

# Monterey County



## Marine Protected Area (MPA) Community Compliance Forum Report October 19, 2020

With support and funding from:



# About

The **MPA Collaborative Network's Compliance Initiative** is supported by the Ocean Protection Council (OPC), and in partnership with the Department of Fish and Wildlife (CDFW), the California District Attorneys Association, and Resources Legacy Fund. It is a multi-year initiative that aims to improve the compliance and enforcement of California's network of MPAs through community compliance forums, allied agency enforcement trainings, prosecutor training, and MPA violation data collection.

The individual **Community Compliance Forums** held for each coastal county provided space for local stakeholders to voice their MPA, ocean, and coastal compliance concerns and brainstorm ideas to address those concerns. The Collaborative Network hosted two in-person forums (pre-pandemic) and 13 virtual forums. Five hundred community members participated, resulting in over 2,200 compliance concerns and solutions mentioned during 40+ hours of engagement.

This report summarizes the input gathered from stakeholders during the Monterey County Forum discussion as well the input provided in the post-Forum evaluation forms, Google surveys, and printed surveys.

Refer to the separate **Statewide Compliance Forum Report** for more information about the universal categories used to group mentioned compliance concerns and solutions. Refer to the **Glossary** at the end of this report for definitions of commonly used acronyms.

# Key Takeaways

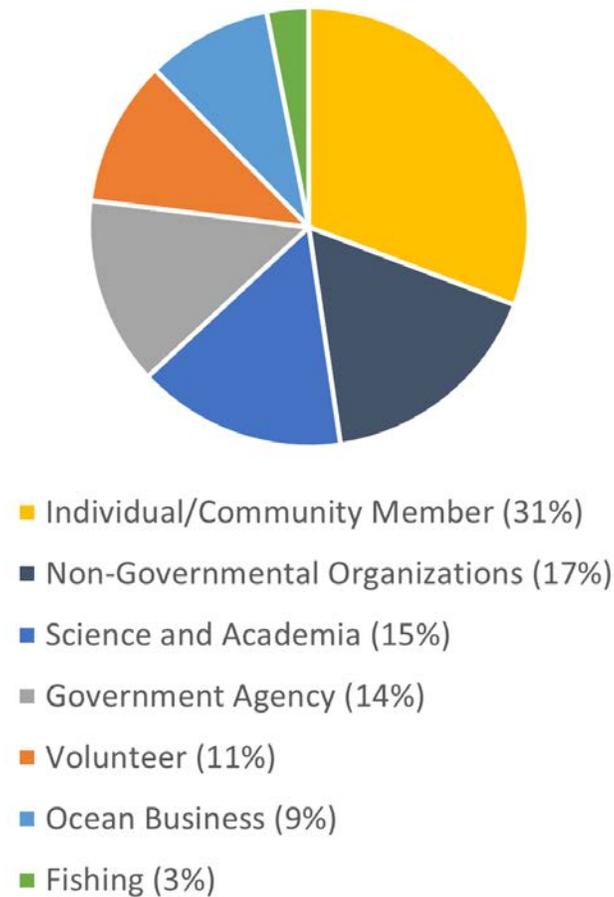
- The top compliance concern was wildlife disturbance including bird flushing at Asilomar, kayakers disturbing otters and seals at Elkhorn Slough and Cannery Row, and boats encroaching on whales at Soquel Canyon and Portuguese Ledge.
- Seasonal buoys near seal haul out sites may reduce disturbance.
- Trash and lost fishing line can be addressed with regulation changes, education, fishing line canisters on piers, and trash cans with lids. Using breakaway leaders to reduce fishing gear loss was a recommended solution.
- The top recommended solution was signage at key locations and boundaries to improve awareness.
- Participants expressed a need for docent programs, and targeted education and outreach programs and events are needed to address tourists/tourism companies (e.g., rental car companies) and trash.
- More enforcement presence is needed on the coast.

## Highlighted Compliance Concerns

- Increased visitation during the pandemic contributed to more trash and excessive wildlife disturbance.
- Lost fishing line/gear is an entanglement hazard for wildlife and SCUBA divers.
- There is concern about kelp forest decline and urchin barrens.
- Drones are seen flying in prohibited areas.
- Poor tidepooling etiquette and intertidal take occurs at Asilomar SMR and Lovers Point SMR.

