

Chapter 8. Abalone Enforcement Activities

8.1 Overview

Department enforcement activities are centered around the following major areas:

- Protect areas closed to fishing and ensure compliance with regulations through enforcement and educational activities
- Collaborate with scientific staff in conducting research from enforcement vessels
- Participate in reviews of the effectiveness of proposed recovery and management regulation and plan amendment

“Enforcement” includes both coastal-based enforcement and Special Operations Unit personnel of the Department. In addition to work dedicated directly to abalone, enforcement activities generally directed toward other fisheries and Marine Protected Areas also serve to protect abalone resources. Officers also inform and educate constituents about regulations that protect recovering and managed abalone stock (Section 9.1.4 Enforcement).

8.2 Methods Used by Wardens for Abalone Regulation Enforcement

Enforcement personnel use a variety of methods to assist in tracking illegal take of abalone. The most visible method is patrol of the tidal areas during minus tides by uniformed wardens. During these routine patrols, wardens will check fishing licenses and abalone permit report cards to ensure abalone harvesters are properly licensed, and are correctly filling out the report card. Wardens also check to make sure the person has only their own report card in their possession and are not using a card belonging to someone else.

Various equipment to enhance visual observations is also used by wardens to watch selected areas or persons collecting abalone, including use of video cameras as deemed necessary. This equipment often allows wardens to catch violations that would otherwise go undetected. Aircraft are used in conjunction with wardens on the ground to direct personnel into areas that are not easily observed from shore.

Boat patrols are another way that wardens make contacts or observe divers to check compliance with the abalone regulations. Boats allow wardens access to many areas that are not accessible normally from shore. In addition to smaller boats, occasional patrols are made utilizing the 57-foot patrol boat from San Francisco Bay. This vessel has long range, multi-day capability with a skiff that can be launched to check shallow water areas.

Undercover wardens are used by the Department to discretely observe those persons that have been reported as violators. This unit has been very successful at tracking illegal take of abalone for commercial purposes. Many high profile cases have been successfully prosecuted from the efforts of these wardens. Forfeiture of vehicles, boats and dive gear have resulted from these cases. Several people have been sentenced to state prison terms after being convicted of felony violations by the courts,

stemming from cases made by this unit. Uniformed wardens often work closely with the undercover personnel, exchanging information and tracking the activity of the suspected commercial poachers.

Directed enforcement details are conducted on several occasions both during and after the abalone season. Abalone checkpoints are established several times during the season to educate the public, check compliance with laws and detect violations. In 2001 wardens conducted a special detail throughout California to follow-up on abalone report card purchases that appeared to be in violation of the law. During this detail, some citations were issued for illegal purchase of more than one abalone report card. Additionally, some persons were cited for failure to return the previous year's report card. The Department will continue with these types of details in our attempt to curtail violations of the abalone laws and to increase the percentage of abalone permit report cards returns.

The CalTIP program (phone number:1-888-334-2258) has been very helpful with enforcement efforts related to abalone. With limited personnel available, wardens depend on the public to report violations they observe. While wardens do not expect witnesses to confront violators, good observations of what took place (people and vehicle descriptions along with camping location or direction of travel of the violator) is a great help. Many significant violations are successfully prosecuted each year as a result of the CalTIP program.

8.3 Collaboration Between Management and Enforcement

Enforcement and management personnel typically work separately to achieve their individual mandates from the Department. This is because each group uses its own techniques and methods to solve its particular abalone management problems (that is, law enforcement vs. biological techniques). In some situations however, both groups work together to achieve a common goal. One example is the proposal to change or add new laws to CCR Title 14 sections impacting take and possession of abalone. Another example is working together to review the database of abalone report card purchases. Wardens take an active interest in regulatory proposals, as enforcement of those proposals will impact field wardens. Management personnel strive to ensure that what is being proposed can effectively be achieved by the warden force.

Wardens also work with the biological staff as Department-certified scuba divers. In this capacity, enforcement personnel assist with such things as abalone surveys for density, recruitment and predation problems. Other special requests for assistance from enforcement divers are also met based upon availability of personnel.

Enforcement patrol boats serve as working platforms in many instances for both Department and contracted biological surveys related to abalone. Patrol vessels typically used for this activity are 24-foot rigid-hull inflatables, or the 57-foot patrol boats. These vessels provide mobility and work platforms for biologists in many areas of the coast where they do not have boats available.

Enforcement have a representative that sits as a voting member on the Recreational Abalone Advisory Committee (RAAC). There is also a biologist that is a voting member of the RAAC. Funds obtained from sale of abalone report cards has

been vital to law enforcement in providing equipment and overtime funding to law enforcement personnel, resulting in enhanced field detection and apprehension of abalone violators (Section 9.3.1 Interim Costs (2005 to 2011) and 9.3.3 Funding Sources).

8.4 Enforcement Needs

An electronic database tracking system is needed along with some changes to the abalone report card that will allow wardens to better track who is purchasing the report cards and how many abalone have been taken in a season. A proposal for some change along these lines is being considered by the Department, but funding will be needed to establish and maintain the database and make changes to the report card system. A database that can be accessed at the beginning of the abalone season would be a great benefit to both enforcement and biological staff. The benefit to enforcement is a better tracking system to eliminate persons buying more than one report card and the ability to flag any persons whose license for taking abalone has been revoked by the courts. Biologists would benefit from having real-time information on the identity of report card purchasers, improving the timeliness of catch estimates when linked to returned report cards, providing estimates of the amount of funding available for abalone management, and improving the ability to contact abalone divers and pickers via informational mailings.

Wardens need the ability to electronically record information in the field concerning who has been checked and how many abalone have been taken for the season. This type of tracking system (linked to a master database) would allow more effective enforcement of abalone violators and would lead to a higher percentage of violators being caught and prosecuted.

In the future, enforcement and management will need to work together to develop a reliable database of abalone permit report cards that can be accessed on the front end of the season. That database will provide valuable law enforcement and management information on a timely basis, which will allow shifts in both functions to address noted problems as the season progresses.

8.5 Community Outreach

Public awareness campaigns about the vulnerability of our intertidal and subtidal marine resources to overfishing could be expanded. Examples of activities include educating students at schools, creating Internet website interactive games and activities, and enlisting the participation of community groups, fishermen, and coast watch groups that maintain some form of stewardship (such as close observation of local fishing activities to discourage poaching).