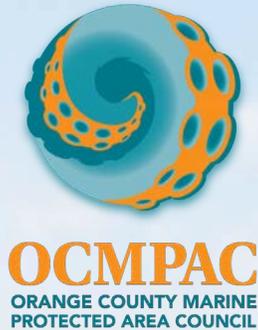


Orange County



Marine Protected Area (MPA) Community Compliance Forum Report November 6, 2019

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 in-person Orange 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

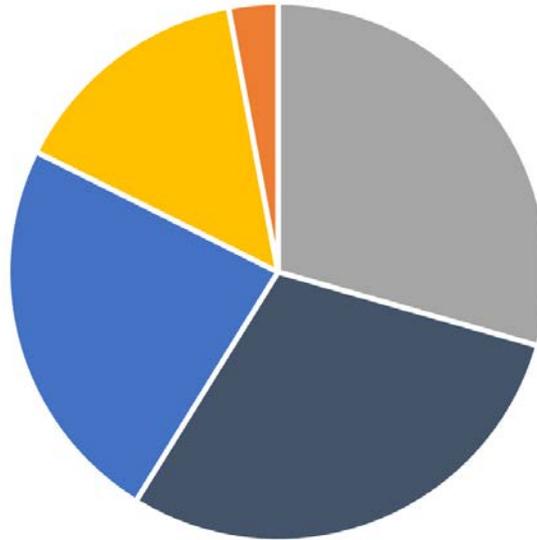
- Participants were concerned about poaching at night and illegal dog activities.
- Wetland MPA borders and regulations need to be easier to enforce.
- The top solutions were signage and stakeholder engagement with resorts, tourists, and homeowners. Signs illustrating why dogs are not allowed were suggested.
- One priority is to engage kids/high school students in ocean stewardship through targeted education and outreach programs.
- There is a need to install a surveillance camera or radar to observe poaching of lobsters at night in Laguna hotspots.

Highlighted Compliance Concerns

- Poaching is an issue in Laguna Beach, especially lobster take at night.
- Illegal dog activities and dogs flushing birds occurs in Crystal Cove and Dana Point.
- Compliance may be compromised in areas with confusing jurisdiction (e.g., Aliso Beach and Upper Newport and Bolsa Chica/Bolsa Bay SMCAs and ecological reserves).
- There are boundary issues under bridges in the Orange County estuary MPAs
- Participants mentioned harmful tidepooling, wildlife disturbance, water pollution, and trash/lost fishing gear (lobster traps, gillnets).

