

Key Outcomes Memorandum

Date: August 14, 2009

To: Members, MLPA South Coast Regional Stakeholder Group (SCRSG)

From: Scott McCreary and Rebecca Tuden, CONCUR, Inc.

Re: Key Outcomes Memorandum – August 3, 2009 SCRSG Meeting

cc: MLPA Initiative contractors, California Department of Fish and Game MLPA staff, and California Department of Parks and Recreation MLPA staff (collectively known as the I-Team)

Executive Summary – Key Outcomes

On August 3, 2009, the Marine Life Protection Act (MLPA) South Coast Regional Stakeholder Group (SCRSG) participated in its seventh meeting in Carlsbad, CA. **Key outcomes** from the meeting are as follows:

- MLPA Blue Ribbon Task Force (BRTF) chair Don Benninghoven thanked the SCRSG members for their hard work and participation in the MLPA process. He also gave a summary of the key BRTF guidance provided to SCRSG members for Round 3 of their marine protected area (MPA) proposal development. This summary included an emphasis on meeting the MLPA Master Plan Science Advisory Team (SAT) guidelines, where possible. In those rare exceptions where work groups chose not to meet SAT guidelines, SCRSG members should be explicit about the tradeoffs and the decisions reached on which guidelines or interests were intended to be met with the placement of a given MPA.
- I-Team staff discussed how Round 3 deliberations would proceed within the SCRSG. Three new work groups were established (with specific assignments to each work group provided in a handout). Each work group was assigned a specific proposal to use as a starting point for its deliberations and guidance to help focus efforts.
- SAT members gave a summary of the evaluations of each of the six Round 2 MPA proposals including: size and spacing, habitat representation and replication, bioeconomic modeling, marine birds and mammals, and potential socioeconomic impacts to commercial and recreational fisheries.
- SAT members also held a panel discussion to give SCRSG members the opportunity to ask key questions of the SAT analyses.
- The California Department of Fish and Game (DFG) provided an evaluation of the Round 2 draft MPA proposals and how well they met DFG's feasibility guidelines for developing MPA designs, regulations and boundaries.

Key next steps are listed in Section III below.

I. Meeting Objectives, Participants and Materials

On August 3, 2009, the MLPA South Coast Regional Stakeholder Group (SCRSG) participated in a meeting in Carlsbad, CA. This Key Outcomes Memorandum summarizes the meeting's main results.

The primary objectives of the meeting were to:

- *Receive and discuss MLPA Master Plan Science Advisory Team (SAT), California Department of Fish and Game, California Department of Parks and Recreation, and MLPA staff evaluations of Round 2 SCRSG "draft marine protected area (MPA) proposals" and external MPA proposals*
- *Receive and discuss I-Team direction on deliberations for developing Round 3 "MPA proposals"*
- *Discuss key geographies and Round 2 evaluation results across draft MPA proposals to inform Round 3 MPA proposal development.*
- *Receive direction on moving forward with Round 3 MPA proposals and work group process.*

60 SCRSG members (primary and alternate) participated in the meeting.

MLPA Blue Ribbon Task Force (BRTF) member Don Benninghoven (chair) attended portions of the meeting.

MLPA Master Plan Science Advisory Team (SAT) members Larry Allen, Pete Raimondi, Eric Bjorkstedt, Susan Chivers and Dominic Gregorio, attended portions of the meeting. Dr. Will White and Dr. Sarah Kruse gave presentations on behalf of the SAT.

MLPA Initiative, California Department of Fish and Game (DFG), and California Department of Parks and Recreation (State Parks) staff—collectively known as the "I-Team"—staffed the meeting.

Meeting materials may be found on the MLPA website at http://www.dfg.ca.gov/mlpa/meeting_080309.asp

II. Key Outcomes

A. Welcome, Introductions, and Updates

I-Team staff provided a brief update of SAT activities including recent approval of draft recommendations for water and sediment quality, and approval of Palos Verdes supplemental guidance. It was also noted that the SAT's next meeting is scheduled for October 6, 2009.

BRTF Chair Don Benninghoven noted the big success of the recent public open houses in the south coast and thanked the SCRSG members for their participation. He also reiterated the guidance given to the SCRSG at the BRTF's last meeting, reminding SCRSG members that the intent is to provide maximum protection with minimum economic impact. In those exceptions where SAT or DFG feasibility guidelines are not met, SCRSG members are asked to provide an explanation for the

reasoning behind the MPA placement. He also indicated that special closures will continue as identified in the Channel Islands and that no new special closures are anticipated for this study region. Finally, he clarified that anchoring is not a fishing activity and, therefore, is not assigned a level of protection. Anchoring will be permitted in MPAs unless explicitly excluded from the MPA in its rationale.

I-Team staff provided a brief summary of the public open houses held in late June and early July. There were over 800 public comments provided through those open houses and a document describing the key themes was provided in a handout to the SCRSG. Staff also discussed the “Suggestions for Effective Public Comment” which includes guidelines to help the public’s input and comments be more readily available to the MLPA process. Staff announced that the final regional profile for the MLPA South Coast Study Region is completed and will be distributed.

