

Report on Lessons Learned from the Marine Life Protection Act Initiative:

NORTH CENTRAL COAST STUDY REGION October 31, 2008



Integrated Preferred Alternative

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Executive Summary

California created a groundbreaking public-private partnership in 2004 to implement the Marine Life Protection Act (“MLPA”). The partnership, known as the MLPA Initiative, successfully completed planning for Marine Protected Areas (“MPAs”) in its Central Coast (“CC”) pilot region in 2006. The Initiative’s success is reflected in final action by the Fish and Game Commission (“Commission”) on April 13, 2007, establishing a network of MPAs for the Central Coast.

The Initiative moved to its next study region, the North Central Coast (“NCC”), in early 2007. The Initiative relied on the basic model for MPA planning designed for the CC, but modified its approach based in part on the results of an extensive “lessons learned” project. The Initiative’s Blue Ribbon Task Force (“BRTF”) delivered its consensus recommendation for a NCC Integrated Preferred Alternative (“IPA”) to the Commission in early June 2008, along with three alternatives developed by the NCC Regional Stakeholder Group (“RSG”). The Commission, as the ultimate decision maker under the MLPA, is in the middle of its regulatory and decision making process as this report is being completed.

This report presents “lessons learned” from the Initiative’s NCC study region. It includes quantitative measures of satisfaction with the MPA planning process as well as judgments, based on interviews and observation, about the performance of key Initiative components: the BRTF, the Regional Stakeholder Group (“RSG”), the Science Advisory Team (“SAT”), the Department of Fish and Game (“Department”), the Resources Legacy Fund Foundation (“RLFF”), and the Initiative staff, known as the “I Team.” The report pays particular attention to efforts by the Initiative to incorporate lessons learned from the CC pilot region into the NCC study region.

The NCC study region was a success when measured against a number of criteria. Its substantive outcomes, including MPA alternatives 1-3, 2-XA, and 4 developed by the RSG and the IPA developed by the BRTF, provide a reasonable foundation for decision making by the Commission. At least equally important, the Initiative process was a high-quality example of appropriately transparent, public decision making informed by science. The RSG shouldered the primary responsibility for developing MPA alternatives. All decision making by the BRTF occurred in noticed public sessions even without a legal requirement. The SAT similarly did its work in public with opportunities for comment, and stakeholders even provided advice on model development.

The three final MPA alternatives developed by the RSG demonstrated a higher level of convergence than on the CC. The results also reflected an increased willingness by consumptive and conservation representatives on the RSG to develop MPA proposals that integrated multiple interests. The BRTF worked more effectively with the RSG in its decision making phase than on the CC and reached consensus on its IPA. The SAT prepared a detailed description of its evaluation criteria, moved beyond academic differences to develop significant models that reflect steps toward integration consistent with the MLPA, and also provided substantial support as educator, advisor, and evaluator of MPA proposals. The Department increased its resource commitments and was a significant asset to the Initiative through development of feasibility criteria, advice about enforcement, and GIS expertise.

These evaluations are supported by the results of an online survey of RSG members. Overall satisfaction with the NCC study region process for developing MPAs was significantly higher than for the CC: 3.90 compared with 3.00 [mean scores based on a 1-6 scale]. Satisfaction scores were also higher for the composition of the RSG and its size. Survey results were also generally supportive of the performance of the Initiative components (BRTF, SAT, Department, I Team), but also included criticism that is explored in the report. According to the RSG summary report (Appendix B), however, the results support a conclusion that “the Initiative performed effectively from the RSG perspective.”

The Initiative’s success reflects its adaptability and willingness to change in response to the CC experience. Rather than fix its process in place, the Initiative, beginning with the MOU parties, weighed lessons learned and applied these at all levels of the NCC study region. The Initiative adapted to a new Executive Director and experienced its first transition period. The Initiative retained a small group of key staff from government and the private sector but expanded to include significant new personnel from the Department. The BRTF adapted to a new chair with a different style, and to a smaller size. The SAT added breadth to its scientific perspectives but did not become enmeshed in pre-existing disputes about scientific standards. The Department adjusted to requirements for significantly increased input during RSG development of MPA alternatives. Key stakeholders and advocacy organizations adapted their approaches based on the Commission’s decision making process and outcomes.

Looking ahead, a number of important policy issues require attention including the linkage between MPA planning and management, water quality, and the role of models in MPA design. There are important questions about how to support the Department as it assumes increasing responsibilities for MPA management, and how to fund MPA management including monitoring and enforcement over the long term. Future study regions promise increasingly complex political, social, and physical environments. Any shift in MLPA strategy by key advocacy groups likely will have significant consequences for the Initiative. Continued coordination between the BRTF and Commission, and clear support by the Commission of the BRTF-RSG-SAT-Department process, are important factors for success.

While policy and science disagreements related to MPAs are likely to continue, the MLPA remains the law of California. Based on the experience of the CC and NCC, the Initiative process is robust and is the best option available for implementing the MLPA. The Initiative will maximize prospects for continued success if it remains a learning enterprise that balances experience gained in the past with adaptability in future study regions.

Finding One: The MLPA Initiative model for designing MPA alternatives proved its basic soundness and flexibility in the NCC study region. The Initiative adapted the model based on lessons learned from the CC process. This report evaluates the NCC process and the effect, if any, of adaptations based on lessons learned from the CC.

Finding Two: The Initiative processes and BRTF recommendations provided a reasonable foundation for decision making by the Commission on NCC MPAs.

Finding Three: The key elements of the Initiative worked effectively on the NCC. Overall the modifications adopted by the Initiative in light of the CC process had a positive impact, although it is difficult to measure the impact of individual modifications in most cases.

Finding Four: The Initiative's record to this point suggests it has the potential for successes in future study regions. There are several important factors that likely will influence prospects for success, including:

- *A continuing commitment by the Initiative to adaptability, focus, learning, and quality*
- *Consistent support from the Commission*
- *Continued high-level political support*
- *Adequate public and private funding, and*
- *Incentives for advocacy groups to pursue their goals collaboratively within the Initiative model for MPA design*

RECOMMENDATIONS

1. The basic Initiative structure remains the best option for the South Coast study region: a BRTF with contract staff, RSG, SAT, Department, and I Team.

The Initiative demonstrated its ability to learn from the CC experience and improve its model for developing MPA alternatives. One product of the NCC process, pending a decision by the Commission, was a set of MPA alternatives that demonstrated significant “convergence.” A second product was a consensus IPA recommendation from the BRTF developed almost entirely from the RSG alternatives. A third product was broadly higher levels of satisfaction with the NCC process for developing those alternatives than for the CC. The basic Initiative structure has now been tested in two study regions and demonstrated its value. No major structural changes are recommended for the next study region

a. The Initiative should remain a learning enterprise, adaptable and flexible to each new study region and set of stakeholders.

Veterans of the Initiative are encouraged to make a commitment to seeing with fresh eyes and listening with fresh ears, even while relying on their experience and the same basic model for public decision making.

b. The Initiative should maintain its focus on two equally valuable products: (1) a high-quality process, and (2) MPA alternatives leading to a BRTF recommendation.

The process is a product of the Initiative in important respects. Good process promotes ownership of outcomes that can provide a foundation for MPA management. While MPA alternatives are an important and concrete “deliverable,” the public understanding, engagement, and support that result from a high-quality process should continue to be a core Initiative objective.

c. The Initiative should explore opportunities to support long-term sustainability of new MPAs.

The Initiative process offers an opportunity for the Department and others to look forward and begin laying the foundation for long-term success. This may include educating key stakeholders about practical MPA management challenges and associated costs and perhaps formulating potential management principles. Without losing its planning focus, the Initiative should explore these opportunities in the next study region. This recommendation is reinforced below in 4.d.

2. The private-public partnership model between the State of California and the Resources Legacy Fund Foundation should be continued through a new Memorandum of Understanding.¹

The public-private partnership reflected in the MOU is the foundation for MPA planning. While the Legislature demonstrated support for MLPA implementation through a budget increase for 2007, the current state budget deficit highlights the unreliable nature of public funding. Private funds have been, and will continue to be, essential to the Initiative's success. The partnership also provides the flexibility for the Initiative to hire qualified staff to fill specific needs and to contract for the services of outside consultants such as Ecotrust.

a. RLFF should work with the MOU parties, BRTF, and Initiative staff to ensure consistent and clear separation.

There was relatively less concern expressed by stakeholders about the role of RLFF in the Initiative during the NCC compared with the CC. This recommendation is intended as a reminder of the importance of maintaining clear boundaries between funders and those involved in decision making related to MPA design.

b. There is value in the complex and occasionally inefficient process of MPA development.

It would be understandable for private sector funders to expect a certain amount of efficiency, with the potential for future cost savings, based on the experience of two study regions. One candidate may be decision support tools like Doris and Marine Map. Experience and efficiency may also lead to cost savings in terms of basic meeting planning and preparation for the SAT, RSG, and BRTF. However, efficiency in stakeholder decision making is a different matter, primarily because each study region and its stakeholders and public are essentially new. The Initiative's success to this point can be attributed in significant part to the resources available for high-quality public process. To the extent cost-saving is a goal for funders, any cuts should be balanced carefully against the benefits of a well-funded, high-quality, and robust public process. Indeed, the South Coast study region is larger and more complex and will inevitably require a larger budget than either the CC or the NC.

¹ The MOU parties executed a new MOU intended to cover the remaining study regions in August 2008.

3. The BRTF is a key innovation for MPA design and public decision making and should fill the same roles in future study regions.

The BRTF has proved effective in fulfilling diverse roles in two study regions: as a buffer for the Commission, overseer of stakeholder design of MPA alternatives, decision maker on an MPA recommendation to the Commission, and a public forum for identifying and framing key policy issues under the MLPA. The need for each of these roles is unlikely to disappear for the future study regions, and in fact may be even greater than on the NCC. So long as the BRTF's roles are clear and its authority is undiminished, it should remain as a key element of the Initiative.

a. The criteria and process for appointing BRTF members should remain the same and should include continuity.

This recommendation is identical to one from a CC lessons learned report and bears repeating.² The BRTF has managed to operate effectively under close public scrutiny in a values-laden context. In particular, it has created incentives for RSG members to commit substantial time and other resources to the process of MPA design. This would not be possible if RSG members perceived that BRTF outcomes were pre-determined, or that the BRTF was not committed to openness and transparency in decision making. BRTF members have generated respect despite disagreements; criticism of the BRTF decision making process is not a reflection on the selection process. Continuing BRTF members also identify increased trust and respect for one another as an asset for the Initiative. These qualities are rare commodities in public decision processes and should not be put at risk.

b. The BRTF should meet with the RSG early in each study region to clarify roles, objectives, responsibilities, processes, and expectations about the relationship. This conversation should address the BRTF-RSG partnership aspect as well as the hierarchical aspect, i.e., the BRTF role as ultimate advisor to the Commission on a preferred MPA alternative. BRTF members should also attend RSG sessions individually but not as part of the agenda.

The BRTF did not meet with the RSG until its final decision meeting on the NCC. Feedback from the online survey suggests a potential benefit in clarifying the BRTF's roles, objectives, and decision processes for the RSG early in each study region. These should be distinguished from the RSG's role, objectives, and processes. The BRTF should explain its expectations for MPA alternatives development and emphasize proposals that (1) satisfy SAT criteria, and (2) reflect balancing of interests. The significance of consensus and convergence should be explained consistent with the discussion later in this report. There is a partnership aspect to the BRTF-RSG relationship, and this should be acknowledged without misleading the public and RSG about decision making authority. A joint meeting—perhaps a half day—should be evaluated as an option, with a format that supports interaction. BRTF members also should individually attend and observe RSG meetings and work groups, but should not be part of the agenda in order to ensure the BRTF is able to deliberate and communicate effectively as a group on important issues.

² *Report on Lessons Learned from the Marine Life Protection Act Initiative*, prepared by J. Michael Harty and DeWitt John (August 17, 2006) (Harty/John CC Report).

c. The BRTF should continue an iterative, interactive approach to MPA development similar to the NCC approach.

The three-round, iterative approach for the NCC was much more satisfactory to RSG members based on the survey than the two-round CC approach and should be maintained, subject to specific needs of each study region. The BRTF also should incorporate opportunities for interactive comparison of alternatives similar to the process at its final decision meeting. In the spirit of adaptation and experimentation, the BRTF should test other options for supporting its relationship with the RSG.

d. The BRTF should not be limited by an exclusive focus on MPA planning and should identify and address key policy issues in the next region.

The BRTF has an important role to play in developing initial approaches to challenging issues related to MLPA implementation. The sources for these issues vary: some are inherent in the MLPA, some are a result of MPA science, and others are a result of establishing new MPAs through the Initiative process. A list of potential issues includes:

- Future MPA management including monitoring and enforcement
- The role of regional goals and objectives in light of adaptive management
- SAT use of models and their role in MPA design for the Initiative
- Water quality in MPA design
- Funding options for MPA management

e. The BRTF should continue exploring ways to improve its effectiveness, consistent with MOU goals of transparent decision making.

The BRTF has responded to the CC lessons learned by trying new approaches for the NCC. One experiment was an informal planning discussion consistent with open meeting laws and the MOU commitment to transparency.³ It will be useful to continue experimenting with different approaches, perhaps including BRTF sub-committees charged with developing initial options on policy issues and bringing those options to the full BRTF for discussion.

This size of the BRTF has changed for each of the first three study regions: from eight (CC), to five (NCC), and now seven (South Coast). There is a mix of returning and new members for the South Coast, similar to the NCC experience. The BRTF should consult with the I Team on ways to tap the trust established among BRTF veterans and build trust with new members. The BRTF should also take early steps to ensure that new members are educated about critical MPA science and policy issues, and that the differences in MLPA experience do not impact BRTF deliberations and decision making.

³ The BRTF is not subject to Bagley-Keene because it is not a creation of statute, but has operated pursuant to MOU transparency principles.

f. The BRTF should take steps to improve meeting planning and management. The RSG survey and BRTF and I Team interviews revealed dissatisfaction with some aspects of meeting planning and management. There are opportunities to improve planning within the BRTF and also with the I Team to reduce public dissatisfaction. The BRTF should also work with the I Team to improve in-meeting decision making in response to comments from the survey.

4. The Department's basic approach to MPA planning for the NCC was an asset for the Initiative and should be continued.

The Department received a substantial increase in funding from the Legislature in 2006-7 and increased its staffing for the Initiative. Overall this increase benefitted the Initiative in terms of resources for the SAT, RSG, and BRTF. The Department's staffing increase also provided a valuable opportunity for internal capacity building around the MLPA and public involvement. The Department's timely and consistent attention to feasibility criteria was helpful for MPA alternatives development, if not always popular. Participation on the SAT ensured a knowledgeable regulatory presence. The lack of a Department preferred alternative for the Commission was consistent with the MOU; while there was some disagreement over this adjustment it does not appear that the quality of information and alternatives available to the Commission were affected. With some modifications, this basic approach is a sound model for future study regions.

a. The Department should provide a consistent, authoritative voice to the Initiative on matters related to MLPA implementation in the next study region. Establishing this voice for the BRTF, RSG, and SAT early in the process will build confidence.

Interviews and online comments indicate that Initiative participants value a reliable voice from the Department. During the NCC there were occasions where Department representatives appeared to lack either information or authority. These perceptions can undermine credibility, whether or not they are accurate. The Department should establish its lines of authority and decision making and then communicate these to the Initiative early in the next region. Any changes should also be communicated to avoid misunderstanding. The Department should not set up expectations that its representatives will always have answers in the moment; it is reasonable to seek time for policy clearance as questions increase in significance.

b. The Department should maintain its resource commitment to the Initiative, focusing on its strengths and also looking for staffing efficiency.

The next study region likely will place significant demands on all components of the Initiative and it will be important for the Department to sustain its staffing commitment. The Department's GIS team received the highest overall satisfaction ratings from the online survey; maintaining a commitment to this asset should be a priority. At the same time, interviews suggest the Department gained insights about how to improve staffing efficiency that will be useful for the next region.

- c. The Department should employ the same basic model it used to identify feasibility criteria early in the NCC process for other issues related to MPA design.**

The MOU charged the Department with identifying feasibility criteria early in the NCC process and communicating these to the Initiative and public. The Department met this obligation based on review of meeting agendas, documents, and on observation. The Department was criticized by RSG members and others for the timing of some of its concerns related to goals and objectives during the NCC. To the extent possible, the Department should identify and present other important factors early in the MPA design process, to avoid situations where stakeholders feel they must revise MPA proposals very late in the process.

- d. The Department should work with other components of the Initiative, including the BRTF, I Team, and Commission liaison, to develop and implement a strategy for addressing MLPA management issues.**

The Department faces increasingly complex challenges regarding the MLPA. In addition to its role in the MPA planning phase, the Department assumes increasing management responsibilities as the Commission completes its decision making process for each study region and (presumably) adopts new MPA network components. The Department is uniquely situated to provide a link between MPA management and design, and should work with the BRTF and Commission to develop a joint strategy for supporting MPA management through the planning process. Specific issues may include the relationship of regional goals and objectives to future management and the significance of monitoring for MPA design.

- e. The Department should identify opportunities presented by the Initiative to educate the public about natural resource management issues and seek funding and partnerships to address these.**

This recommendation assumes the Initiative is more than a series of resource demands, limitations on authority, and increased responsibilities, and that it can present opportunities for the Department. One possibility is to identify specific natural resource management issues in future study regions that are linked to MPAs, and seek partnerships and funding to educate the public and develop solutions. Challenges associated with poaching of marine species on the South Coast are an example cited during interviews.

- f. The Department should explore options for future public-private partnerships to support MPA management.**

California's budget future is not bright, and interviews suggest the need for partnerships, including funding, to support MPA management. The Department should explore options for adapting the Initiative model to future management. This is not a recommendation that an Initiative-like approach be used to manage MPAs. The Department has statutory authority for management and in many ways, including experience with existing MPAs, appears best suited for that role. The Initiative presents an opportunity for the Department

to work with other MOU Parties, the BRTF, the Executive Director, and the Commission to develop effective MPA management policies that incorporate strengths of the Initiative, such as transparency, meaningful stakeholder and public engagement, and even lessons learned evaluation.

5. The BRTF and Commission effort to improve coordination was successful and should be a priority for future study regions.

The BRTF and Commission (and I Team) took steps that proved effective during the NCC to share knowledge about issues in the study region, coordinate key steps linked to decision making, and promote a smooth transition between phases. These steps included appointment of a Commission liaison to the Initiative and two joint meetings, as well as regular communication between senior managers. SAT presentations to the Commission were another part of this effort. The BRTF and Commission should make this improved coordination a priority in each study region.

6. Responsibility for managing the Initiative should follow the same model, relying on private sector staff and consultants and integrating Departmental expertise and resources.

The I Team model proved adaptable to changed conditions on in the NCC study region, including a transition to a new Executive Director, a new BRTF and chair, and different regional requirements. Additional staff were added to fill specific needs, contracting appeared flexible, and the I Team continued to meet high expectations and standards. Department staff were an important component of the I Team, although interviews revealed concerns about fulfilling all MOU resource commitments. There is no reason to change this flexible model for the next study region, particularly given the anticipated demands for expertise in government relations, community outreach, and public affairs, along with continuing need for the highest possible quality of process design and meeting facilitation.

a. The Executive Director should consult with the BRTF chair to address potential support for policy development in the next study region.

This report recommends substantial attention to policy development in the next study region. If this course is adopted by the BRTF, it will be important to ensure policy expertise is available to support that approach.

b. The Executive Director should pay particular attention to project management and ensure that I Team capacity matches project demands.

Interviews highlighted senior project management as a skill set that likely will be in high demand as the Initiative moves to the South Coast study region. The NCC approach to project management staffing generated some questions but appeared to work based on outcomes. The Initiative should carefully evaluate anticipated project management needs—the ability to see all parts of a project and pull them together—and ensure there is adequate senior expertise capacity to satisfy these needs.

- c. **The I Team should continue steps to spread responsibility and reduce demands on a small group of experienced staff.**

By most measures the success of the Initiative through the NCC study region is due in part to the remarkable efforts of a relatively small group of highly committed staff and consultants. Members of this core group do not limit themselves to eight-hour work days and have maintained a single-minded focus on the success of the BRTF, RSG, and SAT for several years. This level of focus and commitment is a significant asset, but it takes a significant personal toll and carries risks for individuals and the Initiative. The Initiative should continue steps to spread responsibility and work loads, ensure adequate supervisory and management skills, and plan for transitions of key personnel.

- d. **The I Team should continue its intensive approach to recommending RSG members for appointment by the Department and should clarify expectations about behavior.**

While the MOU directs the Department to appoint RSG members, the I Team plays an important role in identifying and recommending potential candidates that should be continued. The RSG survey disclosed concerns about balanced representation on the RSG, the impact of “straw polls” used to assess levels of support for proposals, and undisclosed affiliations of some RSG members. These concerns were discussed in the July 28, 2008 memorandum to the Executive Director and presumably were addressed as part of decision making about RSG appointments for the South Coast. The I Team also should identify potential steps to limit the types of negative behavior by some RSG members that appeared in the survey comments. One possibility would be to address this issue in guidelines for the RSG, along with potential consequences. The I Team should consider making behavior an explicit part of the RSG selection process for future study regions.

- e. **The I Team should coordinate a review of the use of Special Closures in light of low RSG satisfaction with that approach.** The RSG survey results showed a low level of satisfaction with Special Closures [3.13], and interviews indicate this parallel effort required substantial resources from the I Team, Department, and RSG. The I Team should organize a joint review with the Department and BRTF (and the SAT if appropriate) of the role of Special Closures early in the next study region.

7. The SAT filled multiple roles for the NCC that should continue for the next study region.

The SAT members served as educators, advisors, and evaluators. They also advanced MPA science through model development and refinement of science criteria and added significantly to social capital. The SAT moved past prior differences over the MLPA’s “best readily available scientific information” standard and developed analytical frameworks—spatially explicit models—that integrate fisheries management and marine ecology. In addition, the SAT forum served as an important component of a publicly transparent decision making process. What the SAT members refrained from doing is also significant: they remained in the role of MPA evaluators and did not pre-empt the primary role of the RSG as developers of MPA proposals, through modeling or otherwise.

a. The co-chairs model worked well and should be the preferred option for the next study region.

SAT members consistently expressed support for the co-chairs model used for the NCC. This should be the first option for future study regions. The co-chairs should consult with the I Team about ways to incorporate process expertise into their meetings based on SAT dynamics in each study region.

b. The SAT should work with the I Team to improve interaction with the RSG.

The “formal” RSG-SAT written question process merits attention to improve responsiveness without interfering with other SAT tasks. Perhaps more important is testing approaches for increasing constructive access to the SAT for the RSG throughout the MPA planning process. The SAT should work with the I Team on “early education” of the RSG about science guidelines and evaluation methodology, and should customize its presentations for the RSG audience. Limiting RSG members to offering public comments during SAT meetings magnifies the impression of separation. It may also be useful to create opportunities for selected panels of RSG members to address the SAT on specific topics. This recommendation is not intended as support for joint meetings of the SAT and RSG or for unstructured forums with open agendas. Finally, the SAT should identify its most effective public communicators and assign them to interact with the RSG, whether as part of a SAT sub-team regularly attending RSG meetings or for specific presentations.

c. The SAT should work with the BRTF to ensure its members, new and returning, are familiar with MPA science.

BRTF members are heavily scrutinized for their understanding of science guidelines, evaluation methodology, and other MPA issues. It is essential that the SAT and BRTF [with the I Team] organize ongoing education in a way that meets busy schedules and differences in knowledge based on prior experience. It is also important that BRTF agendas leave sufficient time for deliberation on key issues and not be consumed by science briefings. One option suggested by BRTF members is to organize briefings in advance of regular BRTF meetings, with appropriate notice, and limit the number of SAT briefings that are part of regular BRTF agendas.

d. The SAT should work with the I Team to design its meetings and agendas to allow sufficient time for discussion of key science issues.

Several SAT members pointed to the need for more discussion and deliberation time on SAT agendas. Stakeholders echoed frustration about limited discussion, particularly where it is followed by voting. Some SAT members also expressed support for one-day meetings that could fit more easily into their schedules. The SAT should explore ways to address both these interests with the I Team, and the Initiative should devote resources to expanded SAT meetings if that is necessary.

- e. **The SAT should maintain a rigorous focus on science consistent with the SAT charter, and refine its approach to addressing data gaps, complexity, and uncertainty.**

As scientists, SAT members are accustomed to operating in an environment characterized by data, hypotheses, complexity, and uncertainty. The Initiative is a public process that integrates science into policy making by non-scientists. The process ultimately involves balancing different values, particularly where there is uncertainty, and this balancing is assigned to the BRTF (and RSG) and ultimately the Commission. Given intense public attention, it is important for the SAT to be consistent about identifying data gaps and uncertainty and communicating this effectively to non-scientists. The SAT should identify options and risk and leave value choices to the BRTF, and ultimately to the Commission. The SAT also should have a consistent, understandable framework for receiving and evaluating stakeholder and public information. The SAT should consider refining its procedures in light of learning from the National Research Council about effective science integration in public processes described in this report.

- f. **The SAT should ensure that it communicates effectively with the BRTF and RSG about potential modifications to science guidelines and evaluation criteria based on anticipated science issues for the South Coast.**

Interviews suggest that the science guidelines will continue evolving, as they did during the NCC process. One likely change will address the influence of ocean currents; another may involve water quality, according to interviews. The SAT took steps to improve public understanding of changes to the science guidelines for the NCC, such as preparing detailed written explanations. These and other steps should be a consistent SAT priority.

8. **The BRTF and Department should collaborate with the Commission to address key policy issues related to MPA management in the next study region.**

The MPLA Initiative has matured to the point that it should be a priority to address the complex topic of MPA management. Recommendations 1c, 3d, 3f, 4d, 4e, and 4f, in particular, propose that partners in the Initiative process give close attention to MPA management issues, beginning with the South Coast process. One focus should be steps to support effective management during the MPA design process, perhaps through a modified approach to developing regional goals and objectives, as well as objectives for individual MPAs. A second focus should be on developing MPA management principles that reflect the strengths of the Initiative model as well as respect for the Department's authority and strengths.

9. **The BRTF should clarify the role of government agencies serving as members of the RSG, and consult as necessary with the Resources Agency.**

The NCC RSG included representatives of multiple federal and state government agencies. The interviews and survey results reflect diverse views about the appropriate role of government agencies on the RSG. Survey responses cover a full spectrum: one view that accepts full participation (or at least not opposing such participation), another that prefers non-voting participation, and a third that opposes participation. The majority view appears to accept full

participation. The BRTF addressed this general question early in the NCC process and BRTF interviews support the principle of full participation by government agencies. The BRTF should clarify this issue at the outset of the RSG process.

There was a specific issue during the NCC process about the role played by the Department of Parks and Recreation (“State Parks”) in advocating for a particular MPA within the RSG.

Interviews suggest multi-layered concerns: one level involves the general question noted above, a second involves the internal consultation process for the Resources Agency and State Parks, and a third is result-oriented, i.e., does the proposed MPA have merit? Looking to the South Coast and the presence of beaches under the jurisdiction of State Parks, it is likely the same type of situation will present itself, and this eventuality should be part of the BRTF’s clarification. This matter may also be of interest to the Resources Agency as well as the Department.

10. The I Team, BRTF, and Department should continue their highly productive, collaborative efforts to improve public understanding of and access to the Initiative.

The Initiative is a public process, and its goal of building public support for MPAs depends on effective communication. The Initiative spends significant resources to provide information: all meetings are available to view live as a web cast, and past meetings are available in video and audio formats from the MLPA archives. The Initiative also posts significant amounts of information on its web site, which is hosted by the Department:

<http://www.dfg.ca.gov/mlpa/index.asp>.

Interviews revealed virtually unanimous support for a re-design of the Initiative web site to reduce clutter, highlight critical information, and allow easier retrieval of documents. This step appears to be underway and should yield benefits during the next study region.

While the Initiative is highly visual in some respects like its use of GIS tools, it is print-heavy in others. The I Team should develop better visual depictions of the MPA planning process, such as a timeline identifying key process steps, identifying where the Initiative is at any point in time, and options for public involvement.

Finally, the Initiative should increase its staff expertise in community relations, public affairs, and communications. This includes not only contract staff but also the Department’s team. The Department should evaluate its model of concentrating MLPA communication and outreach in Sacramento and consider building that capacity for the Marine Region. This is not a criticism of Department staff but rather a recognition of increasing demands related to the MLPA.

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APPENDIX A: *Excerpt from Harty/John Central Coast Lessons Learned Report*

APPENDIX B: *Raab Associates Report on NCC RSG Online Survey*

APPENDIX C: *Members of the NCC RSG*

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APPENDIX E: *Three-Year Initiative Budget (Private Funds)*

APPENDIX F: *NCC Memorandum of Understanding*

I. INTRODUCTION

On June 11, 2008, the California Fish and Game Commission (“Commission”) met in joint session with the Marine Life Protection Act (“MLPA”) Blue Ribbon Task Force (“BRTF”) in Sacramento. At the meeting the Commission formally received from the BRTF its recommended alternative—designated the Integrated Preferred Alternative, or IPA—for an array of marine protected areas in the MLPA Initiative’s North Central Coast (“NCC”) study region.⁴ The joint meeting was notable for several reasons:

- *The IPA represented a consensus recommendation from the five members of the BRTF. By comparison, the BRTF recommendation for the MLPA’s pilot region along the Central Coast (CC) did not reflect such a consensus.*
- *The BRTF assembled its IPA largely from elements of three alternative Marine Protected Area (“MPA”) arrays developed by the NCC Regional Stakeholder Group (“RSG”). By comparison, the recommendation for the CC reflected relatively greater effort by BRTF members to design individual MPAs.*
- *A group of 20 Regional Stakeholder Group (“RSG”) members representing different interests submitted a joint letter to the Commission asking that it adopt the IPA without modification. By comparison, the Commission was presented with significant disagreements over elements of the BRTF recommendation for the CC.*
- *The Department of Fish and Game’s (“Department”) advice to the Commission focused on the IPA and three MPA alternatives delivered by the BRTF; the Department did not prepare its own MPA alternative. By comparison, the BRTF delivered its recommendations to the Department, and the Commission received a new recommended alternative from the Department along with the BRTF’s recommendations, for the CC.*
- *Even as the BRTF was completing its advisory role for the NCC and the Commission was initiating its regulatory process, the Initiative was preparing for the third MLPA study region, designated the South Coast. By comparison, the initial transition from the CC to the NCC study regions was another “first” for the Initiative and involved a significant delay.*

These outcomes, and others, are evidence that the Initiative learned from the CC and that in key respects the NCC study region represents an improvement and not merely a replication. The NCC experience and outcomes suggest that the Initiative is a successful “learning enterprise” capable of tapping the flexibility available through its public-private partnership model to prepare for future challenges linked to MPA planning.

The Initiative’s CC experience highlighted a number of challenges for the NCC that are explored in this report. These challenges include:

- Could the BRTF improve on its CC approach to final decision making on MPA alternatives, which was unsatisfactory for the CC RSG and broader public as well as for some BRTF members?

⁴ The BRTF also delivered to the Commission without modification three alternatives developed by the Regional Stakeholder Group, designated 1-3, 4, and 2-XA, along with a “no action” alternative designated 0.

- Could the Master Plan Science Advisory Team (“SAT”) move beyond disputes about “best readily available scientific information” through a better representation of scientific views and emphasis on integration of fisheries management and marine ecology?
- What would be the role of consensus in RSG development of MPA alternatives, and how would the BRTF set expectations for RSG decision making?
- How would the Department respond to increased funding provided by the Legislature, along with its growing responsibilities for MPA management and enhanced role in supporting development of MPA alternatives within the RSG?
- How would the Initiative respond to its first transition and to the appointment of a new Executive Director?
- Were all the important lessons learned on the CC, or were there new lessons to learn for future study regions?

While these and other questions are addressed in detail in Sections II-IV, here is a summary of the report’s key conclusions and recommendations:

On balance, every component of the Initiative was a success in the NCC study region. This general conclusion applies to the basic Initiative model for designing MPAs and to substantive outcomes from the RSG, BRTF, and SAT. It also applies to the Department’s contributions and to the role of the Initiative’s staff including contractors. Part of this success is attributable to the foundation laid during the CC pilot region for a basic MPA design process. Another part is attributable to the Commission’s explicit support of the Initiative process. For purposes of this report, however, a large part of the Initiative’s success is attributable to the Initiative’s adaptive response to the CC experience that resulted in significant improvements for the NCC. This judgment of overall success is not intended as an invitation to stop learning or adapting. As with any dynamic public process, the NCC experience highlighted emerging policy and process issues that require attention, as well as further opportunities for learning and adaptation to improve the ability of the Initiative to meet the challenges of future study regions.

Report Structure

This report is organized into three additional sections. Section II is a factual discussion of three topics: the context for the NCC study region, the NCC process, and NCC outcomes. Section III evaluates the NCC study region effort based on three questions:

1. *Did the Initiative processes and BRTF recommendations provide a reasonable foundation for decision making by the Commission?*
2. *Did the key elements of the Initiative work effectively on the NCC, and what was the impact of modifications adopted by the Initiative in light of the CC process?*
3. *Can the Initiative be successful in future study regions?*

Section IV presents a set of recommendations for consideration by the Initiative as it continues its efforts in the remaining three study regions: the South Coast, the North Coast, and San Francisco Bay.

This is the second “lessons learned” project conducted by the MLPA Initiative. The first project was conducted for the CC study region, and the different memorandums and reports are collected

in Appendix K of the *California Marine Life Protection Act Draft Master Plan for Marine Protected Areas* dated January 2008 (“Revised Draft Master Plan”). This report assumes general familiarity with the CC lessons learned reports and will not review the substance of the MLPA, the history of its implementation, or Central Coast issues except as they apply to lessons learned for the NCC.⁵

This report focuses on some of the same questions as the Initiative’s first lessons learned effort but differs in at least two ways. First, the evaluator—Harty Conflict Consulting & Mediation (HCCM)—observed portions of the public NCC process in person and asked questions of Initiative participants along the way. This information is part of the report. Second, input from RSG members was gathered primarily through an online survey.⁶

In addition to the RSG online survey and real-time personal observation and interviews, HCCM relied on the following sources of information for this report:

- Interviews with the five BRTF members
- Interviews with a sub-set of the SAT based on recommendations from the SAT co-chairs⁷
- Interviews with Department staff
- Interviews with Initiative staff
- Review of publicly available MLPA documents
- Review of the MLPA CC lessons learned reports

HCCM delivered a “lessons learned” presentation to the BRTF at its September 8, 2008 meeting to assist in preparations for the South Coast study region. HCCM also prepared a memorandum in July 2008 to assist Initiative staff in decision making related to establishing a South Coast RSG. The presentation and discussion with the BRTF during the September 8 meeting can be viewed through the MLPA online video archives.