Participant Breakdown

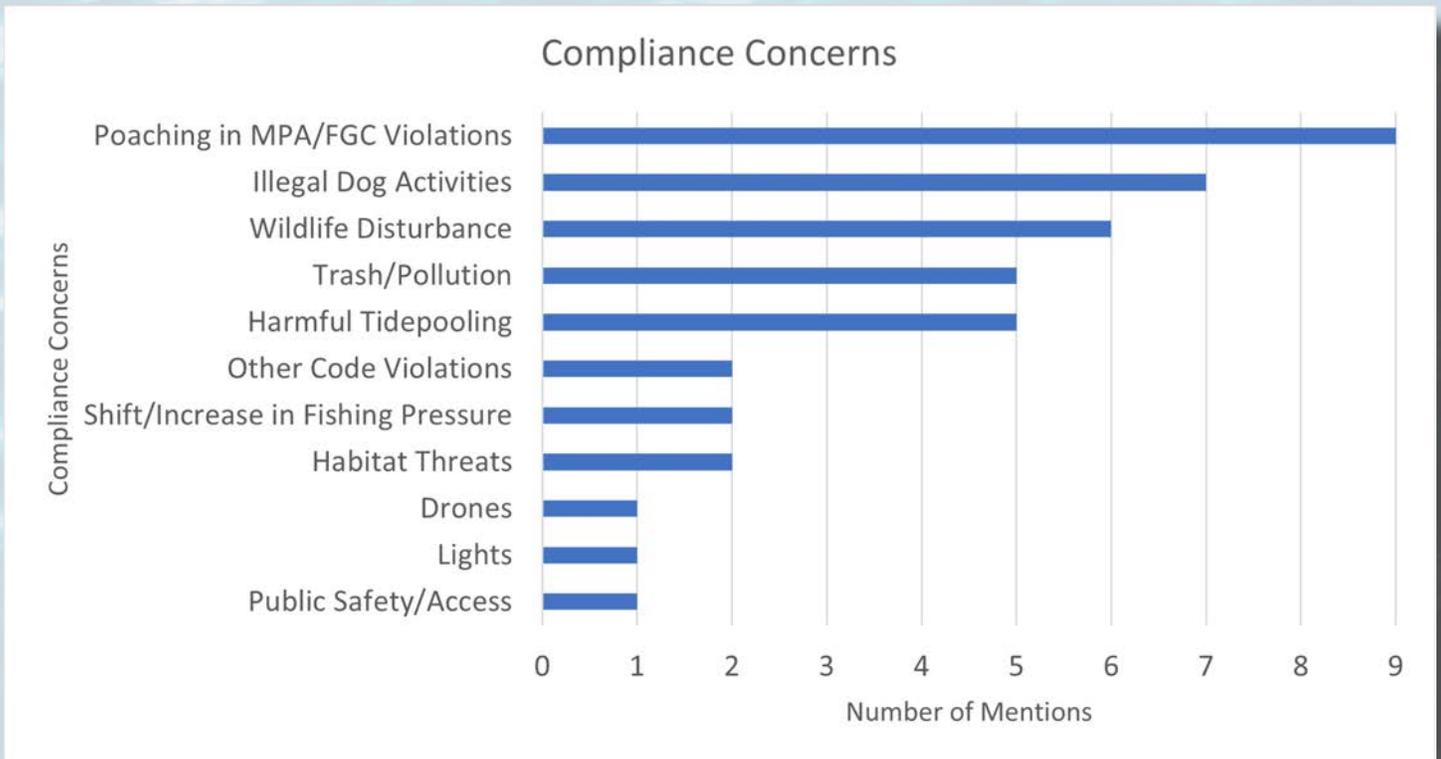
Orange County Participant Breakdown



- Government Agency (29%)
- Non-Governmental Organizations (29%)
- Science and Academia (24%)
- Individual/Community Member (15%)
- Volunteer (3%)

- A total of **34 participants attended** the in-person Community Compliance Forum. The majority of attendees identified as government agencies, non-governmental organizations, and science and academia. Individuals/community members and volunteers also attended.
- Participants 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 **1 new Collaborative sign-ups**.
- 32% of participants identified as current Collaborative members.

Compliance Concerns



This chart summarizes the number of times each MPA compliance concern was mentioned during the Forum discussion 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

• Poaching in MPA/FGC Violations

- ◇ In Upper Newport Bay SMCA, there is an access point on the south side trail where some people go down illegally and throw gill nets across that whole channel and then leave the nets in the water. This happens under the Jamboree bridge and everything gets trapped in the nets.
- ◇ People are fishing from floating tubes and other methods down by Bayside Village Marina on the seaward side of Upper Newport Bay SMCA.
- ◇ Dana Point SMCA is a hot spot for fishing without a license. Participants reported that people say their fishing license is in their car. When spearfishing, they can legally have it within 500 feet.
- ◇ There were rumors of limpet poaching on the north end of Dana Point SMCA. The data from limpet surveys matches the reports of poaching.
- ◇ Illegal methods of fishing for white sharks from piers in Newport Beach was mentioned as a Fish & Game Code violation; it is hard to enforce and prove intent to catch white sharks. Outreach is needed to inform anglers how to properly release white sharks without damaging their internal organs.
- ◇ A few years ago, the main/central part of the Laguna Beach SMR got hit a lot with sportfishing. Thanks to Laguna Beach Marine Safety education and enforcement, they have seen a lot less.
- ◇ People go around to Whiskey Cove/Shelly Cove (around the point in Emerald Bay) where they are not easily seen at the northern end of Laguna Beach SMR (private property, Irvine/Cameo Cove, and Emerald Bay). People take a lot there, mostly lobster, and usually at night.
- ◇ There was concern about people accessing from shore and boat to poach at night, especially in these hotspot areas:
 - Emerald Point
 - Seal Rock
 - Montage
 - Three Arch Bay (Dana Point SMCA)