Bruce Steele gave an update of the recent informal meetings among some SCRSG members. The primary intent of the meetings was to give SCRSG members an opportunity to hear each others concerns. At the first meeting, SCRSG members worked to flesh out what “cross-interest” and “middle-ground” meant for the MPA proposal design. At the second meeting, they discussed some of the specific MPA shapes and proposals. Bruce noted that the panel discussion at the recent BRTF meeting in July also helped continue the dialogue between SCRSG members.

B. I-Team Direction for Round 3 Deliberations

I-Team staff presented the process for SCRSG members to use in the upcoming, Round 3 deliberations. The direction is intended to help implement the BRTF guidance including: underscoring the importance of meeting the SAT guidelines, providing safe harbor to SCRSG members to focus on their interests, and reiterating the importance of following the adopted ground rules.

The SCRSG will be organized into three new work groups and each will be assigned a draft MPA proposal as the starting point (or platform) for its deliberations. The work groups and their assigned platforms include: Workgroup 1, Draft MPA Proposal Topaz; Workgroup 2, MPA Proposal External A and; Workgroup 3, Draft MPA Proposal Lapis 1. The assignments of SCRSG members to work groups (Attachment A) were largely based on the preferences expressed by SCRSG members in an on-line survey and in consultation with individual SCRSG members.

All workgroups are directed to meet SAT guidelines, where possible, and DFG’s feasibility criteria. In addition each work group had specific instructions:

- Work group 1 was instructed to continue achieving a high level of cross-interest support and improve achievement of SAT guidelines;
- Work group 2 was instructed to continue to seek efficiency of MPA design and improve achievement of SAT guidelines;
- Work group 3 was instructed to continue to address SAT guidelines and strive to achieve preferred SAT guidelines.

A few clarifying questions were raised about the process guidelines. SCRSG members asked if these groups were permanent or whether they could move between work groups. Staff responded that the primary affiliation is with the assigned work group and in an attempt to keep the groups as stable as possible, SCRSG members are encouraged to communicate with each other but stay within their assigned work groups.

A question was raised about how designation of an MPA will affect monitoring requirements, such as is required for outfall pipes. I-Team staff responded that the question of how MPA designation can affect other activities is being considered by legal counsel. In the near term, any activities that are expected (or desired) to occur in an MPA that may be considered extractive should be included in the MPA's rationale.

C. Summary of Draft MPA Proposals: Key Evaluations and Geographies

I-Team staff gave a quick summary of the MPA proposals submitted for Round 2 evaluation. Staff also provided an analysis of the opportunities the MPA proposals offered in meeting SAT guidelines in key geographies. The presentation identified key planning steps for moving forward into Round 3 deliberations and submittal of the proposals to the BRTF.

D. Overview and Panel Discussion of SAT Methods and Analyses of Round 2 MPA Proposals

SAT members provided an overview of the evaluation results for each of the proposals for: Habitat Representation and Replication, Habitat Size and Spacing, Bioeconomic Modeling, Marine Birds and Mammals, Water Quality, and Commercial and Recreational Fishing.

SAT guidelines that were difficult or impossible to meet were noted including: replication and spacing for deep rocky bottom habitats (greater than 100m) due to its patchy distribution and rarity; sandy bottom habitats greater than 200 meter depth due to gaps between patches of these habitats in the study region. It was also noted during the overview that MPA proposal design in Round 1 had much different objectives than for Round 2 and comparing the results of the two rounds may not be meaningful.

SCRSG members posed key questions and comments to the SAT members including:

- For all of the SAT evaluations, should the existing MPAs in the Channel Islands be considered part of Proposal 0 analysis? Existing Channel Islands MPAs are included in all SAT evaluations, but results from Channel Islands MPAs and pending military closures are identified separately. SAT members noted that the Channel Island MPAs have five years of monitoring data.
- For the water quality evaluations, given the significance of the contamination at Palos Verdes, should water quality be given greater consideration in this geography? SAT member Dominic Gregorio noted that water quality continues to be a secondary consideration in the south coast study region.
- For the size and spacing guidelines, would the SAT consider using different spacing guidelines for an MPA where only lobster is extracted, given lobster's longer larval period? SAT member Pete Raimondi observed that lobster has a longer larval period (9 months – 1 year) than the average species. However, the spacing guidelines are based on the larval period for the vast preponderance of species. Removing lobster would cause an impact on other species in the MPA.
- For all of the evaluations, how did the SAT evaluate slot limits? The SAT considered slot limits as take and assigned it a level of protection consistent with that gear and species. A similar approach was used for catch and release fishing.