A draft of this report was reviewed initially by DeWitt John and Raab Associates. The revised draft report was circulated for comment to Initiative staff, the current BRTF chair, SAT co-chairs for the NCC, and the Department for factual accuracy, clarity, and completeness. Initiative staff, the BRTF chair, and Department staff provided comments and these are appreciated. The final contents of the report, including all recommendations, are solely attributable to HCCM.

⁵ An excerpt from one of the Initiative’s lessons learned evaluations for the CC that provides some of this background can be found at Appendix A of this report. See *Report on Lessons Learned from the Marine Life Protection Act Initiative*, prepared by J. Michael Harty and DeWitt John (August 17, 2006) (“Harty/John CC Report”).

⁶ Raab Associates, Inc. /MIT designed and conducted an online RSG survey and prepared a summary report for the NCC study region. This report can be found at Appendix B. Raab Associates also conducted a separate lessons learned evaluation of the Central Coast RSG process. This report is included in Appendix K of the Revised Draft Master Plan and is also available on the MLPA web site.

⁷ Interviews for the BRTF and SAT members followed a similar format: asking the same questions and following up based on judgments about value and priorities.

II. NORTH CENTRAL COAST CONTEXT, PROCESS AND OUTCOMES

This section of the report focuses on three topics: the context for the NCC study region, the NCC MPA planning process, and NCC outcomes including the BRTF recommendation to the Commission. This section reviews key aspects of the Commission’s decision making process for the CC, but does not include actions by the Commission as part of its regulatory and decision making process for the NCC after receiving the BRTF’s recommendation.

NCC Context

There are at least two important contextual factors for the NCC study region: the Commission’s action on the BRTF recommendation for the CC, and the multiple “lessons” learned projects for the CC. These are discussed below.⁸

Commission Action

The Commission is charged under the MLPA with re-examining and re-designing California’s MPA system to increase its coherence and effectiveness at protecting marine life, habitat, and ecosystems. In particular, the Commission is directed to adopt a Marine Life Protection Program built around six specific statutory goals.⁹ One of the critical questions for the Initiative in 2006 and 2007 was how the Commission would carry out its decision making responsibilities for the CC pilot project. The Commission heard extensive objections—as well as support—from the outset of that effort. Interviews at the time suggested that both opponents and proponents of MPAs and specific MPA proposals from the process devoted substantial resources to influencing its decision. In one sense the “whether to establish new MPAs” question was seen as open to challenge despite the Legislature’s adoption of the MLPA, and there were concerns about the consequences of intense pressure on individual Commission members regarding their choices. The Commission’s approach to and decision for the Central Coast would send an important message about the future of the MLPA.

In the Central Coast process, the Commission received three MPA packages from the BRTF [1, 2R, 3R] as well as a recommended alternative from the Department [Package P].¹⁰ On August 15, 2006 the Commission created its own Preferred Alternative that included a number of regulatory sub-options for (1) boundaries, and (2) the level of take in some MPAs. According to the SAT evaluation, “all packages increased conservation benefits and . . . created substantially better

⁸ The NCC study region itself also presented a significant new context. The detailed Regional Profile prepared by Initiative staff, including the Department, for use in the study region presents some of this context. The final Profile also included input from RSG members.

⁹ Fish and Game Code §2853(b). One of those goals is to ensure that MPAs are designed and managed, “to the extent possible,” as a network. §2853(b)(6).

¹⁰ The Department presented its recommended Package P to the Commission at a meeting on August 2, 2006. See meeting summary at <http://www.fgc.ca.gov/meetings/2006/080206summary.pdf>.

ecological MPA networks relative to existing MPAs.”¹¹ The Commission’s Preferred Alternative overall was notably *more* protective than Package 1, developed by representatives of commercial and recreational fishing interests, and *less* protective than Package 2R, developed primarily by representatives of non-consumptive interests and revised by the BRTF.¹²

The Commission received public testimony at multiple hearings during its regulatory process and also received a total of 8,379 written comments. Of these, 4,498 supported the Commission’s Preferred Alternative [4,327 of these were form letters]. The Commission received a petition to “stop excessive regulation of fishermen” with 2,585 names.¹³

The Commission adopted its Preferred Alternative on April 13, 2007 in front of “an overflow crowd of 200 people.”¹⁴ The Commission’s president, Richard Rogers, described the decision as “something historic and extraordinary.” The final Commission regulatory document addressed and rejected multiple objections to the Initiative process, including:

- The Initiative impermissibly deviated from the MLPA
- The Initiative failed to use “best available scientific information”
- The Initiative’s approach to socioeconomic information was deficient
- The Initiative failed to consider existing fishery management measures, including the Marine Life Management Act
- The Initiative’s public-private partnership involved improper private sector funding, and
- The Initiative failed to provide adequate opportunities for public participation and violated state open meeting laws including Bagley-Keene.¹⁵

The Commission’s final action came two weeks after the initial BRTF meeting for the NCC, and prior to the first meeting of the NCC Regional Stakeholder Group on May 22, 2007. Interviews suggest the Commission’s action sent a clear signal of support for the Initiative process, including the importance of the BRTF-RSG-SAT-Department process for developing MPA alternatives. There was no apparent reason for MPA opponents to expect future support at the Commission for efforts to work around or undermine the Initiative process in the NCC study region.¹⁶

Lessons Learned and Experience

As noted above, the Initiative generated a series of “lessons learned” reports from the Central Coast process:¹⁷

¹¹ SAT Executive Summary, Central Coast MPA Proposal Evaluations for Goals 1 and 4, September 14, 2006.

¹² See generally SAT Proposal Evaluations, *supra*, and the SAT’s evaluation of all packages against size and spacing guidelines adopted by the Commission in the Master Plan Framework. This outcome is consistent with the conclusion of the Harty/John CC Report that the Initiative process provided a reasonable foundation for a decision by the Commission by identifying a range of alternatives within which the Commission could complete its work. See pp. 41-49.

¹³ Final Statement of Reasons for Regulatory Action, Fish and Game Commission, May 14, 2007 (*CC Final Statement of Reasons*).

¹⁴ Commission press release dated April 13, 2007.

¹⁵ CC Final Statement of Reasons, *supra*.

¹⁶ This conclusion is based on a mix of evaluator observation, discussions with Initiative participants, and interviews. The RSG online survey did not address this topic directly.

¹⁷ Four of these reports are included in Appendix K of the Revised Draft Master Plan Appendices dated January 2008. They also can be found on the MLPA Initiative web site.

- Former BRTF Chair Phil Isenberg submitted a memorandum on lessons learned and recommendations to Secretary Chrisman, dated October 17, 2006
- The Initiative funded two lessons learned reports prepared by external consultants, dated August 17 and 19, 2006. One of the reports focused on the CCRSG process, and the second focused broadly on the Initiative. The evaluators presented their reports to the BRTF on September 6, 2006
- The Initiative’s Facilitation team prepared a report that addressed its work with the RSG, dated August 10, 2006
- Former Executive Director Kirlin prepared an administrative lessons learned memorandum, dated August 29, 2006

These reports represented a rich and diverse set of insights and recommendations for improving the Initiative in future study regions. All the reports were available as the MOU for the NCC was negotiated among the California Resources Agency, Resources Legacy Fund Foundation (“RLFF”), and Department in late 2006. Planning also benefited from the experience and insight gained by Initiative staff during the CC effort, according to interviews. Some of this was addressed in the lessons learned reports, but some was reflected in decisions by Initiative staff during the NCC study region. Consumptive and non-consumptive interests also brought their CC experience and learning to bear on the NCC process, both as members of the RSG and as external observers and advisors.¹⁸

NCC Process

Following the CC the Initiative could have moved to any one of the four remaining study regions. The decision was to focus on the North Central Coast: from Alder Creek (five miles north of Point Arena) south to Pigeon Point, the northernmost point for the CC study region.¹⁹ According to interviews, the NCC region was selected for diverse reasons including availability of habitat mapping data, smaller size, and relatively lower potential for significant user conflict. Completing the NCC study region would also mean completing the central “biogeographical region” defined in the MLPA as the area between Point Arena and Point Conception.²⁰ The NCC was also seen as an opportunity to refine the Initiative process in advance of moving to the complex and challenging South Coast study region. This choice also allowed more time for South Coast data collection. Resources Secretary Mike Chrisman announced this decision on December 21, 2006.

Memorandum of Understanding

The foundation for the NCC Initiative process was a MOU executed by the Resources Agency, the Department, and RLFF (the “MOU Parties”).²¹ The MOU describes the same basic public-private

¹⁸ This repetition of the same process multiple times, with some returning participants, makes the Initiative a “learning enterprise.” This characteristic is addressed below.

¹⁹ See generally the NCC Regional Profile.

²⁰ §2852(b). Biogeographical regions are defined as “oceanic or near shore areas, seaward from the mean high tide line or the mouth of coastal rivers, with distinctive biological characteristics.” The MLPA directs that the Master Plan’s location-specific components be organized according to biogeographical region where feasible. §2856(a)(1).

²¹ A copy is attached to this report as Appendix F.

partnership model, funding structure, and decision making process for the North Central Coast as for the Central Coast, including:

- Blue Ribbon Task Force, Regional Stakeholder Group, Science Advisory Team, and Statewide Interests Group²²
- Department in multiple roles
- An Executive Director and other key personnel retained as independent consultants²³
- RLFF as private funder
- Commission as ultimate decision maker²⁴

The MOU sets out objectives along with a description of the organizational structure, roles, and responsibilities for each MOU party. Key points include:

- Primary objective is a BRTF recommendation to the Commission on a range of alternative proposals and a preferred MPA alternative proposal [MOU 1.6, 3.2]²⁵
- Commitment to a robust, publicly transparent, and science-based process [MOU 2.7]
- Department Director and Chair of BRTF to jointly appoint an RSG with 20 members
- Department to appoint a SAT with 15 members²⁶
- Department to “participate fully” and provide “a statement of feasibility criteria” but no provision for preparation of a separate MPA alternative
- Briefings and discussions with the Ocean Protection Council and Commission on the nature and progress of the MPA design process and alternatives under consideration, along with milestones.

The NCC MOU indicates little apparent change to RLFF or Resources Agency roles compared with the CC MOU. There was at least one significant change for the Department: rather than submit its own proposal for alternative networks of MPAs to the Commission, the Department’s role was shifted to analyzing and commenting on the BRTF’s recommendations, which were delivered directly to the Commission.²⁷ This was a change from the CC, where the BRTF delivered its recommendations to the Department, and the Department then prepared its own recommended alternative for the Commission in addition to delivering the BRTF’s recommendations. The specified size of the NCC RSG also was somewhat smaller than for the CC.

The impacts of these changes are addressed in Section III of the report.

²² This report does not address the role of the Statewide Interests Group, or SIG, for the NCC. BRTF members expressed general support for the SIG as a forum during interviews for this report, and it appears the SIG will continue as a component of the Initiative for the South Coast.

²³ The MOU does not describe the I Team, which refers to the MLPA Initiative Team. The I Team is composed of MLPA Initiative staff, Department staff, California Department of Parks and Recreation staff, and contractors to the MLPA Initiative.

²⁴ Readers seeking additional information about the MLPA Initiative structure and CC process are referred to Appendix A.

²⁵ The MOU parties also describe a goal or objective “to enhance the State’s capacity to complete and implement the master plan and to manage its networks of MPAs by improving coordination with key federal agencies and identifying new sources of long-term funding for the state’s implementation of the master plan and related activities under the MLPA.” [MOU 1.7, 2.8]

²⁶ The size of the SAT is not set in the MLPA and is influenced by diverse factors. The *CC Final Statement of Reasons* addresses some of these factors, along with public meeting requirements. See p. 19. The SAT Charter also provides an explanation. In general, the size of the SAT expands for each study region to include relevant expertise.

²⁷ Compare NCC MOU §§1.6, 3.2(c), 3.13 with CC MOU §§I.C, II.A, and III.B.ii.

Transition to NCC Study Region

The Initiative faced the challenge of its first transition to a new study region during the Commission's regulatory and decision making phase described above. Just over one year passed between the BRTF's decision meeting for a CC alternative on March 17, 2006 and the initial BRTF meeting for the NCC on March 29, 2007.²⁸ The NCC RSG met for the first time on May 22 [approximately 17 months after the final CC RSG meeting], and the SAT met for the first time on June 26. A number of factors contributed to the extended transition period, according to interviews. One factor was the need to hire a new Executive Director for the Initiative: Ken Wiseman assumed this role in March 2007.²⁹ Other factors included the time required to agree on the NCC study region, negotiate a new MOU, and establish funding, and the demands on a small group of Department staff to support completion of the regulatory process (including California Environmental Quality Act, or CEQA, requirements) for the CC pilot region. The effects of this extended transition on the NCC process, if any, are discussed in Section III.

Regional Stakeholder Group

The Department Director and BRTF Chair jointly appointed a RSG with 45 members, including primaries and alternates.³⁰ Unlike the CC, the process for RSG appointments was based on specific criteria published in the call for nominations. Interviews indicate the appointments were based on significant data gathering, review, and deliberation by I Team members. Part of this increased focus on RSG appointments included interviews by the Initiative's facilitation team with most of the RSG primary and alternate members.

The NCC RSG conducted its work over an 11-month period that began with the first RSG meeting on May 22-23, 2007 and ended at a joint meeting with the BRTF on April 22, 2008. The RSG met as a full group for 15 days during this period, usually for two days at a time. RSG members also met in other formats, including three work group sessions and separately to address Special Closures, and this increased the amount of total meeting time. Some RSG members also attended meetings of the BRTF, SAT, and Commission.³¹ The RSG initially developed regional goals and objectives to guide its planning effort and forwarded these to the BRTF for approval.³² The principal tasks for the RSG were to a) develop regional goals and objectives, b) evaluate existing state MPAs, and c) develop multiple MPA network proposals for the study region to support decision making by the BRTF on a preferred alternative. RSG meetings were facilitated by the same team of consultants from Concur, Inc., that facilitated the CC RSG process.

The RSG process for developing MPA alternatives was conducted in three phases or rounds:

²⁸ By contrast, the NCC BRTF held its decision meeting on April 22, 2008, and the first BRTF meeting for the South Coast was held September 8, 2008, a period of five months.

²⁹ John Kirlin, the first Executive Director, took a position with the Governor's Delta Vision Blue Ribbon Task Force in late 2006-early 2007, according to interviews. Phil Isenberg, the Chair of the BRTF for the CC, also moved on to Delta Vision, becoming Chair of that project's Blue Ribbon panel.

³⁰ The RSG included representatives of federal and state agencies, reflecting jurisdiction over coastal areas. A complete list of RSG members can be found at Appendix C.

³¹ All of these meetings were accessible via live or archived webcast. See the MLPA web site for details.

³² These goals and objectives became a focus of attention late in the NCC process, along with proposed MPA-specific objectives. This issue is discussed below.

In Round One, RSG members were assigned to one of three-cross interest groups—named Jade, Turquoise, and Emerald—constructed with a goal of ensuring balanced representation of key interests. These “Gems” groups developed draft options for MPA arrays during September-October 2008. The initial goal was for each Gems group to develop a single option, but this was adjusted to allow development of two (A and B) options in each group. In addition, four options designated “external” were part of the initial mix: each of these reflected contributions from both RSG and non-RSG members. Round One resulted in a total of 11 options for evaluation, including Proposal 0 (existing MPAs only).

In Round Two [November-December 2007] the RSG remained in Gems groups and focused on refining initial work into a smaller set of “draft MPA proposals” based on input from the SAT, Department, and BRTF (as well as the broader public via public comment). The result was four draft proposals (Proposals 1-4) from the Gems groups and one external proposal (designated A), in addition to Proposal 0. One of the Gems groups effectively divided into consumptive and non-consumptive caucuses, with each producing a draft proposal. The SAT and Department again provided their evaluation of the proposals, and the BRTF provided guidance to reduce the number of final proposals to no more than three.³³

One key dynamic at this stage involved the incorporation of elements from external proposals into the Gems group proposals. This process effectively allowed proponents of external proposals to accept the Gems proposals, although this is a simplification of the interactions. According to interviews, the external proposals were largely the work of organizations already represented on the RSG—and in the Gems groups. As described by one person, “the membrane between the Gems proposals and external proposals was porous,” and this characteristic reflects the complex MPA design process within the RSG.³⁴

In Round Three [January-March 2008] RSG members were permitted to self-select into work groups by declaring a “primary affiliation” with a proposal. The outcome of consolidation efforts satisfied the BRTF guidance: three “final MPA proposals” were forwarded to the BRTF for consideration: 1-3, 2-XA, and 4. Proposal 1-3 was a combination of Round 2 proposals 1 and 3; 2-XA was a combination of Round 2 proposals 2 and external (“X”) A; and proposal 4 continued on its own. While all three final proposals reflected cross-interest input, each was developed by a subset of RSG members identified as follows:

- 2-XA was primarily a commercial and recreational fishing interests proposal
- 4 was primarily a conservation interests proposal
- 1-3 was primarily an integrated proposal whose advocates included conservation and other non-consumptive interests and fishing representatives.³⁵

There is an important distinction to be made about the final proposals for the NCC in comparison with CC equivalents. Each of the three NCC final proposals represented an effort to balance

³³ The public also was invited to comment on the Round Two proposals at two workshops.

³⁴ The diagram of iterative RSG proposal development on page 11 of this report does not make this inside-outside relationship explicit.

³⁵ This summary cannot do justice to the complex RSG decision making process, which included some “straw voting” as a tool to clarify choices and preferences but not as a final decision process.

diverse values and interests. Proposals 4 and 2-XA were developed primarily by conservation and consumptive advocates and ultimately balanced interests to achieve conservation and consumptive goals. Both proposals, however, reflected more sensitivity to, and efforts to address, other interests than did similar proposals for the CC. Proposal 1-3 reflected a joint effort by consumptive, conservation, and other non-consumptive representatives to find a balance. This responsiveness to other interests was consistent with BRTF guidance and represents a significant advance for the Initiative and also for all advocacy organizations and their representatives.

Another key difference from the CC process is the high degree of geographic overlap among the final three proposals. A large number of individual MPAs in each proposal had either the same or very similar geographic boundaries and (sometimes) proposed regulations relative to this point in the CC process.

The overall MPA design process was intended to be iterative: each round was designed to improve the quality of proposals, reduce the number of proposals, and promote “convergence” among remaining proposals. The RSG received extensive feedback about its work both during and after each round from the BRTF, SAT, Department, and I Team staff.³⁶ Broad RSG support for a single MPA alternative was identified early in the process as highly valuable, but consensus—unanimity—was not intended by the BRTF as an objective for the RSG.

The following diagram illustrates this iterative approach:

³⁶ The roles of each Initiative component are discussed below.

RSG ROUND ONE

May–October 2007



RSG ROUND TWO

November–December 2007



RSG ROUND THREE

January–March 2008



The RSG also developed recommendations for the use of Special Closures to provide additional protection for bird and mammal nesting/breeding colonies in the region. According to interviews, this was a result of disagreements within Gems groups over the proposed use of State Marine Reserves, or SMRs, to protect birds and mammals. Special Closures are small areas (300-1000 feet in diameter) around colonies that preclude access during all or part of the year to protect breeding populations.³⁷ The Special Closures option was endorsed by the BRTF, and a Special Closures Work Team was formed that worked outside the regular RSG process.³⁸ This parallel effort was supported by the I Team and Department with facilitation and other assistance. The Special Closures effort began in January and was not a significant input for Rounds One or Two. Each of the final MPA proposals included some Special Closures (see below).

The RSG had the benefit of these technical resources for MPA design:

- Hard copy maps and charts
- An Internet map service site at <http://www.marinemap.org/mlpa/>. [not an active link]
- An MPA decision support tool named “Doris” that allowed viewing of data layers and drawing of candidate MPAs or MPA arrays³⁹
- I Team GIS analysis and planning support.

The RSG met in a single joint session with the BRTF on April 22, 2008, in conjunction with the BRTF’s decision making process. The RSG did not meet in any joint sessions with the SAT, although designated SAT members attended RSG meetings for various purposes. The SAT also responded in writing to questions from the RSG through a formal screening process. RSG members attended BRTF meetings and spoke during public comment periods. Individual RSG members also attended SAT meetings and spoke during public comment periods.

The RSG developed its three MPA alternatives for the BRTF in approximately 10 months [May 2007-March 2008]. Key elements of the three “final” RSG MPA proposals can be seen in the following five diagrams:

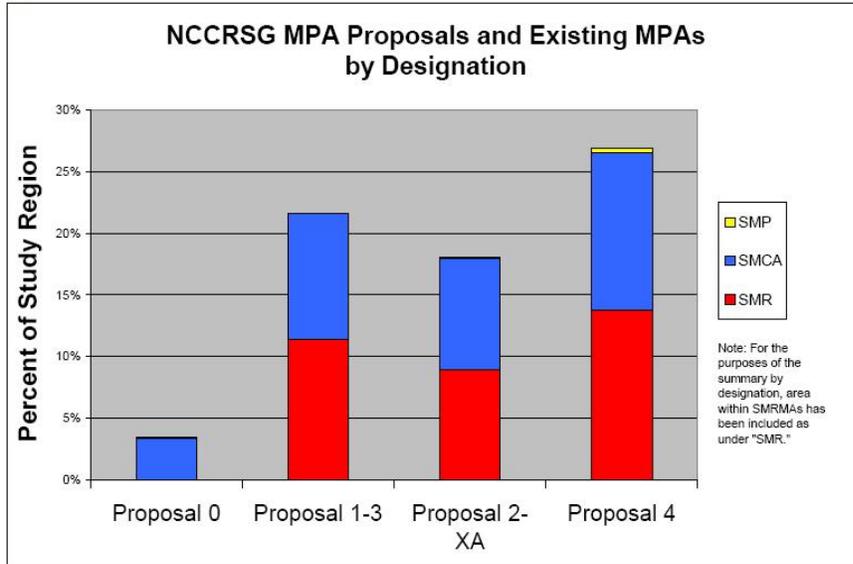
³⁷ According to the Department, Special Closures is a designation used for areas that “have area-specific restrictions which confer some protection to species but are not based on direct take of living resources.” Special Closure designations had been used at the Channel Islands. The Department recommended that any no-access regulations be proposed as Special Closures. Department Memorandum to NCC RSG dated November 1, 2007.

³⁸ Interviews suggest that the Department deserves credit for proposing a Special Closures option.

³⁹ Doris was developed during the CC study region by IM Systems Group, Inc. and the Initiative team including state and federal staff members. It was jointly funded by the Initiative, National MPA Science Center, and Monterey Bay Sanctuary Foundation. Doris will be further redesigned for the South Coast study region, according to interviews.



Area Charts – By Designation Type

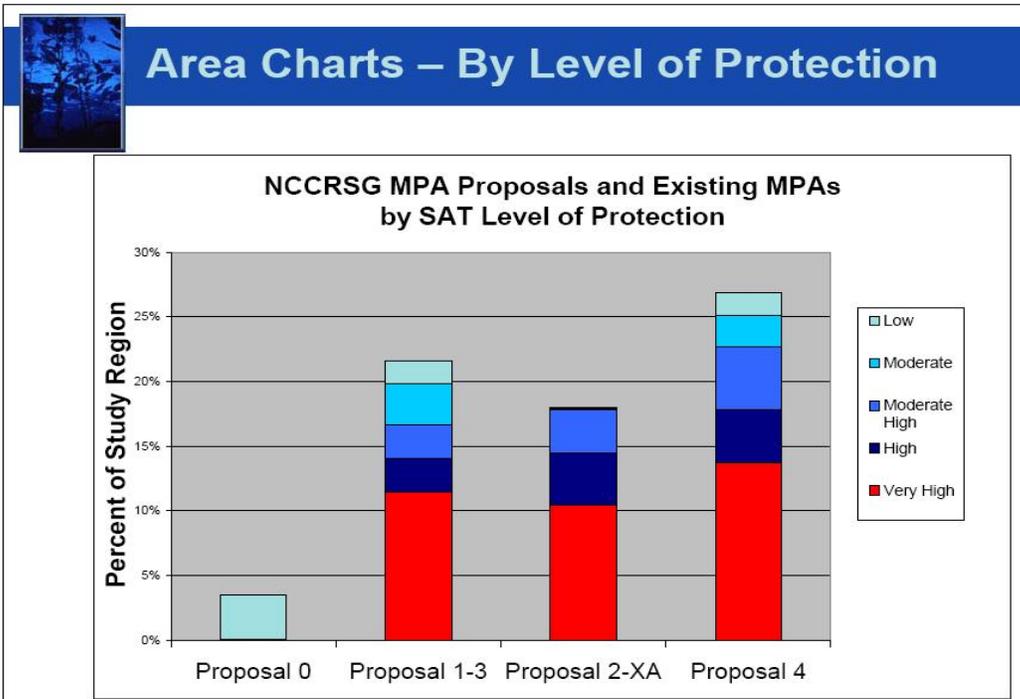


Number	Prop 1-3	Prop 2-XA	Prop 4
SMRs	12	9	15
SMCAs	10	8	12
SMPs	1	1	1
Total MPAs	23	18	28
Total SMRMAs	0	3	0

Area (%SR)	Prop 1-3	Prop 2-XA	Prop 4
SMRs	87.24 (11%)	67.38 (9%)	104.96 (14%)
SMCAs	77.28 (10%)	68.88 (9%)	97.07 (13%)
SMPs	0.1 (<0.1%)	0.66 (<0.1%)	2.86 (<0.1%)
Total MPAs	164.62 (22%)	136.92 (18%)	204.89 (27%)
Total SMRMAs	0 (0%)	0.59 (<0.1%)	0 (0%)

**For evaluation purposes, SMRMAs were treated as SMRs*

Area in square miles; percentages as percent of study region inside MPAs

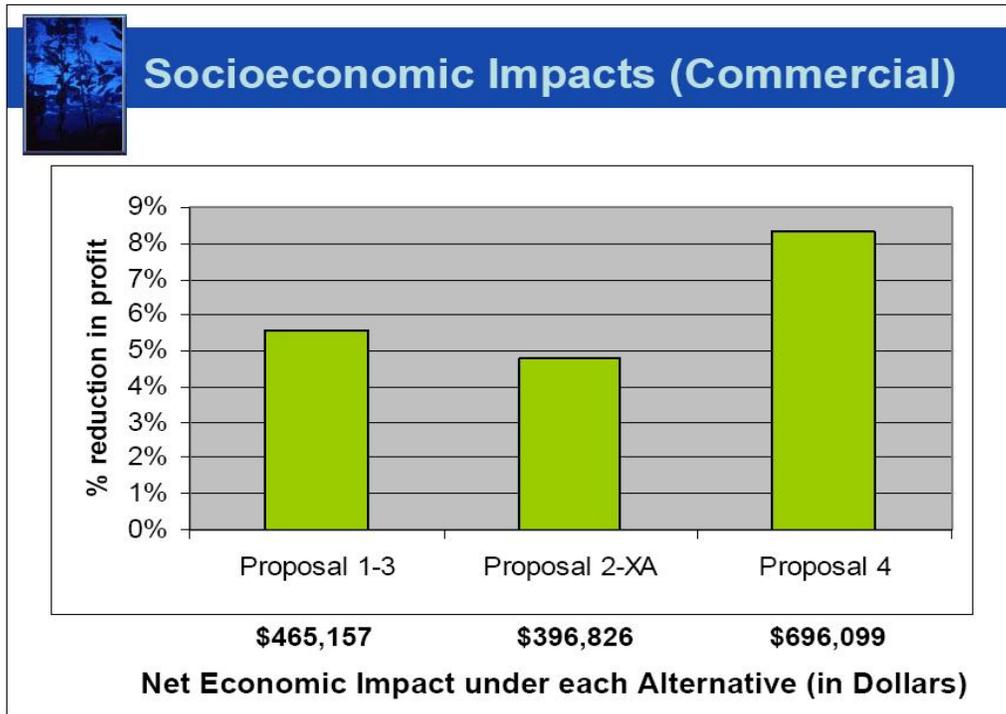


In addition to proposed networks of MPAs, all three final RSG proposals included Special Closures designed primarily to protect sea bird nesting, breeding, and roosting areas and/or marine mammal rookeries, haul-outs, and breeding colonies. Proposed Special Closure locations can be seen in the following table.

Special Closures in Each Proposal

	Prop 1-3	Prop 2-XA	Prop 4
Total Number	8	6	8
Location	--	--	Arched Rock
	--	--	Gull Rock
	Point Reyes	--	Point Reyes
	Point Resistance	Point Resistance	--
	Stormy Stack	Stormy Stack	Stormy Stack
	Egg Rock	Egg Rock	Egg Rock
	Bean Hollow	--	--
	North Farallons	North Farallons	North Farallons
	Isle of St. James	(in N Farallons)	(in N Farallons)
South Farallons	South Farallons	South Farallons	

Interviews and observation support the view that many RSG members were sensitive to estimates of potential socioeconomic impacts in designing their MPA proposals. The role of socioeconomic in the NCC study region is addressed in the next section of this report. Estimates of *maximum potential* annual net commercial fishing impacts for the final three proposals are presented below:⁴⁰



Three RSG panels representing each of the final proposals participated in the final BRTF decision meeting. The panelists engaged in an interactive and comparative discussion about the three proposals to assist BRTF decision making.

Blue Ribbon Task Force

Resources Secretary Chrisman appointed a five-person BRTF and named Susan Golding as Chair. This BRTF was smaller than that for the CC but had significant continuity in its membership.⁴¹ Four of the BRTF members also served on the CC BRTF: Chair Golding, Meg Caldwell, Bill Anderson, and Cathy Reheis-Boyd. The new member was Don Benninghoven.⁴² The charge to the

⁴⁰ It is important to understand that these estimates present a “worst case,” not a “likely case,” due in part to an inability to reliably predict how fishermen will respond to establishment of MPAs that restrict their fishing. Economists are developing improved methodologies and these may be employed in future study regions.

⁴¹ The original CC BRTF had nine members. This was reduced over time to eight, and ultimately seven members played a significant role in BRTF decision making.

⁴² Biographies for the NCC BRTF members are available online at: http://www.dfg.ca.gov/mlpa/brtf_bios.asp. Benninghoven recently was appointed Chair for the South Coast study region by Secretary Chrisman, based on an explicit rotation policy.

BRTF was to “meet the objectives of the MLPA Initiative, implementing the provisions of the MOU,” including:

- oversee a regional project to develop alternative marine protected area proposals in an area along the north central coast to present to the Commission by March 2008,
- prepare information and recommendations for coordinating management of MPAs with federal agencies,
- provide direction for expenditure of initiative funds, and
- work to resolve policy disputes and provide direction in the face of uncertainty, while meeting the objectives of the MLPA.⁴³

The MOU provided that the BRTF would have the authority to “guide the development of alternative MPA proposals presented to the Task Force by the Regional Stakeholders Group as the Task Force deems appropriate and craft alternative MPA proposals for presentation to the [FGC].” [3.2 b]

The BRTF met seven times on its own (including one teleconference), and three times in joint sessions with the Commission, between March 29, 2007 and June 6, 2008.⁴⁴ Although not subject to the state’s Bagley-Keene Open Meetings Act,⁴⁵ the BRTF took steps to ensure its decision making process was consistent with the MOU commitment to an open and transparent process, including adoption of a *Policy for an Open and Transparent Process*. Formal BRTF meetings were noticed in advance and agendas and meeting materials were made available online. In addition, the BRTF invited RSG members and members of the public to join them at dinner meetings during the 10-month process. A list of all formal BRTF meetings with agendas is available online at: <http://www.dfg.ca.gov/mlpa/meetings.asp#brtf>.

BRTF members met informally for planning purposes with some I Team staff over dinner on one occasion in conjunction with a noticed BRTF meeting. One or more BRTF members also participated in a milestones meeting of the MOU parties prior to the April 22-23 BRTF decision meeting. Individual BRTF members attended one or more RSG meetings, usually as observers, and also attended SAT meetings. Individual BRTF members also either met or spoke with individual RSG members or representatives of advocacy groups multiple times during the NCC process, and also met or spoke with SAT members.

BRTF outcomes for the NCC study region include:

- Adopted regional goals and objectives developed by the RSG
- Provided comments on proposed revisions to the draft Master Plan for Marine Protected Areas prior to action by the Commission
- Provided oversight of the RSG process and detailed guidance at key points to support development of alternative MPA proposals through multiple iterations
- Addressed policy questions including: Special Closures to protect birds and mammals; the level of protection assigned to activities inside MPAs, including salmon trolling in less than 50 feet of water; spatially explicit models developed by the SAT; and the approach to socioeconomics.

⁴³ Charter of the MLPA Blue Ribbon Task Force, 2007-2008 [March 31, 2007]

⁴⁴ The number of BRTF meeting days, whether whole or partial, was 12.