• Illegal Dog Activities

- ◇ Dogs are a big issue at Monarch Bay (private) in Dana Point SMCA. Participants believe it is mostly residents that bring dogs here.
- ◇ There are lots of dogs in Bolsa Chica SMCA although they are not allowed there. Participants mentioned that some people claim their animals are service dogs. Law enforcement can only ask if it is a service dog and what service it provides. Residents that go there a lot know to say it is a service dog.
- ◇ Participants mentioned dogs off leash in Crystal Cove SMCA at Corona Del Mar and dogs on the beach during times when they should not be there (10am-4:30pm). There are no regulations that say dogs are prohibited in an MPA (in the water, below mean high tide).

Compliance Concerns

Compliance Concerns in Detail Continued

• **Wildlife Disturbance**

- ◇ There is a lot of marine mammal (seal) disturbance at Goff Island at Treasure Island in Laguna Beach SMR, presumably because it is easy to access.
- ◇ Flushing of seals by jet skis and other watercraft occurs at Seal Rock (Crescent Bay) and Treasure Island in Laguna Beach SMR.
- ◇ There is some flushing of snowy plover by dogs at Monarch Bay in Dana Point SMCA.
- ◇ Participants were concerned about whale entanglement in lobster traps and other debris. The whales often go on the back side of Catalina, so they saw less entanglement this year because of this migration route.
- ◇ There is disturbance of birds when people go in Newport Bay with canoes, stand up paddleboards, and other means.
- ◇ Drones may disturb wildlife in Laguna Beach.

• **Trash/Pollution**

- ◇ Confetti events (e.g., people throwing small materials such as paper or flowers all around) are popular for parties and photo shoots; confetti can enter MPAs as pollution in Laguna Beach SMR.
- ◇ Many popular beaches in Orange County (e.g., in Dana Point SMCA) do not have bathrooms and participants were concerned about where people are discharging their waste. Additionally, facilities should match the high traffic these areas are getting.
- ◇ Polluted water is pouring out at Aliso Creek in Laguna Beach SMR when people illegally dig out the berm (often during off hours).
- ◇ Participants suggested that water districts may be profiting while also polluting the creek and coast.
- ◇ Participants are concerned about the water quality in the northern part of Laguna Beach SMR and said the water further out is very green.
- ◇ Lost and discarded fishing gear (e.g., lobster traps in South Laguna and gill nets in Upper Newport Bay SMCA) are a problem because of the impact to wildlife including ghost fishing.

• **Harmful Tidepooling**

- ◇ Crystal Cove State Park is a popular tidepool area. Non-compliance is mostly seasonal in summertime, but year-round really because they see about 2 million visitors a year; access is easy here. Participants mentioned that some visitors harass tidepool organisms, put animals in buckets, and collect shells.
- ◇ People from out of town come and collect shells and other items in Crystal Cove SMCA. Once people are told not to, they most often comply.
- ◇ Dogs “fishing” in tidepools was mentioned. Dogs can “take” unintentionally from MPAs by trampling and other destructive behaviors in Crystal Cove SMCA.

Compliance Concerns

Compliance Concerns in Detail Continued

- **Other Code Violations**

- ◇ Occasionally, spearfishers will be in designated swim areas, which is a local code violation (e.g., City of Laguna Beach).
- ◇ There are laws to prevent disrupting/putting things in the Aliso creek outflow outlet (in Laguna Beach No Take SMCA), but it is difficult to enforce. Some people are illegally digging out the beach berm and interfering with the possibility of restoration.

- **Shift/Increase in Fishing Pressure**

- ◇ At Dana Point SMCA, there is concern about shifting fishing pressure. Party boats (CPFVs) are off 1000 Steps Beach all the time. CPFVs and lobster fisherman know exactly where the line is. This area is also hit hard by spearfishing.

