

San Diego County



Marine Protected Area (MPA) Community Compliance Forum Report January 29, 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 in-person San Diego 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

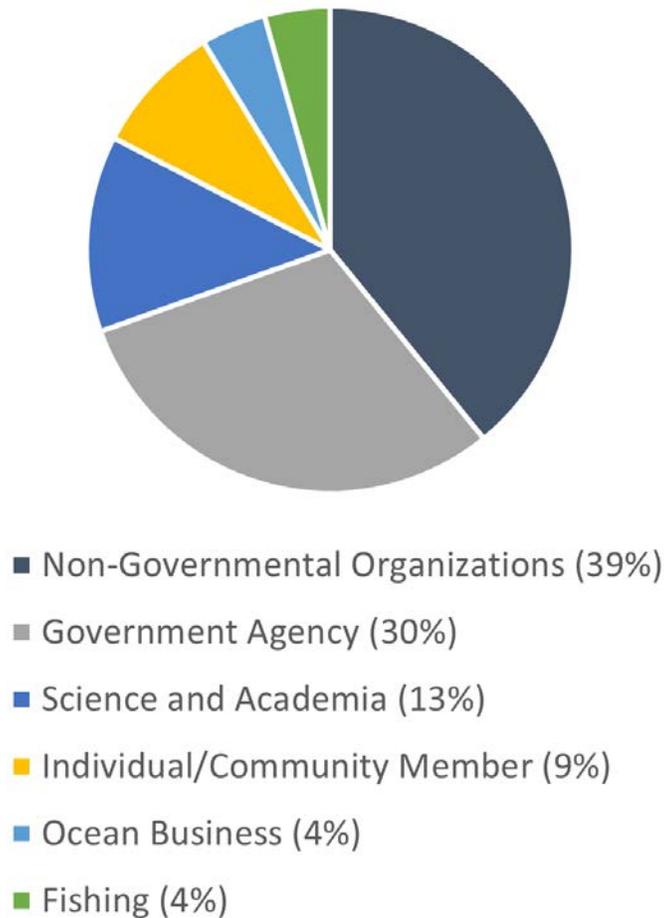
- The top concerns were poaching in MPAs/Fish & Game Code violations and trash/pollution.
- Participants want to install large, friendly, attention grabbing, and easy-to-read signage in strategic locations (e.g., near Matlahuayl SMR).
- Solutions included targeted education and stakeholder engagement with the fishing community, specifically with tackle shops and youth fishing clubs to promote ocean stewardship.
- Education by volunteers/docents could increase compliance by helping to educate the public about regulations in the tidepools (e.g., no take of rocks).
- Recreational pocket fishing guides should be reprinted with information about coastal pelagic finfish.

Highlighted Compliance Concerns

- There is a high level of illegal offshore fishing in nearly all San Diego MPAs.
- Trash/pollution is of high concern in lagoon/slough MPAs, especially runoff and homeless encampments (e.g., San Elijo Lagoon, Batiquitos Lagoon, Famosa Slough).
- Harmful tidepooling occurs at Swami's SMCA and San Diego-Scripps Coastal SMCA.
- Disturbance of seals and sea lions by humans and dogs is a big issue, especially in La Jolla MPAs. Illegal dog activities also occur in estuary MPAs.
- Compliance may be compromised in areas with confusing regulations and boundaries, (e.g., San Dieguito Lagoon Ecological Reserve, bridge at Batiquitos Lagoon).