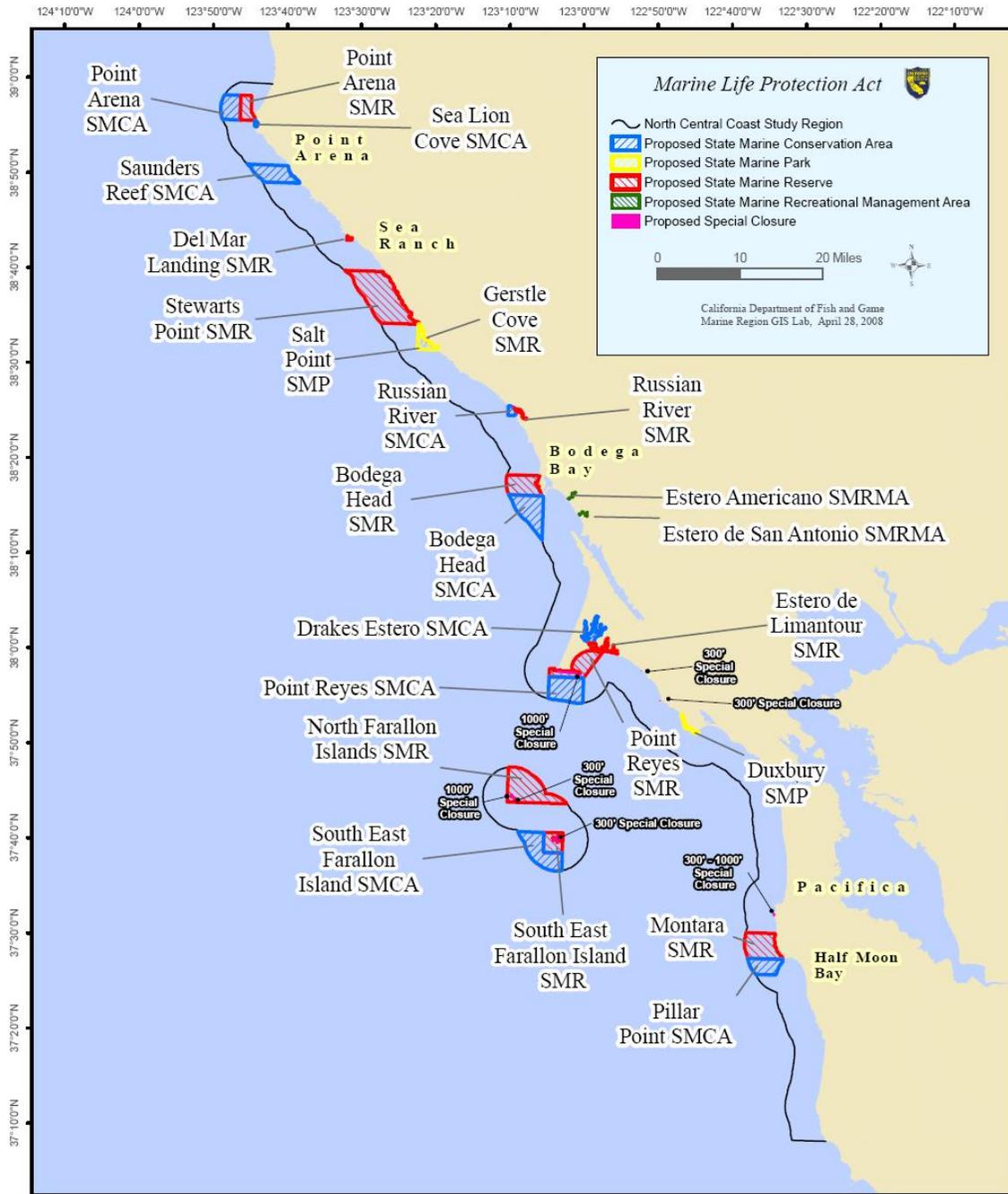
⁴⁵ See *CC Final Statement of Reasons*.

- Renewed the policy discussion about the role of water quality in MPA design including a presentation to the BRTF by SAT member Dominic Gregorio of the State Water Resources Control Board
- Opened a policy discussion about how the Initiative could support the Department in implementing the new CC MPAs established by the Commission
- Oversaw development and adoption of a MLPA budget for the NCC and future study regions and authorized expenditures pursuant to that budget⁴⁶
- Provided an open forum for education of the public about the MLPA and expression of public views

The BRTF unanimously adopted its preferred alternative, known as the Integrated Preferred Alternative or IPA, at a public meeting on April 23, 2008. This decision followed a highly interactive conversation with three RSG work groups representing the final RSG proposals and extensive public comment. The meeting design included simultaneously projecting each work group’s proposals for key areas in the study region on large screens to promote effective comparisons, direct questioning of team members about their proposals, and “what if” questions from BRTF members. According to its official memorandum transmitting the IPA and other alternatives to the Commission:

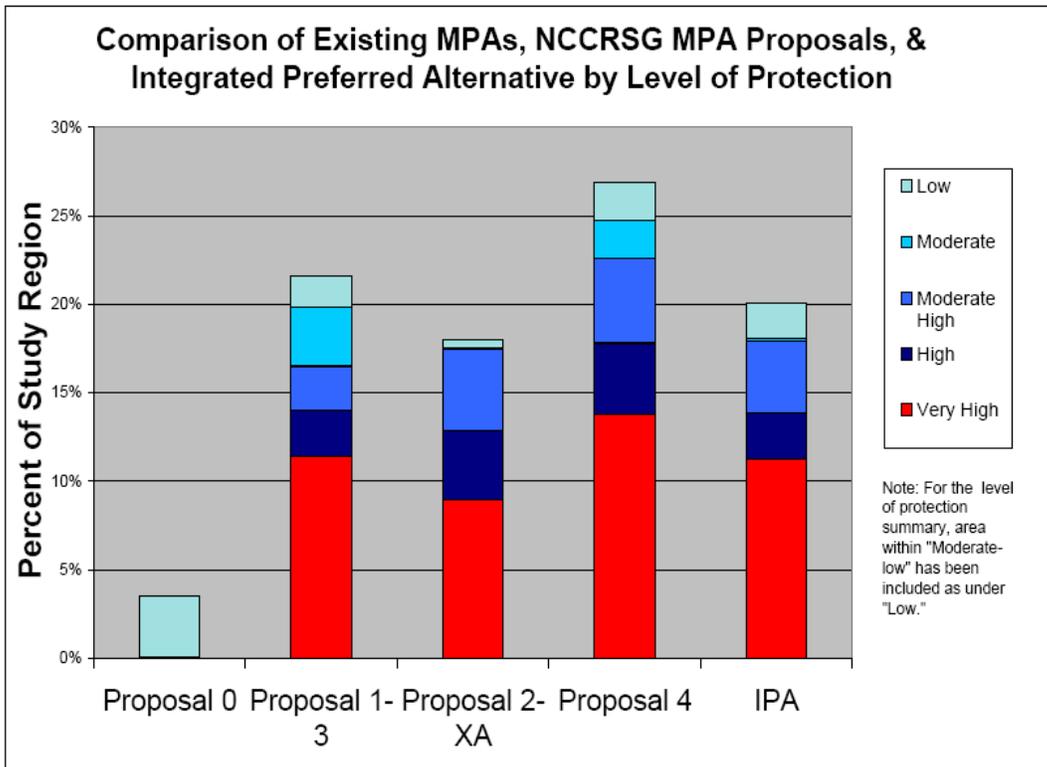
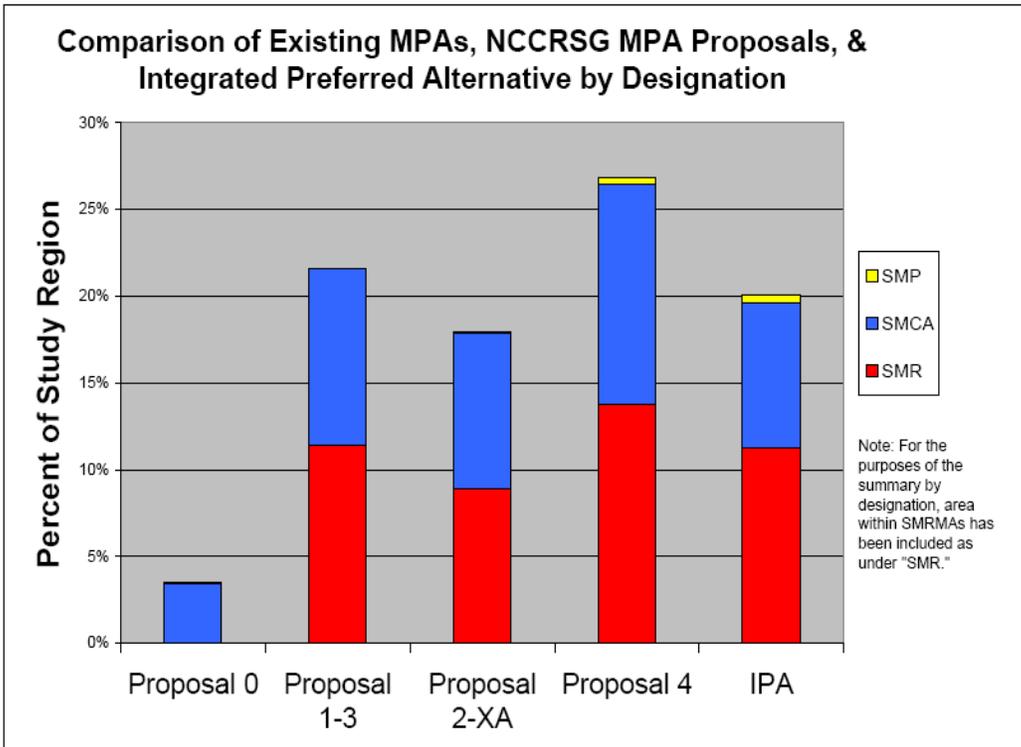
The BRTF created the Integrated Preferred Alternative proposal for the MLPA North Central Coast Study Region by selecting, and in some cases slightly modifying, MPAs from each of the three MPA proposals generated by the NCCRSG. The BRTF created a single preferred alternative intended to meet scientific guidelines and achieve the goals of the MLPA, while also bridging some of the remaining areas of divergence among the stakeholder proposals.

⁴⁶ The BRTF worked with the Initiative’s Executive Director and RLFF to develop and approve a multi-year budget for the Initiative through December 31, 2011. Basic budget information as of August 31, 2008 can be found at Appendix E.



North Central Coast Study Region *Integrated Preferred Alternative*

The BRTF also voted unanimously to forward to the Commission each of the three RSG proposals that formed the basis for its final deliberations: 1-3, 2-XA, and 4. A comparison of the three final RSG proposals with the IPA approach to designations, followed by a diagram comparing levels of protection, can be seen below. A proposal that included only existing MPAs (Proposal 0) was also forwarded as the “no-action” alternative, consistent with regulatory and CEQA requirements.



The BRTF officially forwarded its IPA and the three RSG alternatives to the Commission for consideration on June 5, 2008, and met with the Commission on June 11 to complete its NCC work.

Science Advisory Team

The NCC Master Plan Science Advisory Team held its initial meeting June 26, 2007. The Department Director appointed the SAT and also participated as a member. A list of SAT members follows:

Master Plan Science Advisory Team for the North Central Coast Study Region

Sarah Allen National Park Service, Pt. Reyes Nat'l Seashore	Dominic Gregorio State Water Resources Control Board, Ocean Standards Unit	Karina Nielsen Sonoma State University, Dep't of Biology
Eric Bjorkstedt National Marine Fisheries Service, SWFSC, Humboldt State University	Ray Hilborn University of Washington, School of Aquatic and Fishery Sciences	Pete Raimondi UC Santa Cruz, Long Marine Lab
Mark Carr, Co-Chair* UC Santa Cruz, Dep't of Ecology and Evolutionary Biology	John Largier UC Davis, Bodega Marine Lab	Astrid Scholz* Ecotrust
Chris Costello UC Santa Barbara, Bren School of Environmental Science & Management	Gerry McChesney US Fish & Wildlife Service, San Francisco Bay National Wildlife Refuge Complex	John Ugoretz* Department of Fish & Game, Marine Region
Steve Gaines* UC Santa Barbara, Marine Science Institute	Steve Morgan, Co- Chair UC Davis, Bodega Marine Lab	Carl Walters University of British Columbia, Fisheries Centre

* *Indicates member of SAT for Central Coast study region*

The SAT included several members with significant experience in fisheries management and modeling. It also included two economists (Astrid Scholz and Chris Costello) and an employee of the State Water Resources Control Board (Dominic Gregorio). Finally, there were representatives from the National Park Service (Sarah Allen) and U.S. Fish & Wildlife Service (Gerry McChesney) in addition to the National Marine Fisheries Service (Eric Bjorkstedt). Allen and McChesney were specifically included for their expertise with birds and mammals in the CC region.

The SAT charter described the following general responsibilities:

- Meet the objectives of the Initiative
- Provide input to the BRTF
- Complete the NCC portion of the Master Plan for MPAs

Specific MOU tasks included:

- Review and comment on scientific papers relevant to MLPA implementation
- Review alternative MPA proposals
- Review draft Master Plan documents
- Address scientific issues raised by all documents
- Address scientific questions raised by the BRTF or stakeholders

The Charter explicitly limited the SAT to science: “In the course of assisting the Department, members shall refrain from making policy judgments; rather, where available science presents options or uncertainty, the SAT shall frame and refer those policy questions to the Department or, if appropriate, the BRTF.”⁴⁷

The SAT also was authorized to propose revisions to the draft Master Plan for MPAs for consideration by the Department, and potentially the BRTF and Commission. Grounds for revisions include new scientific information or differences specific to the NCC region.

During the course of the NCC process the SAT’s work encompassed four areas: (1) educating and advising the BRTF and RSG about the science guidelines and evaluation methods to support MPA planning; (2) evaluating and providing feedback on each round of RSG options and proposals as well as the BRTF and Commission alternatives; (3) developing recommendations for revisions to the science guidelines and evaluation criteria, and (4) developing spatially explicit models to support MPA design. SAT activities and products linked to each area are summarized below.

Education and Advice to BRTF and RSG

- The SAT prepared written descriptions of its science guidelines and evaluation methodologies, and also of its spatially explicit models [see below]
- SAT members provided briefings on key topics, including two on water quality, for the BRTF and Commission
- The SAT developed written answers to questions from the RSG to support development of MPA proposals

Evaluation of MPA options and proposals

- The SAT (and I Team staff) reviewed and evaluated RSG proposals following each round and provided feedback to the BRTF. This feedback was based on the science guidelines and evaluation methodologies in the draft Master Plan with some refinements developed during the NCC. Evaluations covered each of the MLPA goals involving science [primarily 1,2, and 4] and included input about estimated socio-economic impacts from MPA proposals.
- The SAT evaluated the BRTF IPA following its adoption in comparison with the three RSG proposals, and SAT representatives provided preliminary “real time” evaluation for some parameters during the BRTF’s final decision meeting.
- The SAT addressed specific issues related to its evaluation methodology, including the Level of Protection (LOP) assigned to all activities proposed in MPAs, and developed recommendations for the BRTF.

⁴⁷ SAT Charter p. 2. This is consistent with MOU language charging the BRTF to “resolve policy disputes and provide direction in the face of uncertainty.” Issues related to science, uncertainty, and policy are discussed in Section III.

Refinement of MPA Evaluation Methodology

The SAT made a significant contribution by developing a detailed, written description of its MPA proposal evaluation methodology. The SAT also refined its MPA evaluation methodology. One example is identifying the minimum amount of each habitat type necessary to count as "present" in a MPA.

Development of Spatially Explicit Models

Some members of the SAT (designated the Digestible Modeling Work Group) participated in development of two models that use spatial data on habitat and proposed MPA locations and regulations to simulate the population dynamics of fished species and generate predicted spatial distributions of species abundances and fisheries for each MPA proposal.⁴⁸ The models are structurally similar "equilibrium" models that predict the state of the system over the long term. The models are based on quantitative tools long used in fisheries management, but their conceptual principles "are consistent with those upon which existing size and spacing guidelines are based."⁴⁹ While there are important differences between them, both models make assumptions about key inputs, including:

- Larval dispersal distances (related to MPA spacing)
- Larval settlement regulated by species density in available habitat (related to MPA habitat types)
- Growth and survival dynamics of the resident (adult) population
- Reproductive output increasing with adult size
- Adult movement (e.g., home ranges) (related to MPA size)
- Harvest in areas outside of MPAs

The models produce similar outputs that can be described by two concepts: a measure of *conservation value* and a measure of *economic return*. Conservation value is a measure of biomass or species sustainability and is essentially a measure of MLPA goals 1, 2, and 6. Economic return is a measure of yield or fishery profitability, and addresses the potential cost of implementing MPAs.⁵⁰

The models were reviewed by the full SAT and used as an alternate tool to evaluate MPA proposals generated by the RSG as well as the IPA.⁵¹ According to the SAT, the models yielded similar general conclusions: MPA size relative to adult movement strongly determines MPA effectiveness, and MPA spacing relative to larval dispersal distance strongly determines the ability of MPAs to function effectively as a network. Moreover, the models led the SAT to a significant

⁴⁸ One model is named the UC Davis Spatial Sustainability and Yield Model (UC Davis model) and considers each fished species separately. This model is largely a result of work by Dr. Loo Botsford, a former SAT member from the CC study region, and his laboratory. Dr. Botsford participated in the joint modeling effort under contract with the Initiative. A second model is named the Equilibrium Delay Difference Optimization Model (EDOM) and considers a fishing fleet that targets multiple fish species. *Spatially Explicit Models to Support Evaluation and Revision of Marine Protected Area Proposals*, April 2, 2008 (hereafter "SAT Models memorandum"). A significant amount of work was done by a previous SAT Modeling Work Group.

⁴⁹ The current Level of Protection evaluation framework reportedly is not included in the models.

⁵⁰ SAT Models memorandum.

⁵¹ The SAT also acknowledged valuable technical input from at least one RSG member that led to model refinement. *Id.*, p. 2.

point of agreement: fishery management effects on a stock outside MPAs strongly influence the consequences for that stock of implementing an MPA network.

The SAT recommended to the BRTF that spatially explicit models be “integrated more completely into current and, especially, future efforts to design and evaluate MPA proposals,” including:

1. Models should be introduced early in the planning process and, where feasible, should be made available as tools for use in the stakeholder process; and
2. Models should become an integral part of the evaluation process to supplement the process outlined in the master plan.

The SAT also stated its intention to refine the models as part of its future work.⁵² This topic will be discussed in the next section.

Department of Fish and Game

The MOU for the NCC identifies multiple roles and responsibilities for the Department:

- Provide a statement of feasibility criteria that the Department intended to use to analyze MPA alternatives and evaluate all proposals for both feasibility and enforceability
- Share its expertise and perspective with the BRTF, SAT, and RSG and participate actively in development of alternative MPA proposals
- Provide input to the Commission on alternative MPA proposals and the BRTF preferred alternative regarding feasibility, goals and objectives, and prospects for meeting MLPA goals
- Share public data and technical resources in its possession
- Provide staff, office space, telecommunications, and clerical support to fulfill its MOU obligations, including staff to the RSG and SAT
- Participate on the MOU steering committee with Agency and Commission staff, and in briefings and discussions for the Ocean Protection Council and Commission regarding the MPA design process and progress.⁵³

The Department prepared a detailed memorandum to the RSG in June 2007 entitled *Statement of feasibility criteria for use in analyzing siting alternatives during the second phase of the MLPA Initiative*, (“Feasibility Criteria Memorandum”). The memorandum advised RSG members that “[T]he criteria taken together should form the guiding principle used in designing MPA proposals.”⁵⁴ The Department prepared a second memorandum to the RSG dated February 11, 2008 entitled *Update to statement of feasibility criteria for use in analyzing siting alternatives during the second phase of the MLPA Initiative* (“Update to Feasibility Criteria Memorandum”). This document clarified emerging MPA design issues with feasibility implications not addressed in the first memorandum, and was presented to the RSG at its February 21, 2008 meeting. The Department staff advised RSG members about interpretation and application of the feasibility criteria as various MPA proposals were developed, and the Department provided its analysis following each round of MPA proposal development by the RSG.⁵⁵

⁵² *Id.*

⁵³ NCC MOU p. 6

⁵⁴ Feasibility Criteria Memorandum, p. 1.

⁵⁵ As one example, the agenda for the November 20, 2007 BRTF meeting includes a report from the Department on the feasibility of Round One proposals developed by the RSG.

The Department's input to the RSG and BRTF covered additional topics that would be part of its input to the Commission. The Department planned to comment on the prospects of MPA proposals "to meet the goals of the MLPA" based on several criteria first set out in a March 13, 2008 memorandum. The Department stated that it would comment on possible modifications to individual MPAs and MPA clusters that would "increase public understanding of regulations, ease enforcement, and therefore make proposals more likely to achieve their goals" as well as MLPA goals. The memorandum also quoted the MLPA's finding that the state's existing MPA array "creates the illusion of protection" and advised that it would "oppose proposed MPAs that allow virtually all forms of take that currently exist in an area." The Department also advised the RSG to carefully consider goals and objectives, and to strongly consider the ability to monitor MPAs for their success in achieving goals.⁵⁶

Just over a month later, the Department issued a detailed review of the final three MPA alternatives developed by the RSG in advance of the BRTF's decision meeting.⁵⁷ This review was necessary to ensure that MPA proposals satisfied the Department's guidelines because the Department was not selecting its own preferred alternative or recommending any particular RSG alternative, according to the memorandum. As noted above, this role for the Department represented a change from the CC, where (1) the BRTF delivered its recommendations to the Department, and (2) the Department developed its own alternative for consideration by the Commission (Package P). The Department memorandum covered a range of concerns for specific MPAs within each proposal, including:

- Inadequate improvements to existing MPAs
- Lack of boundary or regulation clarity and difficulties with enforcement
- Incomplete development of reasonable and measurable goals and objectives
- MPAs unnecessary to fulfill the MLPA mandate
- Special closures

The memorandum addressed topics raised in the March 13 memorandum but also contained recommendations regarding specific MPAs forwarded to the BRTF by the RSG.

The Department subsequently provided its views to the Commission on alternative MPA proposals and the IPA. According to a July 11, 2008 Department memorandum, "the vast majority of concerns identified during the Department's initial evaluation were addressed by the NCC RSG and the BRTF." The RSG teams updated goals and objectives for the final three MPA proposals at the request of the BRTF in response to the Department's April 18 memorandum.⁵⁸ The Department maintained its opposition to certain proposed MPAs that were unlikely to meet the intent of the MLPA and offered possible solutions.⁵⁹

⁵⁶ Department of Fish and Game, *Department Guidance for Final MPA Proposal Development*, March 13, 2008. This appears to be the first document provided to the RSG by the Department during the NCC process to address this set of issues. The document is dated five days prior to the RSG plenary session devoted to finalizing three MPA proposals for submission to the BRTF, and nine days after a RSG work session devoted to work on final proposals.

⁵⁷ *Department of Fish and Game Comments on Final Stakeholder Marine Protected Area Proposals for Blue Ribbon Task [Force] Consideration*, April 18, 2008.

⁵⁸ This revision process is described in the BRTF's transmittal memorandum to the Commission dated June 5, 2008.

⁵⁹ *Evaluation of the goals and objectives for the Marine Protected Area (MPA) Proposals Advanced by the Blue Ribbon Task Force*, June 11, 2008.

The impacts of the Department’s approach to its roles for the NCC, including the documents just mentioned, will be discussed in Section III.

The Department also provided input to the Initiative on a range of other technical and policy issues. One important example is the use of Special Closures to provide protection for marine mammals and birds.⁶⁰

The Department committed the staff listed in the following table to support the NCC, either for the full process or a portion:

<i>Name</i>	<i>Position</i>	<i>DFG Region/Location</i>	<i>CC Experience</i>
John Ugoretz	MLPA Policy Advisor	Marine/Santa Barbara and Monterey	Yes
Susan Ashcraft	Senior Marine Biologist/Supervisor, Marine Protected Areas	Marine/Sacramento	No
Capt. Brian Naslund	Enforcement Division	Marine/Sacramento	No
Jason Vasques	Associate Marine Biologist	Marine/Monterey	No
Paulo Serpa	Research Analyst II/GIS	Marine/Monterey	Yes
Jared Kibele	GIS Specialist, PSMFC	Marine/Monterey	No
Lynn Takata	Staff Environmental Scientist	Marine/Sacramento	No
Elizabeth Pope-Smith	Biologist (Marine/Fisheries)	Marine/Eureka	No
Rebecca Studebaker	Biologist (Marine/Fisheries)	Marine/Eureka	No
Dennis Michniuk	Environmental Scientist	Marine/San Luis Obispo	No
Bryan Crouch	Biologist/Marine/Fisheries	Marine/Monterey	No
Steve Martarano	Supervising Information Officer/Office of Communications	Sacramento	Yes

The number of staff and PY (person years) reflected a significant increase compared with the CC process including the Department’s I Team role. Some of these staff also participated actively as I Team members.

The Department fulfilled its other staffing obligations for the Initiative as follows:

- Department staff provided GIS support to the RSG and BRTF to assist MPA design. This included building GIS layers and providing “real time” mapping of potential MPA designs during RSG meetings. Department staff provided technical support for the final BRTF session where the three RSG proposals were compared side-by-side (by-side).

⁶⁰ See *Special Closures* memorandum, supra.

- Department staff served with other I Team staff as liaisons to the SAT. This support included coordination of full SAT meetings as well as sub-group meetings and note taking. The Department liaison also made presentations to the RSG and BRTF regarding SAT issues.
- The Department provided note-taking support for the BRTF.
- The Department’s team assisted in the MLPA Goal 3 analysis of MPA proposals developed by the RSG and ultimately the BRTF.
- According to interviews the Department began the NCC with nine positions (“person years”) in the Marine Region for MLPA planning. Three positions were “lost” during the process, leaving six Department staff to complete the NCC.
- The Department reportedly did not provide secretarial or clerical support for the Initiative, but paid for equipment and transferred a position from the MPA biological staff that was vacant at the time to help fill clerical/administrative needs.

Initiative Staff or “I Team”

The Initiative again was supported by a mix of contract staff, Department personnel, and external consultants known as the I Team. The Initiative’s Executive Director, Ken Wiseman, is a contract employee through RLFF and reports to the Chair of the BRTF. Funding for contract staff and consultants is also provided through the RLFF funding mechanism. This mixed staffing approach was similar to that in the Central Coast. The I Team included the following personnel [excluding Department staff identified above]:

I Team Non-Department Staff

<i>Name</i>	<i>Position</i>	<i>Affiliation</i>	<i>CC Experience</i>
Ken Wiseman	Executive Director	Contract staff	No
Melissa Miller-Henson	Program Manager	On assignment from the Department	Yes
Mary Gleason	Principal Planner	The Nature Conservancy	Yes
Evan Fox	Assistant Planner	Contract staff	Yes
Darci Connor	Assistant Planner	Contract staff	No
Allison Arnold	Assistant Planner	Contract staff	No
Scott McCreary Eric Poncelet	Facilitation Team	Consultant [Concur, Inc.]	Yes
Delbra Gibbs	Logistics Coordinator	Contract staff	No
Seth Miller	SAT Assistant	UC Davis	No
Emily Saarman	SAT Assistant	UC Santa Cruz	No
Amy Brooks	SAT Assistant	Contract staff	No
Will McClintock	Database Manager	UC Santa Barbara	Yes
Chamois Andersen	Media Relations Liaison	Contract staff	No
Matt Merrifield	GIS Advisor	The Nature Conservancy, San Francisco	Yes

Aside from Department personnel, the I Team included six members with experience from the CC process. This group included key positions such as Mary Gleason (Chief Planner), Melissa Miller-

Henson (Program Manager), Evan Fox (Assistant Planner) and the Facilitation Team. The new Executive Director, Ken Wiseman, did not have previous MLPA experience; nor did the majority of the I Team staff listed above. The full Initiative staff roster did not exist at the beginning of the NCC process but was built up over the course of the project. The I Team ultimately did not include a project management or a public policy specialist. According to interviews, these functions were filled from other I Team positions or Department staff.

Resources Legacy Fund Foundation

The RLFF continued in the same role it played for the CC study region, as a MOU party and source of private funding to support the Initiative through its Marine Protected Areas program. Funders include the David and Lucile Packard Foundation, Gordon and Betty Moore Foundation, Keith Campbell Foundation, Marisla Foundation, and Annenberg Foundation.⁶¹

One notable milestone is a commitment from RLFF to support a three-year budget for the Initiative through 2011. This budget is intended to support completion of MPA planning for the entire California coast. A copy of the RLFF funding commitment as of August 31, 2008 is attached at Appendix E.

One significant development related to the RLFF role, and the future viability of the MLPA Initiative public-private partnership, was an appeals court decision in *Coastside Fishing Club v. California Resources Agency* (San Francisco County Superior Ct. No. CGC-06-453400). This litigation had raised challenges to the use of private funding to support state activities based on two legal theories: that the Foundation's contributions to the Initiative were an illegal gift, and that the Department violated the doctrine of separation of powers—and thereby the California Constitution—by entering into the MOU. In an opinion filed January 14, 2008, the First District Court of Appeals rejected these challenges and, at least for the foreseeable future, ended speculation about the legality of the RLFF's role in the public-private MLPA Initiative. The Appeals Court pointed out that authority to adopt the Master Plan called for under the MLPA rests with the Commission and not with any MOU party. It also noted that RLFF lacks any pecuniary interest in implementation and enforcement of the MLPA, and that foundations have helped fund other marine science projects in California.⁶²

III. EVALUATING THE NORTH CENTRAL COAST PROCESS

This section of the report provides an evaluation of the NCC process that tracks closely the approach for the CC. There are three evaluation questions:

- *Did the Initiative processes and BRTF recommendations provide a reasonable foundation for decision making by the Commission?*
- *Did the key elements of the Initiative work effectively on the NCC, and what was the impact of modifications adopted by the Initiative in light of the CC process?*

⁶¹ Additional information is available from the RLFF MPA program web page: http://www.resourceslegacyfund.org/pages/p_marine.html.

⁶² See Opinion at 25.

- *Can the Initiative be successful in future study regions?*

Responses to the online RSG survey provide a significant source of information for this evaluation. They can be found in Appendix B, along with the RSG Survey Report.

Did the Initiative processes and BRTF recommendations provide a reasonable foundation for decision making by the FGC?

This question is examined through two lenses: one narrowly focused on the NCC region alternatives, and a second focused broadly on MLPA implementation.

NCC Alternatives

The alternative networks of MPAs transmitted by the BRTF to the Commission appear to meet the goals and requirements of the MLPA. They also appear to “bracket” a politically reasonable decision range [see diagrams p. 19]. Proposals 2-XA and 4 effectively represent preferred interpretations of the MLPA for the two primary advocacy groups: consumptive interests (commercial and recreational) and environmental/conservation. Proposal 1-3 represents one approach to reconciling these different interpretations. As discussed in Section II, all three of the RSG proposals are the result of significant efforts to accommodate diverse interests, and there are notable increases in balance compared with equivalent CC proposals [Package 1 and Package 2].⁶³ The IPA represents the BRTF’s approach to integrating all key interests based on the three RSG proposals.

The RSG alternatives reflect substantial adherence to the science guidelines developed by the SAT (and included in the draft Master Plan). The BRTF consistently directed RSG members to meet the guidelines, and the SAT evaluated the proposals based on the guidelines. There was significant “convergence” among the final RSG proposals, more than for the CC, reflecting a relatively higher level of overall agreement within the RSG. According to some SAT members, this increased convergence also reflected the consistent use of science in MPA design, as required by the MLPA. The IPA was located within the decision range established by the RSG proposals and differed primarily in the values tradeoffs at a handful of locations.

The BRTF and Commission took steps to improve coordination in order to support effective decision making. These steps included regular attendance by senior Commission staff at BRTF, SAT, and RSG meetings, consistent interaction with Initiative staff, and two joint BRTF-Commission meetings.

Compared with the CC the intensity of controversy and conflict was significantly lower for the NCC based on interviews, observation, and responses to the online RSG survey. The overall level of satisfaction with the process among RSG members responding to the online survey was

⁶³ Package 3 from the CC reflected an explicit effort to develop a consensus approach and, in that sense, is similar to 1-3 from the NCC.

relatively higher for the NCC, despite some criticism and numerous suggestions for improvement.⁶⁴

The Initiative devoted significant resources to honor the MOU goal of a transparent process, as reflected in the number of BRTF, RSG, and SAT meetings, all of which were open to the public, and most of which were accessible via web cast either live or as an archived file. The Initiative also improved the design and content of the MLPA web site and used it to post most, if not all, meeting materials.

Use of Best Readily Available Science

There was relatively less conflict for the NCC compared with the CC over the MLPA requirement that new MPAs be based on the “best readily available scientific information” (or “most up-to-date science”).⁶⁵ In particular, there was less overall criticism about the makeup and balance of scientific viewpoints represented on the SAT, although some disagreements were raised during initial SAT meetings. One reason for this reduced level of criticism likely is that at least three members had solid backgrounds in fisheries science.⁶⁶

A second, and probably more significant reason, is that a sub-set of SAT members and others devoted substantial time to developing two spatially explicit models [EDOM and UC Davis] to support MPA planning. The Digestible Modeling Work Group provided an important forum for integration of different scientific disciplines and constructive discussions across academic lines. Participants were able to agree on frameworks and then analyze the scientific merits of different assumptions used as inputs. The two models were not used to design MPAs or as the primary evaluation tool for MPA proposals. Instead, they were an alternative tool for MPA evaluation. According to SAT perspectives this modeling effort represents “cutting edge” science that satisfied the MLPA standard.⁶⁷ It is likely that the role of models in future study regions will require attention by the BRTF and Commission. See the *Recommendations* in Section IV of this report.

It would be inaccurate to conclude that all scientific issues related to MPAs have been—or will be—resolved based on the SAT modeling work, or that all SAT members for the NCC agreed on what constitutes the best readily available scientific information.⁶⁸ There are basic differences between marine ecologists and fisheries scientists that likely will fuel debate in future study regions. But the initial CC debate over what constitutes the best readily available science has evolved, and that is generally viewed as a positive development among SAT members.

The MLPA contains the following finding: “Fish and other sea life are a sustainable resource, and fishing is an important community asset. MPAs and sound fishery management are complementary

⁶⁴ The increased level of overall RSG satisfaction is discussed later in the report at p. 36.

⁶⁵ The Harty/John CC Report offers one view of this conflict. A second view can be found in the *CC Final Statement of Reasons*.

⁶⁶ Ray Hilborn, Carl Walters, and Eric Bjorkstedt. Hilborn and Walters were co-authors with Richard Parrish of an external critique of the CC approach to science prepared for the California Fisheries Coalition, entitled *Peer Review, California Marine Life Protection Act (MLPA) Science Advice and MPA Network Proposals (May 2006)*.

⁶⁷ At least one RSG member provided substantive input to the SAT to support model development. Some RSG members expressed criticism of the modeling effort in survey responses. See Appendix B.