- **Habitat Threats**

- ◇ Kelp forests are not doing well in Laguna Beach SMR, in conjunction with a negative impact on species that rely on kelp forest ecosystem health (e.g., lack of urchins).
- ◇ In Upper Newport Bay SMCA, people on boats drop anchor in eelgrass, which destroys eelgrass habitat that others are trying to restore.

- **Drones**

- ◇ Drones in Laguna are a problem. They are prohibited in certain parks and beaches, but they are allowed over the ocean. Drones often come too close and spook whales and other marine mammals.

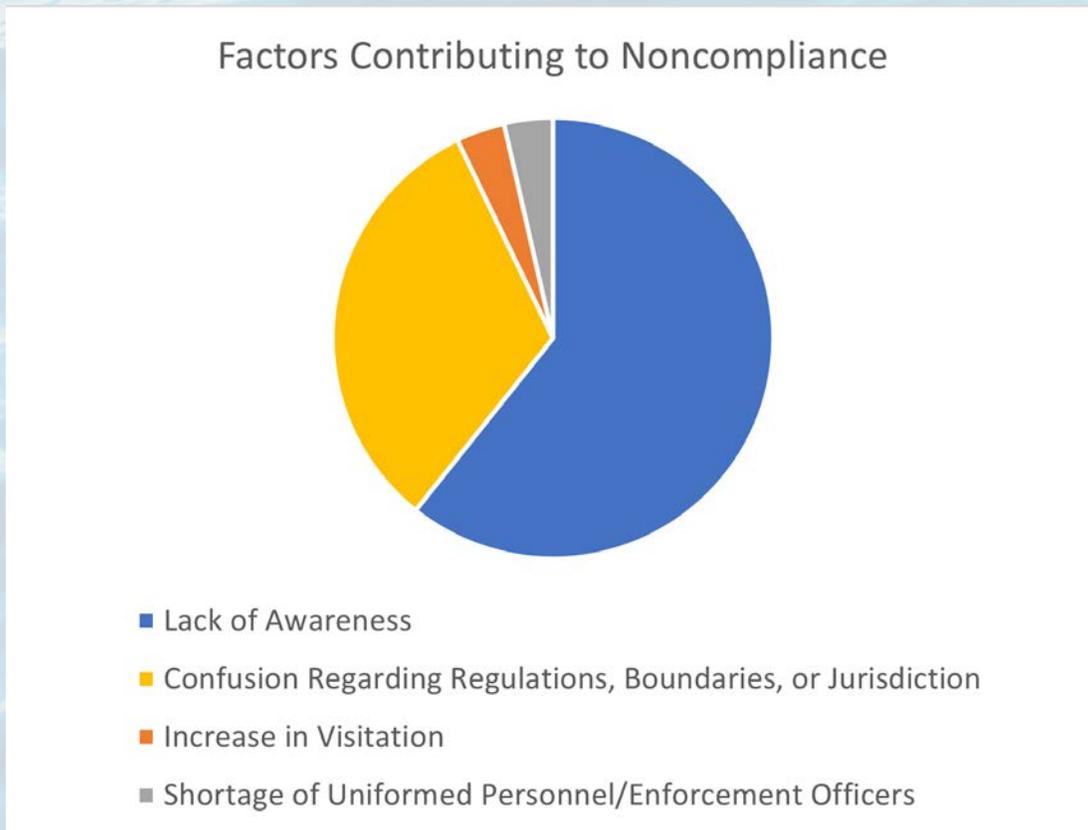
- **Lights**

- ◇ Light pollution was mentioned as a concern, especially floodlights on the tidepools in front of the Montage Resort in Laguna Beach SMR.

- **Public Safety/Access**

- ◇ Cliff jumping occurs at Table Rock in Laguna Beach No Take SMCA. There have been deaths at Table Rock during lobster season.

Contributing Factors



This chart summarizes the potential factors contributing to noncompliance in or near MPAs mentioned during the Forum discussion 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. Note that the Orange County Forum was held prior to COVID-19.

