

California Marine Life Protection Act Initiative

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To: MLPA Blue Ribbon Task Force
From: MLPA Initiative Staff
Subject: Round 2 Draft Marine Protected Area Proposals for Evaluation
Date: June 2, 2009
Cc: MLPA South Coast Regional Stakeholder Group

Purpose of Memo

MLPA Initiative staff has received significant feedback on the process used to generate draft marine protected area (MPA) proposals for the Round 2 evaluation process. Staff is providing this memo to MLPA Blue Ribbon Task Force (BRTF) members to establish the context for Round 2 process decisions and to make recommendations for moving forward with Round 2 evaluations and Round 3 process design.

Background

Throughout April and most of May, the MLPA South Coast Regional Stakeholder Group (SCRSG) members worked together both formally (in staffed work sessions and meetings) and informally (in person and by conference call) to develop their Round 2 draft MPA proposals. On May 21, 2009, the SCRSG gem groups completed their Round 2 work, which resulted in four draft MPA proposals being generated; taken together with the three revised external MPA proposals, this resulted in seven draft proposals.

Consistent with BRTF guidance, MLPA Initiative staff designed a process intended to produce no more than six draft MPA proposals for Round 2 evaluation, with a focus on proposals with cross-interest support. One component of this process involved using a vote of the SCRSG members if more than six draft SCRSG and external proposals emerged at the end of Round 2 deliberations. Staff indicated to SCRSG members that those gem groups that created a single draft proposal would have their proposals automatically included in the Round 2 evaluations. If all three gem groups were able to complete Round 2 with one proposal, then six draft MPA proposals would be forwarded for evaluation. Staff also suggested to the SCRSG that if multiple, very similar draft proposals emerged from the process, those draft proposals might be merged or one selected over another for moving forward to the evaluation stage.

Both the Opal and Topaz gem groups developed a single, draft MPA proposal that would automatically be included in the Round 2 evaluations, while Lapis developed two draft proposals (Lapis 1 and Lapis 2). There was an effort to merge Lapis 2 and External A, as they were nearly identical except for a few geographies; however, the proposal authors were not receptive to that suggestion. To arrive at no more than six proposals, staff then asked the SCRSG to vote among the three external proposals and two Lapis proposals; stakeholders were directed to vote for the four draft proposals that they preferred be forwarded for Round 2 evaluation. Since some

SCRSG members were not present for the vote, staff committed to contacting those individuals and allowing them to state their preferences by phone or email. MLPA Initiative staff tallied votes submitted by all SCRSG members and determined that External C had received the fewest votes.

Incorporating Round 2 Process Design Feedback

Following the conclusion of the May 21 SCRSG meeting, MLPA Initiative staff received a large number of comments on the Round 2 process design from a range of SCRSG members. Feedback included perceptions that most of the remaining suite of Round 2 proposals did not represent the interests of some stakeholder constituencies, that in some instances sufficient opportunity had not been provided for incorporating the various cross-interest ideas, and that straw voting in the work groups had led to minority voices being “outvoted” by other interests that refused to negotiate. Staff recognized that removing one or more of the seven draft proposals developed in Round 2 would reduce the variety of ideas strongly supported by some of the SCRSG members as well as the breadth of feedback that would be provided for use in developing Round 3 MPA proposals.

In an effort to provide stakeholders with the maximum amount of information for use in Round 3 MPA planning, and to address the perception of many SCRSG members that there had not been sufficient opportunity to incorporate their ideas, Executive Director Wiseman forwarded the results of the votes taken on May 21 to the SCRSG along with the indication that all seven proposals should be analyzed as part of the Round 2 evaluation process. A similar decision was made in the MLPA North Central Coast Study Region to ensure that an external commercial fishing proposal would have an opportunity to be evaluated and considered.

Further Process Design Feedback

MLPA Initiative staff again received significant feedback from SCRSG members following the release of the May 21 votes. First, some SCRSG members expressed concerns that staff had not adhered to the process design originally conveyed, whereby only six draft proposals would be forwarded for Round 2 evaluations, based on a vote taken by the SCRSG. Second, some SCRSG members expressed concerns about the process design for Round 3, and fear that adequate opportunity for incorporating multiple cross-interest ideas would not be provided. As a result, MLPA Initiative staff recognize that the effort to design a more fair and inclusive process has been perceived as just the reverse. Upon further reflection, staff believe that including all seven draft MPA proposals in the Round 2 evaluation process will not address stakeholder concerns as intended, does not fully meet BRTF guidance, and has instead generated additional doubts about the integrity of the process.

Staff Recommendations

In recognizing the importance of maintaining a consistent process and providing sufficient opportunity for incorporating cross-interest ideas into the next round of MPA proposal design, MLPA Initiative staff make the following recommendations:

1. Maintain the original process as outlined by MLPA Initiative staff for Round 2 evaluations, that is, forward for Round 2 evaluations only the Opal and Topaz draft MPA proposals along with the four draft proposals receiving the highest number of votes in the SCRSG vote: Lapis 1, Lapis 2, External A, and External B.
2. Develop and support a process design for developing Round 3 MPA proposals that creates adequate opportunity for SCRSG members to share and incorporate cross-interest ideas and to contribute to a revised MPA proposal that they can support. Staff is committed to designing a process where each stakeholder can find a "safe" place to participate. A Round 3 process may include suggestion by the BRTF of which proposals SCRSG members may use as a starting place for Round 3 negotiations or identification of very similar proposals that should logically be merged. Additional guidance is expected from the BRTF at its July meeting, following completion of the various evaluations.
3. Commit to holding all SCRSG members accountable for observing the ground rules as approved by the SCRSG and remove any member that chooses to continue violating the established ground rules after a written warning.
4. Encourage SCRSG members to draw on all of the MPA ideas to date to develop their Round 3 MPA proposals, including borrowing and incorporating ideas from external proposals as useful and appropriate. SCRSG members may also develop new ideas, building on the lessons of previous MPA concepts and should continue to make their Round 3 proposals as cross-interest as possible.