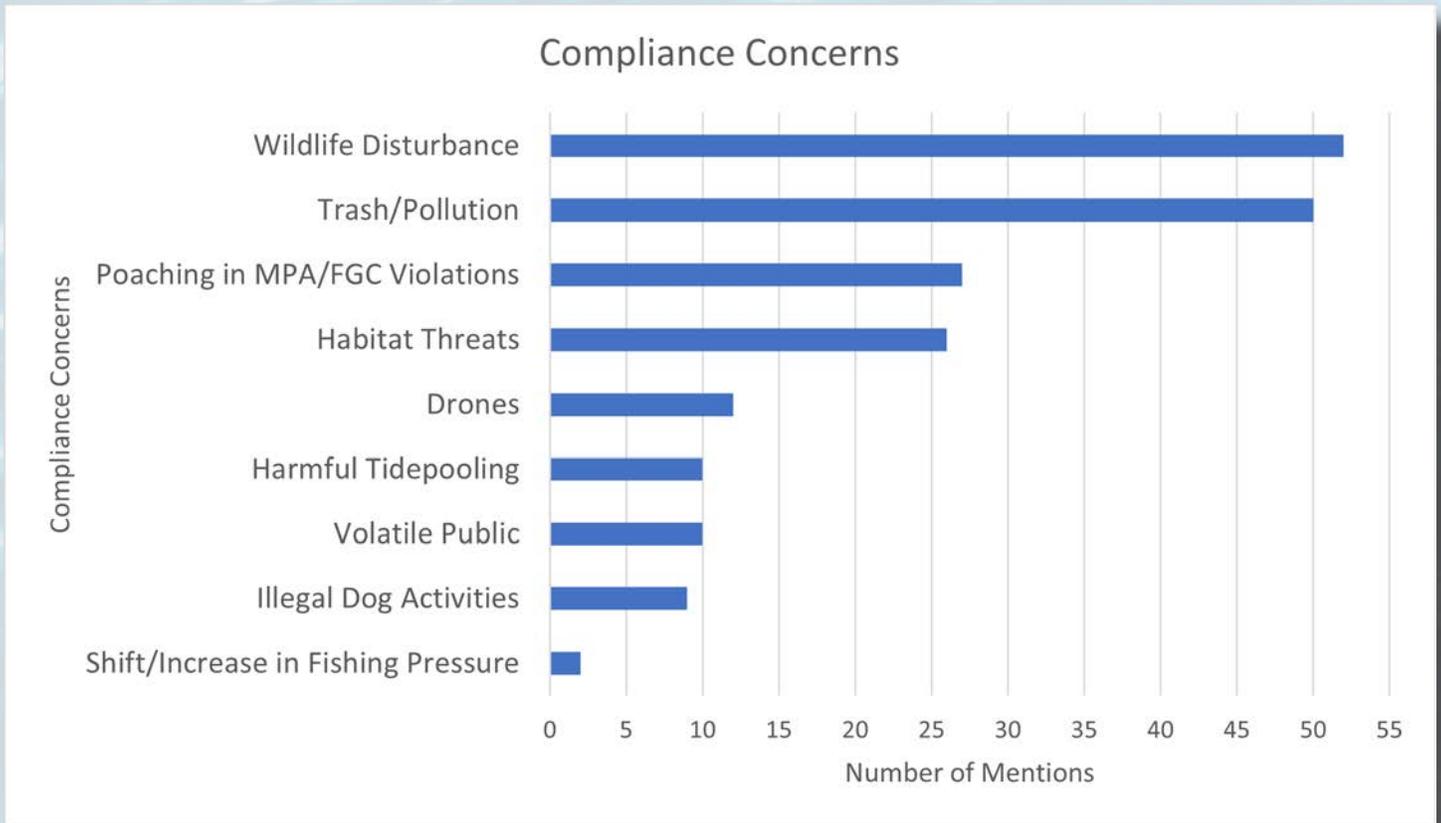
# Participant Breakdown

Monterey Participant Breakdown



- A total of **51 participants attended** the Monterey Community Compliance Forum. The majority of attendees identified as individuals/community members, non-governmental organizations, science and academia, and government agencies. Volunteers, ocean businesses, and fishing representatives also attended.
- A total of **92 people registered** for the Forum and received MPA-related information, educational resources, and additional avenues for sharing input in the Forum follow-up email.
- It is estimated that the Forum resulted in at least **13 new Collaborative sign-ups**.
- In-meeting Zoom poll results indicated that 97% of respondents were “Very” or “Somewhat Familiar” with MPAs and 39% of respondents were current Collaborative members.