Contributing Factors

Potential Factors Contributing to Noncompliance in Detail

• Lack of Awareness

- ◇ There is a general lack of awareness of marine protected areas among the public.
- ◇ There is a need for more MPA education and outreach, signage, translation of signs/materials into different languages for visitors.
- ◇ International tourists lack awareness of FGC/MPA regulations and tidepool etiquette, especially in Crystal Cove State Park.
- ◇ Boats come in offshore at Crystal Cove and are unaware if they are in the MPA or not.
- ◇ Many local visitors do not know the regulations, especially at Shaws Cove in Laguna Beach SMR.

• Confusion Regarding Regulations, Boundaries, or Jurisdiction

- ◇ Many different agencies have jurisdiction at Aliso Beach, making enforcement complicated.
- ◇ There are issues with the Bolsa Chica Ecological Reserve conflicting with the SMCA/No Take SMCA regulations. Moreover, the boundaries (and signage) at Bolsa Chica Basin No Take SMCA can be confusing.
 - At the east and west access at Bolsa Chica SMCA, people can come down the channel that is in the ecological reserve (but not in the MPA); this area leads into the MPA. MPA regulations were intended to replace ecological reserve regulations in overlapping areas, but there are still areas where regulations may conflict with long-term management practices in both Bolsa Chica and Upper Newport Bay.
 - In the Bolsa Chica Basin No Take SMCA, at the Pacific Coast Highway (PCH) west and south access points, people go under the westward bridge where they are not in MPA, but then move into the MPA. Officers only really enforce after the second, eastward bridge, because it is hard to enforce on first bridge. There is a sign on second bridge with chain link fence to prevent access. When trying to cite people, offenders they say there are no signs on that first bridge. It is hard to write tickets because the signage and boundaries are deceiving there. The only sign below the bridge says “no public access” spray painted on pillar.
- ◇ The regulations for Upper Newport Bay SMCA do not state that it is hook and line fishing from shore only. The boundary stops at Newport Aquatic Center (NAC) and Shellmaker Island (i.e., at Jamboree Road north and the Jamboree bridge). The ecological reserve regulations for the closed channels in Newport Bay were discussed.

• Increase in Visitation

- ◇ There has been a major increase in visitation and tidepools have been impacted negatively at Crystal Cove State Park.

• Shortage of Uniformed Personnel/Enforcement Officers

- ◇ There is a general lack of enforcement capacity or presence (including boat patrols), an inability to respond, or a diversion of marine enforcement resources to other priorities.

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

- ◇ There is a general need for more, updated, or new signage, and sign translations.
- ◇ Participants suggested a best practices/interpretive sign for dogs like the tidepool signs, to explain the “why” behind areas that prohibit dogs.
- ◇ There is a need for signage at Dover Shores for Upper Newport Bay SMCA.
- ◇ Participants suggested more or better signs at Aliso Creek to inform people of the consequences of digging out the berm.
- ◇ Interpretive signs about confetti or other “party pollution” are needed.
- ◇ Participants suggested updating the Harry the Crab signs which are at every access point in Dana Point, Laguna Beach, and at Crystal Cove. QR codes (with translations, regulations) could be used to do this sign update.
- ◇ The sign at Main Beach in Laguna Beach SMR needs to be replaced with the Harry the Crab sign.
- ◇ The signage has never been easily recognized for the closed channels in Newport Bay. The most common one is by the white bluffs and people constantly go up in the closed channel; there is currently no sign saying this is not allowed. There is a lot of water moving through there and the signs get moved and taken away, and these lost/damaged signs do not get maintained/replaced.

• Boundary Markers/Buoys

- ◇ Participants mentioned the recently restored big square interpretive buoys right in the middle of Newport Bay. Buoys have interpretive information about MPAs, flora, fauna, and tribal history and where applicable, say, “do not go past this point.” These buoys spin so you might not see the MPA or regulatory part of the sign depending on which side you pass on.
- ◇ QR codes on buoys was mentioned as a possible solution.
- ◇ Participants suggested more buoys and signs with continued maintenance.
- ◇ Onshore boundary markers were also mentioned. In the Bolsa Chica Basin No Take SMCA, if the border was on the seaward side of bridge, the signage can be painted/stenciled on that side of bridge, pending approval from Caltrans.