⁶⁸ The SAT treatment of Levels of Protection is one point of disagreement, and is discussed below.

components of a comprehensive effort to sustain marine habitats and fisheries.”⁶⁹ The SAT process for the NCC is consistent with this MLPA view, and the modeling effort in particular represents a new phase that emphasizes joint development of analytical tools.

Use of Socio-economic Information

The use of socioeconomic information presented challenges in the CC study region and was discussed in the LL report. One outcome was a report to the Commission in December 2006 on options for addressing issues associated with socioeconomic information in future study regions.⁷⁰ The *CC Final Statement of Reasons* explicitly addresses and rejects challenges to the treatment of socioeconomic information in the CC study region.

RSG members were asked to rate the “helpfulness” of socioeconomic information compiled for the NCC in completing their work. Here is a summary of survey results for four products:

<i>Type of Information</i>	<i>Mean “Helpfulness” Score⁷¹</i>
Regional Profile Section 5	4.03
Survey data (MPA Center/MCBI) on selected non-consumptive uses in NCC region	3.39
Ecotrust estimate of impacts to commercial fisheries from MPA proposals	4.26
Ecotrust estimate of impacts to recreational fisheries from MPA proposals	3.52

Based on mean scores two products were viewed as helpful to the RSG: the Ecotrust commercial fisheries impacts estimate, and Section 5 of the Regional Profile. According to Department staff, for the NCC the Department worked closely with Ecotrust to improve survey design in order to better identify port-level and disproportionate individual-level impacts. The other two products, covering recreational fisheries and non-consumptive uses, were notably less helpful according to the survey. For fisheries data, RSG members were concerned about their limited access to the commercial and recreational fisheries information. There also were concerns about a lack of information regarding non-consumptive uses and impacts, and impacts on fishing-related businesses and communities.

Survey respondents offered diverse views on options for improving socioeconomic information. Here is a sample of comments and suggestions:

- *In a more perfect world, the socioeconomic analysis would include a forward projection of the economic benefits to fisheries enhanced by working MPAs---rather than a singular down-side (cost) analysis.*

⁶⁹ §2851(d).

⁷⁰ *Using Socioeconomic Information in the Design of Marine Protected Areas Under the MLPA: Critiques, Decisions and Options*, dated December 7, 2006. This report was prepared by HCCM.

⁷¹ Scale is 1 (very unhelpful) to 6 (very helpful), with 3.5 being the median score: neither helpful nor unhelpful.

- *Regional Profile was great for context and trends! Non-consumptive use survey was a decent start, but analysis comparable to that for rec fishing would make it much more helpful. Share maps of 100 penny exercise with all stakeholders (and not for 10 minutes only). Change instructions for commercial and rec data, perhaps to include last 5 to 8 years, not whole career. Recreational fishing data is more difficult to use given that there's no way to compare the absolute value of say pier fishing and party boat fishing, but any such estimate would probably cause more problems than would solve.*
- *The main drawback was the lack of non-consumptive socio-economic figures to offset the bias towards the consumptive socio-econ figures. If you look at the Regional Profile, for example, it shows that non-consumptive recreation/tourism produced alot more revenue than the consumptive side for local communities, but we had no place based maps highlighting the socio-economic benefit of certain areas for these purposes.*

The socioeconomic information available to the RSG and BRTF was consistent with the position stated in the *CC Final Statement of Reasons* that (1) “nothing in the MLPA imposes an affirmative duty to generate socioeconomic data beyond that which is required by other applicable laws,” and (2) “there is no duty to mitigate for adverse socioeconomic impacts under the MLPA.”⁷² Overall, socioeconomic information was less of an issue for the NCC than for the CC. Steps taken by the Initiative—particularly the Department—and its contractor Ecotrust following the CC process deserve some of the credit. The RSG members’ increased awareness of, and efforts to reduce, potential socioeconomic impacts also deserve credit according to interviews.⁷³ A third reason may be that better data were available for the NCC, and earlier in the process, than for the CC. Nevertheless, it is likely that some issues identified in the 2006 Socioeconomic Information report to the Commission will remain as a source of potential conflict. Moreover, the South Coast study region may generate pressures for expanded socioeconomic information due to the structure of the regional economy.

Conclusion: The Initiative processes and BRTF recommendations provide a reasonable foundation for Commission decision making on NCC alternatives.

Overall MLPA Implementation

The MLPA Initiative adopted a tight focus for the CC pilot region: the priority was to establish an MPA design process based on MLPA goals, science and stakeholder input, and generate plausible alternatives for the BRTF. This tight focus continued for the NCC process, through the BRTF’s decision and transmittal of the IPA and RSG alternatives to the Commission in June 2008. The MLPA is not limited to MPA design, however; it “requires adaptive management, monitoring and evaluation to ensure that an effective system of marine protected areas (MPAs) is created and maintained for decades to come.”⁷⁴ A tight focus on planning was understandable during the CC

⁷² *CC Final Statement of Reasons* at 13-14.

⁷³ Veterans of the CC process pointed to the Gems groups as an innovation that motivated RSG members to jointly learn and identify potential options for reducing impacts.

⁷⁴ Appendix M to Master Plan: Consultant’s Adaptive Management and Monitoring and Evaluation Framework, Page M-5.

pilot region because there was no new MPA array to implement.⁷⁵ The Commission voted to establish the CC MPAs in April 2007: this was a signal that MLPA mandates related to implementation would gradually but inevitably assume significance.

Future MLPA implementation issues received some attention during the NCC. There was an agenda item at the BRTF's November 20, 2007 meeting described as "update on implementing the central coast MPAs and ways in which the MLPA Initiative could be of further assistance." The BRTF also requested input from Dr. Cheri Recchia, Director of the MPA Monitoring Enterprise ("MPAME") at the Ocean Science Trust, on the provisional NCC Regional Goals and Objectives. This request reflected appreciation of the potential link of goals and objectives used for MPA planning to future management. Dr. Recchia's written response is a useful introduction to challenges of supporting adaptive management, including monitoring, during MPA planning. Here is one excerpt: "Ideally, from a monitoring and measurement standpoint, as different MPA array options are considered for the North Central Coast, care will be taken to ensure adequate very highly protected MPAs are established, and that, to the extent possible, the regional array is designed to facilitate testing of the effectiveness of different management measures and to answer other pressing questions."⁷⁶

An important issue is emerging for the Initiative: how to link measures of MPA effectiveness and adaptive management to MPA planning. Here are some specific questions raised during interviews and discussions:

- Is the MLPA Initiative purely about planning? If not, what is the right timing to link it with management and monitoring?
- When examining the performance of MPAs in 5-10 years, will the regional goals and objectives developed by the RSG in each study region be relevant?

The Department has prepared a Management Plan for the Central Coast MPAs.⁷⁷ The plan includes the CC regional goals and objectives as well as specific objectives for each MPA established by the Commission. The plan contains an extensive discussion of different types of monitoring required to support adaptive management, including baseline and long-term monitoring. It also covers indicators and evaluation to measure performance, and discusses requirements for enforcement. The Department took some steps to educate the RSG and BRTF about the importance of future management in the MPA design phase. Its March 13 and April 18, 2008 memoranda (discussed above) were part of this effort, and it is noteworthy that the BRTF directed the RSG to modify MPA goals and objectives in the three alternatives in light of the Department's comments.⁷⁸

There is little evidence of steps to educate RSG members during the NCC process about the link between MPA planning and management. The RSG did not address future adaptive management in developing its recommendations to the BRTF about regional goals and objectives for the NCC.

⁷⁵ The CC study region did generate the baseline monitoring program for new MPAs just cited. *Final Draft Adaptive Management and Monitoring and Evaluation Framework*, May 26, 2006.

⁷⁶ Letter from Dr. Cheri Recchia, MPA Monitoring Enterprise, to the BRTF, dated December 6, 2007.

⁷⁷ The plan can be found in Appendix O to the draft Master Plan for MPAs. The process for developing the plan is not the focus of this report, but interviews raised questions about the role of public input when compared with Initiative process for MPA planning.

⁷⁸ See BRTF memorandum to Commission dated June 5, 2008.

The regional goals and objectives do not include indicators or proposals for measuring these indicators, which are essential to evaluating future MPA performance.

There are other important questions facing policy makers related to MLPA implementation, apart from those just noted. The most significant is the sources of future funding for a range of implementation activities, including all activities associated with monitoring, public education, and enforcement.⁷⁹ The draft Master Plan for MPAs includes memoranda prepared during the CC study region that attempted to project future costs for MLPA implementation and identify funding sources.⁸⁰ These represented a start, but the set of issues related to funding were not pursued by the Initiative during the NCC study region. California's current budget crisis has reinforced awareness of the risks associated with relying on year-to-year funding for MLPA implementation. As the Commission establishes new MPAs the significance of a comprehensive policy approach that addresses all aspects of future management, including funding, will only increase.

Approach to Water Quality

Water quality received relatively greater attention in the NCC study region than on the CC. Chapter Four of the Regional Profile addressed Coastal Water Quality in section 4.3.⁸¹ Other sections addressed the effects of land use and water quality projects in the study region. Maps displaying water quality information also were included [9a and 9b] in the Profile. The SAT discussed water quality and made a presentation to the BRTF. There also was a water quality agenda item at a joint BRTF-FGC meeting. However, water quality was not a significant factor in the design of MPA alternatives for the NCC, in part because water quality concerns were not as important as in other parts of the state according to interviews. It is at least equally significant that water quality apparently is not part of the science guidelines, is not addressed in the draft Master Plan, and is not a criterion for evaluating MPA alternatives generated by the RSG or BRTF.

There are diverse perspectives on the role of water quality for MPA planning. One is that water quality is not mentioned in the MLPA in a significant way, i.e., it is not explicitly included as one of the MLPA's six goals, and therefore should not be a significant criterion for planning. A second perspective is that the marine habitat is water, and that water quality is implicit in the MLPA goals, explicit in other language, and should receive greater attention.⁸² One other perspective focuses on the complex issues associated with coordination of land-based regulation to protect ocean water quality. The first perspective has been more influential for the Initiative since its inception according to interviews extending back to the CC pilot region. However, there appeared to be a shift toward a more balanced approach during the NCC.

⁷⁹ For example, the Department identified a need for nine enforcement positions for the CC MPAs in its management plan. See Pages O-89-90. The plan identifies problems linked to recruitment and retention due to salary disparities with other law enforcement agencies. The ability to hire and train new staff "is dependent on State budget . . ." According to the plan the Law Enforcement Division has 65 vacant positions. Page O-89.

⁸⁰ See Master Plan Appendices L and N.

⁸¹ *Regional Profile of the North Central Coast Study Region (Alder Creek/Point Arena to Pigeon Point, California)*, dated October 8, 2007.

⁸² The MLPA addresses water quality in multiple ways, both explicit and implicit. Examples include FGC §§2851(c); 2852(d); 2855(b)(2), (c)(1); and 2857(c)(4).

SAT members have indicated that scientific data useful for MPA planning are a potential limiting factor. There are relatively good data for the locations of permitted discharges into the ocean, and some data about effects on species such as kelp. But reliable data about the effects of land-based pollutants on ocean ecosystems are limited, according to SAT members. One view is that for now the best that can be done is to consider discharge locations in siting MPAs, because the SAT cannot reliably evaluate the ecosystem effects of creating an MPA.

Overall, it appears the Initiative’s approach to water quality for the NCC reflected increased appreciation of its significance, but conflicting views remain about how best to address water quality in MPA planning.⁸³ It is likely that the BRTF and Initiative will be requested to devote additional attention to the issue of water quality in planning MPAs on the South Coast. See the *Recommendations* section of this report for further discussion.

Conclusion: The Initiative processes and BRTF recommendations reflect initial steps to integrate MPA planning and management and develop an approach to water quality that is consistent with the MLPA, available data, and the requirements of each study region.

Did the key elements of the Initiative work effectively on the NCC, and what was the impact of modifications adopted by the Initiative in light of the CC process?

This section examines the effectiveness of the key components of the Initiative discussed above: the RSG, BRTF, SAT, Department, I Team, and the public-private partnership with the RLFF. The impact, if any, of process modifications adopted by the Initiative following the CC experience is part of this examination. These modifications have multiple roots including the Lessons Learned project, a new study region, and the experience and judgment of the Initiative staff. One goal of this section is to evaluate the overall impact of modifications on the MPA design process. The discussion identifies impacts from individual modifications wherever possible, but in most cases this level of precision is not achievable.

The results of the online survey of RSG members are a significant source of information about the Initiative’s effectiveness. The survey measured “satisfaction” and “helpfulness” for different aspects of the NCC study region; these are treated as reliable indicators of overall effectiveness.

The examination in this section does not extend to the Commission’s decision making process, but interviews and observation reveal a critical link between the Commission and the effectiveness of the Initiative. In particular, signals from the Commission about its policy direction for implementing the MLPA and its expectations about the role of Initiative components—BRTF, RSG, SAT, and Department—are a key influence on the MPA planning process. The CC and NCC experiences demonstrate that most, if not all, Initiative participants shape their approach based on the Commission’s anticipated path.

⁸³ There appear to be fewer disagreements about the importance of including water quality as a component of effective monitoring and adaptive management. However, as described above, the Initiative has not examined the linkages between planning and management in a comprehensive way.

The Initiative as a Learning Enterprise

The Initiative is conducting MPA network planning serially in five study regions along the California coast; the first two regions have generated MPA recommendations to the Commission and the third region is getting underway for the South Coast.⁸⁴ This serial approach makes the Initiative a learning enterprise, with opportunities for adaptation based on prior experience for all returning participants. Learning is not limited to the MOU parties or BRTF: it extends to advocacy organizations that participate as RSG members, scientists participating on the SAT, the I-Team, and even the Commission.

In one sense, each new study region's MPA design process is familiar despite new participants, regional characteristics, and external context. This familiarity creates opportunities for increased effectiveness and efficiency. The Initiative's lessons learned project is intended to explore these opportunities. Familiarity also poses a risk that assumptions based on experience will dull sensitivity to what is being said, what is actually happening, and what is needed. Each study region presents new dimensions to familiar issues, involving habitat, economics, government, infrastructure, and expectations. These differences will inevitably produce new challenges and opportunities for further learning.

The Regional Stakeholder Group

Modifications

As described in Section II, the Initiative replicated the basic CC model of using the RSG to develop alternative MPA networks under the supervision of the BRTF, with science input from the SAT that included evaluation of RSG proposals. The Initiative also made several significant modifications to the RSG process for the NCC, including:

- A more deliberate process for identifying RSG primaries and alternates. There were specific criteria in the call for nominations, public workshops as a forum for meeting and observing potential RSG members, interviews of nominees by the facilitation team, and I Team deliberations to develop recommendations.
- A more extensive role for the facilitation team in advance planning and process design.
- A smaller size, reduced to 45 (from 56 on the Central Coast) including primary members and alternates.
- Mandatory cross-interest Gems work groups whose members were deliberately selected by the facilitators and I-Team. RSG members were not allowed to self-organize during the early phase of the process in order to promote education and avoid polarization. There was more time for joint fact-finding by the RSG (with SAT input) and more opportunities for RSG members to learn about other user group interests in the region.
- Three iterations of MPA proposals and alternatives with SAT evaluation, Department input, and BRTF guidance after each round, as well as input from the public including diverse advocacy groups.

⁸⁴ Another component of California's future MPA network, the Channel Islands, was planned prior to creation of the Initiative. The CI MPA process has influenced multiple aspects of the Initiative, and work on baseline monitoring for CI MPAs likely will be a continuing point of reference.

- An RSG that remained active through decision making by the BRTF.⁸⁵
- A Special Closures planning option explored by an RSG work team. This process ultimately resulted in multiple Special Closures in each of the final three RSG proposals.

Many of these modifications can be directly linked to the CC “lessons learned” reports through identification of an issue or, in some cases, a specific recommendation. One example is keeping the RSG intact and active through BRTF decision making; another is the addition of a third round of MPA proposal development.⁸⁶ The increased role of the facilitation team at the outset of the process also is linked to CC lessons learned. Other NCC process modifications appear to reflect the learning and adaptability of the I Team, such as the creation of Gems work groups. Overall the process modifications contributed to an improved RSG process, although it is not feasible to reliably quantify the extent of improvement or separate out the influence of factors such as a new group of stakeholders or changes in their strategies. One exception may be the mandatory use of cross-interest groups, based on responses to survey Question 44 about “3 things you would suggest doing similarly in future MLPA study regions.” This innovation had a significant influence on RSG deliberations according to the survey and, in combination with other factors (adherence to SAT guidelines and commitments to balance interests), likely is responsible for the high level of convergence among final RSG proposals.

Evaluation

The RSG was an effective forum for developing MPA alternatives for consideration by the BRTF.⁸⁷ The RSG members spent most of their time developing substantive proposals, with relatively less time spent challenging the legitimacy of the Initiative process or pursuing strategies outside the Initiative. This shift in approach is particularly notable for commercial and recreational fishing representatives. As noted previously, both conservation and consumptive advocacy organizations demonstrated a commitment to balancing interests not seen on the CC. One result was greater “convergence” among RSG final MPA alternatives than for the CC.⁸⁸ This outcome suggests a relatively narrower band of disagreement within the RSG about an acceptable solution: disagreements appear to be limited to the design of MPAs for a small number of key sites within the study region. The letter to the Commission from 20 RSG members endorsing the IPA reinforces this conclusion.⁸⁹ The overall “tone” of the process was notably constructive despite the significant differences in values among RSG members, with only limited exceptions noted below.

⁸⁵ By comparison, the CC RSG was disbanded three months prior to the BRTF’s decision making meeting.

⁸⁶ See CC RSG Report.

⁸⁷ Four sources of information support the conclusions that the RSG functioned effectively for the NCC:

1. Survey results measuring satisfaction
2. Interviews with Initiative participants
3. Observation of the RSG process in light of the CC experience by the Lessons Learned evaluator, and
4. Input to the Commission.

The primary tool for examining RSG effectiveness is the online survey of RSG members and alternates conducted by Dr. Jonathan Raab in June 2008 (the “RSG Survey”). Dr. Raab’s report, along with complete survey responses, can be found at Appendix B to this report. Satisfaction is a primary focus of the survey and is a key measure of effectiveness for the RSG.

⁸⁸ In other words, the differences among the three alternatives based on evaluation criteria were less.

⁸⁹ This outcome may also reflect greater adherence to the SAT MPA design guidelines by RSG members, consistent with direction from the BRTF.

Overall satisfaction. The RSG survey measured the overall satisfaction of RSG members and alternates with the process of developing MPA alternatives. The mean score of survey responses was 3.90, compared with a mean score of 3.00 for the Central Coast. This is a significant increase in overall satisfaction. RSG members were even more satisfied with the process prior to the BRTF's decision on the IPA, with a mean score of 4.03. Satisfaction among RSG members was also less contingent on the final Commission outcome than for the Central Coast: a mean score of 3.19 [versus 2.83].

Satisfaction with composition, size, timeframe, and organization. Overall satisfaction with the composition of the RSG was higher than on the Central Coast: a mean of 3.81 [compared with 3.16]. Approximately 44% of RSG members felt that interests and organizations were "well balanced" while 22% felt they were "poorly balanced," with the remaining 33% in between. Some consumptive users and environmental/conservation groups perceived unfavorable balances and would have preferred additional representation.

Here is a sample of survey suggestions for improving the balance of interests on the RSG:

- *The inclusion of more generalists and fewer single issue/single fishery interests --- these voices were very strong on their particular interests and just extra baggage when the discussion turned to other fisheries. It also seemed like there should have been more voices from the north part of the study region.*
- *More background investigation should be done for the nominees so that their undisclosed associations with influential groups can be fully realized... Weighting of consumptive, non-consumptive and professional protectionists should be equally balanced with knowledgeable people with something to bring to the table that is useful in the creation of working MPA's and is not agenda based.*
- *"Balance" appeared to be achieved by having the same number of "fishermen" and "environmentalists" when in fact this is not representative of marine use at all.*
- *Every individual fishing interest had a stakeholder but non-consumptive users were lumped as "enviros". Also, recreational fishers had way too much representation.*
- *Too many stakeholders came from government entities.*

There was a high level of satisfaction with the size of the RSG. Sixty-five percent found the size "just right;" the average member rated the size as just slightly too large but no one rated it as too small. The overall satisfaction with size was relatively greater than for the Central Coast based on a comparison of adjusted mean scores: 4.45 [NCC] versus 4.75 [CC] (a score of 4 is "just right").⁹⁰

⁹⁰ There also was a narrower range of views among NCC survey respondents based on the standard deviations: 0.9 [NCC] versus 1.3 [CC].

Approximately half the survey respondents felt that the length of time for the process was appropriate. Overall, the average response suggested the length of time was slightly too short. There was less concern about the length of time for the NCC than for the CC.

Here is a sample of survey comments:

We got the job done but most of us felt rushed.

A longer period was needed so that sufficient time could be given to analyze updated SAT information and "new" information as it was presented. Things seemed to go fairly well, and good progress seemed to occur, until December when the process became disjointed

I can't picture it going any longer or any shorter.

As noted previously, the RSG members were organized into cross-interest Gems groups early in the process. Respondents generally felt this approach was "very helpful" and 50% gave it the highest possible score. Here is a sample of survey comments on the Gems groups and suggestions for making improvements:

This is the smartest idea of the whole process organizationally.

It's the only way the process could work. And, for those who entered into it in good faith, it worked.

I think the gems groups worked well. I was skeptical at first because it seemed that fracturing the RSG would mean that not everyone was getting the same information. I think however that the benefits gained from working in the smaller groups (easier to jump in with info, less focus on the louder voices, trust building) outweighed the downsides.

I thought this structure was very helpful because it forced people to work together, in accordance with BRTF guidance. Did become somewhat difficult towards end because people felt allegiance to particular work group and had hard time leaving their groups, whether or not it was the best thing for the process. But did foster camaraderie and goodwill overall and was effective in sussing out potential conflicts and solutions early on in the process.

RSG members had virtually no time to caucus within interest groups . . . The cross-interest workgroups provided nothing of value to the process and only served as political vehicles from some RSG members (professional lobbyists).

[Do] [n]ot break the group into "Gems." The group should stay as full group and keep everything open and disclosed. No work allowed or private meeting outside of stakeholder meeting[s].

The NCC experiment opens an interesting question about the role of mandatory cross-interest groups: in a values-driven natural resource context, is this step necessary for the development of proposals that reflect integration and not simply advocacy for a single set of values? The relatively higher level of convergence among final RSG proposals is a tantalizing outcome, but it is not possible to identify a unique causal connection. Experience in the field of conflict resolution

indicates that cross-interest education and problem solving promotes mutual gains. At the same time, other factors such as adhering to a single set of science guidelines or responding to new incentives likely play a role. At a minimum the mandatory cross-interest process merits consideration for future study regions and is addressed in the *Recommendations* section of this report.⁹¹

Satisfaction with work products, information, and technical assistance. RSG participants developed or contributed to multiple work products, and survey participants were asked to rate the “helpfulness” of eight products in completing the RSG’s work. These are listed below, along with their average rating on a 1 (very unhelpful) – 6 (very helpful) scale and a comparison to the mean score for similar CC products where available:

<i>Work Products</i>	<i>Mean “Helpfulness” Score</i>	<i>Comparison to similar CC product</i>
Ground Rules	4.16	4.50
Regional Profile	4.13	3.88
Regional Goals	4.09	3.79
Regional Objectives/Design Considerations	3.88	3.54
Round 1: Work Team Concepts and Draft External Proposals	4.13	NA
Round 2: Draft Proposals	4.34	NA
Round 3: NCCRSG Proposals	4.25	NA
Options for Special Closures	3.13 ⁹²	NA

With one exception, all work products scored higher than 3.5 [the middle of the 1-6 scale]. The exception was Options for Special Closures, with a mean score of 3.13. Over 50% of respondents rated this product as “very unhelpful.” The most helpful work products were the proposals developed in Rounds 2 and 3 as the total number of proposals was reduced first to five and then three. Compared with similar CC products, three of the four NCC products were judged more helpful.

RSG members were asked to rate the “helpfulness” of assistance and technical information provided by the I Team, SAT, and Department, with these results:

⁹¹ Stakeholder motivation may also be relevant according to recent research. An interesting exploration of stakeholder cost-benefit expectations can be found in Christopher Weible, “A Collective Interest Model Approach to Explain the Benefit-Cost Expectations of Participating in a Collaborative Institution,” *Environment and Behavior*, Vol. 40, No. 1, 24-45 (2008).

⁹² Substantial resources were devoted to Special Closures on the NCC. This relatively low score merits further evaluation of the role of Special Closures by the Initiative.

I felt that the technical information and analysis provided by the following entities as we worked on forming MPA proposals during the course of the NCCRSR process was								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
MLPA Initiative Team	0.0% 0	6.5% 2	6.5% 2	16.1% 5	38.7% 12	32.3% 10	4.84	31
Science Advisory Team	9.7% 3	12.9% 4	16.1% 5	16.1% 5	16.1% 5	29.0% 9	4.03	31
Dept. of Fish and Game	6.5% 2	22.6% 7	12.9% 4	12.9% 4	29.0% 9	16.1% 5	3.84	31
							<i>answered question</i>	31
							<i>skipped question</i>	1

A second question focused on assistance provided to the RSG, with these results:

How helpful was the assistance provided to the NCCRSR throughout its process by								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
MLPA I-Team overall	0.0% 0	0.0% 0	6.5% 2	25.8% 8	19.4% 6	48.4% 15	5.10	31
Planning/GIS staff	0.0% 0	0.0% 0	6.5% 2	9.7% 3	9.7% 3	74.2% 23	5.52	31
Facilitation staff (Concur)	0.0% 0	0.0% 0	3.2% 1	16.1% 5	22.6% 7	58.1% 18	5.35	31
Dept. of Fish & Game staff	3.2% 1	9.7% 3	19.4% 6	12.9% 4	19.4% 6	35.5% 11	4.42	31
							<i>answered question</i>	31
							<i>skipped question</i>	1

Finally, the RSG was asked to evaluate the helpfulness of various decision-support tools, with these results:

How helpful were the decision-support tools provided to the RSG during the process?								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
Live GIS support during work sessions	3.2% 1	0.0% 0	6.5% 2	3.2% 1	12.9% 4	74.2% 23	5.45	31
Internet map service site (www.marinemap.org)	3.2% 1	13.3% 4	20.0% 6	16.7% 5	33.3% 10	13.3% 4	4.03	30
Doris, the online MPA Decision Support Tool	12.9% 4	19.4% 6	19.4% 6	16.1% 5	19.4% 6	12.9% 4	3.48	31
Hardcopy maps	3.2% 1	0.0% 0	0.0% 0	3.2% 1	22.6% 7	71.0% 22	5.55	31
<i>answered question</i>								31
<i>skipped question</i>								1

Overall the survey results support a conclusion that the Initiative operated effectively from the RSG perspective. These results will be revisited below in evaluating the performance of different Initiative components. Readers again are directed to Appendix B for all online survey comments associated with these topics.⁹³

Conclusion: In general the Initiative components worked effectively from the RSG perspective. The RSG process also worked effectively for the NCC overall. Modifications to the RSG process appeared to improve prospects for stakeholder education and communication, high-quality MPA design, and convergence of final MPA alternatives to support BRTF decision making. While no precise evaluation can be made of the effect of any single modification, the mandatory cross-interest work groups appear to have significantly influenced RSG deliberations.

⁹³ The behavior of one or more RSG members toward others, with a suggestion that gender played a role, was an issue identified in some survey comments and interviews. The term “intimidation” is used more than once in survey comments. Interviews confirm that stakeholder interactions became an issue for some RSG members, and that the I Team was made aware of these issues and took steps to address them. It is difficult to evaluate the impact of this behavior on the RSG process; it does not appear the issue was raised in any RSG plenary session. The NCC RSG nomination criteria focused on collaborative behavior but did not address broader behavioral expectations. This issue is addressed further in the Recommendations, and was also covered in a memorandum to the Initiative available at Appendix D.

The BRTF

The BRTF was expected to play the same basic roles for the NCC as for the CC, with one exception. The CC was the Initiative's pilot region, and the BRTF was required to make basic decisions about the Initiative's approach to MPA development, including the role of science. For the NCC the BRTF members had the benefit of the CC precedent along with diverse lessons learned and individual experiences, and could focus primarily on the substance of MPA alternatives.

Modifications

BRTF modifications for the NCC included the following:

- A smaller size (5), a new chair, and a new makeup: four returning members and one new
- Addition of a third round of RSG proposal refinement
- Clarification of the BRTF's decision making authority in the MOU
- Delivery of the BRTF's recommended alternative directly to the Commission
- Direction to the RSG about the possible goals of consensus and convergence
- An informal dinner and planning session with some I Team staff
- An interactive final meeting with RSG panels representing each of the three alternative MPA proposals

Many of these modifications are consistent with recommendations in various lessons learned reports, although these reports may not have been the only or even the primary influence for each modification. The MOU contained a clarification of the BRTF's authority in reaching a final recommendation to the Commission. This clarification was linked to at least two lessons learned reports, including one from former Chair Phil Isenberg. The RSG lessons learned report for the CC identified confusion about the role of consensus in decision making around MPA alternatives and the BRTF's direction on this subject likely was a response to that report. The RSG report also recommended further opportunities for refinement of MPA proposals, and the addition of a third round is consistent with this recommendation. Two modifications are consistent with the Harty/John CC Report: the BRTF's informal planning session and the continuity of four BRTF members from the CC study region. The smaller size of the BRTF was, in part, a response to challenges with consistent attendance during the CC, an issue identified in the lessons learned reports. The final interactive meeting with the RSG panels is not obviously linked to lessons learned, and appears to be the result of multiple factors including "real time" judgments by Initiative staff and the BRTF.

Based on BRTF interviews the structural change to reduce the number of members improved prospects for reaching agreement within the BRTF. This change also created a greater sense of obligation to attend and actively participate in meetings. Two other modifications also improved prospects for agreement. One is the addition of a third iterative RSG round, which likely improved the quality of RSG alternatives and reduced the number of issues to be addressed by the BRTF in constructing an IPA. The second is the interactive panel discussions at the final BRTF meeting, which provided insight into the balance of interests in different MPA proposals and represented more of a partnership model of decision making. These conclusions are supported by the increased

satisfaction of RSG members with the decision making process discussed previously, although that conclusion requires further discussion (see below).

Performance

All BRTF members had high expectations for themselves and their colleagues. They were unanimous in agreeing that they fulfilled their charge regarding MPA alternatives and an IPA. There was a consistent view among the four returning BRTF members that the MPA alternatives outcome was *better* than on CC: more protective, less economic impact, with a BRTF consensus that reflected increased overall satisfaction. The BRTF consensus also reflected an improved performance by the RSG. Based on interviews, however, no BRTF member was completely satisfied and each identified opportunities for improvement. For example, a majority felt they could have done a better job addressing their charge to prepare information and recommendations for coordinating management of MPAs with federal agencies.

As noted above, the CC pilot region was judged relatively more difficult in interviews because it required the BRTF to clarify broad MLPA policy issues. There were fewer such issues for the NCC and the BRTF maintained a tight focus on process and MPA alternative design. As for specific NCC policy issues:

- *Draft Master Plan for MPAs*: the BRTF focused its initial meetings on developing comments on the draft Master Plan that is the primary point of reference for MPA planning.
- *Water quality*: While this issue received some attention from the BRTF it appeared to be largely for informational purposes. At least one BRTF member publicly stated that there is little the BRTF can do because the MLPA does not include water quality as an objective. This view does not necessarily reflect a consensus on the BRTF. The BRTF, and by implication the Commission, have not comprehensively addressed the role of water quality under the MLPA.
- *MLPA implementation including management and monitoring*: The BRTF took initial steps on this set of issues that fall short of a comprehensive policy recommendation to the Commission or guidance to the RSG. It is not clear how far the BRTF was authorized to pursue this topic under their charter, despite obvious importance for overall MLPA implementation.

Returning BRTF members consistently cited increased cooperation or improved interaction, along with increased familiarity with the process and the substance. Trust was also cited as an asset linked to continuity: returning members had confidence in one another's judgments and representations, spent less time "learning" each other, and had more opportunity to focus on good process and outcomes.

BRTF members had different views on the challenges of relying on five members. Some saw increased pressure on individual members to attend and participate, with no option to just "go along." The benefits included: it was "easier to get along," there were "fewer personalities to manage," and there was increased potential for reaching agreement.

BRTF members generally agreed that they understood the science guidelines used for MPA planning and the SAT methodologies used to evaluate proposals from the RSG as well as the IPA.

External Views

External views on the BRTF's approach to developing alternative MPA proposals and an IPA are mixed. Here are survey results (based on a 1-6 scale):

- RSG members were relatively clear about the BRTF process for reviewing alternatives and making a recommendation to the Commission: 4.10
- RSG members also were satisfied with the BRTF decision to forward all three MPA alternatives to the Commission: 4.35
- RSG members were evenly divided in their satisfaction with the substance of the IPA: 3.48
- RSG satisfaction with the BRTF process at the final decision meeting was even lower: 3.26
- RSG members were more satisfied with the overall process prior to final BRTF deliberations: 4.03 *before* compared with 3.90 *after*.⁹⁴

The differences in these measures of satisfaction for aspects of the BRTF's process are striking. There clearly was substantial dissatisfaction among RSG members about the final BRTF decision meeting. The individual comments submitted by respondents are a window on sources of dissatisfaction. There were a number of negative comments about the BRTF appearing to make an abrupt change in direction for one MPA location at its final meeting, and it is likely that this action influenced the measure of overall satisfaction. Other negative comments focused on how the public was treated at the final decision meeting: for a number of people it was unacceptable to delay public comment for much of the day when there were government representatives ready to speak as well as children.⁹⁵

The RSG survey indicates "persistent confusion" about whether the primary objective of the NCC process was to develop multiple MPA alternatives or a single, consensus MPA proposal.⁹⁶ Among survey respondents, 47% believed the goal was to develop multiple MPA alternatives; 16% believed the goal was a single proposal, and 38% [12 respondents] identified the goal as "other." The following comments capture these dynamics:

A mixed message was given in that people were told [by the BRTF] that multiple proposals were expected but that a single proposal (if possible) would be accepted.

