

STATE ENFORCEMENT ACTIVITY REPORT

Assistant Chief Tony Warrington of the California Department of Fish and Game (CDFG) Enforcement Division will provide an overview and status report that will include a review of recent cases and how marine protected area development has affected enforcement.

Council Task:

Discussion.

Reference Materials:

None.

Agenda Order:

- a. Agenda Item Overview
- b. Enforcement Presentation
- c. Report and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion

Jim Seger
Tony Warrington

PFMC
08/23/07

California Department of Fish and Game



**Enforcement Update
September 2007**

Today's Challenges



Gross Overlimits



Commercialization



Poaching Wildlife



Specialized Markets

Shark fins



Trophy Hunting



Invasive Species



Commercial Fishing



Public Safety Wildlife



Illegal Drugs/Poaching/Pollution



Sportfishing



Pollution



General Law Enforcement



Homeland Security

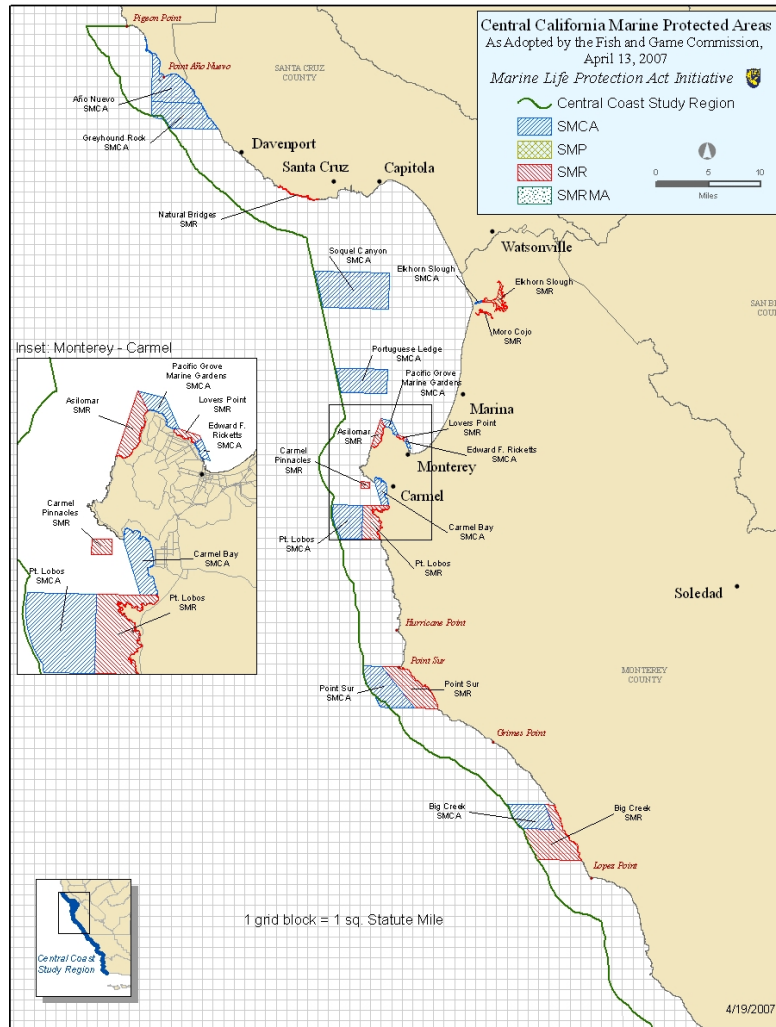


Central Coast MPA's



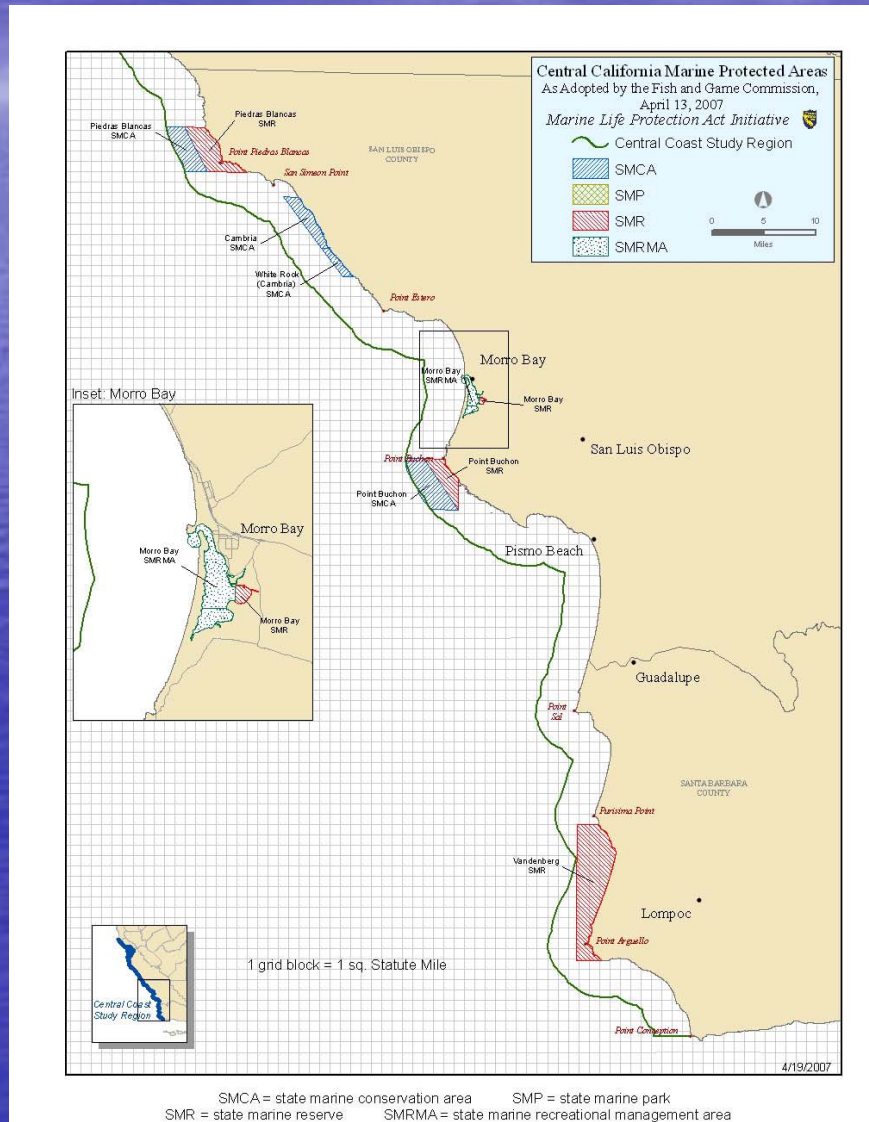
SMCA = state marine conservation area SMP = state marine park
SMR = state marine reserve SMRMA = state marine recreational management area

Northern Central Coast MPA's



SMCA = state marine conservation area SMP = state marine park
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Southern Central Coast MPA's



Marine Protected Areas

- The 29 Central Coast MPA's make up 204 square miles (roughly 18 percent) of state waters in the study area
- Regulations will go into effect on Friday Sept. 21, 2007
- The central coast is the first of five study regions that will eventually lead to a network of MPAs along the state's 1,100-mile coastline by 2011.

Types of Marine Protected Areas

- 15 State Marine Conservation Areas (SMCA), which limits recreational and commercial fishing;
- 13 "no-take" State Marine Reserves (SMR); a total of 85 square miles
- One State Marine Recreational Managed Area (SMRMA); Morro Bay State Marine Recreational Management Area, where recreational fishing is limited or restricted.