# Compliance Concerns



This chart summarizes the number of times each MPA compliance concern was mentioned during the Forum discussions and in the post-Forum evaluation forms, Google surveys, and printed surveys. Concerns are organized into general categories based on the overall input from the community. See the Statewide Compliance Forum Report for more category detail.

# Compliance Concerns

## Compliance Concerns in Detail

### • **Wildlife Disturbance**

- ◇ Whale watching boats get too close to whales at Soquel Canyon and Portuguese Ledge.
- ◇ Docents have observed an increased number of harbor seal entanglements at Hopkins Beach.
- ◇ Kayaks get too close to and disturb otters along Cannery Row.
- ◇ A low flying prop plane was seen dragging a banner advertising an insurance company, causing harbor seals at Hopkins Beach to flush into the water. This occurred over multiple days for a couple of weeks.
- ◇ Kayakers get too close to the seal haul out at Elkhorn Slough and at Lovers Point.
- ◇ Wildlife disturbance occurs from Lovers Point to Asilomar.
- ◇ Lime Creek is another disturbance hotspot.
- ◇ Bird disturbance occurs at Point Pinos.
- ◇ Dogs and drones have been seen disturbing snowy plover at Carmel River State Beach.

### • **Trash/Pollution**

- ◇ Agricultural/industrial plastic (e.g., plastic sheets) observed at Elkhorn and Moro Cojo Sloughs.
- ◇ Discarded fishing line and hooks result in SCUBA diver and animal entanglement. The North Harbor, US Coast Guard pier, and Kirby Park were priority areas with trash and fishing line.
- ◇ A lack of trash services, overflowing trash cans, and trash cans without lids attracts scavengers that spread the trash around the coast.
- ◇ There is excessive litter from cars and tourists (toilet paper) along Big Sur coastline.

### • **Poaching in MPA/FGC Violations**

- ◇ In Otter Cove (Pacific Grove Marine Gardens SMCA), participants mentioned illegal take of scallops and crustaceans, fishing on both sides of the Lovers Point (SMCA/SMR boundary splits the point), and take of undersize and immature fish.
- ◇ Illegal fishing occurs in the early morning in Lovers Point-Julia Platt SMR, spearfishers and fishing boats catching halibut.
- ◇ Illegal tidepool take occurs at Lovers Point, including take of sea stars and buckets of intertidal animals.
- ◇ Rod and reel fishing occurs regularly at the north end of Elkhorn Slough (off Kirby Park dock), possibly due to mixed messages from enforcement and confusion regarding the boundary and intent of the designation.
- ◇ Poaching occurs in Asilomar SMR, including hook and line from shore and harvesting from the intertidal, especially at the boundary at Point Pinos.

# Compliance Concerns

## Compliance Concerns in Detail Continued

### • **Habitat Threats**

- ◇ There is a need to protect and restore the kelp forest ecosystem, kelp harvesting, the over-abundance of purple urchin, and urchin barrens.
- ◇ Kelp forest decline and urchin barrens were reported for Lovers Point, Carmel Bay, San Carlos Beach, Point Lobos, and Otter Cove.

### • **Drones**

- ◇ Drones were flying in prohibited areas (e.g., at Point Lobos and USCG pier) and disturbing wildlife.
- ◇ Drones are seen at Carmel River State Beach.
- ◇ At Asilomar SMR and Spanish Bay, drones are observed flushing birds in the early morning.

