

**State of California**

**M e m o r a n d u m**

**Date:** August 21, 2007

**To:** North Central Coast Regional Stakeholder Group

**From:** **Nancy Foley, Chief**  
Law Enforcement Division  
Department of Fish and Game

**Subject:** Department of Fish and Game guidance on bag limits, size limits, and catch and release fishing in MPAs

In the second North Central Coast Regional Stakeholder Group meeting, held July 10-11, 2007, several questions were raised as to whether different bag limits, different size limits or a catch-and-release-only MPA would be feasible.

This memorandum has been developed based upon the extensive professional experience of Enforcement Staff related to marine enforcement.

**Analysis and Discussion**

1) Would different bag limits within MPAs pose enforcement difficulties and, if so, what are they?

- Yes. This would pose difficulties.

- The enforcement of MPA "bag limits" would need to be done almost entirely from patrol boats operating within the individual MPAs. It is highly likely that anglers will pass through numerous MPA's during the course of a single day's fishing trip (whether they fish in them or not). Because of the transient nature of the fishing boats, trying to determine exactly where fish were taken would be virtually impossible. For example, fish caught in an 'open' area that might have a more generous bag limit, would be indistinguishable from those taken within an MPA. To be enforceable, the more restrictive (MPA) bag limit would have to apply to the entire area, both the MPA and the "open" ocean.

2) Would different size limits within MPAs pose enforcement difficulties and, if so, what are they?

- Yes. This would pose difficulties.

- The response under this scenario is the same as for question 1. The size limits in effect for the MPA's would have to apply to all anglers entering the MPA even if size regulations are different in the open ocean. An angler coming ashore with a fish larger than allowed in an MPA could simply say the fish was caught in the open ocean. There would be no way to dispute the angler's claim unless a warden watched

the angler fish in an MPA and followed the boat's progress from that point to the dock without ever seeing the boat stop to fish anywhere else.

3) Would creating a "catch and release only" MPA be enforceable?

- This approach might conceivably work in a rocky intertidal area or slough that allows enforcement personnel immediate access to anglers and the resource. The MPA would have to be monitored closely by enforcement personnel just as any catch and release area is. Enforcement of a "catch and release" requirement in a MPA would be problematic because anglers transiting by boat between "catch and release" MPAs and open ocean could stop to fish with bait, or flies/lures, and bring fish home illegally. Unless a warden can prove the fish were taken/retained in the MPA, once again, the benefit of the doubt would have to go to the angler. Also, an additional burden would be placed on the wardens by requiring them to spend time verifying gear types and inspection at sea. Possession of fish aboard the vessel would be prohibited with any gear in the water. The additional complication of the unavoidable mortality would also arise. Enforcement of "floaters" around the vessel or intertidal areas may need to be addressed.