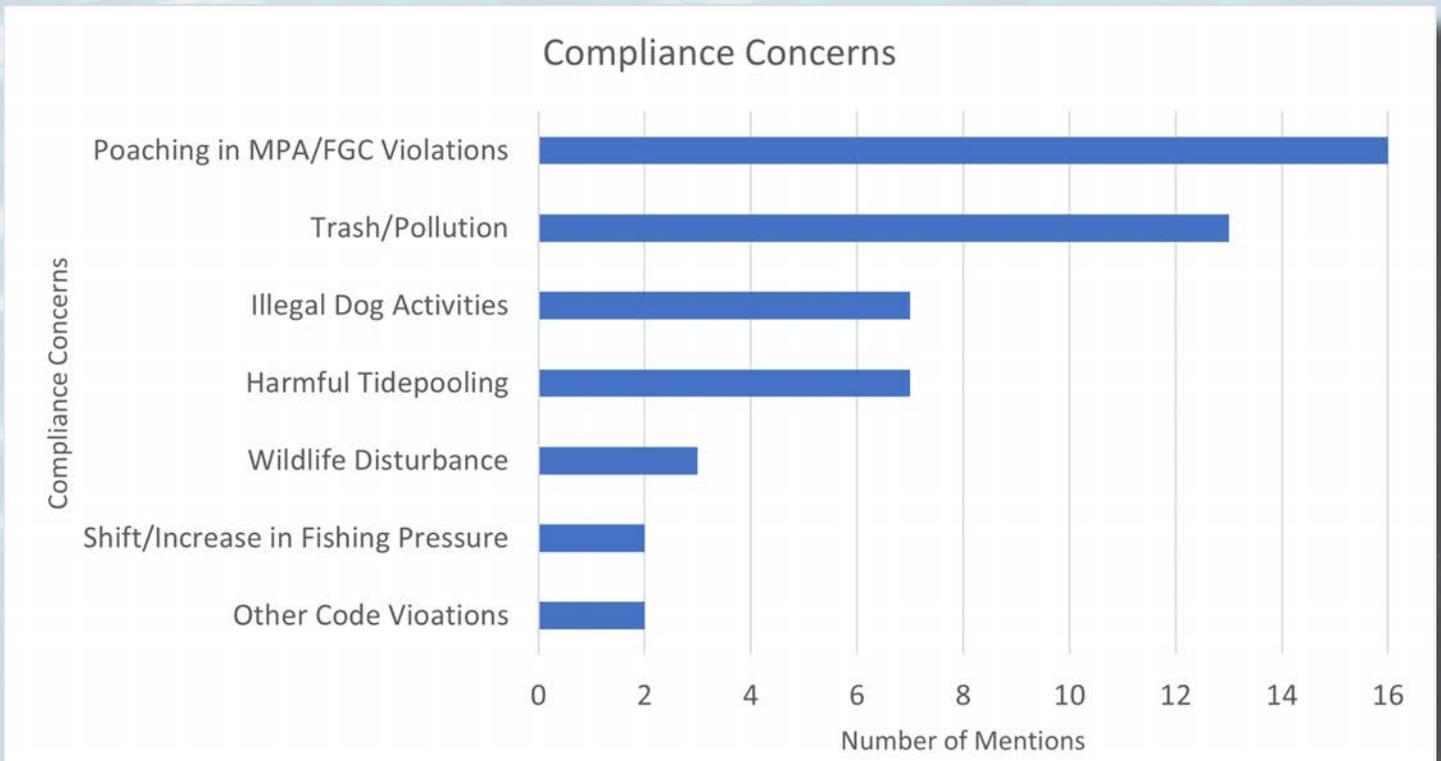
Participant Breakdown

San Diego Participant Breakdown



- A total of **23 participants attended** the in-person Community Compliance Forum. The majority of attendees identified as non-governmental organizations, government agencies, and science and academia. Individuals/community members, ocean businesses, and fishing representatives also attended.
- A total of **36 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 **4 new Collaborative sign-ups**.
- 48% 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

- ◇ There is some commercial and recreational fishing in Tijuana River Mouth SMCA, however, participants do not often see people there. Imperial Beach lifeguards have noted some fishing at the river mouth.
- ◇ Participants have observed violations in Cabrillo SMR. Some boat-based surfers will cast a line into the SMR while anchored offshore. Commercial lobster traps have also been observed at Cabrillo SMR. Leopard shark fishing has been observed.
- ◇ In South La Jolla SMCA, participants mentioned occasionally seeing commercial fishing boats. Only recreational take of pelagic finfish by hook and line is allowed in South La Jolla SMCA.
- ◇ There are a large amount of boats regularly fishing in the South La Jolla SMR. People also poach lobster. Participants shared that they often hear that people have collection permits for South La Jolla SMR.
- ◇ There is kayak fishing occurring daily in Matlahuayl SMR.
- ◇ On the northern section of San Diego-Scripps Coastal SMCA (prohibits commercial take), there is a commercial bait fishing operation that tows close to the MPA boundary line every other day. The bait fish are caught using a seine trawler, then bait fish are sold to local fisherman. Participants noted seeing them fishing inside the boundary a few times.
- ◇ There is hook and line fishing from shore in San Diego Scripps-Coastal SMCA. The coastal pelagic fishing regulation only allows for take of four species of bait fish, but people will fish using tackle meant for much larger fish. While there is no marine fisheries regulation on which type of gear must be used to catch a particular species of fish, if caught, these larger species must be returned immediately.
- ◇ In San Diego-Scripps Coastal SMCA, some people illegally spearfish for benthic fish such as halibut and guitar fish.
- ◇ Some people have been seen fishing near the “no fishing” sign by the bridge in Batiquitos Lagoon No Take SMCA.
- ◇ Participants mentioned that people are going down into Batiquitos Lagoon No Take SMCA with nets, aquariums, and more to collect. Some people collect native artifacts here. Others dump their aquariums into the SMCA.
- ◇ Using sand crabs as live bait (illegal yet common in Swami’s SMCA) is an issue that has been brought up at collaborative meetings often.
- ◇ Participants noted that a spearfishing shop just opened near San Elijo Campground, and there is concern that this area could turn into a hot spot for spearfishing in Swami’s SMCA.

