

STAFF SUMMARY FOR FEBRUARY 16-17, 2022

5B. DEPARTMENT DIRECTOR'S AND LAW ENFORCEMENT DIVISION REPORTS**Today's Item**Information Action

DFW will highlight items of note since the last FGC meeting.

Summary of Previous/Future Actions (N/A)**Background**

Verbal reports are expected for the DFW Director's and Law Enforcement Division reports.

News releases of interest is included as exhibits 1 and 2.

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. [DFW News Release: Commercial Lobster Fisherman Convicted of Poaching in Marine Protected Area, dated Dec 8, 2021](#)
2. [DFW News Release: Commercial Poachers Convicted for Illegal Fishing in Marine Protected Areas, dated Jan 12, 2022](#)

Motion (N/A)

Commercial Lobster Fisherman Convicted Of Poaching In Marine Protected Area

December 8, 2021



A five-month-long investigation on a commercial lobster poaching suspect concluded with a conviction in Los Angeles County Superior Court, the California Department of Fish and Wildlife (CDFW) announced. The conviction is on top of prior commercial lobster poaching convictions and occurred while the suspect was on probation for the prior convictions.

After a series of complaints from legitimate commercial lobster harvesters operating offshore of San Pedro and Palos Verdes, Los Angeles County, CDFW launched an investigation of illegal commercial poaching activity. Using a combination of multiple contacts and inspections at sea and at the dock, home visits, analysis of marine navigation equipment seized during the investigation and various surveillance techniques, wildlife officers concluded that Rustin Craig Wilson, 37, of Lawndale, had been engaged in several commercial fishing behaviors that resulted in potential violations of commercial fishing laws and regulations. Wilson is known

to wildlife officers for prior commercial lobster fishing convictions and was in the middle of a 36-month probation for those convictions by a February 13, 2020, court order.

Strict regulation provides for a remarkably successful California spiny lobster fishery for both recreational and commercial harvesters. The stringent rules are designed to allow for a limited amount of take of lobster both recreationally and by commercial harvesters while ensuring the long-term sustainability of the lobster fishery, such as:

- All harvested lobsters have a size limit to ensure they have one or more opportunities to reproduce before growing to legal size for harvest;
- Any harvest must be during an established lobster fishing season, which is outside of the lobster reproductive season;
- Commercial lobster harvesters must employ trap “destruct devices” to automatically open the trap if it is lost to the sea and cannot be recovered because traps without destruct devices can keep fishing and ultimately keep killing lobsters; and
- Traps must be checked at least every seven days. Lobsters left in a trap for longer than that timeframe increase their chances of limb breakage and mortality.

The investigation revealed evidence of unlawful commercial take of lobsters within the Blue Cavern Onshore State Marine Conservation Area (SMCA) at Santa Catalina Island and failure to service lobster traps within the seven-day mandatory trap check requirement.

“Several legitimate commercial lobster harvesters were frustrated with the unlawful practices of a rogue colleague who was trapping lobsters in a marine protected area and who also failed to responsibly fish with lobster traps he placed in other areas,” said David Bess, CDFW Deputy Director and Chief of the Law Enforcement Division. “The majority of California’s commercial lobster fleet care very much about the long-term viability of the fishery and our wildlife officers appreciate their continued compliance and their assistance with this investigation.”

Wilson pleaded no contest to one count of fishing in the Blue Cavern SMCA and another count of failure to check his traps within the seven-day required period. He was ordered to pay \$885 in fines and penalties, ordered to perform 30 days of community labor, must forfeit all seized evidence including traps and his GPS plotter and was placed on probation for 12 months. During his probation, he is prohibited from fishing either commercially or recreationally anywhere in Los Angeles County, including Catalina and San Clemente islands, nor can his vessel be used to fish. He remains restricted by court order from handling the lobster traps of fellow lobster harvesters, commercial or recreational.

CDFW also thanks Los Angeles City Attorney Mike Feuer and prosecutors at the Environmental Justice Unit for their steadfast effort to prosecute this and many other environmental cases.

Commercial Poachers Convicted For Illegal Fishing In Marine Protected Areas

January 12, 2022



A San Diego County judge recently imposed a \$5,000 fine on a Commercial Passenger Fishing Vessel (CPFV) operating in a Marine Protected Area (MPA), the California Department of Fish and Wildlife (CDFW) announced. It was the first implementation of increased commercial poaching fines and penalties under Assembly Bill 2369, authored by San Diego Assemblywoman Lorena Gonzalez Fletcher. AB 2369, which is specific to illegal activity in California's MPAs, went into effect in Jan. 2019.

The case was tried in San Diego County Superior Court and prosecuted by San Diego County Deputy District Attorney, Landy Spencer-Daly.

The case was initiated in December 2020 by wildlife officers aboard the CDFW patrol boat Thresher as they patrolled the Swami's State Marine Conservation Area (SMCA), one of many regions of California's coast protected by designation as an MPA. Swami's SMCA is located midway along the coast of San Diego County. Acting on a tip regarding illegal fishing in the SMCA, the officers noticed the CPFV Electra on their radar and their Automatic Identification System inside the northwest corner of the SMCA. As the Thresher approached the Electra, wildlife officers noticed passengers on the boat reeling in lines and keeping fish. After

boarding the vessel for inspection, the officers clearly documented commercial passenger fishing vessel activity and cited the vessel's captain for fishing in the Swami's SMCA. The case was solidified with further documentation of the vessel's presence in the MPA via the shore-based radar Marine Monitor vessel tracking system. The Electra is owned by Helgren's Sportfishing, based out of Oceanside Harbor.

In November, Helgren's Sportfishing, through owner Joseph Helgren, pleaded guilty to a violation of Fish and Game Code, section 12012.5, resulting in a fine of \$5,000 and an order to stay out of Swami's SMCA for one year.



“The \$5,000 minimum fine imposed in the Electra case is the first of its kind since the law was passed,” stated David Bess, CDFW Deputy Director and Chief of the Law Enforcement Division. “We hope the Electra case disposition will send a message that commercial fishing in an MPA will be stopped by wildlife officers and will result in substantial fines.”

The [law](#) specifically states that if a CPFV operator fishes or facilitates fishing in an MPA, that operator is guilty of a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$40,000, imprisonment in the county jail for not more than one year, or by both a fine and imprisonment. If a person is convicted of a subsequent violation occurring within 10 years of a prior violation that resulted in a conviction, CDFW may suspend that person's commercial fishing license. Subsequent violations are also subject to fines of not less than \$10,000 nor more than \$50,000, imprisonment in the county jail for not more than one year, or by both a fine and imprisonment.