

BACKGROUND INFORMATION: FISHING REGULATIONS IN MARINE MANAGED AREAS OF CALIFORNIA, OREGON AND WASHINGTON

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PLEASE READ THIS BACKGROUND DOCUMENT TO UNDERSTAND THE LIMITATIONS AND USE OF THE INFORMATIONAL TABLE AND GIS DATA LAYER.

There are hundreds of areas, known generally as “marine managed areas” (MMA)¹, in the marine and coastal environment that have been designated for a variety of reasons. Some areas, for example, protect special habitats or certain bird or fish or mammal species, while others provide public park land or research opportunities, while still others restrict navigational access for safety, security, or other purposes (see [General Description of Types of Areas](#)).

This background information is accompanied by a table called [Fishing Regulations In Marine Managed Areas of California, Oregon and Washington](#). The table provides information on the effects of an area's designation on fishing activities. It is also accompanied by and meant to be used with a [GIS layer](#) that maps these areas. This GIS information has been assembled by Allison Bailey at TerraLogic GIS. The GIS layer accompanies and is meant to be used with the table and this background information².

The table relates only to areas of marine or tidal influence and not to fresh water, riverine, or lake areas. It is broken down into three sections—areas established by federal agencies, areas established by the Pacific Fishery Management Council, and areas established by state, local, or private entities (see general summary information below). The columns include the site's name, location, year established, and provide information on the fishing regulations that are in place and what gear types can be used. It is to be noted that regulations change over time and the information in the table is just a snapshot, representing information current through 2004 regulations.³

There are about 321 distinct areas noted. Fifty nine of these areas may be considered marine reserves where all fishing is prohibited due either to specific fishing regulations or to access restrictions. That is, the majority of sites included in the table do not prohibit all fishing activities. Some sites may, for example, prohibit commercial fishing but allow recreational fishing; others allow fishing for some, but not

¹ NOAA's Marine Protected Area center (www.mpa.gov) is proposing a definition of MMA that will be published in the Federal Register for public comment in 2005. This proposed definition results in a more restricted list of areas as it would include only sites established for a conservation purpose and having the same set of geographical boundaries for at least 2 consecutive years.

² GIS data delineating Federal marine managed areas have been acquired from the Marine Protected Area (MPA) center's Marine Managed Areas Inventory. Compilation of GIS data layers for marine protected areas in state waters was completed for Oregon and is in progress through the MPA center for Washington and California. GIS data delineating existing and historic federal fishing conservation areas have been created from coordinates published in the Federal Register and on the Groundfish Management website of the NMFS, Northwest Regional Office. Guidance for the interpretation of the regulations has been provided by Yvonne DeReynier and Carrie Nordeen at NMFS, Northwest Regional Office. In addition, boundaries for statewide closures to trawling in Washington and California have been delineated. Spatial boundaries for other state-specific fishery regulations have not been collected due to time and resource constraints. For more information please see the metadata accompanying the GIS file.

³ New rules further regulating bottom trawling in California state waters were passed September 23, 2004, through Senate Bill 1459. These rules further regulate fishing for California halibut, sea cucumbers, pink shrimp, ridge-back, spot, and golden prawns. Provisions will be phased in beginning April 2006 and are not included in the table.

all species of fish or invertebrates. Still others may only regulate fishing for one type of organism. The fishing regulations that do affect the sites often regulate the species of fish that may be caught. Less commonly, the rules specify or limit the type or sizes of gear (see gear [descriptions](#)) that may be used. This makes it difficult, unless one is familiar with different fishing techniques for different species, to understand the potential impacts of fishing on habitat. For example, in some areas bottom trawl gear is not allowed, but midwater trawl gear (which sometimes may be fished on or near the bottom) may be, or groundfish bottom trawl gear might be prohibited but shrimp or prawn or California halibut trawl gear may be allowed, or bottom trawls that have small footropes (which discourages access to areas with rough rocky bottoms) might be allowed, but those with large footropes might be prohibited (for an example, see [Figure 4](#) (shifts in trawl effort after small footrope restrictions) from [Appendix 19 of Appendix A](#) of the Pacific Coast Groundfish EFH Final EIS). This table does not yet reflect tribal fishing rules or the gear or area restrictions implemented by Washington treaty tribes. There is also a place-holder column to reflect whether kelp harvest is regulated, but most of it has not yet been completed.

It is important to recognize that the fishing regulations noted in this table are only those specific regulations, if any, related to that site. There are sometimes regulations that apply to this site and surrounding waters that are not specific to the designation of this site. Those non-MMA-specific fishing restrictions **are not** reflected in this table, but can be applied as a filter when doing GIS-based analysis, a tool ideally suited for this task. For example though this table might indicate that trawling is not specifically restricted in an MMA, other existing regulations might have already prohibited or restricted trawling more generally in the surrounding waters. Before running an analysis on information in this table, e.g. to find out how much area doesn't allow fishing with trawl gear, the GIS analyst would first apply a filter to the data in this table. The filter would be a rule of the type that says: if the state is California and the protected area is within three miles of shore (state waters) and is outside of an area where trawling is allowed, ignore Y (yes's) in the trawl gear column. That is, before an analysis of the data would be run, the filter would "correct" the table to reflect the more [general fisheries rules](#) that apply to that same geographic area.

It should also be noted that each entry in the table is not a unique marine managed area. Some sites required multiple table entries to capture the details about sport and commercial fishing limitations, or regulations that are implemented by depth or federal or state authority or to capture seasonal changes.

For the columns related to whether certain gears are allowed, some other rules have been applied:

1. The notation 'not applicable' is used where the protected area is high tide and above on offshore rocks or non-aquatic uplands.
2. Where the protected area is high tide and above in estuarine, tidal, or stream environments, either Y (Yes) or N (No) is applied to indicate whether fishing can occur in these areas or not.
3. Areas that have no subtidal area can be assumed to have "No" commercial fishing trawl gear or bottomfish trawl gear (other gears e.g. hook and line and pots may possibly occur if there are estuarine areas or streams associated with the protected area).
4. If fishing is allowed at any time of year the notation is Y (yes). Any seasonal restrictions are explained in the column that spells out the fishing regulations that apply.
5. If there are year round restrictions on fishing the notation is N. If restrictions are only seasonal, the notation is Y.
6. If any species is allowed to be fished with a certain gear (e.g. sanddabs), even if all other fishing is closed, the notation is Y.
7. A prohibition on public access or navigation is treated as if it were a fishing restriction and fishing gears would be given a N designation if the prohibition was year round, Y if the prohibition was seasonal.

8. Blank spaces or spaces with an 'unknown' notation indicate areas where information is not complete or was uncertain.
9. Sometimes to provide further clarity to the regulations and the gear chart, one area was broken down into depth ranges or fisheries (e.g. inside 20 fathoms or outside, recreational restrictions versus commercial restrictions). These subsets are not officially designated as such by regulatory agencies.