

California Marine Life Protection Act Initiative Blue Ribbon Task Force

MEMORANDUM

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To: Mike Chrisman, Secretary
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From: Phil Isenberg, Chair
MLPA Blue Ribbon Task Force 

Subject: Lessons learned in the MLPA Initiative

Date: October 17, 2006

Consistent with the expectation that the MLPA Initiative provide an opportunity to improve implementation of the MLPA, we undertook an extensive examination of lessons learned in our efforts over the past two years. Particular attention was paid to lessons for the next study region, anticipated to begin in early 2007.

Two reports on lessons learned in the initiative were prepared by external consultants. Those reports, as well as a facilitators' report and a report on administrative lessons, are available on the MLPA website (see www.dfg.ca.gov/mrd/mlpa/meeting_090606.html), briefing documents C-G).

At its September 6, 2006 meeting, the MLPA Blue Ribbon Task Force approved a draft motion regarding lessons learned. Refinements to that motion as suggested in the meeting have now been completed and approved by the task force members; the final motion is attached.

You will see in the attachment that ten recommendations focus on the overall design for implementing the next study region. We believe these recommendations provide a sound foundation for moving forward, recognizing also that other perspectives and changing contexts will refine the eventual designs used in future study regions.

Please contact me or Executive Director John Kirlin if you have any questions.

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Enclosure

California Marine Life Protection Act Initiative
Blue Ribbon Task Force Motion Regarding Lessons Learned
September 22, 2006

The California Marine Life Protection Act (MLPA) mandates that the entire coast of California be studied in order to reexamine and redesign California's system of marine protected areas (MPAs). The MLPA Initiative was created in 2004 by a memorandum of understanding (MOU) among the California Resources Agency, California Department of Fish and Game (DFG) and Resources Legacy Fund Foundation. This innovative public-private partnership created a blue ribbon task force of experienced policy makers to guide the work of scientists and stakeholders, supported by a professional staff and consultants.

Among the deliverables specified in the MOU were a master plan framework to guide implementation of the MLPA, a strategy for long-term funding, and development of alternative packages of MPAs for the central coast. The MLPA Initiative's work in these three critical areas has been transmitted to DFG, the California Fish and Game Commission and the California Resources Agency.

Consistent with the goal of informing future actions required for full implementation of the MLPA, a formal effort was developed to understand the lessons learned in the MLPA Initiative and especially in the MLPA Central Coast Project. Two reports were prepared by external consultants who reviewed documents and conducted interviews with key participants in the process. Additionally, a facilitators' report and a report on administrative lessons were prepared. All these documents are available on the MLPA website at http://www.dfg.ca.gov/mrd/mlpa/meeting_090606.html

Task Force Action

The MLPA Blue Ribbon Task Force (BRTF) accepts the "lessons learned" reports of the external consultants. While the BRTF does not endorse all the consultants' recommendations, it does urge that they be given careful and serious consideration by those making decisions in these areas.

The BRTF makes these specific recommendations:

A. Leadership and design of future study regions

- 1. *A blue ribbon task force should be established for the next study region.*** In the MLPA Central Coast Project, the BRTF played critical roles in the process that generated a range of acceptable alternative packages of proposed MPAs and such a group can again contribute to developing good alternative packages for the next study region. The BRTF can make policy and process judgments to resolve conflicts that could stop progress toward meeting the work schedule set in the MOU and also perform critical roles in overseeing expenditures of private funds and directing efforts of staff.

To address perceived ambiguities experienced in the MLPA Initiative, the charter of any new BRTF should clarify BRTF authority to accept any recommendation coming from the stakeholders, or outside parties, to reject those recommendations, or to make appropriate amendments. Its charter should also specify BRTF authority to adopt its own preferred recommendation to submit to DFG for action. This BRTF recommends that the charter of any future BRTF explicitly give it these authorities.

2. **Independent professional staff should be retained to perform critical roles in the next study region.** The staff should include an executive director reporting to the BRTF chair, with other staff and consultants reporting to the executive director.
3. **As experience accumulates with study regions, modifications to the model used in the MLPA Initiative to develop packages of proposed MPAs should be evaluated and considered by decision makers.** The MLPA Initiative is widely judged as successfully developing a set of acceptable alternative proposed packages of central coast MPAs, on schedule. Additionally, the MLPA Initiative addressed policy issues critical to implementing the MLPA, such as the use of scientific guidance in developing packages of MPAs. Moreover, the MLPA Initiative processes established expectations for any future blue ribbon task force, for stakeholder participation and public outreach, and for staff support for these processes. Finally, the formal extraction of “lessons learned” suggests potential improvements to the processes used in the MLPA Central Coast Project and is an important idea to carry forward in state policy making in this and other areas.

Evolving circumstances may motivate consideration of adjustments to the process design. Identifying and analyzing those process design modifications soon could provide improved information for future decision makers. Additionally, explicit “lessons learned” efforts, such as that undertaken on the MLPA Initiative and Central Coast Project, should be undertaken at the completion of each study region process.