While the NCCRSR agreed at the outset to attempt to arrive at a single proposal, there was very little support for this from either the BRTF or even the I-Team late in the process. Much was originally made of the strength of a single proposal, but it really seemed as though housekeeping concerns such as the CEQA requirements of multiple alternatives as well as an overarching BRTF desire to have a menu to choose from made multiple proposals the true game. A clearer understanding of this at the outset would have been preferable.

There appeared to be relatively less confusion than for the CC, where only 29% identified multiple MPA alternatives as the goal and 25% focused on consensus.

⁹⁴ See Raab Report pp. 18-21.

⁹⁵ Readers of this report are encouraged to review the Raab RSG Survey Report and draw their own conclusions. Appendix B.

⁹⁶ Raab Report at 17.

These survey results and the CC and NCC outcomes reflect a tension created by the structure of the MLPA, the value placed on consensus in public decision making, and California's experience with complex natural resource issues. The MLPA requires that multiple MPA alternatives be developed and specifies the Commission will make a final decision among these. The Initiative process relies on stakeholders to create the alternatives, not scientists or government employees.⁹⁷ Stakeholders, by definition, have stakes in the outcomes of MPA design; these outcomes reflect identities and values, a way of life, or economic interests. Collaborative public decision making typically seeks a consensus outcome that requires stakeholders to seek mutual gains and make difficult tradeoffs to satisfy their interests, even when there is a final decision maker such as the Commission. The incentive for consensus is that a decision maker will accept the tradeoffs and overall solution developed by stakeholders.

The Initiative model appears to reflect a calculation that stakeholder consensus on a single MPA alternative, at least in some study regions, is uncertain or even unlikely. This would be consistent with experience involving other polarized natural resource issues, with the Bay-Delta being one example. In order to avoid stalemate, the Initiative relies on the BRTF and Commission to make choices among multiple alternatives that reflect all significant stakeholder interests. In one sense this approach may be self fulfilling, by reducing incentives for stakeholders to make the difficult tradeoffs required for consensus. Based on survey comments and experience from two regions, there are incentives to "stake out" positions that clearly reflect core values in developing proposed MPAs. However, the BRTF clearly prefers cross-interest proposals because these are more likely to assist the BRTF, and the Commission, in striking an acceptable balance among values and priorities. The results on the NCC demonstrate a willingness by advocacy groups and others to balance interests in developing MPA proposals that was not seen on the CC. The BRTF and Initiative staff also have identified and promoted a substitute for consensus called "convergence," namely an iterative narrowing of differences among alternatives based on SAT evaluation criteria and socio-economic impacts. Convergence is also a rough measure of willingness to accommodate diverse interests across multiple MPA proposals.

Whether the Initiative has set the bar "too low" by not trusting stakeholders and the consensus building process may be a topic for future research. After two study regions, however, and some confusion about desired outcomes along the way, the Initiative is achieving positive results and has developed a basic approach to MPA development, as follows:

The MLPA requires multiple alternatives and these will be generated by stakeholders. All proposals will be measured against SAT evaluation criteria. The BRTF is more likely to value proposals that (1) meet the SAT criteria, and (2) integrate and balance interests, in developing its preferred alternative. Alternatives that primarily reflect advocacy are inevitable and are useful political indicators, but are not likely to meet BRTF expectations. A consensus RSG alternative is not an objective. Convergence through iterative rounds is an indicator of broad RSG acceptance of the SAT criteria and successful efforts to balance interests.

⁹⁷ It is worth remembering that initial efforts to implement the MLPA placed more reliance on experts, although stakeholders had opportunities to provide input. These efforts are described in the Harty/John CC Report.

According to numerical results the RSG was divided on the “helpfulness” of the feedback and guidance provided by the BRTF after Rounds 1 and 2. The average score was 3.55, with 32% finding the guidance helpful, 29% finding it unhelpful, and 39% finding it either marginally helpful or unhelpful, i.e., no strong opinion. Comments about how to improve this aspect of the BRTF role for future study regions were similarly divided and there is no apparent agreement on a specific approach.⁹⁸ Some commenters felt the guidance was limited to dictating a reduction in the number of RSG alternatives and lacked other content; others found the guidance appropriate without going into detail.

BRTF members, in contrast, offered the consistent view that they had expressed a clear approach: encouraging integrated, i.e., cross-interest, MPA network proposals that satisfied SAT guidance, and reserving the final decision on a preferred alternative to the BRTF without binding them to accept a consensus proposal that might emerge from the RSG.

Other criticism of the BRTF consistently focused on two topics: (1) the planning and execution of meetings, and (2) the overall tone of interaction with the RSG and public. There were concerns about the BRTF being “erratic” or “unpredictable” in meetings, and that BRTF members did not uniformly engage the public in a respectful way. Some of these comments are linked to the final BRTF decision meeting, as noted above. These criticisms did not reflect passionate dissatisfaction, and did not outweigh acknowledgment of positive NCC outcomes overall. Nevertheless, they were important enough to be raised during interviews.

Along with the criticism just noted the BRTF received generally high marks overall for their commitment to the process, hard work, willingness to listen to the public, and grasp of process and substance. The detailed comments in the survey are the best source for these perspectives, which round out the BRTF’s record.

The BRTF-RSG relationship is complex. There is a partnership or joint enterprise characteristic, with everyone focused on developing sound recommendations for the Commission. There also is a hierarchical characteristic: the BRTF is charged with making a decision, and must preserve separation—independence—to carry out that task. In cases where the RSG forwards multiple MPA alternatives crafted after days of intense work, it is inevitable that some dissatisfaction will be a consequence of the BRTF’s final decision on a single alternative. This is likely to be true even where the BRTF effectively uses components of multiple RSG alternatives. Whether there is a relationship between increased convergence among proposals and the level of dissatisfaction associated with the BRTF is not possible to establish.

BRTF and Commission

BRTF members and others identified multiple roles for the BRTF in relation to the Commission. One is to do the work necessary to develop a plausible set of alternatives and an IPA for the Commission’s deliberations. Interviews indicate that the Commission lacks the resources at this time to support in-depth planning and design of possible MPAs; these resources are available to the Initiative through the public-private partnership model. A second purpose is to deflect pressure from interest groups away from the Commission while multiple MPA alternatives are created. A

⁹⁸ See Appendix B.

third purpose is to highlight and offer solutions for the challenging policy issues that arise in designing MPA alternatives. For the NCC, this included site-specific issues such as private landowner access, and mixed policy-science issues like the level of protection assigned to salmon trolling above 50 feet and other activities. For all study regions the BRTF must try to balance economic impacts on individuals against MLPA goals, and identify practical solutions for the Commission's consideration. According to one BRTF member, the Commission "should not have to start from scratch." Joint meetings with the Commission during the NCC study region were intended to keep Commission members updated as alternatives developed through the RSG-BRTF-SAT-Department interaction. The Commission feedback signaled the potential need for adjustments and gave early notice of key policy issues to promote as much alignment as possible and avoid surprises or abrupt directional changes.

The consistent view of BRTF members is that their relationship with the Commission was positive and that the joint NCC meetings had value. BRTF members cited the Commission's June 2008 decision to support the IPA as the regulatory preferred alternative as a validation of the focus on improved communication and coordination. BRTF members also stressed their appreciation for Commission support of the basic Initiative process for MPA development, and the Commission's clear and consistent signals discouraging an "end run" strategy.

Conclusion: Based on most comparisons the NCC process had higher overall levels of satisfaction than the CC, and the BRTF reached consensus on its recommended alternative to the Commission. There also was greater RSG adherence to the SAT guidelines, consistent with BRTF direction, which contributed to increased convergence among the final alternatives. These outcomes support a conclusion that the BRTF was an effective component of the Initiative. At the same time, there was clear dissatisfaction with some aspects of the BRTF's process. While some of this may be inevitable given the BRTF's role, there are likely steps available to the BRTF that can increase overall satisfaction in future study regions.

The SAT

The basic roles for the SAT in the Initiative were worked out during the CC: educating and advising the BRTF and RSG, and evaluating MPA proposals based on science guidelines consistent with the MLPA. Basic science guidelines for MPA design were developed during the CC process, along with an approach for evaluating MPA proposals. The SAT had some returning members as well as some new members. But the SAT is about science, and its members could be expected to seek opportunities to advance scientific knowledge wherever possible. According to interviews, the SAT for the NCC met this expectation: they advanced the overall scientific knowledge of the Initiative, even as they fulfilled their roles as educators, advisors, and evaluators.

The NCC SAT adopted some structural and process modifications:

1. SAT members selected their own co-chairs.
2. Appointments reflected better representation of scientific viewpoints to ensure decisions are based on best readily available scientific information⁹⁹
3. A formal process for answering RSG science questions

⁹⁹ The Department is responsible for making SAT appointments and its decisions merit recognition.

4. More emphasis on discussion and deliberation among all SAT members
5. Better connection between the full SAT and small work groups compared with the CC
6. Creation of a Digestible Model Work Group

In addition, the Initiative took steps to increase resources available to the SAT, although SAT members were not compensated for their time.

All of these modifications are linked to the CC lessons learned reports, either directly or indirectly. And while it appears from interviews and the survey that the modifications generally had a positive impact, there is evidence that one was particularly influential: better representation of scientific viewpoints. As noted earlier, the SAT included two authors of an external critique of CC science that argued for the use of quantitative models used in fisheries science, Dr. Ray Hilborn and Dr. Carl Walters. Steps taken to promote a better balance among marine ecologists and fisheries scientists had benefits both inside and outside the SAT, including improved SAT dynamics, a focus on developing cutting edge models, and increased confidence among RSG members and other stakeholders.

SAT members interviewed for this report uniformly expressed positive views about their experience and the role of science in the MLPA.¹⁰⁰ A sample includes: “where the action is,” “outstanding,” “a successful model of science informing process,” “far better than other processes,” “cutting edge,” “pretty good synthesis of what is known,” and “very satisfied.” One important reason for these positive views is that the Initiative involves applied science that allows participants to move beyond the forum of academic debate and test their frameworks and assumptions in the real world. There also were disagreements on specific issues (see below) but these did not overshadow the overall positive scientific experience.

SAT “dynamics” were uniformly characterized as positive, and returning SAT members judged them to be better than for the CC. The co-chairs received some credit for this improvement: their personalities and approach were seen as positive. The shift to a co-chair model also was deemed an improvement over the CC. According to interviews, familiar scientific disagreements were addressed directly at the initial meetings, amidst some unease, but the disagreements did not dominate the SAT’s work.¹⁰¹ Overall the interviews indicate that different viewpoints were welcomed during the process, and there were no comments about anyone feeling excluded.

The SAT operates in accordance with Bagley-Keene, which imposes requirements unfamiliar to many scientists, including public comment on agenda items. Overall the approach to meetings, including meeting preparation, worked well according to interviews. The SAT relied on its co-chairs for extensive meeting preparation as well as for in-meeting facilitation. The co-chair role is a demanding one and required a substantial commitment of time for coordination with the I Team; agenda planning including calls; reviewing drafts of documents and presentations; and overseeing work groups. A consistent comment focused on agendas being too full, which had the effect of limiting time for discussion in meetings. One suggestion was to increase the meetings from one to two days, but the extent of support for such a step is unclear. There were mixed views about

¹⁰⁰ SAT members interviewed for this report: Mark Carr [co-chair], Steve Morgan [co-chair], Ray Hilborn, Chris Costell, Astrid Scholz, Dominic Gregorio, and Eric Bjorkstedt.

¹⁰¹ These meetings are available in the Initiative’s online video archives.

whether external facilitation would be useful.¹⁰² Perhaps the most telling comment was that “meetings were never a waste of time.”

The demands on SAT members shifted for the NCC: evaluation tools developed during the CC reportedly were a time saver, and basic science guidelines for MPA design were not being created but rather re-evaluated and tweaked. The intensive modeling work was new for those involved. The written responses to RSG questions and presentations for the RSG, BRTF, and Commission were a recurring assignment.

The Initiative took steps to increase resources available for SAT members on the NCC. The Department was one source of this support, in the form of a dedicated liaison position and other staff. Nevertheless, a number of SAT members pointed out the challenge of fulfilling their obligations on the SAT and the significance of different funding arrangements.¹⁰³ Here is a sample of perspectives:

- *There is a structural flaw in describing a SAT role by focusing on nine or 10 meetings*
- *You need to have a lab and post-docs to do any research*
- *Staffing was adequate to barely adequate*
- *There is a real difference if you are under contract to the Initiative*
- *I would have to think hard about taking on a significant SAT role, but other tasks were manageable in a half-day or day*

External Perspectives

RSG members were asked to rate the “helpfulness” of technical information and analysis provided by the SAT in multiple questions. Here is a summary of their responses using mean scores from the online survey:

- | | |
|-------------------------------------------------------------|------|
| ▪ Overall helpfulness of technical information and analysis | 4.03 |
| ▪ Direct interaction with RSG members | 3.81 |
| ▪ SAT answers to science questions | 3.84 |
| ▪ SAT briefings | 4.33 |
| ▪ SAT evaluation of MPA proposals | 4.39 |

Comments and suggestions about the helpfulness of SAT input included the following:

- *Some of the SAT seem better at communicating to laymen than others.*
- *Changes to basic SAT levels of protection should be avoided or kept to a minimum once process begins, to avoid politicizing the SAT process (with exception of addition of species accidentally omitted).*

¹⁰² The SAT relied on occasional in-meeting assistance from Ken Wiseman or Melissa Miller-Henson, for time keeping during public comment and other functions. The CC Lessons Learned recommended use of external facilitation.

¹⁰³ A few SAT members were under contract to the Initiative, including one from the private sector. Some academics are funded through different mechanisms to focus on MPA design, while others do not have such funding. Others are employees of state or federal agencies. Some academics generally characterized their involvement as a “contribution to the State of California.”

- *Use the input from the RSG. There was a lot of valuable information that was expressed in the process that was not used by the SAT. When the SAT is looking for information that is scarce or not available they should refer to the experience of the RSG members who are knowledgeable in that particular area.*
- *SAT analysis very helpful, though presentations could be shorter, especially at final BRTF meeting, where BRTF should have been briefed before the meeting.*
- *The SAT guidelines and design suitability guidelines really helped alot. It required alot more work but it was worth it.*
- *The SAT wasted time on answering questions that had no bearing on the process just because somebody wanted to know. There should be a better screen for the SAT activities.*
- *The SAT repeatedly demonstrated a lack of knowledge about sustainable fishing and how to accomplish that. The reserves agenda came through loud and clear. References to adaptive management were MIA.*
- *It is time to put modeling in its grave. It was not helpful to anybody except people who make money doing models. The science is just not there yet for decision making for large ecosystems. While modeling may have some relevance for a single species in a small geographic area it was just a waste of time and energy in this process.*

Please review Appendix B for all responses.

Survey comments and interviews highlighted four issues that are discussed below: the SAT's approach to data gaps, public input, and uncertainty in level of protection (LOP) analysis; the role of models; water quality; and SAT-RSG interaction.

Data Gaps, Uncertainty, and Level of Protection

One component of the SAT's evaluation methodology involved classifying the "level of protection" (or LOP) for different activities involving take of resources in a proposed MPA. The LOP analysis is part of the evaluation for MLPA goals 1, 2 and 4 and 6. The LOP is intended to allow basic comparison of proposals for MPAs that allow different combinations of recreational and commercial extractive activities that may impact ecosystem protection by affecting the abundance of species or directly affecting habitats.¹⁰⁴ The analysis encompasses the different types of fishing activity and gear used for different species at different depths in different habitats. For the NCC the SAT used six levels of protection: Low, Low, Moderate, Moderate-High, High, and Very High.¹⁰⁵ The SAT approach to LOP is discussed at some length below using the example of

¹⁰⁴ As a reminder, there are three types of MPAs: State Marine Reserves, State Marine Conservation Areas, and State Marine Parks. There is great variety in the type and magnitude of activity allowed in each type of MPA.

¹⁰⁵ *Proposed revisions to the draft evaluation method report of the MLPA Master Plan Science Advisory Team*, memorandum from Initiative Staff to BRTF, November 18, 2007, pp. 2-3.

salmon trolling because it highlights important issues about the integration of science into public decision making.¹⁰⁶

The use of LOP was a point of contention within the SAT at both theoretical and practical levels.¹⁰⁷ There was a basic theoretical difference among SAT members about whether the LOP analysis involved so much judgment, expressed in terms like “Moderate-High,” that it should be classified as policy and not science. This difference is linked to the ongoing debate about what constitutes the “best readily available scientific information,” discussed above. This theoretical difference found practical expression in the LOP assigned to salmon trolling at depths less than 50 meters. Salmon are an important species for the NCC, and both commercial and recreational fishermen were concerned about the potential impact of salmon trolling being assigned a LOP that would effectively limit salmon fishing in proposed MPAs. Some SAT members argued for a lower LOP due to concerns about “by catch” of other species, and there were no objective data to resolve this issue.¹⁰⁸ Fishermen offered information from personal experience, and at least one SAT member also provided data regarding by-catch; the Department did not have observer data available.

The SAT spent several meetings on this issue. The co-chairs ultimately brought the issue to a vote and a SAT majority decided to assign a Moderate-High LOP. This recommendation was forwarded to the BRTF and adopted. The process and outcome were problematic for a number of SAT members as well as stakeholders. Here is one comment from the RSG survey: “The SAT should argue things out at their meetings and not use voting and motions to form their collective viewpoints.” One criticism is that the LOP framework lacks scientific rigor and relies on vague and subjective terms. A second criticism is that the lack of reliable data on by-catch created scientific uncertainty, and the SAT report to the BRTF did not reflect this uncertainty. There is a perception that the divided SAT vote reflected majority sentiment in favor of the precautionary principle, which is linked to value choices and raises questions about making policy rather than doing science. A better approach, according to this view, would have been to acknowledge the lack of data, the input from different sources including fishermen, and the range of uncertainty within the SAT, and present this to the BRTF for a policy decision.

Supporters of the SAT process pointed to outcomes from a national conference on benthic-pelagic coupling, particularly a conclusion that bycatch is higher in water depths less than 50 meters, with lower bycatch anticipated in deeper water. They also relied on data for incidental catch provided by the Department.¹⁰⁹ Finally, they relied on the basic conservation principles expressed in the MLPA.

The LOP issue illustrates important questions about the SAT’s approach to data gaps and uncertainty in a public decision making process. The MLPA is designed to ensure that relevant stakeholder knowledge is part of decision making. This includes information about potential socio-

¹⁰⁶ The SAT assigned levels of protection for other forms of “take” in MPAs, including mariculture, and there were disagreements about some of these as well.

¹⁰⁷ There has not been an independent peer review of the LOP methodology or its application on the NCC to salmon trolling according to interviews and follow up questions for this report.

¹⁰⁸ The term “bycatch” is intended for use as finally agreed to by the SAT.

¹⁰⁹ See *Proposed revisions* memorandum, p. 4.

economic impacts from a proposed MPA, and also information about fishing and other consumptive uses (such as mariculture) in the study region. Fishermen provided a significant amount of information to the SAT for the salmon trolling issue but survey comments, interviews, and observation confirm dissatisfaction with the SAT's process—or lack of process—for incorporating that information into LOP decision making given the lack of objective data.

A recent report from the National Research Council highlights the importance of stakeholder knowledge in decision making:

*Scientists are usually in the best position to identify and systematically consider the effects of environmental processes and actions. However, good scientific analysis often requires information about local context that is most likely to come from people with close experience with local conditions.*¹¹⁰

The NRC report identifies five principles for achieving the integration of science and public participation in decision making:

1. Decision-relevant information that is accessible and interpretable to all participants and decision-relevant analyses that are available in open sources and presented in enough detail to allow for independent review;
2. Explicit attention to both facts and values, including efforts to identify the values at stake, to consider (especially in an initial design phase of the public process) different formulations of the problem to be analyzed that may embody different values or concerns, and to analyze how the available choice options affect various values;
3. Explicit description of analytic assumptions and uncertainties, including analysis and deliberation about the implications of different assumptions and different possible actualizations of uncertain factors;
4. Independent review of official analyses by competent analysts that are credible to the parties; and
5. Iteration to allow for reconsideration of past conclusions based on new information and analysis.¹¹¹

Applying this framework to the salmon trolling example, the SAT arguably could have done more in its process to support effective science integration. The SAT lacked reliable objective data according to interviews, lacked a formal approach for incorporating stakeholder information into decision making, dealt with uncertainty by voting, and did not effectively convey uncertainty to the BRTF. The salmon trolling LOP approach was perceived by some SAT members, as well as some stakeholders, as policy making that was inconsistent with the SAT charter.

The issues discussed above merit attention from the SAT and BRTF going forward. The SAT has an opportunity to evaluate and adjust its approaches to (1) incorporating stakeholder input, and (2) dealing with data gaps and uncertainty, in the next study region. The LOP methodology should be part of this effort, particularly given the lack of formal peer review. The SAT should include the

¹¹⁰ *Public Participation in Environmental Assessment and Decision Making*, National Research Council (2008) at 6-2.

¹¹¹ NRC Report at 6-1.

BRTF in its evaluation process. This topic is addressed in the *Recommendations* section of the report.¹¹²

Spatially Explicit Models in MPA Design and Evaluation

The SAT's effort to develop modeling tools was described in Section II.¹¹³ The emergence of models as a potential tool for MPA design and evaluation raises important questions about MPA science and the MLPA process. Here are a few:

- The models' conceptual principles reflect the current draft Master Plan science guidelines, including the size and spacing guidelines. But the science underlying the guidelines is the subject of public and ongoing disagreement among marine ecologists and fisheries scientists. Model development is not simply about developing quantitative tools, but about continuing to test the basic hypotheses upon which the MPA network is being established. This virtually ensures ongoing debate about the MLPA guidelines for designing MPAs within the Initiative process, and can reasonably be expected to generate proposals for change.¹¹⁴
- The MLPA approach to designing MPAs relies on stakeholders drawing lines on a map based on science guidelines, and then responding to SAT evaluation. There are background questions about whether this approach should change as new tools are developed, including (1) should the RSG use an improved model at the start rather than draw its own lines, (2) should the models replace the size and spacing criteria as the primary tool for MPA evaluation, (3) should the SAT draw its own lines at any point in the process, (4) would early RSG use of a model effectively put the SAT in the position of driving the design process, rather than stakeholders, and (5) how will the importance of the stakeholder experience, the "process," be preserved?

Based on interviews, the model outputs that were included by the SAT as part of its evaluation of MPA proposals did not noticeably influence MPA design for the NCC. In particular, the outputs did not show significant differences among RSG proposals. There likely are several reasons for this result, including the SAT's own treatment of the models as an alternate tool for evaluation, rather than as a primary tool, and the fact that the models incorporate basic SAT criteria for size and spacing.

SAT interviews revealed a range of views about the role of models that is not clear from the SAT Modeling memorandum cited above. There was no explicit suggestion that the SAT should assume a more significant role in MPA design for future study regions based on the models. Nor was there a unanimous view that the models are sufficiently developed to replace the current approach to MPA design and evaluation. SAT members expressed concerns about a shift to "pre-emptive

¹¹² This report is not recommending that the SAT re-open its salmon trolling LOP decision for the NCC. New objective data may justify such a step in a future study region, and over the long term a sound adaptive management approach likely will provide additional information for future decision making.

¹¹³ It is beyond the scope of this report to explain the intricacies of the two models or their development. The descriptions produced by the SAT are a reliable starting point. One interesting insight is a concern during the NCC effort that the existence of two models would divide the SAT into competing camps. The fact that the models were an alternative evaluation tool reduced this risk, and the similarity of their results was met with a "sigh of relief" by some SAT members.

¹¹⁴ One significant limitation of the models is that they cannot cover all species that may be affected by proposed MPAs, although they can provide some information about potential effects on species not modeled. SAT Modeling Memorandum, p. 9.

modeling” as well enthusiasm for developing better tools. The Initiative reportedly is funding additional SAT model development. It is likely this set of issues will part of SAT deliberations for the South Coast and other study regions, and will benefit from attention by the BRTF and perhaps the Commission. This topic is addressed in the *Recommendations* section of the report.

Other Issues

Water quality. This issue has been addressed previously and will not be fully discussed here. The SAT began taking steps to integrate water quality into its science guidelines and MPA evaluation process on the NCC. There are important issues to address related to data about pollution effects in the marine environment. However, there also are important policy questions about the role of water quality in MPA design that justify a discussion with the BRTF, and perhaps the Commission and Department, in future study regions.

Interaction with RSG. The SAT relied on a formal process to answer questions in writing from the RSG. These questions were first proposed by RSG members, then screened by the I Team, and then communicated to the SAT for a written response. The process accomplished its objective of relieving the SAT from the burden of responding to a large volume of questions and allowed for development of formal SAT responses, rather than individual SAT member opinions. There was a specific sub-group from the SAT assigned to support the RSG, including attendance at RSG meetings. From the RSG perspective there were two problems with the SAT relationship: (1) delays in receiving answers to questions, and (2) general lack of interaction. Both problems are apparent in the responses to the online survey presented below. The first problem resulted in one stakeholder group sending a letter of complaint to the Commission.

SAT members explained that the questions were addressed based on relevance to MPA design, and that this resulted in some being delayed. But interviews suggest general agreement that the system should be improved. As for general SAT-RSG interaction, there appears to be acknowledgment that some RSG members genuinely want to know more about science. But there is also concern about creating a forum for debates that are a proxy for larger interest group disagreements about policy and are unlikely to advance or improve MLPA science.

Conclusion: The SAT functioned effectively for the NCC in its roles as educator, advisor, and evaluator for other components of the MLPA. The SAT also pushed science forward, primarily through development of spatially explicit models that integrate analytical frameworks from marine ecology and fisheries management. These models did not directly affect MPA design but, along with the improved understanding of all MLPA participants about MPA design and refinements to the MPA evaluation methodology, represent a substantial contribution to social capital. The SAT process also highlighted opportunities to evaluate and refine its approach to integrating stakeholder information and communicating uncertainty and risk in future study regions.

Department of Fish and Game

The Department was an asset for the NCC study region. This brief conclusion is not easily reached, because of the Department's complex role in the Initiative and the MLPA and the influence of diverse views within the Department about that role. This complexity is discussed below, along with the diverse views just described. The primary focus here is on the Department's MLPA team, and the conclusion is that they made a substantial contribution to the success of the NCC study region.

The Department's role continued changing for the NCC. Here are some key modifications:

1. The Department significantly increased its staffing and level of effort for the NCC
2. The MOU explicitly provided for the Department to advise the RSG about the criteria it would use to evaluate the feasibility of MPA proposals
3. Under the MOU the Department did not receive the BRTF's recommendation or prepare its own MPA alternative but rather commented on RSG MPA alternatives and the IPA

Each of these modifications is linked to the lessons learned reports, although not necessarily to a specific recommendation:

- The Department received a substantial budget increase for 2006-7 to support the MLPA. A portion of this funding resulted in the increased Marine Region staffing for the NCC discussed in Section II. This increase was an immediate overall asset to the Initiative, and also had the potential to yield future benefits through increased Departmental capacity to support MPA planning and future MPA management. Overall views of the Department's role in the NCC were positive, and in some cases Department staff received notably high survey scores (discussed below).
- Interviews and the survey revealed basic support for the Department's approach to developing and presenting feasibility criteria. Early and explicit identification of these criteria was useful to the RSG and BRTF, and provided a fixed reference point for Departmental input. Issues arose late in the process when the Department was perceived to be changing its views.
- Interviews indicate some concern within the Department over its role in the Initiative; this concern was exacerbated by the decision, reflected in the MOU, that the Department would not receive the BRTF recommendation or prepare a separate MPA network alternative for the Commission. The Department's approach to evaluation of the final set of RSG alternatives (see Section II) was characterized by some as an effort to impose its own preferred alternative, but this is not a unanimous view. There is reason to believe that the BRTF's IPA was reasonably close to the preferred approach of key Department staff. Overall, eliminating creation of a Department alternative simplified the decision process for the Commission and eliminated a source of potential conflict, even though this approach was not welcomed by all within the Department and created other issues.

Survey Measures of Effectiveness

The online survey results present a mixed view of the Department's effectiveness that reflects its complex role. As noted in Section II, the mean score measuring helpfulness of the Department's technical information and analysis was 3.84. This was above the mid-point [3.5] but below scores for the SAT [4.03] and the I Team [4.84]. This result is interesting because the Department is part

of the I Team. Responses to several survey questions included negative comments about the timing and content of the Department's input regarding final RSG alternatives. Here are three examples:

DFG's memo at the end of the process was very biased and extremely unhelpful. They gave helpful comments on feasibility all along and that was very useful, but to give feedback inconsistent with what we'd been hearing (in terms of feasibility) AFTER our final proposals were done is to be incredibly unconstructive.

We received an opinionate, poorly worded document, DFG_Memo_FinalProps_Guidance_080311.pdf on March 15, two days before the last RSG meetings. Instead of helping, especially the cross interest 1-3 group, DFG with that document became an advocate and damaged 1-3.

DFG should clarify at the start, not in the round 3 feasibility analysis, how they intend to interpret the objectives.

Comments like these may reflect views that contributed to a lower helpfulness score overall for the Department. They also illustrate the importance of timely input to the RSG about MPA design factors. The Department identified its feasibility criteria in June 2007, and even was complimented on those criteria in one response ("DFG Feasibility Criteria. Very clear and relatively easy to understand") but nevertheless was criticized for its timing in responses to multiple survey questions.¹¹⁵

By comparison, the helpfulness of "the assistance provided to the NCCRSR throughout its process" by the Department *as part of the I Team* was rated significantly higher on average: 4.42. Helpfulness measures were higher for other I Team components: I Team overall [5.10], Planning/GIS staff [5.52], and Facilitation staff (Concur): 5.35. However, the GIS team was essentially a Department effort, so Department staff clearly contributed to the highest helpfulness measure for the Initiative.¹¹⁶

One other survey question addressed RSG clarity about "the way in which [Department] staff was going to review and comment on the feasibility of the MPA proposals developed by the NCCRSR." The average rating was 4.26, well above the mid-point. Less than half of respondents chose to add written comments, but these reinforce themes identified above.

The survey results overall reinforce the complexity of the Department's role: its I Team scores arguably were higher [4.42] compared with its "regulatory agency" scores [3.84]. One suggested explanation for this difference is that regulatory agencies are not typically rated highly by their regulated communities, and that part of the Department's obligation is to play its regulatory role with the RSG and, to a point, with the BRTF. Survey comments about the Department can be interpreted as focusing primarily on its regulatory and enforcement role, although criticism focused

¹¹⁵ See Appendix for additional examples, including one comment that characterizes the final Department memorandum as "mean spirited."

¹¹⁶ This high score is consistent with responses to survey Question 30 regarding helpfulness of decision support tools: "live GIS support during work sessions" measured 5.45 on average. Here is an accompanying comment: *GIS staff was amazing. Period.* See Appendix B.

on timing may not fit this explanation. This report has no other data to support the suggestion that the Department inevitably will be criticized as a regulator, but it is at least plausible and even consistent with a view that the BRTF inevitably will face criticism from some RSG members in making its final recommendation to the Commission.¹¹⁷

Other Perspectives and Issues

Based on the survey, interviews, and observation the Department's team added significant value to the Initiative on the NCC. Its overall contribution in terms of personnel and other resources was far greater than for the CC. While it may not have satisfied all expectations the Department largely met its commitments under the MOU described in Section II.¹¹⁸ Moreover, the Department adjusted to unexpected demands like the development of Special Closures to complement MPAs. Several members of the Department's team were largely unfamiliar with the Initiative process and gained valuable experience for future study regions and MPA management.

One challenge for the Department was a consequence of the weight attached to Department input by RSG and BRTF members, as well as the broader public. RSG members regularly sought out Department staff to inquire about aspects of MPA planning involving feasibility criteria, enforcement, and fisheries data, to name a few. According to interviews and survey results there were occasions where staff provided an initial answer that changed following management review. The BRTF also inquired about Departmental views on a variety of topics during its meetings and these responses received close scrutiny. The Department's ability to respond with authority on a consistent basis was perceived as uneven based on interviews, survey responses, and observation. This could have been influenced by multiple factors that include personnel changes, experience, and a lack of external appreciation for necessary management review and input.

The Department conducted its own lessons learned review that generated these insights:

- There are opportunities to improve staffing efficiencies for different types of meetings
- Overtime costs for staff are a concern
- Email from RSG members placed significant demands on staff time and merits attention in future study regions
- The fast pace of the Initiative is not a natural fit with Departmental structures, i.e., work weeks, and procedures for policy development and review
- GIS tools for the Initiative were valuable and should be flexible to meet diverse needs

Two other issues merit attention as part of this evaluation: the Department's responsibility for MPA management, and perceptions about the Department's Initiative role. They are raised here to promote constructive discussion, but should not divert attention from this report's overall evaluation of the Department's positive contribution to the NCC study region.

MPA Management

¹¹⁷ There may be useful research on this subject from other federal or state agencies, or academia. It is not known whether the Department has conducted any form of "climate survey" of its regulated community.

¹¹⁸ As previously noted there were some questions about whether the Department met all commitments related to staffing and administrative support.

The Department ultimately is charged with implementing the MLPA on a day-to-day basis, and this responsibility includes managing MPAs established through the planning process. MPA management has understandably been outside the tight Initiative focus on MPA planning in early study regions, as noted in Section II. But as each new study region generates a decision from the Commission there are increased responsibilities for Department staff: for monitoring and evaluation to meet MLPA requirements, for public education about new MPAs, and for enforcement. There also are increasing opportunities to transfer learning about MPA management into MPA planning to promote better “handoffs.”

The Department is uniquely suited to encourage integration during the planning stage in order to lay a foundation for effective management. The Department took some steps to promote integration during the NCC. One step was publishing feasibility criteria as specified in the MOU. A second step was identifying concerns related to goals and objectives (regional and MPA-specific). Aside from criticisms about timing, this information generally was viewed as useful by the RSG and others. The Department should work with other Initiative components to promote attention to MPA management in future study regions. This issue is addressed in the *Recommendations* section.