### • **Harmful Tidepooling**

- ◇ Heavy use of tidepools has been observed, including trampling, removing, or disturbing intertidal organisms, and take of shells/rocks.
- ◇ People have been observed using bags and buckets and picking up/moving/taking sea life (e.g., sea stars, sea snails) potentially for use as pets as well as harvesting for consumption.
- ◇ Tidepooling impacts were identified at hotspots including along Pacific Grove, Asilomar, Point Pinos, John Denver Beach, Westin Beach, and from Lovers Point to Spanish Bay.

### • **Volatile Public**

- ◇ Both docents and enforcement reported an increase in incidents where the public has reacted angrily and/or unpredictably when notified of rules, especially during COVID.

### • **Illegal Dog Activities**

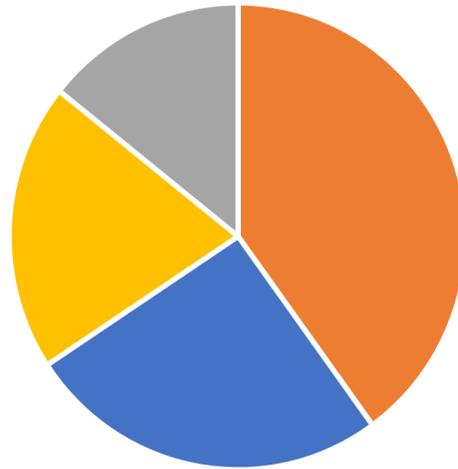
- ◇ Discussion focused mostly on off-leash dogs (especially in winter) including at Carmel River State Beach and dogs in non-designated areas (e.g., at Lover's Point, Asilomar) and people not picking up dog waste.
- ◇ Dogs are potentially flushing marine mammals and birds, specifically black oystercatchers at Asilomar and snowy plovers at Carmel River State Beach.

### • **Shift/Increase in Fishing Pressure**

- ◇ Fishing the line (e.g., spot prawn) was seen at Portuguese Ledge.
- ◇ Fishing the line at Edward F. Ricketts SMCA, especially at Coast Guard pier and San Carlos Beach
- ◇ There has been a recent increase in spearfishers at Pacific Grove Marine Gardens SMCA.

# Contributing Factors

Factors Contributing to Noncompliance



- Increase in Visitation
- Lack of Awareness
- Confusion Regarding Regulations, Boundaries, or Jurisdiction
- Shortage of Uniformed Personnel/Enforcement Officers

This chart summarizes the potential factors contributing to noncompliance in or near MPAs mentioned during the Forum discussions and in the post-Forum evaluation forms, Google surveys, and printed surveys. Factors are organized into general categories based on the overall input from the community. See the Statewide Compliance Forum Report for more category detail.

Across all the Forums, participants commonly mentioned an increase in visitation, a lack of awareness, a shortage of both enforcement officers and enforcement action, and confusion regarding regulations, boundaries, or jurisdiction as concerns. Due to their general nature and commonality across the state, these concerns were identified as underlying factors potentially contributing to noncompliance. During 2020, visitation to the coast and MPAs was elevated, especially in the summer months (except during mandated beach closures) in large part due to the COVID-19 pandemic.

# Contributing Factors

## Potential Factors Contributing to Noncompliance in Detail

- **Increase in Visitation**

- ◇ More locals and tourists are visiting MPAs and driving the coast, causing impacts such as trash, wildlife disturbance, trampling, etc.
- ◇ An unchecked number of kayakers and kayaker-created wildlife disturbance was a priority compliance concern.

- **Lack of Awareness**

- ◇ There is a general lack of awareness of MPAs among public.
- ◇ Improving awareness in kayakers, novice fishers were mentioned.

- **Confusion Regarding Regulations, Boundaries, or Jurisdiction**

- ◇ Areas with confusing boundaries due to the angle relative to the coastline or unidentifiable features includes
  - Carmel Bay SMCA at Malpaso Beach,
  - Elkhorn Slough SMR boundary at Kirby Park,
  - Pacific Grove Marine Gardens SMCA and Lovers Point SMR joint boundary,
  - Point Lobos boundaries,
  - the boundary between Elkhorn Slough SMCA and SMR at Seal Bend.
- ◇ Some community members want to see these MPA boundaries adjusted for improved compliance and ease of outreach/enforcement.

