

State of California

Memorandum

Date: February 10, 2009

To: South 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 and size limits 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.