• Stakeholder Engagement

- ◇ High school students and children should be engaged as ocean stewards.
- ◇ Homeowners and the development patrol at Monarch Bay should be engaged to reduce dogs flushing birds and improve local buy-in.

Recommended Solutions

Recommended Compliance Solutions in Detail Continued

• **Surveillance Technology**

- ◇ Surveillance is needed to monitor for illegal fishing activity at poaching hotspots in Laguna Beach. Either the M2 radar system or a surveillance camera is needed at Whiskey/Shelly Cove or Emerald Bay, especially for illegal take of lobsters at night (around 2 am).
- ◇ Participants mentioned installing a camera at the Aliso Creek mouth.
- ◇ In Laguna Beach SMR, participants suggested using cameras, possibly on a homeowner's property, to view coves and record illegal activity.

• **Use of Special Closures**

- ◇ Participants discussed the value of using Special Closures to observe influence (i.e., if ecosystem is restored/recovered) on tidepools in Laguna Beach SMR.
- ◇ Special Closures were also mentioned to reduce marine mammal disturbance. Speed limits to reduce flushing by speeding jet skis and other watercraft. Jet skis have spooked seals at Seal Rock and Treasure Island.

• **More Docents/Volunteers**

- ◇ At Rocky Bight and by the Historic District in Crystal Cove State Park there are volunteers, but only on weekends. Many volunteers do not want to be there because it is a tough spot to work due to the high number of visitors.
- ◇ Participants mentioned using a community/citizen science program with dive groups to do mapping projects.
- ◇ At Dana Point SMCA, the Ecology Center offers a tidepool walk as an add on to their day. They are good and talk about MPAs. The center reaches out when they need materials or info. The docents are stationed at headlands beach at access point and they theoretically catch everyone, but there are language barriers.

• **Targeted Education & Outreach Programs/Events**

- ◇ Outreach programs to local resorts (e.g., Monarch Beach Resort & Club) are needed to increase awareness about the impacts of harmful tidepooling and dogs in sensitive areas.
- ◇ Participants suggested engaging kids/high school students through school programs and targeted outreach events.

Wrap-Up Discussion

1. What are our high priority needs?

- There is a general lack of awareness of marine protected areas among the public.
- There is a need to address poaching in MPAs/FGC violations, especially at Laguna Beach (using surveillance technology).
- There is a need to address illegal dog activities that create wildlife disturbance (e.g., flush birds, tidepools).

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

- Signage could increase compliance by placing, updating, and maintaining signs in strategic locations, especially at confusing MPA boundaries, and to address wildlife disturbance (e.g., from dogs off leash).
- Digital resources like QR codes can be used on signs and buoys to link to MPA information/MPA regulation websites (e.g., CDFW).
- Targeted outreach programs should be implemented including:
 - Community science activities such as dive groups going out doing baseline surveys and taking photos. The City of Laguna Beach has funding to do mapping projects to integrate ocean with land side and look at water quality impacts. Mapping community science activities.
 - Targeted outreach to local resorts managers, employees, and guests, and the Orange County Chamber of Commerce. This outreach can include providing images to elected officials, making sure MPA materials are available, distributing a newsletter for resort employees and guests, and accessing existing newsletters.
 - Targeted education programs/events about MPAs with high school students to improve engagement and promote ocean stewardship.