- **Shortage of Uniformed Personnel/Enforcement Officers**

- ◇ The shore-based warden position in Monterey is vacant.

# Recommended Solutions



This chart summarizes the number of times each MPA compliance solution was mentioned during the Forum discussions and in the post-Forum evaluation forms, Google surveys, and printed surveys. Solutions are organized into general categories based on the overall input from the community. See the Statewide Compliance Forum Report for more category detail.

# Recommended Solutions

## Recommended Compliance Solutions in Detail

### • Signage

- ◇ An educational sign about how to use breakaway leaders while fishing could be posted in harbors and at the Coast Guard Pier.
- ◇ Including the contact number for CalTIP on signs was suggested.
- ◇ Removable sandwich boards could be used in tidepools to reduce the impact of too much [permanent] signage along the coast.
- ◇ Signs designed to reduce trash and wildlife disturbance were recommended.
- ◇ Signs are needed at boundaries and access points.

### • Targeted Education & Outreach Programs/Events

- ◇ Participants suggested implementing an outreach campaign to the tourism and hospitality sector (e.g., rental car companies).
- ◇ A targeted fishing line loss prevention education program was a recommended solution.
- ◇ Strategic outreach to kayakers to reduce wildlife disturbance was mentioned and supported broadly.

### • More Uniformed Personnel/Enforcement Officers

- ◇ More CDFW Wardens and uniformed personnel who can write tickets are needed across the county, including a MPA specific Warden and/or an officer patrolling the tidepools.
- ◇ Joint allied agency enforcement trainings with more funding/resources for enforcement.
- ◇ Training should be offered on dealing with a volatile public.

### • More Trash Cans/Receptacles

- ◇ There is a need for more trash cans that are animal-proof and/or have lids (i.e., Asilomar SMR).
- ◇ Trash receptacles/canisters for fishing line that include clear informational displays could be placed on piers and popular fishing locations.
- ◇ Elkhorn Slough was mentioned as an example of a place that has these bins, but they have been vandalized or removed.

### • Regulatory Changes

- ◇ Participants discussed proposing a regulatory change to prevent spearfishers from using SCUBA, specifically at Otter Cove in Pacific Grove Marine Gardens SMCA, because SCUBA allows spearfishers to go deeper and take more as they are not limited to their breath hold.
- ◇ Participants discussed proposing a regulatory change requiring fishers to use breakaway leaders to minimize fishing gear loss, especially when fishing from piers.

# Recommended Solutions

## Recommended Compliance Solutions in Detail Continued

- **Boundary Markers/Buoys**
  - ◇ Seasonal buoys placed near haul out sites/beaches may reduce wildlife disturbances by keeping kayakers outside the buoy line.
- **More Docents/Volunteers**
  - ◇ More volunteer docents at popular locations/access points (e.g., tidepools at Asilomar) at low tides.
  - ◇ Docents on kayaks, such as BayNet and Team Ocean, are needed to support enforcement efforts to gain compliance.
- **Stakeholder Engagement**
  - ◇ More people/local groups should be involved in the Monterey Collaborative.
  - ◇ More engagement with anglers is needed.
  - ◇ Funding should be provided to get input from Tribes.
  - ◇ There is an increased need for coordination around CDFW's 2022 Decadal Management Review.
- **Access/Fees/Emergency Phone**
  - ◇ Establishing a designated launch area and requiring a day permit to reduce crowds was recommended for kayakers.
  - ◇ Having an emergency phone available in areas with poor or no service to report violations, request public safety response.
  - ◇ What fees can be associated with fishing from piers to aid in clean-up efforts?
- **MPA Boundary Photos**
  - ◇ The surveyed MPA boundary photos (containing landmarks) would be useful for the MPA Training Manuals and other outreach materials.
- **Call CalTIP**
  - ◇ People should call the CalTIP hotline to report observed violations.
- **Digital Resources**
  - ◇ GPS apps like FishLegal and the CDFW MPA website are good sources of regulatory information.
  - ◇ The Golden Gate Collaborative's MPA Ambassador Online Training modules will be good for virtual docent training/outreach.
- **Printed Materials**
  - ◇ Need for an updated MPA brochure/literature for the Monterey region.