Compliance Concerns

Compliance Concerns in Detail Continued

• **Trash/Pollution**

- ◇ Water quality is poor in Tijuana River Mouth SMCA because effluent from Tijuana River is pushed towards Imperial Beach with any swell or wind.
- ◇ Participants were curious why the Cabrillo National Monument/Cabrillo SMR property is adjacent to a wastewater treatment plant.
- ◇ Runoff is a problem in Famosa Slough No Take SMCA. An area adjacent to Famosa Slough is slated for development. This development includes a parking lot alongside the MPA, which could result in runoff going into the MPA. There is a street more inland that runs off straight into the SMCA.
- ◇ San Diego City has thrown a tarp with sandbags in Famosa Slough No Take SMCA . The tarp gets torn up for homeless camps where transients are defecating in and around water and destroying habitat.
- ◇ There is a lot of litter coming off the freeway into Batiquitos Lagoon No Take SMCA (e.g., 1,000 pounds of debris removed in kayak cleanups). The cleanup participants found a lot of fishing lines, tires, tennis balls, golf course out of bounds markers, a bale of marijuana, wood, and a sofa.
- ◇ Water quality monitoring station was going crazy when they were building the hotel right there, dumping right into the water in Batiquitos Lagoon No Take SMCA. Landscapers will also dump garden waste into Batiquitos Lagoon.
- ◇ The developer for La Costa 48 needs to prevent runoff into Batiquitos Lagoon No Take SMCA and said they did not have to, which is an error in their application.
- ◇ In the San Dieguito Lagoon Ecological Reserve, there are homeless encampments, trash/pollution enters the water, and there is vandalism of structures/signs.
- ◇ There is an issue with runoff in San Elijo Lagoon No Take SMCA.
- ◇ The City of Encinitas was fined for dumping into the creek that flows into Swami's SMCA about eight years ago. The city was short staffed in this area for a while but should be watched for upstream water quality issues.

• **Illegal Dog Activities**

- ◇ Dogs off leash was mentioned for Famosa Slough No Take SMCA, San Diego-Scripps Coastal SMCA, Batiquitos Lagoon No Take SMCA, San Elijo Lagoon No Take SMCA, and Swami's SMCA.
- ◇ Participants mentioned dog issues including dogs digging and defecating in and near MPAs.
- ◇ San Elijo State Park is used before hours, and there are dogs off leash on State Park trails.

Compliance Concerns

Compliance Concerns in Detail Continued

• Harmful Tidepooling

- ◇ There is quite a bit of tidepooling and negative impacts of poor tidepool etiquette at Cabrillo SMR.
- ◇ Tidepooling is unsustainable at South La Jolla SMR. Specifically, tidepooling and rock take is common between Tourmaline Beach and Bird Rock in South La Jolla SMR.
- ◇ The Birch Aquarium groups/visitors tidepool frequently including through a volunteer educational community program and a sea camp by Pacific Beach Point.
- ◇ During low tide, the reef gets torn up because so many people go tidepool in Swami's SMCA.
- ◇ Some people are told that taking rocks below the high tide is allowed because it is out of San Elijo State Park, but it is still in Swami's SMCA where the take of rocks is prohibited. Rock collecting is an issue, possibly in part because there is an old rule that one could collect a couple buckets of rocks.
- ◇ Participants noted that one man comes year after year and collects all the organisms and then puts on his own educational show in Swami's SMCA tidepools.

