, progress, and clarity. Ratings were on a zero to ten point scale, ten being completely satisfied. The averages of these responses were placed in the facilitator's meeting summaries. There was never a rating under 7.8. Often, the ratings were between 8.0 and 9.5. This shows a high degree of satisfaction with the facilitator and process. (Blair, Meetings 1-9)

At the end of the final meeting, a set of consensus based recommendations on the spiny lobster fishery management was released to the FWC. A minority report was not needed. There were, however, recommendations on behalf of the board for FWC to create task forces and boards to continue negotiations on commercial dive fishery regulation, trap certification transferability, enforcement, and issues not within the scope of the LAB. This is a sign of process satisfaction as the board members were willing to undergo a similar process in the future to make more fishery decisions.

Conclusions:

Jeff Blair's process design was simple, effective, sequential and iterative. Issues were generated. The list was narrowed to include the right issues for the scope of the LAB. There was agreement on the issues. The issues were ranked according to scale. Data needs were assessed. Science and education were presented by FWC staff before

addressing a topic or option. Copies of data were given to each board member. Options were generated. Consensus votes were taken on the options. Options were discussed. New options were created or old ones refined. No option was removed unless it was clearly not supported. The process of consensus voting was repeated. Feedback was given at the end of the meetings. Then, this entire process was repeated. By using this simple format, Jeff Blair was able to get consensus on issues based on interests between diverse parties. Added to this was the sense of accomplishment and satisfaction on behalf of the board's participants. It is amazing that Jeff Blair was able to take a room full of stakeholders from diverse and opposing positions and get them to work together successfully, reach consensus, and formulate a fishery management plan based on interests. This case held all the potential for disaster should there have been an unsuccessful and unplanned process. Yet, through successful handling and a well planned process, the Lobster Advisory Board was a great success.

Bibliography:

Blair, Jeff A. Telephone Interview with Jeff Blair. Interviewer: Sheppard, Katherine. June 20, 2008.

Blair, Jeff A. *FACILITATOR'S SUMMARY REPORT OF THE JULY 20, 2005 MEETING—MEETING 1. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD.*
<http://consensus.fsu.edu/FWC/LAB.html>. Report 7/29/05.

Blair, Jeff A. *FACILITATOR'S SUMMARY REPORT OF THE JANUARY 9, 2006 MEETING—MEETING 2. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD.*
<http://consensus.fsu.edu/FWC/LAB.html>. Report 1/19/2006.

Blair, Jeff A. *FACILITATOR'S SUMMARY REPORT OF THE APRIL 11, 2006 MEETING—MEETING 3. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD.*
<http://consensus.fsu.edu/FWC/LAB.html>. Report 5/1/2006.

Blair, Jeff A. *FACILITATOR'S SUMMARY REPORT OF THE MAY 23, 2006 MEETING—MEETING 4. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD.*
<http://consensus.fsu.edu/FWC/LAB.html>. Report 5/30/2006.

Blair, Jeff A. *FACILITATOR'S SUMMARY REPORT OF THE JULY 6, 2006 MEETING—MEETING 5. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD.*
<http://consensus.fsu.edu/FWC/LAB.html>. Report 7/14/06.

Blair, Jeff A. *FACILITATOR'S SUMMARY REPORT OF THE SEPTEMBER 6, 2006 MEETING—MEETING 6. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD.*
<http://consensus.fsu.edu/FWC/LAB.html>. Report 9/15/06.

Blair, Jeff A. *FACILITATOR'S SUMMARY REPORT OF THE JANUARY 9, 2007 MEETING—MEETING 7. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD.*
<http://consensus.fsu.edu/FWC/LAB.html>. Report 2/4/07.

Blair, Jeff A. *FACILITATOR'S SUMMARY REPORT OF THE MARCH 21, 2007 MEETING—MEETING 8. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD.*
<http://consensus.fsu.edu/FWC/LAB.html>. Report 4/20/07.

Blair, Jeff A. *FACILITATOR'S SUMMARY REPORT OF THE MAY 15, 2007 MEETING—MEETING 9. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION SPINY LOBSTER AD HOC ADVISORY BOARD.*
<http://consensus.fsu.edu/FWC/LAB.html>. Report 6/7/07.

Fisheries Management Issue: Environmental Effects of Florida's Spiny Lobster Fishery. A report provided to the *ad hoc* Spiny Lobster Advisory Board by the Florida Fish and Wildlife Conservation Commission Staff.
<http://myfwc.com/marine/workgroups/2006/spinyLobster/Apr/EnvironmentalEffectssofFishery.pdf>. April 11, 2006.

Fisheries Management Issue: Pro-active Management of Harvest Allocation in the Florida Spiny Lobster Fishery. A report provided to the Ad Hoc Spiny Lobster Advisory Board by the Florida Fish and Wildlife Conservation Commission Staff.
<http://myfwc.com/marine/workgroups/2006/spinyLobster/Apr/MngmntofHarvestAllocationRpt.pdf>. April 11, 2006.

Fisheries Management Issue: Pro-active Management of Harvest Allocation in the Florida Spiny Lobster Fishery: Part II. A report provided to the *ad hoc* Spiny Lobster Advisory Board by the Florida Fish and Wildlife Conservation Commission Staff.
<http://www.floridaconservation.org/marine/workgroups/2007/Lobster/reports/ProactiveManagementofLandingsAllocationsPartII.pdf>. May 23, 2006.

Fisheries Management Issue: Setting a maximum size limit ("slot limit"). A report provided to the *ad hoc* Spiny Lobster Advisory Board by the Florida Fish and Wildlife Conservation Commission Staff.
<http://myfwc.com/marine/workgroups/2006/spinyLobster/Apr/MaximumSizeLimitReport.pdf>. April 11, 2006.

Fisheries Management Issue: Special Recreational Lobster Sport Season. A report provided to the *ad Hoc* Spiny Lobster Advisory Board by the Florida Fish and Wildlife Conservation Commission Staff.
<http://myfwc.com/marine/workgroups/2006/spinyLobster/Apr/SpecialSportSeasonReport.pdf>. April 11, 2006.

Management of Harvest Allocation in the Florida Spiny Lobster Fishery. Presentation to the *ad Hoc* Spiny Lobster Advisory Board by Florida Fish & Wildlife Conservation Commission Staff.
<http://myfwc.com/marine/workgroups/2007/Lobster/presentations/ManagementofHarvestAllocation.pdf>. April 11, 2006.

NOAA. *Caribbean Spiny Lobster.*
http://www.nmfs.noaa.gov/fishwatch/species/car_spiny_lobster.htm

Sharp, William C.; Bertelsen, Rodney D. *Long-term trends in the recreational lobster fishery of Florida, United States: landings, effort, and implications for management.*

http://marineeconomics.noaa.gov/SocmonFK/Sharp_Leeworthy_Report.pdf.

February 10, 2004.