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

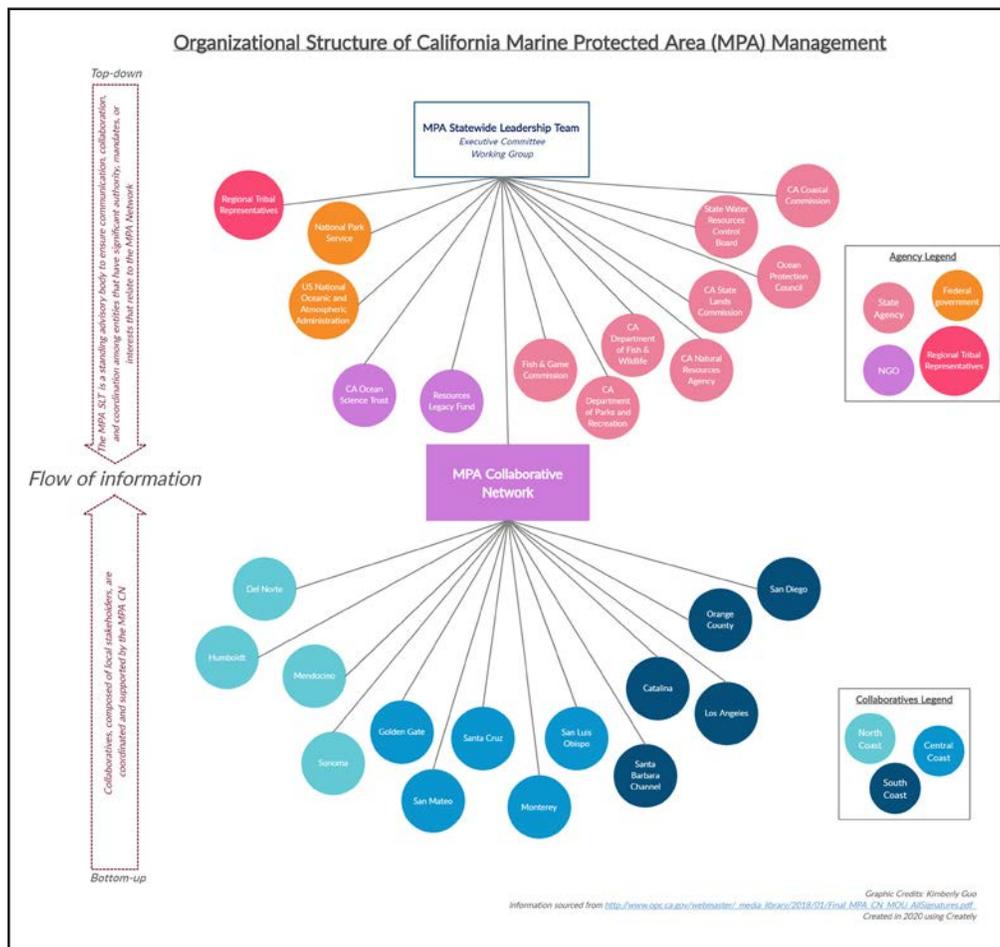
- California Department of Fish & Wildlife (CDFW)
- California State Parks
- Orange County Parks
- Huntington Beach Police Department (e.g., in Bolsa Chica/Bolsa Bay)
- Private security
- City of Laguna Beach Marine Safety Department
- Orange County Lifeguards
- Newport Beach Harbor Patrol
- Other Allied agencies (uniformed personnel)
- District Attorneys

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.