• Wildlife Disturbance

- ◇ Marine mammal disturbance occurs at South La Jolla SMR.
- ◇ Participants mentioned that some boats drive through large rafts of birds in South La Jolla SMCA.
- ◇ Harassment of marine mammals (e.g., sea lions, harbor seals) is a major compliance concern in Matlahuayl SMR.
- ◇ Tourists take "selfies" with hauled out pinnipeds at La Jolla Cove.

• Shift/Increase in Fishing Pressure

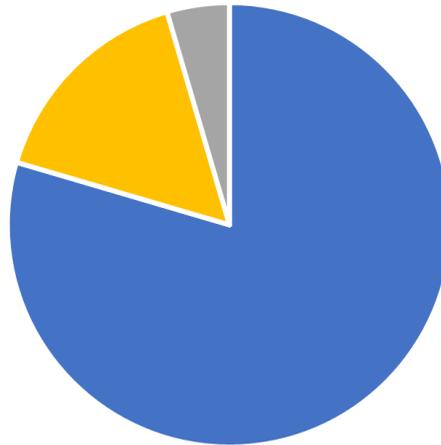
- ◇ Participants see boats offshore every once and a while inside Swami's SMCA. However, the boats are so far out that it is not always possible to tell what they are doing. Participants have seen a couple lobster boats fish the line of Swami's SMCA.

• Other Code Violations

- ◇ There are a lot of people, dogs, and people on boogie boards under the bridge at San Elijo Lagoon No Take SMCA in the one channel by the railroad.
- ◇ People would park at San Elijo State Beach, get parking tickets, and just write it off as the "cost of going to the beach."

Contributing Factors

Factors Contributing to Noncompliance



- 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 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 San Diego Forum was held prior to COVID-19.

Contributing Factors

Potential Factors Contributing to Noncompliance in Detail

• Lack of Awareness

- ◇ There is a need for more MPA education and outreach, signage, and translation of signs/materials into different languages for visitors. Many participants mentioned that there are low levels of awareness around MPAs, regulations, and boundaries.
- ◇ Participants explained that the MPA Ambassador programs (with recreational fishing guides and a video) are for kayak shops. Participants believe it is not these kayakers that are in violation of Matlahuayl SMR, but it is the recreational visitors with their own kayaks that are unaware of MPAs.
- ◇ Officers/wardens are frequently asked “what is a pelagic finfish?” in general and around Swami’s SMCA. There needs to be more outreach to define pelagic finfish and what form of take is allowed.

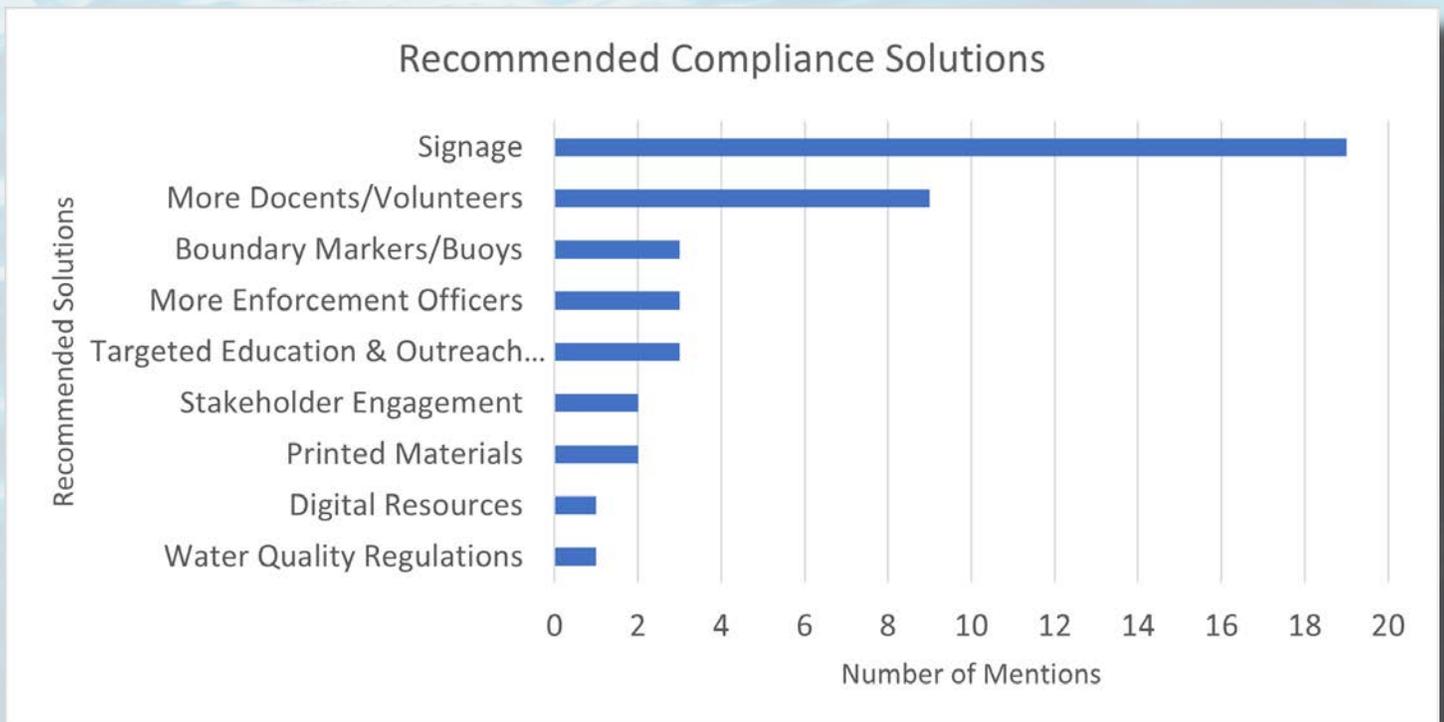
• Confusion Regarding Regulations, Boundaries, or Jurisdiction