The Department’s Role in the Initiative

The public-private partnership model of the Initiative reflects a significant departure from “business as usual” for natural resource protection in California. Creation of the Initiative followed two unsuccessful attempts by the Department to implement the MLPA.¹¹⁹ The structure of the Initiative forced the Department to share responsibility for development of MPA alternatives with the BRTF and RSG. This change was not universally welcomed within (or outside) the Department, according to interviews. According to one view, the Initiative undermined Departmental prerogatives, limited its exercise of authority, and placed it in the background of MLPA planning. The decision in the NCC to eliminate preparation of a separate Department MPA alternative is viewed by some as proof of “role-evolution” that devalued the Department’s authority in the Initiative. An incident involving the Department of Parks and Recreation as an RSG member is also cited as a demonstration of reduced Departmental authority.¹²⁰

While lingering disagreements about the Department’s Initiative role diverted valuable time and attention, they did not appear to have a significant impact on the NCC process or the IPA and other MPA alternatives that were delivered to the Commission. In some cases, reactions to the Department’s handling of goals and objectives (described in Section II) were influenced by perceptions about Departmental dissatisfaction with its Initiative role. One result likely was a reduced appreciation of the important contributions that the Department made to NCC study region process. *More importantly, external perceptions that have been influenced by disagreements over the Department’s Initiative role may make it more difficult to build effective partnerships for long-*

¹¹⁹ These are described in Appendix A. In hindsight, the Department’s decision makers at the time did not fully appreciate the value of an Initiative-type public decision making process, and lacked the internal capacity to support such an effort. The Department’s efforts also were affected by California’s budget problems.

¹²⁰ State Parks also falls under the umbrella of the Resources Agency, and was represented on the RSG based on its jurisdiction over state beaches. Several questions arose when State Parks took a public stance in support of a particular MPA. These are addressed in HCCM’s memorandum at Appendix D.

term MPA management. Many within the Department see their agency as primarily responsible for the public trust in the face of increasing responsibilities and shrinking budgets. They are searching for ways to meet their statutory responsibilities and to accommodate external partners while preserving the Department's ultimate authority under the MLPA. The Initiative offers an opportunity to support these efforts if they are consistent with prevailing Departmental views and values.

Conclusion: The Department provided significant value to the Initiative. Its GIS experts directly supported MPA design and other staff were an important resource on fisheries, science, and enforcement issues. The Department met its MOU commitment to provide feasibility criteria. Departmental input on goals and objectives created conflict with the RSG but highlighted important issues related to MPA management. Department personnel gained experience with MPA planning and effective public input that should be a future asset for MPA management. Disagreements over the Department's role in the Initiative may be limiting opportunities for future MPA management partnerships and should be resolved in the interests of long-term MLPA success.

I Team

The I Team functioned in the same roles as it did for the CC study region. There were relatively fewer modifications based on lessons learned and these related primarily to staffing:

- New Executive Director
- New contract staff in planning and support roles
- Shared project management and policy functions
- Increased support for the SAT
- A multi-year budget through 2011 to complete the Initiative
- Increased Departmental staffing

The change in Executive Director was a result of external circumstances, and the approach to staffing reflected his management approach. One change that is linked to lessons learned was the increased staff support for the SAT (see Section II).

The I Team received high marks for its overall performance on the NCC based on the RSG survey (see below). BRTF members offered generally strong support for the I Team's performance, with only isolated concerns about agenda planning and meeting organization, particularly for the final decision meeting. The new Executive Director applied a clear and effective management approach, and experimented with a customized approach to staffing based on perceived needs. The Executive Director also received consistent support for building relationships with RSG members and their constituencies. Finally, the I Team deserves recognition for its high scores on the RSG online survey:

- The I Team received the highest overall "helpfulness" rating for technical information and analysis [4.84] compared with the SAT [4.03] and Department [3.84].
- The I Team's planning/GIS staff received the highest overall "helpfulness" rating among Initiative components (along with the Department's GIS team) [5.52], and the entire I Team also received a high rating [5.10].

One issue for the Initiative concerned potential consequences of the extended transition from the CC (see Section II). Interviews identified a number of concerns related to decision making on appointments, Initiative staffing, and contracting for socio-economic and other work. There is no question that there were consequences. Here are two examples:

- The RSG likely did not receive fisheries information from Ecotrust in time for its initial round of proposals for the NCC due to delays in contracting.
- The initial BRTF meeting was not held until March 29, two months later than the milestone identified in the MOU, and the RSG did not hold its first meeting until May 22.

While the start of the NCC ultimately was delayed by two months, the Initiative unfolded on schedule after its late start. According to the MOU, the BRTF recommendation to the Commission was due in mid-March; it was delivered in early June, less than two months behind the original schedule.¹²¹

The delay in Ecotrust contracting undoubtedly limited the information available to RSG members and others in developing the initial set of 10 MPA proposals. However, this information was used by the SAT to evaluate the proposals, and was available thereafter. It is difficult to identify any lasting consequence for the Initiative from this delay.

Two issues raised during interviews involved staffing for project management and policy. As noted above, the Executive Director experimented with a different staffing approach based on perceived needs. There were some concerns expressed about a lack of policy direction from the BRTF, apart from comments on the draft Master Plan for MPAs, that might be attributed to a lack of policy expertise on the I Team. There also were concerns about a lack of senior project management expertise, i.e., an ability to bring all parts of the Initiative together. It is not clear from interviews or observation whether the Initiative's staffing approach had significant consequences for project management or support for the BRTF on policy development. As noted earlier, there arguably was less need to develop foundational policy documents on the NCC than on the CC. The generally high levels of satisfaction with the NCC process overall, and with the I Team, suggest that project management ultimately did not affect NCC outcomes. The circumstances in future study regions, particularly the South Coast, likely justify a re-examination of senior project management needs and capacity.

Conclusion: Overall the I Team was effective in carrying out its roles for the Initiative. A late start was beyond its control and did not appear to have significant lasting consequences. Once started the project stayed on schedule. The I Team received high satisfaction ratings from the RSG and strong support from the BRTF. The shift in staffing from the CC did not appear to affect NCC outcomes but should be re-evaluated for future study regions.

¹²¹ According to some the delay also was a benefit for the Department as it carried out regulatory obligations linked to proposed MPAs in the CC pilot study region.

RLFF and the Public-Private Partnership

The RLFF fulfilled its obligations under the MOU for the NCC. In particular, the RLFF sustained its funding commitment to the Initiative despite the challenging economic environment. The flexibility afforded by the RLFF contracting mechanism continued to be an important asset for the Initiative in hiring staff and consultants. The relatively low level of criticism on the NCC related to private funding for the Initiative is a positive outcome, but RLFF must continue to appreciate the importance of this issue and maintain separation from MPA decision making in future study regions.

Conclusion: The RLFF played a key role in the effective functioning of the Initiative's public-private partnership for the NCC study region. Its funding is essential for MLPA implementation in light of California's dire budget situation.

Can the Initiative be successful in future study regions?

It is clear that the Initiative has developed an effective public decision making model based on the RSG, BRTF, Department, and SAT, with the Commission as ultimate decision maker. The model was successfully adapted to the NCC based on the CC experience. The Initiative process for the South Coast is underway following an intensive transition period and it appears the basic model will be used for a third time, with further adjustments based on South Coast context and dynamics. At this point the basic MPA design model and decision process appear to have gained reasonable credibility so that stakeholders and other members of the public can focus on the substance of designing alternative networks of MPAs.

The lessons learned for the CC suggested the value of a thorough review of the Initiative process following the NCC. Based on the increased level of satisfaction, increased convergence of MPA alternatives alternatives, BRTF consensus on the IPA, and preliminary Commission support for the IPA, it appears the current Initiative model is the best option for the South Coast study region.

This is not meant as a suggestion that the Initiative can simply flip on a process autopilot feature for future regions. Prospects for success will be highest if the Initiative is willing to start over in future study regions, seeing with new eyes and listening with new ears. Veterans of the Initiative must challenge themselves to balance their expectations about what is likely to be successful with a willingness to let people engage at the beginning, allow dynamics to develop, and perhaps even be surprised.

Even with a sound model for MPA design and willingness to start at the beginning a number of factors have the potential to impact success in future study regions. These are discussed below.

Scope of the Initiative

California's MLPA planning project has experienced initial success by most measures. There are new MPAs on the Central Coast, the regulatory process for new MPAs on the NCC is underway at

the Commission, and MPA planning in the SC study region is underway. Much of this success has been funded by private resources through the RLFF. The primary focus of the Initiative has been on planning and establishing new MPAs; in particular, the BRTF has not devoted significant attention to future challenges associated with effective adaptive management of MPAs, including monitoring, public education, enforcement and, above all, funding.

Interviews reveal a range of opinions about this tightly focused approach. Some are sensitive to any discussion of future challenges because of a risk of losing momentum or creating opportunities for MPA opponents. Others are less concerned about opposition and agree that, for MPAs, the best approach is to focus first on establishing a complete network and then address MPA management issues based on priorities. A third perspective is that as new MPAs are established it is important that the Initiative gradually broaden its focus to include initial policy development for long-term MPA network management. California's MPAs are an experiment in natural resource policy, and the experiment is beginning—not ending—once the network is established. The experiment has a scientific component, but also critical components involving public priorities and political will to fund the activities needed to support long-term management.¹²² This conversation should not be postponed but should become integrated into the Initiative's approach to future study regions, according to the third view.

This topic of the Initiative's scope is included as part of the discussion on future success because of its immediate implications for the South Coast study region. Whether the Initiative should maintain its initial narrow planning focus on the South Coast (as well as for future study regions) is an important topic for consideration by the MOU parties, the Commission, and BRTF.

Legal Challenges

Based on the positive outcome of the *Coastside Fishing Club* litigation cited earlier in the report it is reasonable to conclude that, with respect to the arguments addressed by the courts, the Initiative's public-private partnership model does not face significant legal risks. This is not a suggestion that legal risks do not exist for the Initiative or the Commission's decisions, but simply that the Initiative model has survived initial challenges and faces no obvious legal threat that could limit prospects for success in future study regions.

Private Financial Support

The Initiative has developed a three-year budget and the South Coast MOU indicates that RLFF has committed funding sufficient to complete the three remaining study regions.¹²³ This is significant because of California's lingering budget crisis, and potentially because of larger economic factors. The \$16 billion state deficit is larger than the deficit in 2004 that influenced formation of the private-public partnership to implement the MLPA. It is fair to say that public financing for MPA planning is even more unreliable, on a year-to-year basis, than it was two years

¹²² The issue of funding for long-term management was the subject of a recommendation in the Harty/John CC Report: "The Resources Agency and Department should open discussions with RLFF and other private entities about funding for management of MPA networks." Page 66.

¹²³ A budget summary for private funds adopted by the BRTF is attached as Appendix E.

ago at the conclusion of the CC study region. The Initiative's future success depends largely on the ability of RLFF funders to fulfill their commitments despite the daunting economic landscape.

Interviews suggest that funding through RLFF will be limited primarily to MPA planning, and that in principle funding for MPA management should have a significant public component.¹²⁴ There has been some private funding made available to support the MPAME and baseline monitoring for the Central Coast. In addition, the Ocean Protection Council, a state entity, provided approximately four million dollars in funding for CC baseline data collection, and OPC staff reportedly plan to propose an additional \$12 million in funding for baseline data collection for the three additional MLPA coastal study regions: NCC, South Coast, and North Coast.

The three-year Initiative commitment from RLFF is significant. It is obvious that any change in that commitment likely would have significant implications for the Initiative and MLPA implementation. The future funding of MPA management is uncertain at this time and merits exploration in the next study region.

Stakeholder Strategies

One of the key shifts for the NCC was a willingness of representatives from consumptive and conservation interests to develop MPA proposals that integrated multiple interests. One indicator of this shift was sensitivity by conservation representatives to potential socioeconomic impacts; a second was sensitivity by consumptive users to environmental concerns. Representatives for consumptive interests also appeared to make a significant shift in their overall approach to the MLPA: while still questioning MPAs and the MLPA on science and policy grounds, they participated effectively within the Initiative process and, according to interviews, had significant influence on MPA alternatives and the content of the BRTF's IPA.

It is difficult to predict whether consumptive interests will continue their NCC approach for the South Coast and future study regions. If so, this will increase prospects for MPA alternatives that integrate diverse interests at key locations in each study region. The ultimate consequences of a significant change in approach—such as reverting to a CC strategy of challenging the MLPA and MPAs, or refusing to work collaboratively with conservation representatives to develop joint solutions—are difficult to predict at this time.¹²⁵

¹²⁴ RLFF has committed funding and technical for implementation of CC MPAs according to the RLFF web site: http://www.resourceslegacyfund.org/pages/p_marine.html.

¹²⁵ The reported resignation of the president of United Anglers of Southern California highlights the significance of these questions. See *San Diego Union-Tribune* article, October 29, 2008, reported by Ed Zieralski.

Commission and BRTF Coordination and Support

This report has emphasized the importance of the Commission and BRTF in two key respects: coordination between the Commission and BRTF during the NCC process, and explicit support by the Commission of the BRTF-RSG-SAT-Department process for design of MPA alternatives. The NCC featured consistent interaction and communication among the I Team, Department and Commission senior staff, as well as multiple BRTF-Commission meetings. This coordinated approach improved relationships and ensured the Commission had a complete understanding of the NCC process including science, according to interviews. The Commission also sent a clear public signal of its support for the NCC process and did not create or support opportunities to undermine that process. Continued coordination, as well as clear and consistent support from the Commission, will be key factors for success on the South Coast, particularly if there is a shift in overall strategy by consumptive (or conservation) advocacy groups away from constructive problem solving within the RSG.

Political Support

By all appearances the Schwarzenegger Administration has maintained its support for MLPA implementation. This can be seen through continued activity to protect California's coast and oceans generally, and also in the lack of major reductions for the Department's Marine Region during the recent budget revision process. It is likely that the South Coast study region will present the most significant test of political support for the MLPA because of the presence of significant economic interests and high intensity of resource use. It also may be difficult for the Marine Region to avoid future cuts given the State's ongoing budget crisis. Any signal that the Schwarzenegger Administration is wavering in its support likely would undermine prospects for success in the South Coast study region.

Department Resources

The Department expanded its resource commitment substantially for the NCC study region. This expansion reflected a significant increase in funding from the Legislature. From a total of three staff for the CC, the Department committed up to nine positions on the NCC. Most of these staff had no prior experience with the Initiative and the NCC experience provided valuable learning.

The Department increasingly is obligated to multi-task as new MPAs are established by the Commission. As this report is being completed this means enforcing new CC MPAs; coordinating education and outreach materials, including brochures and signage, for new MPAs; completing the regulatory process for the NCC study region, and supporting MPA planning for the South Coast study region. It also means an active role in baseline monitoring for the CC (and Channel Islands) and engaging actively with the MPAME in design of a monitoring program for the NCC and other study regions.

Enforcement is a significant challenge for MPA management. As stated by one Department representative, "if there are fish, there will be fishing." Fish abundance in MPAs likely will present a "commons" problem, where there are strong incentives for an individual consumptive user to fish inside the MPA, particularly if there is virtually no risk of individual consequences, i.e.,

enforcement. Fishing that is inconsistent with activities allowed in a particular MPA, particularly SMRs, will undermine the ability of scientists to conduct the long-term management experiment needed to evaluate MPA effectiveness. This increases the importance of enforcement, but interviews reveal a consistent view that California's track record in this area should not inspire confidence. The example cited most frequently is the Department's game warden program, which extends to the Marine Region and is consistently under-staffed and under-funded. Department experts point to a lack of local incentives to support enforcement of laws preventing take, with limited exceptions such as those found along the Sonoma and Mendocino coasts to protect the abalone fishery and associated tourism. Without effective incentives, the experience of the past suggests that effective enforcement for MPAs will be in doubt despite the Department's best efforts.

This continuing increase in Departmental responsibilities for MPA management, along with an important role in MPA planning, raises serious questions in light of the current state budget deficit, increasing signs of future budget shortfalls, and California's historic under-funding of the Department. Significant budget reductions for the Marine Region in the current and future budget cycles potentially would limit the Department's ability to support the South Coast and other study regions and could affect prospects for success. Moreover, a lack of resources to fulfill MPA management responsibilities undoubtedly will undermine the goals of the MLPA, particularly effective adaptive management, through no fault of the Department. This prospect is one argument for having the BRTF address the full suite of funding issues, a subject addressed in the *Recommendations* section.

The structural obstacles facing the Department remain: rigid state personnel rules and a byzantine state contracting system that limit Departmental flexibility in hiring external contractors within the timeframes of fast-moving projects. These structural obstacles imposed by state law are two reasons why flexibility available through the Initiative's public-private partnership model is important for success.

IV. RECOMMENDATIONS

The following recommendations are provided for consideration by all components of the Initiative as well as the broader public. They build on recommendations from the first set of lessons learned reports for the CC pilot study region. Where appropriate an initial recommendation may be reconsidered or renewed, but the primary goal is to address new topics.

1. The basic Initiative structure remains the best option for the South Coast study region: a BRTF with contract staff, RSG, SAT, Department, and I Team.

The Initiative demonstrated its ability to learn from the CC experience and improve its model for developing MPA alternatives. One product of the NCC process, pending a decision by the Commission, was a set of MPA alternatives that demonstrated significant “convergence.” A second product was a consensus IPA recommendation from the BRTF developed almost entirely from the RSG alternatives. A third product was broadly higher levels of satisfaction with the NCC process for developing those alternatives than for the CC. The basic Initiative structure has now been tested in two study regions and demonstrated its value. No major structural changes are recommended for the next study region

a. The Initiative should remain a learning enterprise, adaptable and flexible to each new study region and set of stakeholders.

Veterans of the Initiative are encouraged to make a commitment to seeing with fresh eyes and listening with fresh ears, even while relying on their experience and the same basic model for public decision making.

b. The Initiative should maintain its focus on two equally valuable products: (1) a high-quality process, and (2) MPA alternatives leading to a BRTF recommendation.

The process is a product of the Initiative in important respects. Good process promotes ownership of outcomes that can provide a foundation for MPA management. While MPA alternatives are an important and concrete “deliverable,” the public understanding, engagement, and support that result from a high-quality process should continue to be a core Initiative objective.

c. The Initiative should explore opportunities to support long-term sustainability of new MPAs.

The Initiative process offers an opportunity for the Department and others to look forward and begin laying the foundation for long-term success. This may include educating key stakeholders about practical MPA management challenges and associated costs and perhaps formulating potential management principles. Without losing its planning focus, the Initiative should explore these opportunities in the next study region. This recommendation is reinforced below in 4.d.

2. The private-public partnership model between the State of California and the Resources Legacy Fund Foundation should be continued through a new Memorandum of Understanding.¹²⁶

The public-private partnership reflected in the MOU is the foundation for MPA planning. While the Legislature demonstrated support for MLPA implementation through a budget increase for 2007, the current state budget deficit highlights the unreliable nature of public funding. Private funds have been, and will continue to be, essential to the Initiative's success. The partnership also provides the flexibility for the Initiative to hire qualified staff to fill specific needs and to contract for the services of outside consultants such as Ecotrust.

a. RLFF should work with the MOU parties, BRTF, and Initiative staff to ensure consistent and clear separation.

There was relatively less concern expressed by stakeholders about the role of RLFF in the Initiative during the NCC compared with the CC. This recommendation is intended as a reminder of the importance of maintaining clear boundaries between funders and those involved in decision making related to MPA design.

b. There is value in the complex and occasionally inefficient process of MPA development.

It would be understandable for private sector funders to expect a certain amount of efficiency, with the potential for future cost savings, based on the experience of two study regions. One candidate may be decision support tools like Doris and Marine Map. Experience and efficiency may also lead to cost savings in terms of basic meeting planning and preparation for the SAT, RSG, and BRTF. However, efficiency in stakeholder decision making is a different matter, primarily because each study region and its stakeholders and public are essentially new. The Initiative's success to this point can be attributed in significant part to the resources available for high-quality public process. To the extent cost-saving is a goal for funders, any cuts should be balanced carefully against the benefits of a well-funded, high-quality, and robust public process. Indeed, the South Coast study region is larger and more complex and will inevitably require a larger budget than either the CC or the NC.

¹²⁶ The MOU parties executed a new MOU intended to cover the remaining study regions in August 2008.

3. The BRTF is a key innovation for MPA design and public decision making and should fill the same roles in future study regions.

The BRTF has proved effective in fulfilling diverse roles in two study regions: as a buffer for the Commission, overseer of stakeholder design of MPA alternatives, decision maker on an MPA recommendation to the Commission, and a public forum for identifying and framing key policy issues under the MLPA. The need for each of these roles is unlikely to disappear for the future study regions, and in fact may be even greater than on the NCC. So long as the BRTF's roles are clear and its authority is undiminished, it should remain as a key element of the Initiative.

a. The criteria and process for appointing BRTF members should remain the same and should include continuity.

This recommendation is identical to one from a CC lessons learned report and bears repeating.¹²⁷ The BRTF has managed to operate effectively under close public scrutiny in a values-laden context. In particular, it has created incentives for RSG members to commit substantial time and other resources to the process of MPA design. This would not be possible if RSG members perceived that BRTF outcomes were pre-determined, or that the BRTF was not committed to openness and transparency in decision making. BRTF members have generated respect despite disagreements; criticism of the BRTF decision making process is not a reflection on the selection process. Continuing BRTF members also identify increased trust and respect for one another as an asset for the Initiative. These qualities are rare commodities in public decision processes and should not be put at risk.

b. The BRTF should meet with the RSG early in each study region to clarify roles, objectives, responsibilities, processes, and expectations about the relationship. This conversation should address the BRTF-RSG partnership aspect as well as the hierarchical aspect, i.e., the BRTF role as ultimate advisor to the Commission on a preferred MPA alternative. BRTF members should also attend RSG sessions individually but not as part of the agenda.

The BRTF did not meet with the RSG until its final decision meeting on the NCC. Feedback from the online survey suggests a potential benefit in clarifying the BRTF's roles, objectives, and decision processes for the RSG early in each study region. These should be distinguished from the RSG's role, objectives, and processes. The BRTF should explain its expectations for MPA alternatives development and emphasize proposals that (1) satisfy SAT criteria, and (2) reflect balancing of interests. The significance of consensus and convergence should be explained consistent with the discussion earlier in this report. There is a partnership aspect to the BRTF-RSG relationship, and this should be acknowledged without misleading the public and RSG about decision making authority. A joint meeting—perhaps a half day—should be evaluated as an option, with a format that supports interaction. BRTF members also should individually attend and observe RSG meetings and work groups, but should not be part of the agenda in order to ensure the BRTF is able to deliberate and communicate effectively as a group on important issues.

¹²⁷ *Report on Lessons Learned from the Marine Life Protection Act Initiative*, prepared by J. Michael Harty and DeWitt John (August 17, 2006) (Harty/John CC Report).

c. The BRTF should continue an iterative, interactive approach to MPA development similar to the NCC approach.

The three-round, iterative approach for the NCC was much more satisfactory to RSG members based on the survey than the two-round CC approach and should be maintained, subject to specific needs of each study region. The BRTF also should incorporate opportunities for interactive comparison of alternatives similar to the process at its final decision meeting. In the spirit of adaptation and experimentation, the BRTF should test other options for supporting its relationship with the RSG.

d. The BRTF should not be limited by an exclusive focus on MPA planning and should identify and address key policy issues in the next region.

The BRTF has an important role to play in developing initial approaches to challenging issues related to MLPA implementation. The sources for these issues vary: some are inherent in the MLPA, some are a result of MPA science, and others are a result of establishing new MPAs through the Initiative process. A list of potential issues includes:

- Future MPA management including monitoring and enforcement
- The role of regional goals and objectives in light of adaptive management
- SAT use of models and their role in MPA design for the Initiative
- Water quality in MPA design
- Funding options for MPA management

e. The BRTF should continue exploring ways to improve its effectiveness, consistent with MOU goals of transparent decision making.

The BRTF has responded to the CC lessons learned by trying new approaches for the NCC. One experiment was an informal planning discussion consistent with open meeting laws and the MOU commitment to transparency.¹²⁸ It will be useful to continue experimenting with different approaches, perhaps including BRTF sub-committees charged with developing initial options on policy issues and bringing those options to the full BRTF for discussion.

This size of the BRTF has changed for each of the first three study regions: from eight (CC), to five (NCC), and now seven (South Coast). There is a mix of returning and new members for the South Coast, similar to the NCC experience. The BRTF should consult with the I Team on ways to tap the trust established among BRTF veterans and build trust with new members. The BRTF should also take early steps to ensure that new members are educated about critical MPA science and policy issues, and that the differences in MLPA experience do not impact BRTF deliberations and decision making.

¹²⁸ The BRTF is not subject to Bagley-Keene because it is not a creation of statute, but has operated pursuant to MOU transparency principles.

f. The BRTF should take steps to improve meeting planning and management. The RSG survey and BRTF and I Team interviews revealed dissatisfaction with some aspects of meeting planning and management. There are opportunities to improve planning within the BRTF and also with the I Team to reduce public dissatisfaction. The BRTF should also work with the I Team to improve in-meeting decision making in response to comments from the survey.

4. The Department's basic approach to MPA planning for the NCC was an asset for the Initiative and should be continued.

The Department received a substantial increase in funding from the Legislature in [2006-7] and increased its staffing for the Initiative. Overall this increase benefitted the Initiative in terms of resources for the SAT, RSG, and BRTF. The Department's staffing increase also provided a valuable opportunity for internal capacity building around the MLPA and public involvement. The Department's timely and consistent attention to feasibility criteria was helpful for MPA alternatives development, if not always popular. Participation on the SAT ensured a knowledgeable regulatory presence. The lack of a Department preferred alternative for the Commission was consistent with the MOU; while there was some disagreement over this adjustment it does not appear that the quality of information and alternatives available to the Commission were affected. With some modifications, this basic approach is a sound model for future study regions.

a. The Department should provide a consistent, authoritative voice to the Initiative on matters related to MLPA implementation in the next study region. Establishing this voice for the BRTF, RSG, and SAT early in the process will build confidence.

Interviews and online comments indicate that Initiative participants value a reliable voice from the Department. During the NCC there were occasions where Department representatives appeared to lack either information or authority. These perceptions can undermine credibility, whether or not they are accurate. The Department should establish its lines of authority and decision making and then communicate these to the Initiative early in the next region. Any changes should also be communicated to avoid misunderstanding. The Department should not set up expectations that its representatives will always have answers in the moment; it is reasonable to seek time for policy clearance as questions increase in significance.

b. The Department should maintain its resource commitment to the Initiative, focusing on its strengths and also looking for staffing efficiency.

The next study region likely will place significant demands on all components of the Initiative and it will be important for the Department to sustain its staffing commitment. The Department's GIS team received the highest overall satisfaction ratings from the online survey; maintaining a commitment to this asset should be a priority. At the same time, interviews suggest the Department gained insights about how to improve staffing efficiency that will be useful for the next region.

- c. **The Department should employ the same basic model it used to identify feasibility criteria early in the NCC process for other issues related to MPA design.**

The MOU charged the Department with identifying feasibility criteria early in the NCC process and communicating these to the Initiative and public. The Department met this obligation based on review of meeting agendas, documents, and on observation. The Department was criticized by RSG members and others for the timing of some of its concerns related to goals and objectives during the NCC. To the extent possible, the Department should identify and present other important factors early in the MPA design process, to avoid situations where stakeholders feel they must revise MPA proposals very late in the process.

- d. **The Department should work with other components of the Initiative, including the BRTF, I Team, and Commission liaison, to develop and implement a strategy for addressing MLPA management issues.**

The Department faces increasingly complex challenges regarding the MLPA. In addition to its role in the MPA planning phase, the Department assumes increasing management responsibilities as the Commission completes its decision making process for each study region and (presumably) adopts new MPA network components. The Department is uniquely situated to provide a link between MPA management and design, and should work with the BRTF and Commission to develop a joint strategy for supporting MPA management through the planning process. Specific issues may include the relationship of regional goals and objectives to future management and the significance of monitoring for MPA design.

- e. **The Department should identify opportunities presented by the Initiative to educate the public about natural resource management issues and seek funding and partnerships to address these.**

This recommendation assumes the Initiative is more than a series of resource demands, limitations on authority, and increased responsibilities, and that it can present opportunities for the Department. One possibility is to identify specific natural resource management issues in future study regions that are linked to MPAs, and seek partnerships and funding to educate the public and develop solutions. Challenges associated with poaching of marine species on the South Coast are an example cited during interviews.

- f. **The Department should explore options for future public-private partnerships to support MPA management.**

California's budget future is not bright, and interviews suggest the need for partnerships, including funding, to support MPA management. The Department should explore options for adapting the Initiative model to future management. This is not a recommendation that an Initiative-like approach be used to manage MPAs. The Department has statutory authority for management and in many ways, including experience with existing MPAs, appears best suited for that role. The Initiative presents an opportunity for the Department

to work with other MOU Parties, the BRTF, the Executive Director, and the Commission to develop effective MPA management policies that incorporate strengths of the Initiative, such as transparency, meaningful stakeholder and public engagement, and even lessons learned evaluation.

5. The BRTF and Commission effort to improve coordination was successful and should be a priority for future study regions.

The BRTF and Commission (and I Team) took steps that proved effective during the NCC to share knowledge about issues in the study region, coordinate key steps linked to decision making, and promote a smooth transition between phases. These steps included appointment of a Commission liaison to the Initiative and two joint meetings, as well as regular communication between senior managers. SAT presentations to the Commission were another part of this effort. The BRTF and Commission should make this improved coordination a priority in each study region.

6. Responsibility for managing the Initiative should follow the same model, relying on private sector staff and consultants and integrating DFG expertise and resources.

The I Team model proved adaptable to changed conditions on in the NCC study region, including a transition to a new Executive Director, a new BRTF and chair, and different regional requirements. Additional staff were added to fill specific needs, contracting appeared flexible, and the I Team continued to meet high expectations and standards. Department staff were an important component of the I Team, although interviews revealed concerns about fulfilling all MOU resource commitments. There is no reason to change this flexible model for the next study region, particularly given the anticipated demands for expertise in government relations, community outreach, and public affairs, along with continuing need for the highest possible quality of process design and meeting facilitation.

a. The Executive Director should consult with the BRTF chair to address potential support for policy development in the next study region.

This report recommends substantial attention to policy development in the next study region. If this course is adopted by the BRTF, it will be important to ensure policy expertise is available to support that approach.

b. The Executive Director should pay particular attention to project management and ensure I Team capacity matches project demands.

Interviews highlighted senior project management as a skill set that likely will be in high demand as the Initiative moves to the South Coast study region. The NCC approach to project management generated some questions but appeared to work based on outcomes. The Initiative should carefully evaluate anticipated project management needs—the ability to see all parts of a project and pull them together—and ensure there is adequate senior expertise capacity to satisfy these needs.

- c. **The I Team should continue steps to spread responsibility and reduce demands on a small group of experienced staff.**

By most measures the success of the Initiative through the NCC study region is due in part to the remarkable efforts of a relatively small group of highly committed staff and consultants. Members of this core group do not limit themselves to eight-hour work days and have maintained a single-minded focus on the success of the BRTF, RSG, and SAT for several years. This level of focus and commitment is a significant asset, but it takes a significant personal toll and carries risks for individuals and the Initiative. The Initiative should continue steps to spread responsibility and work loads, ensure adequate supervisory and management skills, and plan for transitions of key personnel.

- d. **The I Team should continue its intensive approach to recommending RSG members for appointment by the Department and should clarify expectations about behavior.**

While the MOU directs the Department to appoint RSG members, the I Team plays an important role in identifying and recommending potential candidates that should be continued. The RSG survey disclosed concerns about balanced representation on the RSG, the impact of “straw polls” used to assess levels of support for proposals, and undisclosed affiliations of some RSG members. These concerns were discussed in the July 28, 2008 memorandum to the Executive Director and presumably were addressed as part of decision making about RSG appointments for the South Coast. The I Team also should identify potential steps to limit the types of negative behavior by some RSG members that appeared in the survey comments. One possibility would be to address this issue in guidelines for the RSG, along with potential consequences. The I Team should consider making behavior an explicit part of the RSG selection process for future study regions.

- e. **The I Team should coordinate a review of the use of Special Closures in light of low RSG satisfaction with that approach.** The RSG survey results showed a low level of satisfaction with Special Closures [3.13], and interviews indicate this parallel effort required substantial resources from the I Team, Department, and RSG. The I Team should organize a joint review with the Department and BRTF (and the SAT if appropriate) of the role of Special Closures early in the next study region.

7. The SAT filled multiple roles for the NCC that should continue for the next study region.

The SAT members served as educators, advisors, and evaluators. They also advanced MPA science through model development and refinement of science criteria and added significantly to social capital. The SAT moved past prior differences over the MLPA’s “best readily available scientific information” standard and developed analytical frameworks—spatially explicit models—that integrate fisheries management and marine ecology. In addition, the SAT forum served as an important component of a publicly transparent decision making process. What the SAT members refrained from doing is also significant: they remained in the role of MPA evaluators and did not pre-empt the primary role of the RSG as developers of MPA proposals, through modeling or otherwise.

a. The co-chairs model worked well and should be the preferred option for the next study region.

SAT members consistently expressed support for the co-chairs model used for the NCC. This should be the first option for future study regions. The co-chairs should consult with the I Team about ways to incorporate process expertise into their meetings based on SAT dynamics in each study region.

b. The SAT should work with the I Team to improve interaction with the RSG.

The “formal” RSG-SAT written question process merits attention to improve responsiveness without interfering with other SAT tasks. Perhaps more important is testing approaches for increasing constructive access to the SAT for the RSG throughout the MPA planning process. The SAT should work with the I Team on “early education” of the RSG about science guidelines and evaluation methodology, and should customize its presentations for the RSG audience. Limiting RSG members to offering public comments during SAT meetings magnifies the impression of separation. It may also be useful to create opportunities for selected panels of RSG members to address the SAT on specific topics. This recommendation is not intended as support for joint meetings of the SAT and RSG or for unstructured forums with open agendas. Finally, the SAT should identify its most effective public communicators and assign them to interact with the RSG, whether as part of a SAT sub-team regularly attending RSG meetings or for specific presentations.

c. The SAT should work with the BRTF to ensure its members, new and returning, are familiar with MPA science.

BRTF members are heavily scrutinized for their understanding of science guidelines, evaluation methodology, and other MPA issues. It is essential that the SAT and BRTF [with the I Team] organize ongoing education in a way that meets busy schedules and differences in knowledge based on prior experience. It is also important that BRTF agendas leave sufficient time for deliberation on key issues and not be consumed by science briefings. One option suggested by BRTF members is to organize briefings in advance of regular BRTF meetings, with appropriate notice, and limit the number of SAT briefings that are part of regular BRTF agendas.

d. The SAT should work with the I Team to design its meetings and agendas to allow sufficient time for discussion of key science issues.