Registered Boats in CA

June 2006

- 1. **California 1,051,606**
- 2. Michigan 1,000,337
- 3. Florida 922,597
- 4. Minnesota 834,974
- 5. Wisconsin 650,280
- 6. Texas 624,390
- 7. New York 529,732
- 8. Ohio 413,276
- 9. Illinois 398,431
- 10. South Carolina 383,971
- 11. Pennsylvania 357,729
- 12. North Carolina 353,625
- 13. Louisiana 327,272
- 14. Missouri 325,717
- 15. Georgia 325,135
- **16. Washington 266,717**
- 17. Alabama 264,191
- 18. Tennessee 259,235
- 19. Virginia 243,590
- 20. Mississippi 199,037

Our Wardens Make A Difference



Marine Enforcement

Seven Large Patrol Boats



Marine Enforcement

Many smaller patrol skiffs



Marine Enforcement

Five Airplanes



Enforcement Personnel

- 361 Enforcement Positions Statewide
- 60 to 80 wardens with marine emphasis
- Many retirements coming in the next five years
- Major difficulties with recruitment and retention of wardens

Enforcement Contacts in 2006

Law Enforcement Division Citation Summary			2006		
Activity	Violations	Percentage	Activity	Violations	Percentage
Abalone	650	3.51%	Hunting, No License	216	1.17%
Angling, No License	6690	36.14%	Baited Pond Hunting	9	0.05%
Black Bass	211	1.14%	Bear Violations	66	0.36%
Clams/bivalves	315	1.70%	Bighorn Sheep	1	0.01%
Other Shellfish	202	1.09%	Deer Violations	455	2.46%
Illegal Method of Take	1332	7.20%	Doves & Pigeons	191	1.03%
Misc. Inland Fishing	1420	7.67%	Waterfowl	239	1.29%
Misc. Ocean Fishing	1253	6.77%	Loaded Firearm	308	1.66%
Salmon	687	3.71%	Mountain Lion	21	0.11%
Striped Bass	721	3.89%	Pheasant	29	0.16%
Trout	310	1.67%	Other Small Game	102	0.55%
Sturgeon	55	0.30%	Spotlighting	125	0.68%
Sport Fishing Subtotal	13846	74.79%	Trespass 2016-2018	175	0.95%
Commercial Abalone	18	0.10%	Trespass, Title 14	165	0.89%
Commercial Lobster	14	0.08%	Misc. Hunting	580	3.13%
Commercial Fishing	159	0.86%	Protected Species	72	0.39%
Commercial License	81	0.44%	Hunting Subtotal	2754	14.88%
Commercial Records	92	0.50%	Trapping	3	0.02%
Commercial Nets	4	0.02%	Litter	310	1.67%
Commercial Subtotal	368	1.99%	Falconry	23	0.12%
Stream Obstruction	31	0.17%	Wildlife area violation	34	0.18%
Pollution	293	1.58%	Other	68	0.37%
FG Code 1601-1603	209	1.13%		0	0.00%
Misc. Non-hunting	573	3.10%		0	0.00%
Misc. Subtotal	1106	5.97%	Trap+Litter+Falconry	438	2.37%
Total Citations	15710		Total Violations	18512	
Contacts	390468				
Warnings	60048		District Summaries	Citations	Percentage
Assist Other LE	3819		OSPR	713	4.54%
Federal Cases	63		Northern	3396	21.62%
Penal Code/Other Code	1005		North Coast	2931	18.66%
City/County Ordinances	42		Central	3428	21.82%
Felonies	111		Southern	3638	23.16%
Other	135		DBEEP/HQ	1604	10.21%
Percent of Contacts Warned		15.38%	Percent of Contacts Cited		4.74%
Month	Citations	Percentage	Month	Citations	Percentage
January	1042	6.63%	July	1782	11.34%
February	1115	7.10%	August	1413	8.99%
March	826	5.26%	September	1531	9.75%
April	1321	8.41%	October	1526	9.71%
May	1714	10.91%	November	921	5.86%
June	1658	10.55%	December	861	5.48%

Summary of 2006 Contacts

- 390,468 Enforcement Contacts
- 60,048 Warnings Issued
- 15,710 Citations Issued

Joint Enforcement Agreement (JEA)

- \$750,000 contract between NOAA/NMFS and CDFG to provide federal fisheries enforcement
 - ESA salmon and steelhead
 - In river patrol
 - Habitat destruction
 - At sea boat patrol
 - At dock vessel inspections
 - Fish business inspections