- ◇ During the workshop, it was clarified that the second anyone places anything into a receptacle it is considered take (Section 632(a)(1)(b) – take inside a SMCA).
- ◇ There is confusion with Ecological Reserve and MPA designations for San Dieguito Lagoon SMCA.
- ◇ Participants mentioned confusing signs such as the Del Mar City signs restricting fishing in San Dieguito Lagoon SMCA.
- ◇ There was confusion about the regulations for Batiquitos Lagoon No Take SMCA. Participants suggested that areas to the west of the SMCA are no fishing. This area is defined as an MPA and an ecological reserve. The code for an ecological reserve is hard to find (Section 550). Participants mentioned that at the far bridge over the water, there are two signs indicating where you can fish by the ocean. Officers usually write no trespassing cites instead.
- ◇ For Batiquitos Lagoon No Take SMCA, participants discussed the confusion regarding the boundaries because it seems that not including the western section of the lagoon was a technical mistake. People are technically allowed to fish under the bridge, but that was not the intention of the SMCA. The City of Carlsbad Park Rangers and CDFW go out there to make contact, but do not cite because this area under the bridge is ill-defined and they may get challenged in court.
- ◇ There was confusion about the regulations for Batiquitos Lagoon No Take SMCA. Participants suggested that areas to the west of the SMCA are no fishing. This area is defined as an MPA and an ecological reserve. The code for an ecological reserve is hard to find (Section 550). Officers usually write no trespassing cites and, after the far bridge over the water, there are two signs indicating where you can fish by the ocean.
 - Batiquitos Lagoon Foundation responded by saying they hold the open space and trail easements so they can report issues occurring in Batiquitos Lagoon No Take SMCA.
- ◇ At San Elijo Lagoon No Take SMCA people can be confused whether swimming is allowed.

• Shortage of Uniformed Personnel/Enforcement Officers

- ◇ Participants mentioned a general lack of enforcement capacity.
- ◇ More local rangers/police officers need to be involved in MPA enforcement.