B. Roles and responsibilities

4. **Roles in developing alternative packages of MPAs and a preferred alternative should be clearly specified to support effective policy making by the California Fish and Game Commission.** The MOU creating the MLPA Initiative did not include the California Fish and Game Commission as a signatory and the MLPA Initiative processes provided only limited opportunity for the commission to directly understand the work by stakeholders and the MLPA Master Plan Science Advisory Team as presented in the alternative packages of proposed MPAs that were transmitted to the BRTF and DFG. Nor did MLPA Initiative processes afford commission members significant opportunity to become more knowledgeable about the MLPA.

The process designs used to develop proposed packages of MPAs would be improved by an explicit focus on supporting effective policy making in implementing the MLPA by the California Fish and Game Commission. A strong process would align the work of all participants, from stakeholders and the master plan team required in the Marine Life Protection Act, to any body such as the BRTF, through the department’s roles, to support the commission’s policy making. This might be accomplished by designation of a staff liaison between the MLPA Initiative and the commission, by scheduling joint meetings between the task force and the commission, or by other means.

5. **Any future MPA designation, whether achieved through use of an independent task force, or through the California Department of Fish and Game, California Resources Agency or California Fish and Game Commission, should ensure that**

as many interested constituencies as possible are meaningfully involved in the process from the start. One strength of the MLPA Initiative and the MLPA Central Coast Project was substantial stakeholder involvement and broad opportunities for public input. In future study regions, systematic efforts should be made to continue to identify interested constituencies and to engage them in implementing the MLPA.

6. **The BRTF endorses efforts to clarify policy in developing a network of MPAs in two important areas:** (1) the distinction between MLPA and fisheries management policies, with attention to how they can be complementary, and (2) consideration of socioeconomic impacts. One way to clarify policy in these areas is in revisions to the Master Plan for MPAs, now under consideration. The MLPA Initiative developed documents analyzing issues in both these areas, which it recommends should be considered by the California Fish and Game Commission or others as a basis for clarifying these relationships. Those documents are:

Memorandum on the Relationship Between the MLPA and Fisheries Management, prepared by J. Clark Kelso, Director & Professor of Law, McGeorge School of Law, University of the Pacific, dated January 30, 2006.

http://www.dfg.ca.gov/mrd/mlpa/pdfs/agenda_052506_bd1f.pdf

Socioeconomic Considerations in Developing Alternative Network Components for a Network of Marine Protected Areas along the Central Coast, memorandum from MLPA Initiative staff to the BRTF, dated January 13, 2006.

http://www.dfg.ca.gov/mrd/mlpa/pdfs/agenda_052506_bd1i.pdf

C. Governance and funding

7. **A public-private MOU should be created for the next study region.** In addition to the California Resources Agency, California Department of Fish and Game and Resources Legacy Fund Foundation, the California Fish and Game Commission should be invited to become a signatory to the MOU. Importantly, the MOU allows specifying work products, schedules, roles and chains of accountability to achieve a focus of effort on the MLPA that is very difficult when operating solely within state government. The MOU should specify roles among the signatories, deliverables with due dates and expected funding sources. A MOU provides the framework for receiving and using fiscal and human resources beyond those available to the state.
8. **Private funding that can be quickly allocated to needed purposes is critical to success in the next study region.** Private funding not only increases the total resources available to implement the MLPA, but also the ability to use private funds quickly and for whatever purpose is needed, removing delays and constraints often encountered in any public process. The recommended blue ribbon task force should authorize expenditure of the private funds, acting on requests from the executive director.

D. Enhancing capacity

- 9. Increased support must be given to the California Fish and Game Commission to allow it to properly consider and review future MPA proposals and then to fulfill its responsibilities for adaptive management.** The MLPA creates new roles for the commission and substantially increases its work load, not only through designating MPAs in more study regions but thereafter through adaptive management. Meeting these needs will require increased budgets and access to personnel with necessary knowledge and skills. The BRTF held two valuable joint meetings with the commission and such joint meetings can provide important opportunities for communication and creating shared expectations. When possible, it is desirable to have the commission understand the major features of proposed packages of MPAs as they are being developed and to ask any questions or voice inputs before packages are finalized. The commission should examine the structure, resources and operations of similar commissions for possible guidance on enhancing its own capacities.
- 10. The capacity of the California Department of Fish and Game and other state agencies must be further enhanced to ensure successful implementation of the MLPA and other marine policies.** Budget appropriations in 2006 provide an increased budget for DFG, but needed human resources must be developed, and additional budget increases will be required as subsequent study regions are completed. The MLPA Initiative report *Estimated Long-Term Costs to Implement the Marine Life Protection Act* (April 2006) provides a useful basis for discussion of needed budget increases. As the California Department of Parks and Recreation and State Water Resources Control Board also have roles in implementing the MLPA, attention should be given to ensuring that they also have resources needed to implement the MLPA.