Several SAT members pointed to the need for more discussion and deliberation time on SAT agendas. Stakeholders echoed frustration about limited discussion, particularly where it is followed by voting. Some SAT members also expressed support for one-day meetings that could fit more easily into their schedules. The SAT should explore ways to address both these interests with the I Team, and the Initiative should devote resources to expanded SAT meetings if that is necessary.

- e. **The SAT should maintain a rigorous focus on science consistent with the SAT charter, and refine its approach to addressing data gaps, complexity, and uncertainty.**

As scientists, SAT members are accustomed to operating in an environment characterized by data, hypotheses, complexity, and uncertainty. The Initiative is a public process that integrates science into policy making by non-scientists. The process ultimately involves balancing different values, particularly where there is uncertainty, and this balancing is assigned to the BRTF (and RSG) and ultimately the Commission. Given intense public attention, it is important for the SAT to be consistent about identifying data gaps and uncertainty and communicating this effectively to non-scientists. The SAT should identify options and risk and leave value choices to the BRTF, and ultimately to the Commission. The SAT also should have a consistent, understandable framework for receiving and evaluating stakeholder and public information. The SAT should consider refining its procedures in light of learning from the National Research Council about effective science integration in public processes described in this report.

- f. **The SAT should ensure that it communicates effectively with the BRTF and RSG about potential modifications to science guidelines and evaluation criteria based on anticipated science issues for the South Coast.**

Interviews suggest that the science guidelines will continue evolving, as they did during the NCC process. One likely change will address the influence of ocean currents; another may involve water quality, according to interviews. The SAT took steps to improve public understanding of changes to the science guidelines for the NCC, such as preparing detailed written explanations. These and other steps should be a consistent SAT priority.

- 8. **The BRTF and Department should collaborate with the Commission to address key policy issues related to MPA management in the next study region.**

The MPLA Initiative has matured to the point that it should be a priority to address the complex topic of MPA management. Recommendations 1c, 3d, 3f, 4d, 4e, and 4f, in particular, propose that partners in the Initiative process give close attention to MPA management issues, beginning with the South Coast process. One focus should be steps to support effective management during the MPA design process, perhaps through a modified approach to developing regional goals and objectives, as well as objectives for individual MPAs. A second focus should be on developing MPA management principles that reflect the strengths of the Initiative model as well as respect for the Department's authority and strengths.

- 9. **The BRTF should clarify the role of government agencies serving as members of the RSG, and consult as necessary with the Resources Agency.**

The NCC RSG included representatives of multiple federal and state government agencies. The interviews and survey results reflect diverse views about the appropriate role of government agencies on the RSG. Survey responses cover a full spectrum: one view that accepts full participation (or at least not opposing such participation), another that prefers non-voting participation, and a third that opposes participation. The majority view appears to accept full

participation. The BRTF addressed this general question early in the NCC process and BRTF interviews support the principle of full participation by government agencies. The BRTF should clarify this issue at the outset of the RSG process.

There was a specific issue during the NCC process about the role played by the Department of Parks and Recreation (“State Parks”) in advocating for a particular MPA within the RSG. Interviews suggest multi-layered concerns: one level involves the general question noted above, a second involves the internal consultation process for the Resources Agency and State Parks, and a third is result-oriented, i.e., does the proposed MPA have merit? Looking to the South Coast and the presence of beaches under the jurisdiction of State Parks, it is likely the same type of situation will present itself, and this eventuality should be part of the BRTF’s clarification. This matter may also be of interest to the Resources Agency as well as the Department.

10. The I Team, BRTF, and Department should continue their highly productive, collaborative efforts to improve public understanding of and access to the Initiative.

The Initiative is a public process, and its goal of building public support for MPAs depends on effective communication. The Initiative spends significant resources to provide information: all meetings are available to view live as a web cast, and past meetings are available in video and audio formats from the MLPA archives. The Initiative also posts significant amounts of information on its web site, which is hosted by the Department:

<http://www.dfg.ca.gov/mlpa/index.asp>.

Interviews revealed virtually unanimous support for a re-design of the Initiative web site to reduce clutter, highlight critical information, and allow easier retrieval of documents. This step appears to be underway and should yield benefits during the next study region.

While the Initiative is highly visual in some respects like its use of GIS tools, it is print-heavy in others. The I Team should develop better visual depictions of the MPA planning process, such as a timeline identifying key process steps, identifying where the Initiative is at any point in time, and options for public involvement.

Finally, the Initiative should increase its staff expertise in community relations, public affairs, and communications. This includes not only contract staff but also the Department’s team. The Department should evaluate its model of concentrating MLPA communication and outreach in Sacramento and consider building that capacity for the Marine Region. This is not a criticism of Department staff but rather a recognition of increasing demands related to the MLPA.

IV. CONCLUSION

NCC study region was a success measured against qualitative and quantitative criteria. Its substantive outcomes, including MPA alternatives 1-3, 2-XA, and 4 developed by the RSG and the IPA developed by the BRTF, provide a reasonable foundation for decision making by the Commission. At least equally important, the Initiative process was a high-quality example of appropriately transparent, public decision making informed by science. The RSG shouldered the primary responsibility for developing MPA alternatives. All decision making by the BRTF occurred in noticed public sessions even without a legal requirement. The SAT similarly did its work in public with opportunities for comment, and stakeholders even provided advice on model development.

The three final MPA alternatives developed by the RSG demonstrated a higher level of convergence than on the CC. The results also reflected an increased willingness by consumptive and conservation representatives on the RSG to develop MPA proposals that integrated multiple interests. The BRTF worked more effectively with the RSG in its decision making phase than on the CC and reached consensus on its IPA. The SAT prepared a detailed description of its evaluation criteria, moved beyond academic differences to develop significant models that reflect steps toward integration consistent with the MLPA, and also provided substantial support as educator, advisor, and evaluator of MPA proposals. The Department increased its resource commitments and was a significant asset to the Initiative through development of feasibility criteria, advice about enforcement, and GIS expertise.

The Initiative's success reflects its adaptability and willingness to change in response to the CC experience. Rather than fix its process in place, the Initiative, beginning with the MOU parties, weighed lessons learned and applied these at all levels of the NCC study region. The Initiative adapted to a new Executive Director and experienced its first transition period. The Initiative retained a small group of key staff from government and the private sector but expanded to include significant new personnel from the Department. The BRTF adapted to a new chair with a different style, and a smaller size. The SAT added breadth to its scientific perspectives but did not become enmeshed in pre-existing disputes about scientific standards. The Department adjusted to requirements for significantly increased input during RSG development of MPA alternatives. Key stakeholders and advocacy organizations adapted their approaches based on the Commission's decision making.

Looking ahead, a number of important policy issues require attention including the linkage between MPA planning and management, water quality, and the role of models in MPA design. There also are important questions about long-term funding for MLPA implementation. Future study regions promise increasingly complex political, social, and physical environments. Any shift in MLPA strategy by key advocacy groups likely will have significant consequences for the Initiative. Continued coordination between the BRTF and Commission, and clear support by the Commission of the BRTF-RSG-SAT-Department process, are important factors for future success.

While policy and science disagreements related to MPAs are likely to continue, the MLPA remains the law of California. Based on the experience of the CC and NCC, the Initiative process is robust and is the best option available for implementing the MLPA. The Initiative will maximize prospects for continued success if it remains a learning enterprise that balances experience gained in the past with adaptability in future study regions.

APPENDIX A

**EXCERPT FROM HARTY/JOHN REPORT ON MLPA INITIATIVE
CENTRAL COAST LESSONS LEARNED**

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II. THE MARINE LIFE PROTECTION ACT

Evaluation of the Initiative requires familiarity with key elements of California's Marine Life Protection Act, enacted in 1999.¹ Some familiarity with the history of its enactment, including other ocean initiatives in California, is also useful. The MLPA Master Plan Framework offers a useful primer on this history in Section I.² Careful reading of background reports such as *California's Ocean Resources: An Agenda for the Future (1997)* makes clear that the MLPA is one step in a decades-long effort by the State of California to protect ocean resources and support resource users. Not surprisingly, there are areas of tension among legislative goals as well as unanswered questions.

MLPA Summary

The MLPA is consistently described in interviews as a piece of environmental and conservation legislation drafted largely by advocacy groups and eventually carried by their supporters in the Legislature. Fishing interests were opposed to the MLPA and succeeded in inserting some of their own language, but the bill as passed was generally seen as a "victory" for one set of interests. Passage of the MLPA did not end disputes over the need for increased ocean protection, and these disputes have delayed efforts to implement the statute.³ The opposition of fishing and other consumptive interests to MPAs contrasts with the results of polling inside and outside California over the past decade: there appears to be strong public support for setting aside areas of ocean near the coast as sanctuaries where consumptive and other uses are regulated.⁴

The *purpose* of the MLPA is to reexamine and redesign the State's MPA system to increase its coherence and its effectiveness at protecting marine life, habitat, and ecosystems. MPAs are discrete geographic marine or estuarine areas seaward of the mean high tide line or mouth of a coastal river that are primarily intended to protect or conserve marine life and habitat. California law provides for three types of MPAs: state marine reserves, state marine parks, and state marine conservation areas.⁵ Each has a different purpose and different levels of restrictions on activities within their boundaries. One key difference involves restrictions on fishing: there is no fishing in state marine reserves, commercial fishing is prohibited in state marine parks, and selected forms of commercial and/or recreational fishing may be prohibited in state marine conservation areas. Public controversy over MPA designations tends to focus on limitations imposed on commercial or recreational fishing (or both). Controversy also arises between recreational divers (who do not "take" fish) and other divers who fish.

¹ The statute is codified at Fish and Game Code §2850-2863.

² The Framework is available on the Web at: <http://www.dfg.ca.gov/MRD/mlpa/pdfs/mpf082205.pdf>

³ The MLPA's finding that "MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries" has done little to suppress this basic conflict.

⁴ See, e.g., Review of Existing Research for the Ocean Project, February 1999, prepared by Belden, Russonello & Stewart and American Viewpoint, indicating support from 85% of those polled in June 1996. The Public Policy Institute of California [PPIC] has polled Californians on this subject at least twice, in 2003 and 2006, with similar results. See, e.g., PPIC California Statewide Survey, February 2006, available at http://www.ppic.org/content/pubs/survey/S_206MBS.pdf.

⁵ Framework pp. 50-52, citing Marine Managed Areas Improvement Act.

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

The MLPA directs the Commission to adopt a Marine Life Protection Program (“MLPP”) to improve the design and management of the MPA system. The MLPP has six goals:

1. To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
2. To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
3. To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
4. To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
5. To ensure that California’s MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
6. To ensure that the state’s MPAs are designed and managed, to the extent possible, as a network.⁶

The MLPP is required by statute to include these five elements:

1. An improved marine life reserve component consistent with the guidelines in subdivision (c) of Section 2857.
2. Specific identified objectives, and management and enforcement measures, for all MPAs in the system.
3. Provisions for monitoring, research, an evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the system meets the goals stated in this chapter.
4. Provisions for educating the public about MPAs, and for administering and enforcing MPAs in a manner that encourages public participation.
5. A process for the establishment, modification, or abolishment of existing MPAs or new MPAs established pursuant to this program, that involves interested parties, consistent with paragraph (7) of subdivision (b) of Section 7050, and that facilitates the designation of MPAs consistent with the master plan adopted pursuant to Section 2855.⁷

The MLPA also directs the Commission to adopt a master plan to guide the MLPP and decisions about siting new MPAs and modifying existing MPAs. The master plan is to be based on the “best readily available science.” The Department is directed to prepare the master plan, using a master plan team composed of:

- DFG staff, the Department of Parks and Recreation, and the State Water Resources Control Board
- Five to seven scientists (with one having expertise in the “economics and culture of California coastal communities”)

⁶ FGC §2853(b)

⁷ FGC § 2853(c)

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

- One member having direct expertise with ocean habitat and sea life in California marine waters.

Team members are to have expertise in marine life protection; be knowledgeable about the use of protected areas as a marine ecosystem management tool; and be familiar with California's underwater ecosystems, biology and habitat requirements of major species groups, and water quality and related issues.⁸

Input to the master plan is required from participants in fisheries, marine conservationists, marine scientists, and other interested parties. DFG and the team are to "take into account" relevant information from local communities.

The MLPA specifies the contents of the master plan in some detail. One requirement is "recommended alternative networks of MPAs, including marine life reserves in each biogeographical region." The statute does not define the term "alternative networks of MPAs." A second requirement is "a preferred siting alternative for a network of MPAs." There are specific design requirements for the preferred siting alternative, including goals and objectives for each MPA that comprises the network. Other master plan requirements include recommendations for monitoring, research and evaluation in selected areas of the preferred alternative, management and enforcement measures, and funding sources to ensure all MPA management activities are carried out.⁹

The MLPA directs DFG to convene "siting workshops" in each biogeographical region "to review the alternatives for MPA networks and to provide advice on a preferred siting alternative. The department and team shall develop a preferred siting alternative that incorporates information and views provided by people who live in the area and other interested parties, including economic information, to the extent possible while maintaining consistency" with MLPA goals.¹⁰

DFG is directed to submit a draft master plan to the Commission by January 1, 2005. The Commission is directed to adopt a final master plan and MLPP by December 1, 2005 *and implement the program, to the extent funds are available*. Prior to adoption of a master plan the Commission is directed to receive and act on petitions to add, delete, or modify MPAs.¹¹

⁸ FGC §2855(b)(3)

⁹ The MLPA does not provide for a master plan framework, or for phasing of the master plan.

¹⁰ FGC §2857(a).

¹¹ Interviews suggest the legislative decision to locate ultimate MLPA authority with the Commission was a political compromise, in part the result of a lack of options. One possibility that reportedly was rejected was the Department of Parks and Recreation. A substantial part of the Commission's activity has involved regulation of hunting and fishing, and it is not generally perceived as an ally by environmental advocacy groups. The Commission has traditionally had a species, rather than an ecosystem, focus, but legislative mandates are forcing an important shift. Under the Marine Life Management Act passed in 1998 the Commission is required to take an ecosystem approach to coastal fisheries management. An example is the Near Shore Fishery Management Plan. http://www.dfg.ca.gov/mrd/nfmp/section1_summary.html. As discussed later in this report, however, the dynamics of the Commission's recent decision making process on MPAs for the central coast indicate this shift is not complete. The Ocean Protection Council established under the Ocean Protection Act of 2004 recently has become a focus of attention for MLPA

Finally, the statute provides no dedicated funding.

Implementing the MLPA

DFG tried three times between 1996 and 2004 to establish MPAs through collaborative processes based on significant stakeholder input. The following is a summary of the key influences from each project.

In 1999, prior to passage of the MLPA, a group of recreational anglers (the Channel Islands Marine Resources Restoration Committee) and the Channel Islands National Marine Park asked the Commission to establish a network of state marine reserves in the Park.¹² Operating under existing law, the Department and Commission initiated a process to review this request.¹³ Key elements of the Channel Islands MPA project included:

- This was a joint effort of DFG and the Channel Islands National Marine Sanctuary.
- There was a substantial stakeholder role through a facilitated Marine Reserve Working Group, or MRWG, that had 17 original members appointed by the Sanctuary Advisory Council and was co-chaired by DFG and the Sanctuary. Representatives included commercial fishing, recreational fishing and diving interests, non-consumptive interests, and the larger public.
- The MRWG members committed significant amounts of time to seeking an agreement, from July 1999 to May 2001. Some of these members would also be involved in subsequent efforts to implement the MLPA.
- The decision rule for the CI stakeholder group was consensus, and there was no clear fallback.
- The MRWG was able to use only one type of MPA: state marine reserves that allow “no take.” After the MRWG disbanded a second type of MPA, state marine conservation area, was added to the proposal that eventually was voted on by the Commission.
- Based on a variety of sources it appears that representatives for recreational fishing interests blocked a unanimous agreement and caused a “failure” to reach consensus. This reportedly was the result of a refusal to engage collaboratively within the stakeholder group.
- The Science Panel and Socioeconomic Team did not ever review a final product from the MRWG, but did provide input on various options. The Science Panel provided an ecological framework and design criteria for networks of marine reserves.
- The Sanctuary Manager and DFG’s Marine Region Manager jointly developed a proposed MPA alternative based on the results of the MRWG effort and presented it to the Commission.

implementation through the budget process. The OPC’s recently completed Strategic Plan identifies MLPA implementation as a goal. See http://resources.ca.gov/copc/strategic_plan.html.

¹² The primary documents for information about the CI project are: (1) Davis, Gary E., “Science and Society: Marine Reserve Design for the California Channel Islands,” *Conservation Biology*, Vol. 19, No. 6, pp. 1745-1751 (2005), and (2) Facilitator’s Report Regarding the Channel Islands National Marine Sanctuary Working Group, May 23, 2001.

¹³ Formal legislative approval of the MLPA occurred during the Channel Islands process.

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

- The Commission process reportedly was highly political, characterized by intense lobbying, and the final vote in October 2002 reflected the influence of then-Governor Davis. While the final vote was 2-1 in favor of creating the MPAs, two members of the Commission who had been expected to vote against the proposal did not attend the key meeting.
- The MPAs adopted by the Commission are a mix of [nine] state marine reserves (no take) and [two] state marine conservation areas with different restrictions on fishing.¹⁴

Once the MLPA was enacted in 1999 DFG took a literal approach in its first effort at implementation [“MLPA 1”].¹⁵ Beginning in January 2001 DFG formed a Master Plan Team that created Initial Draft Concepts [“IDCs”] for alternative networks of MPAs for the entire 1,100 miles of California’s coast and used a regional approach to engage the public. DFG conducted nine public meetings statewide to present the IDCs and seek public input in July 2001. DFG did not preview the concepts in smaller meetings with stakeholders but did send out an initial mailing requesting ideas and preferences about potential MPAs to more than 7,000 potential stakeholders. According to interviews there was strong negative reaction from fishing interests at the July 2001 public meetings—the most heavily attended in DFG’s history—and this reaction set the tone for the rest of the public process. DFG responded by arranging approximately 60 small meetings with individuals or groups, representing single constituencies, around the State to explain the IDCs and solicit constructive input. These meetings also provided an opportunity to gather advice about future public input processes. The Master Plan Team modified the IDCs based on public feedback, but this revised set of proposed MPAs was never formally completed or released publicly. Key elements of MLPA 1 include:

- MLPA 1 was essentially a DFG-designed and managed effort, without any additional appropriations or contract staff. DFG elected to use a “public meeting” format with formal comment. DFG staff, while highly knowledgeable about fisheries issues, lacked significant experience or training relevant to the procedural and management challenges associated with a project of this scale and sensitivity.
- DFG staff in the Marine Region assumed MLPA 1 implementation responsibilities without additional positions, funding, or other resources.
- The IDCs were “lines on a map” based on the best available MPA science, and were intended by the Master Plan Team only as a concept to generate input from fishermen and other stakeholders with local knowledge. This is not how they were received.
- According to interviews the process was perceived by stakeholders, particularly fishing interests, as being “controlled by scientists.”

DFG reorganized their approach based on feedback from MLPA 1 and launched a second effort [“MLPA 2”] in January 2002. This effort was designed with seven regional working groups and relied on assistance from a highly regarded private sector mediation

¹⁴ According to one source the adopted design did not meet the Science Team’s recommended size guidelines for fishery and biodiversity goals. Davis, p. 1749.

¹⁵ The differences between MLPA 1 and the Channel Islands process, which was underway during MLPA 1, are notable. *See* Appendix A to this report.

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

organization.¹⁶ Scientists from the same Master Plan Team were assigned to support each stakeholder group. DFG secured over \$1 million in funding from a variety of sources to support the effort. After each stakeholder group held three initial meetings, however, MLPA 2 gradually lost momentum and effectively came to a halt by December 2003. The immediate causes were a lack of funding to pay for facilitation and loss of DFG staff positions in the Marine Region (*see* Table 1).

Key elements of MLPA 2 include:

- MLPA 2 maintained a statewide scope
- There was significant continuity from Channel Islands, MLPA 1, and MLPA 2 within DFG, for the Master Plan Team, and key stakeholders including fishing interests
- The costs and logistical challenges of establishing and continuing seven stakeholder groups simultaneously were significant but not fully acknowledged up front
- The Master Plan Team did not produce or evaluate proposals for alternative networks of MPAs and the regional working groups did not begin this part of the process
- The regional working groups did not proceed at the same pace and had mixed results. Moreover, some statewide MPA issues were not susceptible of resolution at a regional scale.

III. DESCRIPTION OF THE MLPA INITIATIVE

The Initiative began almost as soon as Governor Schwarzenegger's new Secretary for Resources, Mike Chrisman, took control of the agency.¹⁷ Chrisman was familiar with MPA issues as a former member of the Commission, and had been the lone vote against the Channel Islands MPA. Chrisman appointed Ryan Broddrick, a DFG veteran with extensive enforcement background, as DFG Director. There was extensive media coverage in January 2004 of DFG's decision to halt MLPA 2 that focused on the lack of funds. Coverage was generally-though not entirely-supportive of implementing MPAs and highlighted the potential for using private funding to achieve MLPA goals. Here are some examples:

"No-fish plan high and dry; Environment: Opponents of the creation of preserves find the project's budget related stall encouraging news." *DailyBreeze.com*, October 27, 2003

"State's cash woes stall preserve plan; Project to set up protected marine areas along coast now seeks private donors." *Sacramento Bee*, January 24, 2004

"There's private money to save fish: hook it." *MercuryNews.com*, January 22, 2004

The private funding concept was advocated by representatives of environmental and conservation organizations. A former Resources Agency Undersecretary, Michael Mantell, was at the center of the effort through his law firm, the Resources Law Group,

¹⁶ DFG reportedly committed to the seven-group approach prior to hiring outside process design assistance.

¹⁷ In fact, a private funding concept was developed and discussed during 2003 with Governor Davis' team, but the recall election interrupted this effort and delayed action until 2004.

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

and the Resources Legacy Fund and Resources Legacy Fund Foundation (“RLFF”).¹⁸ The Schwarzenegger Administration made a decision to support MLPA implementation through a public-private partnership. After high-level negotiations among RLFF, the Resources Agency, and DFG that lasted almost six months, the three organizations signed a ground-breaking Memorandum of Understanding for the California Marine Life Protection Act Initiative on August 27, 2004 (the “MOU”).

The Memorandum of Understanding for the MLPA Initiative

Along with an overall goal of helping to implement the MLPA, the MOU identifies the following objectives for the Initiative:

- A. Submit the Department’s draft Master Plan Framework to the Commission by May 2005;
- B. Prepare a comprehensive strategy for long-term funding of planning, management and enforcement of marine protected areas by December 2005;
- C. Submit the Department’s draft proposal for alternative networks of MPAs for a select area within the central coast to the Commission by March 2006;
- D. Develop recommendations for coordinating the management of marine protected areas with the federal government by November 2006; and
- E. Secure agreement and commitment among State agencies with marine protected area responsibilities by November 2006 to complete statewide implementation of the Master Plan by 2011.

The following are key provisions of the MOU:

Create the Master Plan Framework tool. The MOU shifts emphasis from a Master Plan to creation of a Master Plan Framework that will serve as an organizing tool for preparing the Master Plan “in phases.” It states that “[b]ased on its prior and ongoing efforts to prepare a draft Master Plan, the Department has determined that it will be most effective to prepare the Master Plan in phases.”

Focus on the central coast, not the entire state. MLPA 1 and 2 had taken on the task of implementing the MLPA for the entire California coast. The MOU focuses generally on “an area along the central coast” but leaves the precise boundaries of the study area to be decided as part of the project. According to interviews this choice reflects a number of factors, including the level of available information, good relationships with resource users in the area, and consistency with the geographic requirements of one of the principal private donors supporting the Initiative.¹⁹

¹⁸ RLFF is a “separate 501(c)(3) non-profit organization that supports and performs essential services for the benefit of the Resources Legacy Fund in promoting land conservation and environmental protection. As a supporting organization to RLF, RLFF shares the same mission to: Conserve or restore natural landscapes, marine systems, and preserve wild lands; promote and facilitate well-planned community growth; and preserve prime farmlands threatened by sprawl.

<http://www.resourceslegacyfund.org/rlff/rlff.html>

¹⁹ The David and Lucile Packard Foundation funds a California Coastal and Marine Initiative, which “focuses grant making and low-interest loans primarily on the Central Coast and its marine environment in

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

Establish a substantial, reliable private sector funding commitment. Under the MOA, the RLFF commits to provide most of the funding for the Initiative through philanthropic investments, along with some administrative support and oversight. The total amount is not specified in the MOU. The funds are for staff and consultants for the BRTF, reasonable expenses of the BRTF and SAT, and up to \$750,000 for specified DFG personnel over the short term while DFG develops its own funding.

Create the Blue Ribbon Task Force. The MOU establishes a volunteer Blue Ribbon Task Force to oversee preparation of the Framework and the proposal for alternative networks of MPAs along the central coast. There is no mention of such a body in the MLPA. The BRTF is not a final decision maker, but rather is advisory to the Department and Commission.

Preserve an independent role for DFG. DFG retains final responsibility to “independently review and make any amendments or modifications to the [BRTF’s] draft documents that it determines appropriate” before sending them to the Commission.

Provide for BRTF contract staff and outside consultants. The MOU recognizes that the BRTF will require its own staff, apart from DFG, and provides for hiring through RLFF. It also provides for hiring outside consultants for a variety of purposes.

Direct an expanded Science Team to advise and assist the BRTF. The MOU expands the size of the master plan team by up to eight additional scientists, re-naming it the Master Plan Science *Advisory* Team. The SAT will “advise and assist the BRTF and its staff” in preparing the Framework and proposed alternative networks of MPAs by providing scientific and technical support. The DFG Director is authorized to appoint the SAT in consultation with the BRTF Chair.

Emphasize transparency. The MOU emphasizes the importance of transparency and openness to the public in decision making. This includes the BRTF and SAT convening in publicly noticed, open meetings, opportunities for stakeholder and public input, and publicly available work products.

Create a clear and ambitious timeline. The MOU commits the parties to submit the draft Framework to the Commission by May 2005, just nine months after signing. Ten months later, by March 2006, BRTF must submit its recommendations for alternative networks of MPAs to the Department. This deadline is 15 months later than the MLPA’s original statutory deadline for DFG to submit its draft master plan.

Emphasize long-term funding of planning, management, and enforcement. The MOU directs the BRTF to address the MLPA’s requirements for implementation.

order to create tangible, enduring, and significant impacts in the region that can serve as a springboard for broader state and national policy and programs. In addition, the Initiative supports complementary activities at a state level to promote policy reforms important to conservation of coastal resources and, in particular, to secure creation of a statewide network of marine reserves.”

http://www.resourceslegacyfund.org/programs/prg_ccmi.html

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

Link to the Ocean Resources Management Program. The MOU explicitly brings the Initiative under the umbrella of California’s Ocean Resources Management Program and its authorizing legislation.²⁰ The Resources Agency is described as fulfilling its obligations under the Program through “a mix of government, private sector, and public-private partnership arrangements.”

²⁰ Public Resources Code §36000 *et seq.*

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

future. DFG conducted a series of “focus groups” with stakeholders to introduce the Initiative and obtain feedback about the proposed design and potential issues. Early contact with stakeholders on a statewide level occurred through a Statewide Interests Group, known as the SIG, which was convened by telephone. The SIG provided input to the BRTF as the SAT and CCRSG were being established, as well as on other threshold issues. The BRTF held its initial meeting in October 2004 and met 13 times; the SAT was enlarged and met as a full group 13 times and countless times in sub-teams; and the Regional Stakeholder Group met 10 times as a full group. Individual stakeholders met as caucuses and across lines outside larger meetings. The Initiative Staff tasked with supporting the BRTF set a pace unheard of inside state government with a commitment to meet the deadlines in the MOU. DFG played a critical role in providing continuity, staff, project management and technical expertise.

Draft Master Plan Framework

After the BRTF agreed on a specific study area for the central coast in April 2005,²¹ the Initiative passed its first MOU milestone when the Commission adopted a draft Master Plan Framework document in August 2005. The Framework includes SAT guidance on MPA network design in Section 3 (p. 37).

Recommendation on Alternative MPA Networks

The Initiative passed another MOU milestone in March 2006 when the BRTF voted to forward to the Department three modified versions of MPA network packages developed through the CCRSG process (Packages 1, 2R, and 3R), including a preferred alternative (3R).

Long-term Financing Strategy

The BRTF forwarded to Secretary Chrisman a proposed long-term strategy for funding the MLPA dated February 15, 2006, hitting another MOU milestone.

DFG Alternative

DFG developed its own preferred alternative for the Commission, Package P, based on the BRTF’s recommended Package 3R. This alternative was delivered to the Commission on June 22, 2006. DFG’s press release announcing Package P quotes Director Brodrick: “The task force and stakeholders did a Herculean job giving the department some well-crafted proposals for consideration. While reviewing them to ensure we could create enforceable boundaries, reduce potential disruption to fishing activities, improve recreational opportunities and meet the scientific goals of the MPA, we needed to make some adjustments. The result of our input is package P.”²²

²¹ The BRTF reportedly was prepared to make this decision in February but lacked a quorum. *See* SAT Meeting Summary March 23, 2005

²² DFG Press Release, June 23, 2006

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

Draft Master Plan

DFG also delivered a draft Master Plan for Marine Protected Areas to the Commission on July 21, 2006. The draft Master Plan builds on the Master Plan Framework created by the MOU and previously adopted by the Commission, and includes new elements.²³

The BRTF's record to date suggests it will complete its remaining responsibilities under the MOU and its Charter (a plan for state and federal cooperation, and a plan to promote state agency cooperation on MLPA implementation) by December 2006.

It is beyond the scope of this report to provide a comprehensive description of each step of the Initiative. The BRTF's April 28, 2006 transmittal to the Commission is a good starting point for a detailed process description, with six binders of information. The Framework is another useful source of detailed information, particularly for information about the SAT's work. For evaluation purposes, this report will focus primarily on four key aspects of the Initiative: the BRTF, the use of private funding and contracting, the use of project-focused management, and the SAT. The CCRSG Report provides a detailed examination of the CCRSG process that is intended to complement the scope of this report.

Innovation: The BRTF

Secretary Chrisman asked eight private citizens with no previous direct involvement in the MLPA effort to serve as volunteers on a California MLPA Blue Ribbon Task Force to the Resources Agency.²⁴ He described the BRTF as follows:

“This group represents a wide range of perspectives and is highly regarded for having good judgment. Their track record of results and breadth of experience in statewide and national policymaking is going to play a huge role in the success of this effort. This group has been assembled to look objectively at the history, the science related to marine protected areas, and the process to ensure it remains open, will be accessible and is considerate of all viewpoints.”

²³ <http://www.dfg.ca.gov/mrd/mlpa/masterplan.html>

²⁴ Complete biographies of all BRTF members can be found online at: http://www.dfg.ca.gov/mrd/mlpa/brtf_bios.html

BRTF Members



Phillip Isenberg

Chair

- Isenberg/O'Haren, government relations
- Former CA Assembly member 14 yrs.
- Former Sacramento mayor



William W. Anderson,

- President and COO, Westrec Marinas
- Former Nat'l Park Service, worked on establishing GGNRA



Meg Caldwell

- Director, Environmental and Natural Resources Law and Policy Program, Stanford Law School since 1994
- California Coastal Commission



Susan Golding

- The Golding Group consulting
- Former San Diego mayor
- Senior Fellow, UCLA School of Public Policy



Ann D'Amato

- Chief of Staff, LA County DA
- Former LA deputy mayor



Cathy Reheis-Boyd

- COO and Chief of Staff, Western States Petroleum Ass'n
- Former Texaco, Inc. Environmental Coordinator
- Member, Interstate Oil and Gas Compact Comm'n



Dr. Jane G. Pisano

- President and Director, LA County Museum of Nat'l History
- Former USC Senior VP for External Relations
- Former Dean, USC School of Public Administration
- Former head, Los Angeles 2000



Douglas Wheeler

- Hogan & Hartson, LLP
- Former CA Resources Secretary
- Former Sierra Club Executive Director

The BRTF Charter cites these qualities:

- Distinguished, knowledgeable, and highly credible public leaders

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

- Intellect
- Vision
- Public policy experience
- Diversity of professional expertise
- Ability to get things done²⁵

BRTF members were selected because they were not viewed as partisan on the issue of MPAs. None of them was actively involved in MLPA 1 or 2. None of the members is a scientist, although all have dealt with science in the public arena. Several members had prior experience with ocean and coastal management issues.

According to its Charter, the BRTF has these responsibilities:

- Oversee development of a draft Master Plan Framework for DFG to present to the Commission
- Oversee a regional project to develop a proposal for alternative networks of marine protected areas . . . to present to the Commission
- Prepare a comprehensive strategy for long-term funding of MLPA implementation
- Develop recommendations for improved coordination with federal agencies involved in marine protected areas management
- Resolve policy disputes and provide direction in the fact of uncertainty
- Meet the objectives of MLPA

Interviews indicate that the BRTF was based at least in part on a model of “decision boards” used in the private sector to support sound decision making. The former Chair of the SAT, Dr. Stephen Barrager, has used this model in private sector decision making, and his ideas reportedly were familiar to those designing the Initiative. As described by Dr. Barrager, decision boards are intended to achieve consensus in order to influence ultimate decision makers.

BRTF Deliberations

The BRTF met as a group 13 times, for multiple days, beginning in October 2004, during the period covered by this report. Members contributed hundreds of hours, and the Chair’s total may approach 1,000 hours because of his attendance at CCRSG meetings. All BRTF meetings were open to the public and were available as a Webcast. The meeting agendas and summaries reveal a joint effort to become educated about MLPA issues and address them directly.

The BRTF played a central role in orchestrating the work of the Initiative and in determining its outcome. It provided a critical forum for presentation of stakeholder views and consistently allowed stakeholder input. At the same time, BRTF members, and particularly the Chair, insisted on a respectful environment and consistently challenged stakeholders to be constructive.