JEA Enforcement Hours 06/07

- 4,500 hours of Federal at sea boat patrol
- 2,250 hours of Federal Dockside inspections/Business inspections
- 15,000 hours of in-river ESA/Anadromous fish patrol
- 50 hours of aircraft patrol in Federal waters

Other Federal Patrol Efforts

- Channel Islands National Marine Sanctuary
- Monterey Bay National Marine Sanctuary
- CDFG has small contracts in place to assist with the respective enforcement efforts

Enforcement Partners

- NOAA
- USFWS
- USCG
- NPS
- Sanctuaries
- State Parks
- Washington and Oregon Fish and Wildlife
- Many local law enforcement agencies

History

- Fish Planting Truck



- Enforcement Vehicle



Sharks



Abalone



1956 Marine Enforcement

By CLAUDE M. KREIDER

CALIFORNIA sportsmen are familiar with "the law" as represented by the neatly uniformed, courteous and efficient wardens of the Department of Fish and Game who check their licenses and bag limits on the trout stream and in the hunting field. Less well-known are the salt water wardens who, in speedy, specially-equipped cruisers, patrol the sea off our 1,000 miles of coast line.

Other craft of the Marine Patrol are assigned to inland waters, such as San Francisco Bay, the Sacramento and San Joaquin Delta region and even farther up these major streams. Their problems are many, dealing with intricate regulations affecting both commercial and sport fishing, principally for striped bass, salmon and steelhead.

But, it is the sea-going officers, whose law-enforcement efforts are based upon

many complicated legal angles, particularly regarding commercial fishing, who most often develop perpetual "headaches." And, with commercial fishing rated the State's fourth largest industry, with 85 percent of the catch taken south of Santa Barbara, the Marine Patrol's efforts are concentrated on our southern coast.

In charge of this Patrol district is Chief Tom Schilling, with his headquarters at Terminal Island. Here are based two real, sea-going "bloodhounds," the 63-foot *Marlin* and *Bluefin*. Specially built and fitted for this work, each is powered with twin, 650-horsepower engines, capable of a maximum speed of 30 knots per hour, with an easy cruising speed of 20 knots. "Sufficient," says Chief Schilling, "to catch any craft that feels guilty enough to run from us."

In this great South Coast fishery the purse seine fleet roams the ocean, and many regulations affecting their work must

be checked. All the sea is theirs, so a sensible law prohibits seining within a three-mile strip around Catalina Island, which is reserved for the sport fishing boats. Here, too, a huge industry which permits Mr. John Public a carefree day, with something for his deep-freeze at home. He buys an annual license to fish the ocean, and a portion of his money, going into Fish and Game funds, should rightfully be used to protect his interests.

By the same token the Marine Patrol boats check sport fishermen for licenses, with party-boat operators usually co-operating to the fullest, explains Chief Schilling. The past season thousands of angler-checks were made, and 300 citations were issued to those without licenses.

Electronic "detectives," radar and short-wave radio, are of immense help in commercial law-enforcement work. There was a night of dense fog on Catalina's west side, when this writer was aboard the

Bluefin. A cryptic radio message came from the fast little *Pompano*, working out of Avalon. Captain DeSpain, who intentionally holds a master's license for "any ship in any sea," nosed his craft carefully along under the rocks. The tiny "pip" on the radar screen showed a boat, close inshore—and finally near us. The powerful searchlight disclosed the seine being hoisted aboard, sardines still enmeshed. Here was sufficient evidence for conviction, and it was meted out swiftly in the court of Judge Ernest Windle in Avalon next morning.

But such violations are rare and most boat captains recognize the necessity of the various regulations, intended after all, to preserve the fish which mean their livelihood. It is only the occasional violator who feels the law's heavy hand. And it is weighty in most instances.

There was the glaring instance of two boats netting illegally just off Newport

Pier one June. There was one conviction in the local court and the other case is on appeal. A total of 24,751 pounds of bluefin tuna was seized, sold by the Department of Fish and Game for \$4.35, and the money held by the State, pending final action! Nets of illegal type, or those used in restricted waters, are likewise seized and sold.