- A question was raised about the bioeconomic modeling and conservation value assigned to two MPAs that were in close proximity and why one was afforded a higher conservation value. Will White responded that the two SMRs performed similar functions and that one had a relatively higher larval production so it received a higher score.
- A number of questions were asked about kelp measurements, the level of confidence in the survey information and surrogates for persistent kelp. SAT Member Pete Raimondi noted that 2.04 linear miles of maximum kelp would potentially encompass 90% of the associated species. It was noted that this estimate has not been approved by the full SAT. I-Team staff noted that a teleconference meeting of SAT members could potentially be scheduled, as needed, to respond to critical SAT questions.
- SCRSG members also asked for assistance in identifying those SAT guidelines that were “impossible” to meet. Staff responded that these issues, along with key gaps in each MPA proposals, would be discussed further in the work groups.
- There was also a question about the marine birds and marine mammals evaluation and how they are calculated. SAT member Susan Chivers noted that the birds and mammals evaluation results do not have a threshold to meet, but, instead, are relative to other proposals. It was also noted that MPAs do not need to be of minimum size as recommended by the SAT to be evaluated in the birds and mammals evaluation. The evaluation results for birds and mammals do depend upon the level of protection afforded in that MPA.

E. Additional Evaluations of Draft MPA Arrays

California Department of Fish and Game Evaluation

California Department of Fish and Game (DFG) staff provided the results of its feasibility evaluation of Round 2 proposals and included further guidance on how MPAs should be designed to meet DFG's feasibility criteria. Key suggestions to improve feasibility design include: use of land-based features for identifying boundaries, reduction in number of clusters and/or change in regulations in adjacent MPAs, simplification of take regulations, and greater clarity and simplicity in identifying goals and objectives supporting MPA placement.

Goal 3 Evaluation

I-Team staff presented the Goal 3 analysis of the Round 2 draft MPA proposals. To improve achievement of Goal 3, MPAs should include public access points, long-term monitoring sites, and increased proximity to state parks.

State Parks Evaluation

The California Department of Parks and Recreation (State Parks) also provided its evaluation of the Round 2 proposals and their consistency with State Parks guidelines and master plan. It was suggested that the state marine park classification should be used in areas where the underwater lease holders are state entities.

G. Guidance for Work Group Sessions

I-Team staff explained the objectives for the evening work session and the full work session the following day. I-Team staff had identified key opportunities for achieving SAT guidelines for each work group and intends to use this analysis to guide the initial discussion for each group. SCRSG members were also reminded to follow the adopted ground rules and pay particular attention to demonstrating respectful behavior and acting as “good-faith” negotiators.

H. Public Comment

The extensive public comment focused on the following suggestions and concerns:

- Concerns related to potentially significant, negative, economic impact of different MPA draft arrays and placement of specific MPAs.
- Concern related to access and safety for kayak fishermen and spear fishermen and the impacts to those users if an SMR is placed in La Jolla.
- Concern that placement of MPAs may restrict necessary monitoring activities associated with sanitation districts or outfalls or sand excavation or deposition activities.
- There was also a comment to support the preservation of the ecological integrity of the ocean and to integrate cultural preservation activities into the placement and designation of MPAs and consideration of future generations.

I. Objectives for September 9, 2009 Work Session and September 10, 2009 SCRSG Meeting

The SCRSG will hold its next work session in Los Angeles on September 9, 2009. The main objective for the work session is to complete development of the MPA proposals for each work group for submittal to the BRTF for final consideration.

The next SCRSG meeting will be in Los Angeles on September 10, 2009. [Note that it was determined after the August 3 SCRSG meeting that the September 10 meeting will actually start on the evening of September 9.] The key objective will be to finalize, present and discuss the final Round 3 MPA proposals.

III. Recap of Next Steps

A. Key next steps for SCRSG members

Continue to work with assigned work group members to create a final Round 3 MPA proposal. Specific “homework” actions were identified during each work group’s work session.

B. Key next steps for I-Team staff

Create a list server and marine map account for each new work group. Assist SCRSG members in completing assigned homework and provide staff support for informal work sessions, as needed.

Attachment A**Work Group Assignments for
South Coast Regional Stakeholder Group Round 3 Deliberations**

Work Group 1	Work Group 2	Work Group 3
Starting Platform: Topaz	Starting Platform: External A	Starting Platform: Lapis 1
Abramson (Sikich), Sara Beede, Ben Bursek, Julie Cordero, Roberta Czarnecki, Lauren Daigle, Leslie Engel, Jonna Feinberg, Jenn Ferrigno, Ciro Fields, Ray Galipeau, Russ Grifman, Phyllis Hiemstra, Ray Huber, Mike Kearsley, Ken Kennedy, MJ Kett, Eric Peveler, Jack Protopapadakis, Lia Richter, Gerry Rudie, Dave Sasidharan, Vinod Scheiwe, Brent Sepulveda, Chugey Steele, Bruce	Balotti, John Bertelli, Bob Dahl, Jim Beghul, Phil Everingham, Buck Fisher, Josh Fletcher, Robert Foley, MJ Gauger, Mike Gomes, Tommy Greenberg, Joel Griffin, Wayne Ketchum, Kevin Kronman, Mick Lebowitz, Paul Maas, Terry Maasen, Jeff Marshall, Jenny McCorkle, Mike McCrea, Merit Mills, Marc Osborn, Bob Tapp, Norris Tochihara, Wendy	Allison, Calla Benavides, Steve Dunn, Scott Engle, Jack Guassac, Louis Gutierrez, Marcela Hanley, Kate Helms, Greg Mayhugh, Carl McCoy, Mike Murphy, Garth Pister, Benjamin Spacie, Anne Teufel, Cassidy Weeshoff, David