# Wrap-Up Discussion

## 1. What are our high priority needs?

- Address wildlife disturbance, especially from kayakers.
- Address trash/pollution resulting from increased visitation to the coast/MPAs and lost fishing line/gear.

## 2. What programs or projects could be used to increase compliance?

- Signage – attention-grabbing, specific, and friendly signage (e.g., about flushing birds, disturbing marine mammals), and in strategic locations.
- Translations – including translation postcards and QR codes for the audience coming off tourist buses.
- Targeted outreach, educational programs/events (e.g., to kayakers, fishers, Highway 1 tourists/tourism companies).
- Implement a tidepool docent program.
- Seasonal buoys to reduce disturbance/flushing of wildlife, particularly seals and otters.
- Fishing line canisters on the US Coast Guard pier and large trash cans with lids.
- Allied agency/joint trainings

## 3. What key partners need to be at the table to assist with law enforcement?

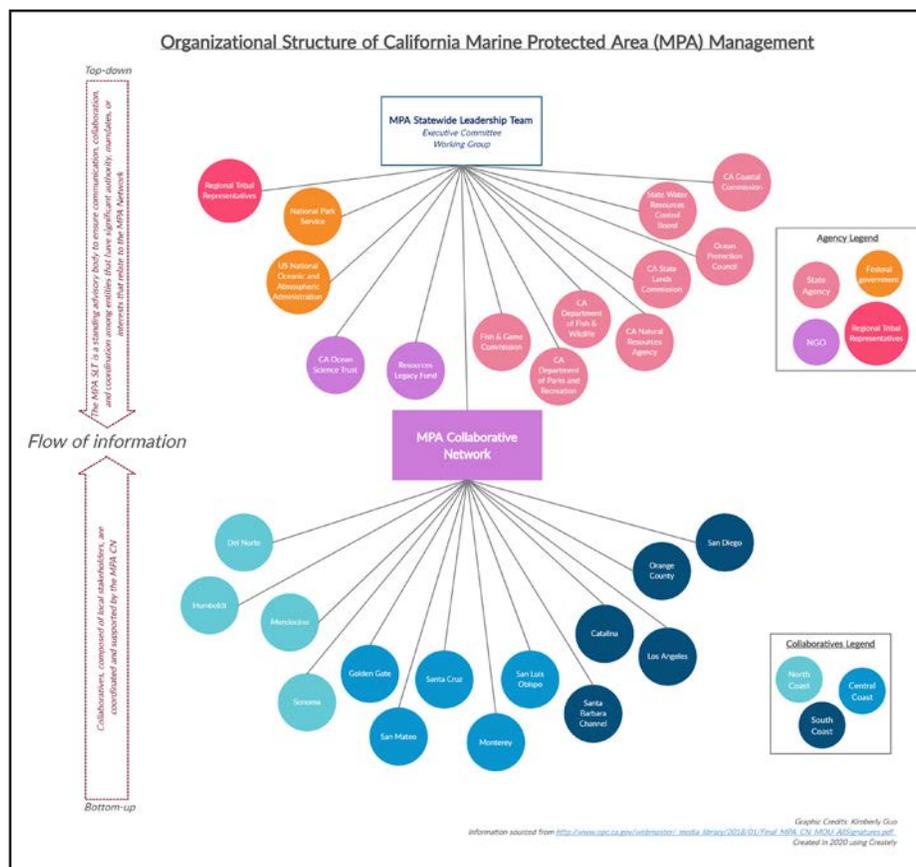
- California Department of Fish & Wildlife (CDFW)
- California State Parks
- Pacific Grove Police Department
- NOAA Office of Law Enforcement
- US Coast Guard
- Other allied agencies (uniformed personnel)

# Issues for Elevation

As a member of the [MPA Statewide Leadership Team \(MSLT\)](#), the MPA Collaborative Network can elevate issues, concerns, and ideas shared by stakeholders at the local level to the State managing agencies that have jurisdiction over MPAs in California.