Farther up the coast the 63-foot *Bonito*, a sister ship to the *Marlin* and *Bluefin*, patrols out of San Francisco Bay. And the big, speedy 83-foot *Albacore* plies from Monterey Bay up to Eureka waters, centering upon the salmon-fishing industry. Both these boats, among other tasks, check the "drag-netting" from Point Rincon north, where the operation is illegal inside a three-mile line along the coast. This fishery centers upon deep trawling, with sole, rock and black cod (sablefish) and others taken as deep as 250 fathoms.

The patrols out of Los Angeles, New-

port and San Diego harbors entail a multitude of operations in addition to those touched upon above. The laws dealing with lobsters, abalones and clams; legal fishing seasons and areas, and bag limits, must be enforced. Last October Chief Schilling, on an inspection trip around Catalina Island, counted 200 skin divers, whose adventurous fishing is subject to certain regulations. And one Memorial Day more than 1,000 private yachts were counted in Catalina waters. With many fishing, here was necessity for Patrol observation and checking.

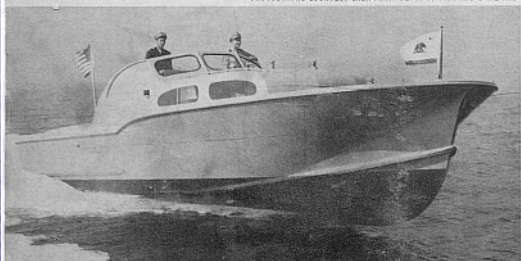
Working closely with the sea-going crews are the Land Patrol wardens, 12 of them and two captains, working from Santa Barbara south. With radio-equipped cars they can be in constant touch with the cruisers and with Headquarters, using a wave-band which assures privacy. These experts, completely versed in the intricate laws affecting commercial fishing, also inspect the cargo of incoming vessels, as well as the many canneries, along with biologists from the State Marine Fishery Laboratory, at Terminal Island.

The basic approach of the Patrol Service to the law-enforcement problem is a fair one: "lean over backward" in giving any suspected violator the benefit of the doubt and arrest only those who are clearly wilful violators. The arresting officers then must be sure of their ground. And the records show that only once in the past 25 years has the Department of Fish and Game lost a major case in commercial fishery arrests in this area.

The oft-used term, "sea lawyer," implying meager knowledge of the law, has no place in the Patrol personnel. There's Capt. Bob Kanen, second in command to Chief Schilling. He not only can quote the Fish and Game Code by the page, but has often provided an "air tight" case and secured a conviction, when opposed by the "highest powered" professional legal talent.

South Coast sportsmen can indeed feel that their interests are being well guarded by this efficient branch of our Department of Fish and Game.

PHOTOGRAPHS COURTESY CALIFORNIA DEPT. OF FISH AND GAME AND THE AUTHOR



• This fast little cruiser, which planes at top speed, is the *Yellowroll*, newest of the patrol ships for the Department of Fish and Game. She has been assigned to duty out of Port Hueneheme



• Radar and radio-telephone help Captain Ralph Dale locate suspicious craft at night or in fog



• In a night of dense fog the *Bluefin*, guided by radar, located this purse seiner close under the cliffs of Catalina Island. Her crew was hoisting aboard the net in which sardines were enmeshed

SEA-GOING GAME WARDENS

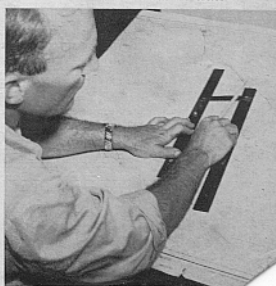


• The fathometer warns of dangerous shallows as it records exact depths for patrol cruisers



• The crew of the *Marlin* consists of captain, engineer, deck hand and a "boarding warden"

• A patrol boat captain, thoroughly familiar with offshore waters, here charts his course



1956 Marine Enforcement

- The author wrote,
"the sea going officers, whose Law enforcement efforts are based upon many complicated legal angles, particularly regarding commercial fishing, who most often develop perpetual "headaches"

- As they needed in 1956, we need simplicity in our regulations
- During the next year, CDFG will be looking for ways to simplify our state marine regulations
- CDFG encourages the council to do the same as you move forward with the federal regulatory process