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 need for easy-to-read signage with simple messaging (e.g., interactive signs at Swami's SMCA).
- ◇ There is only signage by the bathrooms at Swami's SMCA. Participants mentioned that it would be good to have signage (e.g., to prevent people from taking rocks) on north side where people start their beach walks at Seaside.
- ◇ There is a need to put better signage and more fence up in Batiquitos Lagoon No Take SMCA.
- ◇ Cabrillo National Park did not want the signage on Cabrillo SMR that was provided to them to be affixed to anything because it does not have their logo. This sign is currently on a mobile stand.
- ◇ There are MPA signs needed at San Elijo Lagoon No Take SMCA. There is a sign in the window at The Nature Center and there are also some Ecological Reserve signs, but nothing about MPAs.
- ◇ Participants discussed putting in an exceptionally large sign and more visual stimuli for Matlahuayl SMR. The Collaborative has tested out OK/KO range marker style signs, however, there are issues with installing signs that big.
- ◇ Participants suggested having friendly signs or children-made signs for South La Jolla SMR if the issue is kids and their families involved in harmful tidepooling.
- ◇ There is a need for tidepool etiquette signage at South La Jolla SMR.
- ◇ Signs are faded and graffitied in Famosa Slough No Take SMCA.
- ◇ Signage that faces you as you drive down toward the La Jolla Shores launch ramp in Matlahuayl SMR is needed for kayak launchers on the beach.
- ◇ Signage is fading, needs to be updated, and needs to be consistent with state and local municipalities at Batiquitos Lagoon No Take SMCA.
 - For example, Carlsbad Police Department and City of Carlsbad Park Rangers will not write tickets for state regulations because they say the judge throws it out when they go to court.
- ◇ All the access points for South La Jolla SMR had signage at some point including South Bird Rock which was ripped off and Sea Ridge (a less obvious MPA access point) which is now missing.
- ◇ Simple "know your MPA" signs are needed for tackle shops with a holder for pocket guides/ brochures with more information and QR codes. Dana Landing (a bait and tackle shop in Mission Bay) has been hesitant to post MPA signage. There needs to be pressure on the city to put a sign at Dana Landing because this area has high boat traffic.

Recommended Solutions

Recommended Compliance Solutions in Detail Continued

• **More Docents/Volunteers**

- ◇ Docents/volunteers and/or paid staff that have had interpretive training need to be on site at tidepools.
- ◇ Participants noted that, for outreach strategies of docent programs, it is usually more effective to give out steward certificates and educate ahead of time. It is harder once they are already out in the field (e.g., at Swami's SMCA tidepools). Participants mentioned that some individuals/programs prefer the term volunteer over docents.
- ◇ The Nature Collective has a big volunteer presence in Swami's SMCA with volunteers/docents and outreach materials.
- ◇ WILDCOAST's MPA Ambassadors Program was mentioned as an outreach solution to educate kayakers.
- ◇ The Cabrillo docent program was mentioned as an example of a way to reach tidepoolers in Cabrillo SMR

• **Boundary Markers/Buoys**

- ◇ A large on-the-ground marker was suggested for Matlahuayl SMR.
- ◇ There is a general need for onshore markers and identifiable landmarks for San Diego County MPAs.

• **More Uniformed Personnel/Enforcement Officers**

- ◇ More involvement by allied agency enforcement officers (e.g., Park Rangers and local police officers) is needed to improve MPA compliance.

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

- ◇ WILDCOAST uses their mobile carts to do outreach during large events.
- ◇ Beach grooming and the impacts of grooming should be included in outreach. La Jolla Parks and Beaches is clearing the beach wrack. Some residents are passionate about wanting wrack removed from the beaches.
- ◇ Solana Beach Lifeguards will pull up and make a general public announcement using a megaphone in Swami's SMCA because it is difficult to go up to every person. Regular outreach events like these may help improve compliance and safety.

• **Stakeholder Engagement**

- ◇ Participants mentioned that there needs to be more outreach to bait and tackle shops.
- ◇ There needs to be more engagement with youth through existing school fishing clubs.

Recommended Solutions

Recommended Compliance Solutions in Detail Continued

- **Printed Materials**

- ◇ Small handouts like the waterproof recreational pocket guide are useful printed materials to have at fishing shops.

- **Digital Resources**

- ◇ Participants shared that a better digital app for MPAs is needed.

- **Water Quality Regulations**

- ◇ Participants discussed utilizing a regulation relevant to dumping such as Fish & Game Code 5650 which prohibits the dumping of any deleterious object that is or can flow into the waters of the city (e.g., sawdust dumping into the street by the gutter which has the potential to go in).

Wrap-Up Discussion

1. What are our high priority needs?

- There is a need to address poaching in MPAs and Fish & Game Code violations.
- There is a need to address trash and water pollution, especially in estuarine (e.g., lagoons, sloughs) MPAs. Outreach is needed to push for cities to stop dumping into water and prevent runoff.

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

- Signage is needed, especially positive, friendly, and creative signs with more pictures so they are understandable to everyone.
- Tackle shop signage – super simple “know your MPAs” sign.
- Printing more pocket guides is a priority because they are useful; they should also include what are considered “pelagic fish.”
- Youth fishing club outreach was recommended for San Diego schools (e.g., San Dieguito Academy, Broward School in Encinitas), including giving presentations (e.g., from someone at CDFW), and involving Trident mini-remotely operated vehicles (ROVs).