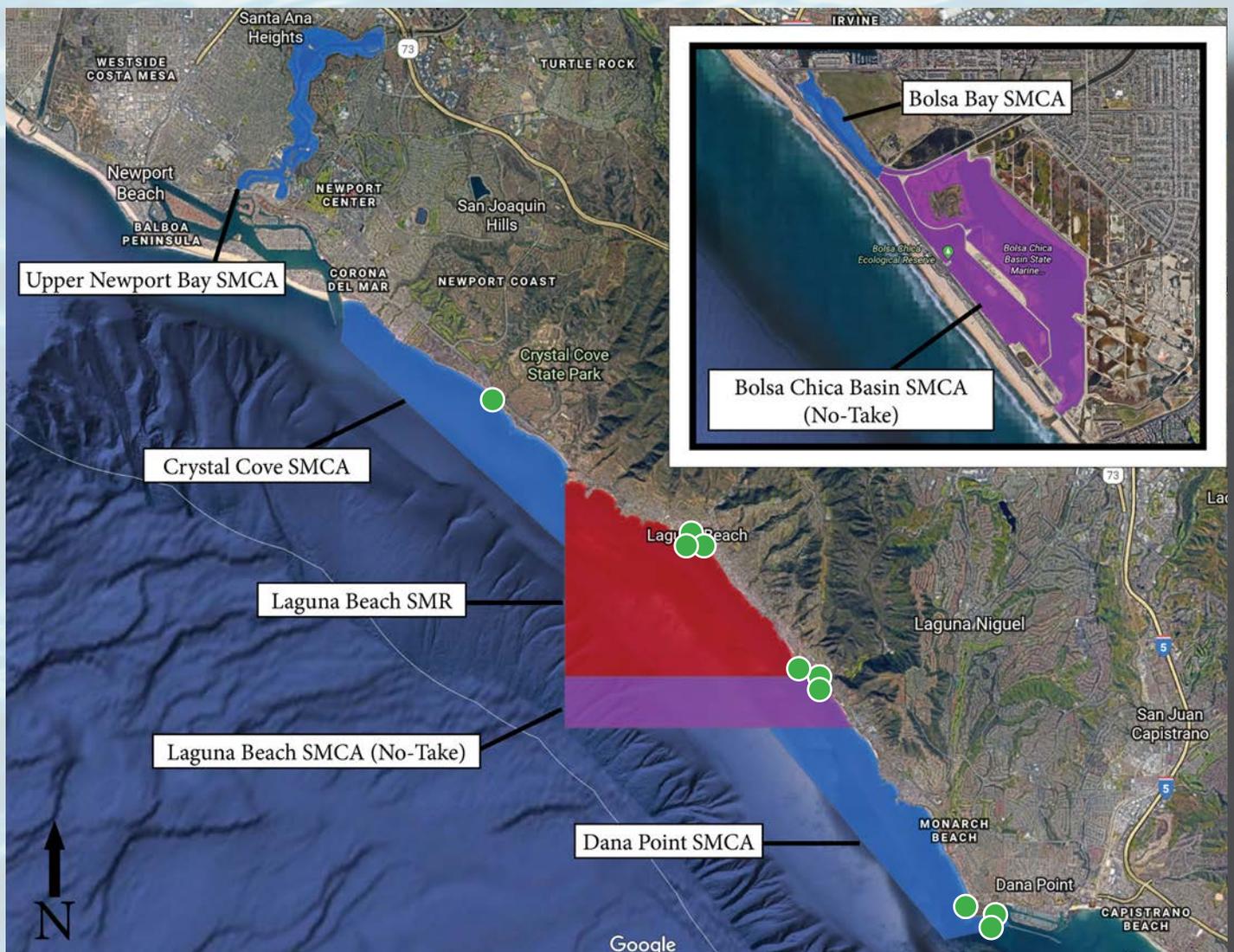
Issues identified during the Forum that have a potential for elevation and discussion with the MSLT include:

- ◇ There is a need to address if MPA boundaries aligned with bridges incorporate the area beneath the bridge into the MPA, and exactly where the line is (e.g., seaward side of bridge).
 - Participants suggested getting an encroachment permit from Caltrans to stencil “no fishing” on bridge columns that are Caltrans property. Caltrans has shared encroachment permit process for Bolsa Chica bridge on the Pacific Coast Highway (PCH).
- ◇ There is a need to understand how to reconcile when long-term management policies developed for ecological reserves conflict with MPA regulations in estuary MPAs (e.g., Bolsa Chica Ecological Reserve and Bolsa Chica SMCAs; Newport Bay SMCA and Upper Newport Bay Ecological Reserve).



Interactive Map Results

Areas of MPA compliance concern were anonymously identified by Forum participants on a foamboard map using push pins. Participants put pins on the map with 10 total responses (pins). Green circles indicate the location of a push pin placed by a participant. The pinned areas corresponded with the MPA compliance discussions.



Identified areas of concern in and near all Orange County MPAs.

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
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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**

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

**Visit the California MPA website at
www.wildlife.ca.gov/MPAs**