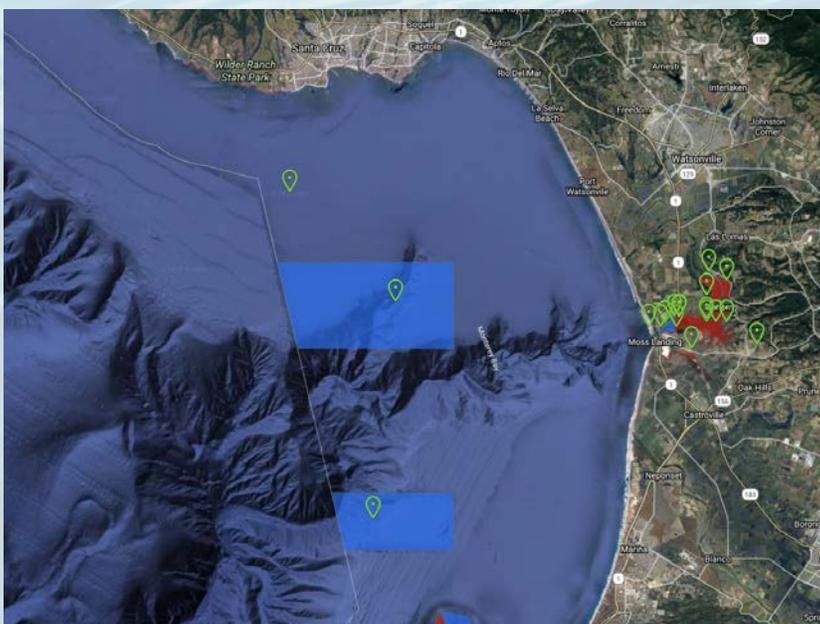
## Issues identified during the Forum that have a potential for elevation and discussion with the MSLT include:

- ◇ Implementing seasonal buoys/markers on the water in sensitive areas like haul out sites was a widely applicable recommended solution aimed at deterring people from approaching and disturbing marine life (e.g., harbor seal pups).
- ◇ Potential regulatory changes suggested during the Monterey Forum include
  - a potential regulatory change aimed around SCUBA spearfishers at Otter Cove because SCUBA allows spearfishers to take more as they are not limited to their breath hold,
  - requiring fishers to use breakaway leaders to minimize fishing gear loss, especially when fishing from piers,
  - and boundary adjustments to Carmel Bay SMCA at Malpaso Beach (at the southern boundary so the beach is split evenly instead of in two-thirds) and to Elkhorn Slough SMR at Kirby Park (move the northern boundary south so people can fish off the pier).



# Interactive Map Results

Areas of MPA compliance concern were anonymously identified by Forum participants on interactive maps using the virtual collaboration platform Poll Everywhere. A total of 33 participants put pins on the map with 177 total responses (pins). Green pin shapes indicate the location of a virtual push pin placed by a participant. The pinned areas corresponded with the MPA compliance discussions.