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

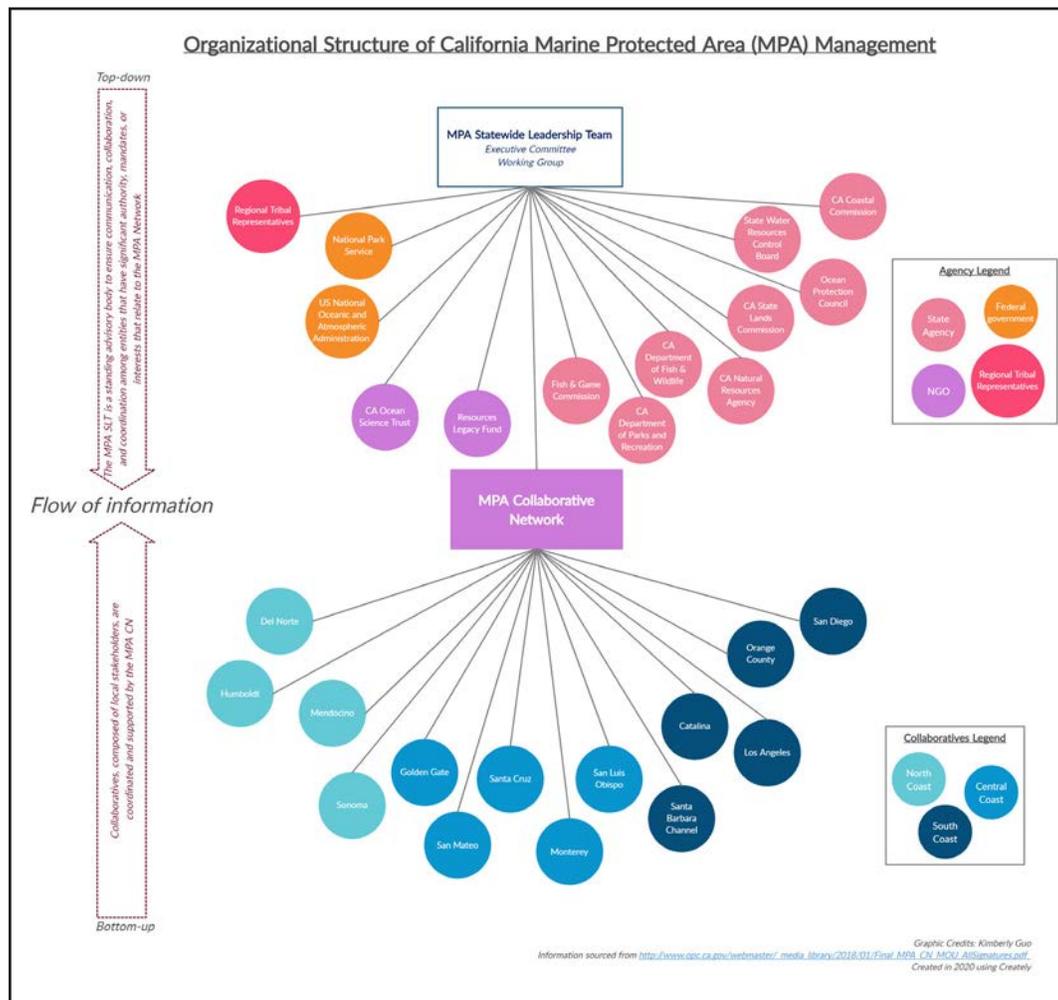
- California Department of Fish & Wildlife (CDFW)
- California State Parks
- City of Carlsbad Park Rangers
- San Diego City Park Rangers
- US Coast Guard
- Harbor Police
- Mission Bay Police (San Diego La Jolla Unit and Mission Bay Unit)
- UC San Diego Police

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:

- ◇ Do boundaries that are aligned with bridges incorporate area beneath the bridge into the MPA? This should be consistent.
- ◇ What do we do when long-term management policies developed for ecological reserves conflict with MPA regulations in estuary MPAs?
- ◇ City runoff and pollution of waterways/MPAs during construction projects.
- ◇ Need more outreach on what is included in “pelagic finfish,” dogs on/off leash, and the take of rocks.



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 22 total responses (pins). Yellow 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 San Diego 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.

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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**