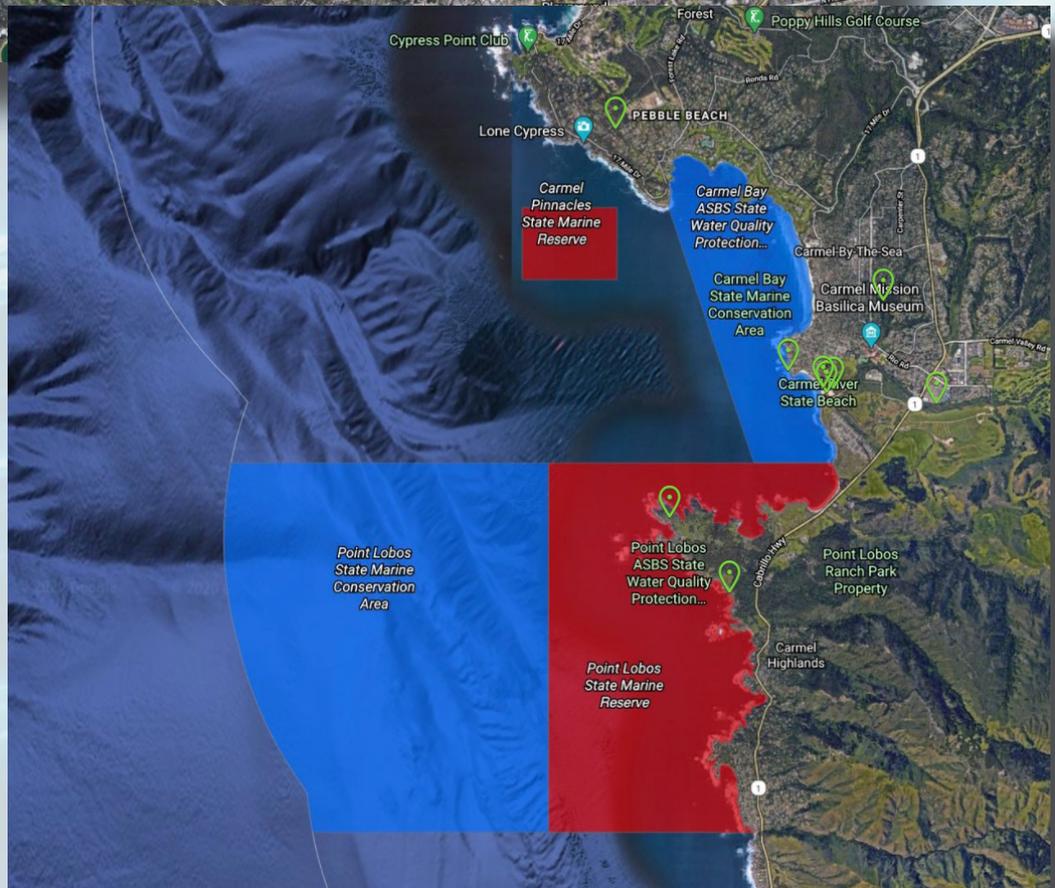


Identified areas of concern in and near all Monterey County MPAs (above).  
Identified areas of concern in and near Monterey Bay and Elkhorn Slough (left).

# Interactive Map Results



Identified areas of concern in and near the Monterey Peninsula (above).  
Identified areas of concern in and near Carmel Bay and Point Lobos (right).



# Glossary

The Glossary defines the acronyms used in any or all the Compliance Forum Reports.

- **ADA:** American Disabilities Act.
- **ASBS:** Area of Special Biological Significance.
- **BIPOC:** Black, Indigenous, and people of color.
- **CaITIP:** Californian's Turn in Poachers and Polluters.
- **CDFW:** California Department of Fish and Wildlife.
- **CHP:** California Highway Patrol.
- **COVID-19:** Coronavirus Disease 2019 (also referred to as COVID and the pandemic).
- **CPFV:** Commercial Passenger Fishing Vessel (also referred to as a party boat).
- **DA:** District Attorney.
- **FGC:** Fish and Game Code.
- **GPS:** Global Positioning System.
- **HOA:** Homeowner's Association.
- **M2:** Marine Monitor (M2) Radar System.
- **MPA:** Marine Protected Area.
- **MSLT:** MPA Statewide Leadership Team.
- **NMS:** National Marine Sanctuary.
- **NOAA:** National Oceanographic and Atmospheric Administration.
- **NPS:** National Park Service.
- **OLE:** Office of Law Enforcement (within NOAA).
- **QR:** Quick Response [code].
- **SCP:** Scientific Collecting Permit.
- **SCUBA:** Self-contained Underwater Breathing Apparatus.
- **SMCA:** State Marine Conservation Area.
- **SMR:** State Marine Reserve.
- **SMRMA:** State Marine Recreational Management Area.
- **SUP:** Stand Up Paddle Board.
- **ROV:** Remotely Operated Vehicle.
- **UC:** University of California.
- **USFWS:** United States Fish and Wildlife Service.
- **USCG:** United States Coast Guard.



**OCEAN  
PROTECTION  
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These materials and MPA Community Compliance Forums made possible by a grant from the California Ocean Protection Council's Once-Through Cooling (OTC) Interim Mitigation Fund.

**Learn more about the MPA Collaborative Network at  
[www.mpacollaborative.org](http://www.mpacollaborative.org)**

**Join your local MPA Collaborative to get involved in bottom-up resource management.**

**Visit the California MPA website at  
[www.wildlife.ca.gov/MPAs](http://www.wildlife.ca.gov/MPAs)**