Perhaps the most critical decision by the BRTF was forcing stakeholders to develop

²⁵ The BRTF Charter is available on the Web: <http://www.dfg.ca.gov/mrd/mlpa/brtf.html#charter>

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

packages based on the SAT guidelines. This choice tied the elements of the Initiative together, ensuring that advocacy groups worked within the guidelines and parameters established by the SAT and that the groups participated actively in the regional stakeholder process, rather than designing their own packages based on other guidelines and using other processes.²⁶

According to interviews, BRTF members also worked individually to maximize the effectiveness of different stakeholders in the Initiative process.

Review of the BRTF's work for this report indicates they reached the following decisions:

Central Coast study area: the MOU generally identifies a project along the central coast but doesn't provide details. The BRTF decided on the boundaries of a central coast study area from Pigeon Point in the north to Point Conception in the south at its April 11-12, 2005 meeting.

Draft Master Plan Framework to Commission (on schedule): The MOU provides for preparation of a draft Master Plan Framework (Recital G) and assigns oversight to the BRTF. Completing this task required extensive input from the SAT as well as attention from the BRTF.

Recommendation on Alternative packages of MPAs and Preferred Alternative (generally on schedule): The BRTF completed its deliberations at a March 14-15, 2006 meeting and forwarded its recommendations to the Department in a memorandum dated April 28, 2006, along with six binders of supporting information.

The BRTF recommended three separate packages for MPA networks to the Department: 1, 2R, and 3R. Package 1 had been developed in the CCRSG by fishing and consumptive user interests. Package 2R was a revised version of a package developed in the CCRSG by environmental, conservation and non-consumptive interests. Package 3R was a revised version of a package created in the CCRSG by a mixed group that included a scientist, with the goal of trying to find a consensus proposal. The BRTF split its final vote on a preferred alternative 5-2 between packages 3R (3 votes in meeting, 2 later via e-mail) and 2R (2 votes). Package 1 did not receive any BRTF votes but was nevertheless forwarded to the Department.²⁷ The BRTF's approach to selecting a preferred alternative is discussed later in this report.

One BRTF member did not agree that Package 1 meets MPA goals.²⁸

In its April 28 memorandum the BRTF explains the process for developing Packages 1, 2R, and 3R and its recommendation of 3R as the preferred alternative. The memorandum

²⁶ Proposals to eliminate the BRTF role in the future, or limit it, and substitute the Department or Commission raise important questions about the likely quality of stakeholder proposals.

²⁷ Package 0 represents the existing set of MPAs.

²⁸ See BRTF comments on individual packages, Attachment B to April 28, 2006 Transmittal memo.

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

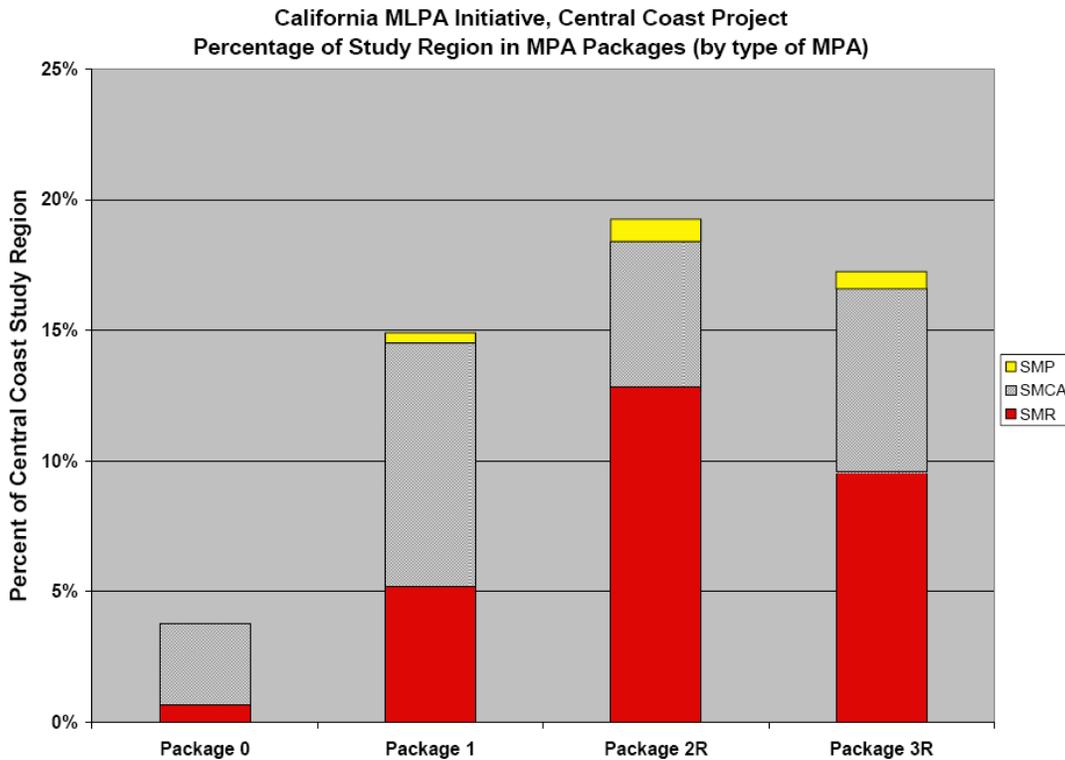
refers to the charge in the BRTF charter to “oversee a regional project to develop a proposal for alternative networks of marine protected areas in an area along the central coast to present to the Commission by March 2006.” The memorandum concludes: “This charge to the BRTF is now complete with our recommendation of three alternative packages of MPAs and one of those packages as the preferred alternative.”

The memorandum makes no explicit claim that the recommended alternative or the other two packages satisfy the requirements of the MLPA. It presents representations of numbers of MPAs, total area of MPAs, and percentage of the study region covered by MPAs based on type of MPA and protection level, in tabular and graphic format, as follows:

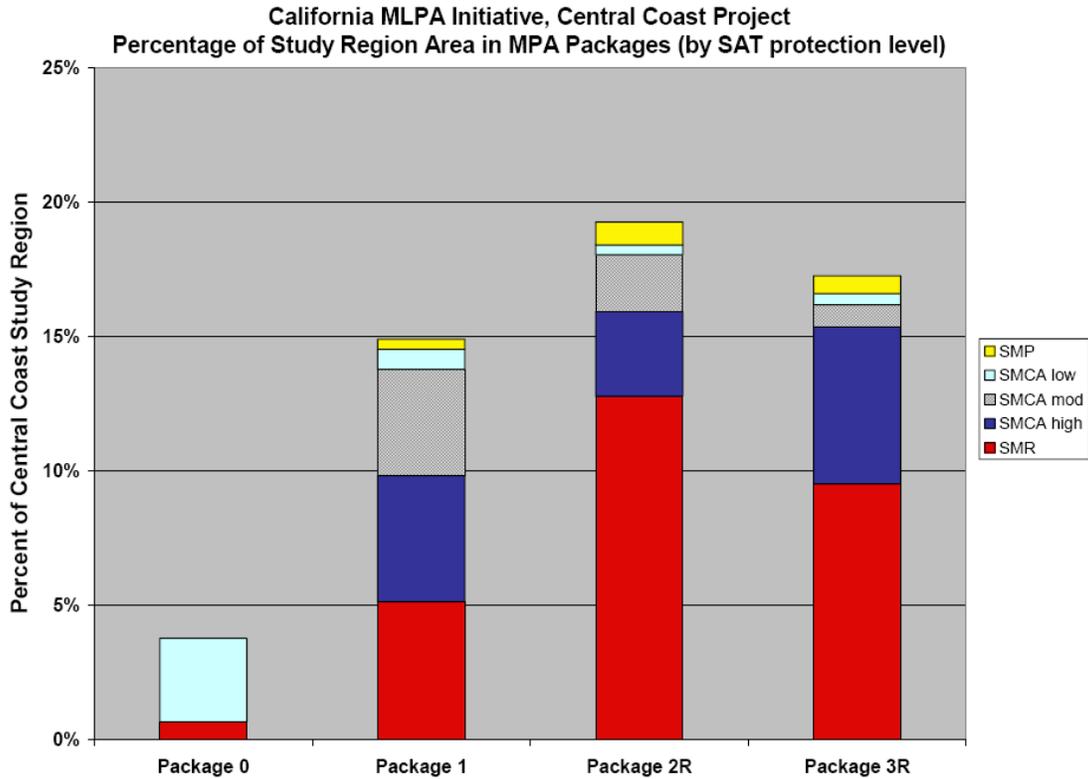
Recommended Central Coast MPA Packages (March 15, 2006)

	Number of MPAs	Total Area of MPAs (mi ²)	Percentage of Study Region ¹
Existing MPAs	13	43.15 mi ²	3.75%
Package 1	29	171.33 mi ²	14.90%
Package 2R	30	221.45 mi ²	19.26%
Package 3R (preferred)	31	198.38 mi ²	17.25%

¹ The MLPA Central Coast Study Region encompasses 1150.1 square miles.



Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.



According to the SAT evaluation, each of the three packages forwarded to the Commission by the BRTF represents a substantial increase in protection over the existing set of state MPAs along the central coast. The SAT also advised the BRTF that each of the three packages considered at the March meeting satisfied size and spacing guidelines. The SAT did not rank or score the proposals relative to each other.

Long-term funding strategy for MLPA implementation: The BRTF forwarded a memorandum to the Secretary for Resources dated February 15, 2006 that urged making adequate funding of MLPA implementation a priority.²⁹ These recommendations are contained in the draft Master Plan’s Section 7 on funding.

In addition, the BRTF has overseen preparation of an estimate of the long-term costs to implement the MLPA. This effort relies on estimates of costs for similar programs such as the Monterey Bay National Marine Sanctuary. The cost model predicts average annual costs for the MLPA of \$8.3 million for FY 2005-6, increasing to a high of \$25.3 million in FY2010-11, the target for full implementation, and decreasing slightly to \$24.2 million in FY2014-15. These costs include the Channel Islands MPAs. This effort is intended as a “bounding” exercise and not as a precise prediction of costs.³⁰

²⁹ Memorandum from BRTF to Mike Chrisman, Secretary, California Resources Agency, on “Long-term Funding for the Marine Life Protection Act,” February 15, 2006

³⁰ “Estimated Long-Term Costs to Implement the California Marine Life Protection Act,” prepared by the California Marine Life Protection Act Initiative, April 20, 2006 draft.

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

Private Funding and Contracting

The MLPA provides no dedicated source of funding. Prior to the Initiative DFG had tried twice to implement the MLPA using existing funding sources. Neither effort succeeded, and the second effort, MLPA 2, was halted primarily due to funding issues. Budgeted costs for MLPA 2 were approximately \$1.4 million as of May 2003.³¹

In the MOU the RLFF agrees to use its best efforts to “obtain, coordinate, and administer” philanthropic investments to fulfill the objectives of the MOU through December 2006. A separate Funding Description (not part of the MOU) is to describe the funds, and is to be updated periodically. The MOU states: “While private funding will support much of the costs of the Initiative, the work will be open and transparent.”³²

RLFF Commitments

RLFF agrees to provide funding for BRTF staff and to contract with “qualified” personnel to fill the four key staff positions: Executive Director, Operations and Communications Manager, Senior MLPA Project Manager, and Central Coast Project Manager. These hiring decisions are subject to the “recommendation and concurrence” of the BRTF Chair.

RLFF agrees to provide funding for BRTF consultants and to contract with qualified consultants and experts to achieve the MOU objectives, at the request of the BRTF and with its recommendation and concurrence.

RLFF agrees to fund reasonable expenses of the BRTF and SAT, including meeting and travel costs, through December 2006. There is no provision to compensate for time.

RLFF’s final funding commitment is for up to \$750,000 for DFG staff listed in the MOU. This support is contingent on DFG annually demonstrating best efforts to assume these costs.

All funding commitments are contingent on the parties fulfilling MOU agreements. The MOU is explicit in not creating any obligation on either the Resources Agency or DFG to expend funds in excess of appropriations authorized by law.

Source of RLFF Philanthropic Contributions

The RLFF project is being funded by three philanthropic organizations: the David and Lucile Packard Foundation, the Marisla Foundation, and the Gordon and Betty Moore Foundation. For information about these foundations see: www.packard.org and www.moore.org. Information about the funding arrangement is available on the Initiative web site: <http://www.dfg.ca.gov/mrd/mlpa/funders.html>.

³¹ This budget estimate does not appear to cover the full MLPA 2 process as conceived and does not include DFG costs. Total costs likely would have been substantially higher according to interviews.

³² MOU Exhibit A.

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

Initiative Costs

Total budgeted amounts from private sources for the Initiative through December 2006 are \$7.4 million. The Central Coast [completed in December 2005] portion of this total is budgeted at \$2.5 million. This amount includes a portion of overhead from other components of the Initiative. A complete accounting of Initiative costs and expenditures was not requested from RLFF or BRTF staff for this report.

Relationship of RLFF to Initiative

As noted above, the Initiative began as a result of intensive communication and negotiation involving Michael Mantell of RLG and RLFF and Resources Secretary Mike Chrisman.

The MOU provides for semi-annual reports from DFG describing key milestones and challenges. There is an agreement that the Parties will meet annually to review the Funding Description and DFG's efforts to obtain public funding to implement the MLPA, and may meet periodically to review progress toward MOU objectives.

The RLFF Board has a fiduciary obligation to the funders of the Initiative to ensure their philanthropic donations were used consistent with funding guidelines. The Executive Director and a member of the BRTF met with the RLFF Board of Directors on at least one occasion to provide an update on the Initiative. The two RLFF Board members interviewed for this report did not participate in meetings of the BRTF, SAT, or CCRSG.

Staff of the RLFF have ongoing responsibility for managing consultant contracts, including initial contracting and reimbursements, for the Initiative. The Executive Director was in regular communication with RLFF concerning Initiative budgets and contracting. RLFF required the BRTF Executive Director to seek approval from the Board for all contracts in excess of \$50,000, and for contract increases of greater than 15 percent, although this is not specified in the MOU.

Late in 2005 a member of the Initiative Staff, Michael Weber, accepted a position with RLFF. Weber played a significant role for the Initiative in drafting the Framework. Weber previously had spent four years assisting the Commission in developing capacity around fisheries management to implement the MLMA. At RLFF part of his responsibilities include monitoring the progress of the Initiative.

Pending litigation

A lawsuit has been filed challenging the private funding aspect of the Initiative: *Coastside Fishing Club v. California Resources Agency*, No. CVUJ05-1520 (Superior Court, Del Norte County). The complaint names the three MOU signatories and asserts state agencies lack inherent authority to enter into private funding arrangements to implement MLPA, and that they are usurping legislative power to appropriate funds and violating separation of powers provisions in the CA state constitution. According to the

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

allegations in the complaint, this approach opens the door for the Legislature to underfund programs, which in turn will motivate special interests to bid against one another in order to assume legislative and regulatory drafting power. Venue in the case was changed to San Francisco County Superior Court by an order dated May 17, 2006. This report does not address issues in the litigation, and the authors have no expertise or opinions regarding any legal issues.

Project-focused Staffing and Management

Overview

Creation of the MLP Program and supporting master plan envisioned by the MLPA also require responses and innovations in project staffing and management to match those directly related to policy development. MLPA 1 was, in many ways, a standard response by DFG to a legislative directive that provided no new funding. Existing staff in the Marine Region were assigned to the project, with substantive knowledge about ocean issues being important. These duties were added to existing responsibilities: the DFG lead juggled MLPA responsibilities with others. No outside consultants were hired for design and facilitation of public meetings. Pursuant to the MLPA, DFG formed a scientific advisory team (Master Plan Team) and relied on that team's expertise for primary input on MPA planning.

DFG responded to problems with MLPA 1 by making some important process changes for MLPA 2. These changes significantly increased logistical complexity (seven regional working groups operating concurrently) and costs. DFG responded to staffing challenges by reaching outside DFG for private sector expertise in mediation and public engagement after making initial commitments to stakeholders about the process design. DFG also increased internal staffing dedicated to the MLPA and emphasized management skills along with policy knowledge. However, DFG continued to rely primarily on internal resources and did not create a team that accurately reflected all project demands. No funding was available to assist the Master Plan Team in providing their expertise and relatively few DFG staff could be dedicated to the process.

DFG's Marine Region was in the throes of significant reductions during MLPA 1 and 2, as well as a hiring freeze. Table 1 presents the results of one effort to reliably identify these reductions.³³

³³ DFG prepares a detailed Budget Fact Book that is available on the Web. DFG's budget is so complicated, however, that this report relies on information developed by Initiative Staff.

Table 1 DFG Marine Region 1999-2006

Fiscal Year	Positions	Total Allotment
1999-2000	203.5	21,340,494
2000-2001	213.5	25,118,538
2001-2002	213.5	24,281,973
2002-2003	197.5	20,729,393
2003-2004	173.5	18,924,488
2004-2005	116.5	15,665,395
2005-2006	114.7	14,820,977

During MLPA 1 and 2 the Marine Region initially gained 10 positions through 2002, then lost 35 positions through 2004. The loss of positions accelerated in 2004 when MLPA 2 had been cancelled. These numbers help explain the difficulties faced by DFG in responding to demands that they take on a project of the scale and complexity that characterizes MLPA implementation.

External project management and policy expertise

RLFF contracted with John J. Kirlin to serve as Executive Director. Kirlin has over 30 years of experience analyzing policies, administration and financing directed at complex public problems, particularly in California. He is an elected Fellow of the National Academy of Public Administration and has consulted extensively in the private sector, including as an expert witness. Kirlin also held a faculty position at the University of Southern California for almost three decades, and positions at Indiana University and Purdue University-Indianapolis, and has authored several books and nearly a hundred articles on a range of topics. He was founding editor of the annual volume, *California Policy Choices* (1984-1995).

The Executive Director collaborated with the BRTF Chair to hire Melissa Miller-Henson as Operations and Communications Manager,³⁴ Michael Weber as MLPA Senior Project Manager, and Michael DeLapa as Central Coast Project Manager, in November 2004. Each of these people was dedicated to the Initiative and played an active and essential role. Kirlin and Miller-Henson remain under contract. DeLapa's contract expired with the conclusion of the Central Coast Project but he has remained active in an advisory role. As noted above, Weber took a position with RLFF in December 2005. Additional staff were hired using RLFF contracting mechanisms.

Key consultants to the Initiative also were hired through contracts with RLFF.³⁵ This included facilitation support for the Central Coast Project (CONCUR, Inc.). DFG

³⁴ Henson is a state employee, and her hiring proved challenging in light of state personnel policies.

³⁵ This report is being prepared pursuant to a contract with RLFF.

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

appointed John Ugoretz as MLPA Policy Advisor and Paul Reilly as Central Coast Regional Coordinator during the same period.

The SAT and the Role of Science

Overview

The MLPA is a science-based, and even a science-driven, statute. The Legislature directed DFG to use the best readily available science in developing a master plan for the MLP Program (without defining that term or offering criteria). More importantly, it assigned the role of developing alternative networks of MPAs to DFG and a master plan team of scientists.

The MLPA is explicit about taking “full advantage of scientific expertise on MPAs,” and calls for a master plan team having “expertise in marine life protection” and knowledge about “the use of protected areas as a marine ecosystem management tool” to advise and assist in preparation of a draft master plan for adoption by the Commission. [FGC 2855(b)(2)]. The MLPA provides that DFG and the MP Team will develop “recommended networks of MPAs” and “a preferred siting alternative for a network of MPAs.” [FGC §2856(a)(2)(D), (F)] This role generated significant conflict during MLPA 1 and was revised significantly in MLPA 2 and the Initiative.

The Role of the Science Advisory Team

For the Initiative, DFG established the California MLPA Master Plan Science *Advisory* Team to the California Department of Fish and Game and the Blue Ribbon Task Force. Key characteristics included:

- DFG essentially doubled the size of the original master plan team for the Initiative’s SAT “due to the complexities presented by the task of drafting a Master Plan.” The SAT ultimately had 18 members.
- SAT members serve at the pleasure of the DFG Director through November 2006
- The SAT reports to both the DFG Director and the BRTF
- DFG appointed the original SAT Chair (who was not technically a SAT member)
- The Chair had a background in system modeling, economics, and management science rather than natural science
- A total of 13 full SAT meetings, open to the public, were held between January 2005 and May 2006
- SAT members are reimbursed for actual travel expenses related to the Initiative, but not for their time
- Some outside experts participated on panels as part of the BRTF process

The SAT Charter modified the SAT’s role for the Initiative: policy issues are the province of the BRTF and the SAT is to focus on science related to “drafting the programmatic portions of the Master Plan and designing networks of marine protected areas.” The SAT’s Charter describes its primary role as assisting the BRTF to develop a

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

draft Master Plan Framework.³⁶ Here is the critical language: “In the course of developing recommendations for the draft Master Plan, members *shall refrain from making policy judgments*; rather, where available science presents either options or uncertainty, the Science Team shall frame and refer those policy questions to the Blue Ribbon Task Force.”³⁷

The Charter did not charge the SAT to evaluate alternative packages of MPAs from the CCRSG. The only reference is for a member of the Central Coast Science Advisory Sub-Team to attend CCRSG meetings and “advise on relevant scientific merits of various network proposals.” In fact, evaluation was a critical role for the SAT, largely assumed by the Evaluation sub-team. The Initiative represented a significant shift away from the language of the MLPA and the role of scientists in MLPA 1. The SAT members did not develop recommended networks or a preferred siting alternative, but instead developed design guidelines and evaluated stakeholder proposals.³⁸

³⁶ The Framework is another innovation of the MOU. It is not part of the MLPA, which describes a master plan.

³⁷ See Science Advisory Team Charter. The SAT established its own guidelines that reiterated the importance of this separation.

³⁸ Some SAT members expressed disappointment at not designing MPAs. The Department’s draft Master Plan appears to raise the possibility of such a role in the future. See Activities 2.1.1 and 2.2.2. The intent of this language, and the SAT’s role, should be clarified.

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.

SAT Members as of July 2005 (* denotes member of Central Coast sub-team)

Dr. Steve Barrager (chair), Environmental and Natural Resources Law & Policy Program, Stanford Law School	* Dr. Rikk Kvittek , Institute for Earth Systems Science and Policy, California State University, Monterey Bay	Dave Schaub , Natural Heritage Section, California Department of Parks and Recreation	Dr. William Sydeman , PRBO Conservation Science
Dr. Loo Botsford , Wildlife, Fish and Conservation Biology, University of California, Davis	Dr. Steven Murray , Department of Biological Sciences, California State University, Fullerton	Susan Schlosser , University Extension, California Sea Grant Program	* Dr. Dean Wendt , Center for Coastal Marine Science, California Polytechnic State University, San Luis Obispo
* Dr. Mark Carr , Department of Ecology and Evolutionary Biology, University of California, Santa Cruz	Dr. Jeff Paduan , Naval Postgraduate School	Kenneth Schiff , Southern California Coastal Water Research Project	* Mary Yoklavich , Southwest Fisheries Science Center, NOAA Fisheries
* Dr. Steven Gaines , Marine Science Institute, University of California, Santa Barbara	* Dr. Steve Palumbi , Hopkins Marine Station, Stanford University	Dr. Astrid Scholz , Ecotrust	
* Dr. Doyle Hanan , Hanan and Associates	* Dr. Linwood Pendleton , Department of Environmental Health Sciences, UCLA School of Public Health	* Dr. Rick Starr , University Extension, California Sea Grant Program	

SAT Processes

The SAT used a mixture of full SAT meetings, sub-team work on portions of the draft Framework and evaluation of the CCRSG packages, and individual work. The full SAT meetings were open to the public and available via webcast to promote transparency and openness, and included opportunities for public comment. The meeting summaries for SAT meetings are available on the Web to provide a detailed picture of the SAT process. The sub-teams worked in private. The SAT relied on a “chair” model and did not use professional facilitation. The former Chair applied his expertise to SAT proceedings.

The SAT assumed responsibility for “educating” the BRTF about MPA issues by making presentations at BRTF meetings and answering questions raised by BRTF members. The SAT organized a MPA curriculum in “units” that were intended to track core activities in

Extracted from J. Michael Harty and DeWitt John, *Report on Lessons Learned from the Marine Life Protection Act Initiative*, August 17, 2006. Full report available on the MLPA web page for the Central Coast Project.
the Initiative.³⁹

As noted, most of the SAT's work was done in sub-teams.⁴⁰ The basic model was for each sub-team to develop proposals and then review the proposals in the full SAT. This model was used extensively for the SAT's work on the draft Framework, with different sub-teams working on different pieces of that document and bringing language to the full SAT. A Central Coast sub-team interacted with the CCRSG. Its members attended CCRSG meetings and brought back questions to be addressed by the SAT. This approach reflected a SAT concern about being overwhelmed by individual e-mails and other requests, and a desire to give consistent responses as a group.⁴¹ The bulk of the SAT's work relating to MPA evaluation ultimately was done by a sub-team, most located in the Santa Cruz area. This approach led to significant time imbalances among SAT members. The lack of compensation from the Initiative for SAT time was felt differently by individuals depending on their employment and funding arrangements.

Proposed MPA package design and evaluation was iterative.

The SAT, and particularly the Evaluation sub-team, played a critical (though unanticipated) role in the design and evaluation of proposed packages of MPA networks by CCRSG groups. Because it was not fully anticipated, the role and process were created along the way. The SAT did not simply establish clear, detailed guidelines in a single step and hand them to the CCRSG to use in designing MPA networks. The process was interactive and iterative: the SAT developed a set of guidelines (Winter-Spring 2005) and these were reviewed by the Department and BRTF (Spring-Summer 2005). The guidelines were then presented to the CCRSG, and the SAT evaluated initial proposals, refined the guidelines further as new information became available at scientific conferences or in the literature, presented the revisions to the CCRSG, and reviewed the next set of products. An example is the 50-meter depth threshold for allowing the take of pelagic transient species (salmon, albacore) in marine conservation areas. This information was generated at a conference that SAT members attended during the CCRSG alternative development process. The SAT also refined its analytical tools along the way, such as creating seven sub-regions within the central coast study area. This iterative process occurred under tight time deadlines.

³⁹ See July 6, 2005 SAT Meeting Summary pp. 9-10

⁴⁰ Sub-teams were organized by discipline or expertise: Design Principles, Habitat, Information Needs and Data Organization, and Central Coast (for interaction with the RSG).

⁴¹ See July 6 Meet Summary discussion

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APPENDIX B

**RAAB ASSOCIATES REPORT ON NCC RSG ONLINE SURVEY
AND APPENDICES**

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California Marine Life Protection Act

Evaluation of the North Central Coast Regional Stakeholder Group Process



August 7, 2008

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I. Introduction

This report focuses exclusively on data from an on-line survey of representatives and alternates who participated in the MLPA North Central Coast Regional Stakeholder Group (NCCRSO). The NCCRSO was the second stakeholder process launched to help implement California's ground-breaking Marine Life Protection Act along California's entire coast. The first RSO, the Central Coast Regional Stakeholder Group (CCRSO) was completed in 2006.¹

The NCCRSO met eleven times in 2007 and 2008. There were a total of 45 primary and alternate representatives participating. At the end of April 2008 the NCCRSO submitted three different MLPA package proposals to a Blue Ribbon Task Force (BRTF), which forwarded those packages, along with the BRTF's own Integrated Preferred Alternative, to the Fish and Game Commission (FGC) in June 2008.

Raab Associates conducted an online survey for 2.5 weeks in June 2008, after the BRTF's submittals to the FGC, but before the FGC's final decision (which is still pending as this document is finalized). This window between the BRTF recommendations and the FGC's final decision is the same window during which we evaluated the CCRSO process previously, and was adopted here for consistency.

In the body of this report, we present our analysis of the NCCRSO data from the on-line survey, and in the appendix, we reproduce the written responses to the more open-ended questions. Where the questions were reasonably identical to those we asked of CCRSO stakeholders previously (about 1/3 of the questions), we compare and contrast the results. Most of the analysis focuses on the statistical means of the total results, although the full range and distribution of responses are also shown and drawn into the analysis where appropriate.

The primary purpose of this report is to provide data and feedback based on the on-line survey responses to the MLPA Team, the evaluators, the public, and the stakeholders themselves. This report does not include recommendations, as its primary purpose is to provide data for a broader evaluation being conducted by Michael Harty.

¹ Raab Associates, Ltd. conducted an evaluation of the CCRSO process, including one-on-one interviews, group interviews, and direct observation in addition to an on-line survey. Raab Associates, Ltd., "*California Marine Life Protection Act: Evaluation of the Central Coast Regional Stakeholder Group Process*", August 14, 2006.

II. On-Line Survey Respondents

Thirty-two participants in the North Central Coast Regional Stakeholder Group (NCCRS), accounting for 71% of the 45 primary and alternate representatives, responded to the online survey.

Survey Respondents from the North Central Coast Regional Stakeholder Group (n=32)		
Last Name	First Name	Affiliation
Baty	Tom	independent sportfisher and conservationist (alternate for Craig Merrilees)
Becker	Ben	Pacific Coast Science and Learning Center Director, Point Reyes National Seashore (alternate for Don Neubacher)
Bernard	Bill	Member, Abalone Advisory Group
Breen	Bob	Educator
Charter	Richard	Associate, Defenders of Wildlife Marine Program (alternate for Karen Garrison)
Churchman	Josh	commercial fisherman
Estes	Tom	commercial fisherman (alternate for Michael McHenry)
Fastenau	Henry	Diving and Boating Safety Officer, Bodega Marine Laboratory, UC Davis
Faurot-Daniels	Ellen	Oil Spill Supervisor, California Coastal Commission
Garrison	Karen	Co-Director, Natural Resources Defense Council Ocean Program
Golbus	Aaron	Wharfinger, Port of San Francisco
Herring	Russell	Secretary/Treasurer, Southern Pacific Sinkers Fish Club (alternate for Bill Bernard)
Johnson	Rick	docent and teacher (alternate for Bob Breen)
Jones	Ken	President, United Pier and Shore Anglers of California
King	Patricia L	ocean conservationist and docent (alternate for Kelly Nelson)
Koe	Francesca	VP and Managing Director, Underground Ads
Mattusch	Tom	Owner, Hulicat Sportfishing (alternate for Jay Yokomizo)
Mellor	John	commercial fisherman (alternate for Josh Churchman)
Murray	Samantha	Ecosystem Program Manager, The Ocean Conservancy
Pierce	Paul	Member, Coastside Fishing Club (alternate for Ben Sleeter)
Reyna	Karen	Resource Protection Specialist, Gulf of the Farallones National Marine Sanctuary (alternate for Irina Kogan)
Roberts	Santi	Project Manager, Oceana
Sanders	Philip	Member, California Abalone Association (alternate for Dirk Ammerman)
Sleeter	Ben	Political Advocate/Scientist, Coastside Fishing Club
Smith	Frederick	Executive Director, Environmental Action Committee of West Marin
Swolgaard	Craig	Natural Resources Program Manager, California Department of Parks and Recreation
Tavasieff	Ed	Owner, California Fresh Fish and Secretary, Pacific Fisheries Enhancement Foundation
Teufel	Cassidy	Coastal Program Analyst, California Coastal Commission (alternate for Ellen Faurot-Daniels)
Tipon	Nick	Member, Federated Indians of Graton Rancheria (alternate for Nelson Pinola)
Wilson	Robert J.	Policy Liaison, The Marine Mammal Center (alternate for Santi Roberts)
Yarger	David	Past President, Fisherman's Marketing Association of Bodega Bay (alternate for Ed Tavasieff)
Yokomizo	Jay	Captain, Emeryville Sportfishing

Exactly half of the respondents were Primary Representatives and half were Alternate Representatives. Survey respondents were active participants in the NCCRSR process, with 47% attending all 11 meetings, and the other 54% attending 7-10 meetings.

I was a member of the NCCRSR as a		
Answer Options	Response Percent	Response Count
Primary Representative	50.0%	16
Alternate Representative	50.0%	16
<i>answered question</i>		32
<i>skipped question</i>		0

There were 8 full NCCRSR meetings and 3 full Gems work sessions, for a total of 11 meetings, plus additional informal work sessions. I attended at least portions of		
Answer Options	Response Percent	Response Count
0 none	0.0%	0
1	0.0%	0
2-6	0.0%	0
7-10	53.1%	17
11 (all full RSG meetings and formal work sessions)	46.9%	15
<i>answered question</i>		32
<i>skipped question</i>		0

Three-quarters of the respondents identified the entire MLPA North Central Coast Study Region as their primary geographic area of use and interest, with approximately 22% identifying themselves primarily with the section north of San Francisco Bay and 3% with the section south of the Bay.

My primary geographic area of use and interest in the MLPA North Central Coast Study Region is		
Answer Options	Response Percent	Response Count
North of San Francisco Bay	21.9%	7
South of San Francisco Bay	3.1%	1
Entire MLPA North Central Coast Study Region	75.0%	24
<i>answered question</i>		32
<i>skipped question</i>		0

Approximately one third of the respondents identified themselves as “consumptive users” (fisherman, consumptive diver). Approximately another third identified themselves as affiliated with a “conservation group” or as a “non-consumptive user” (kayaker, diver, marine educator). The remaining third indicated affiliation with public agencies, or identified themselves as “other” (see below for responses to other).

The following category best captures my affiliation		
Answer Options	Response Percent	Response Count
Consumptive user (fisherman, consumptive diver)	34.4%	11
Non-consumptive user (non-consumptive kayaker or diver, marine educator)	9.4%	3
Public agency	18.8%	6
Conservation group	21.9%	7
Other (please specify)	15.6%	5
	<i>answered question</i>	32
	<i>skipped question</i>	0
Responses to “Other” (5)		
Native American alt.		
dive instructor, consumptive & non-consumptive diver, and dive charter operator		
commercial fisherman /wholesaler		
So you can not be a "consumptive user" and a "conservation group"? I represented a partnership of conservation angling groups.		
F&G Commission appointed Recreational Advisor		

III. Composition, Size, Timeframe, and Organization

Overall, respondents rated the composition of the stakeholder organization as more well-balanced than poorly balanced, with a mean of 3.81 out of six. However, while 44% of respondents felt the composition was well balanced (choosing 5 or 6), 22% felt it was poorly balanced (choosing 1 or 2). It's also noteworthy that overall satisfaction with the composition of the RSG was higher in the NCCRSR process than in the Central Coast RSG (CCRSR) process, where the mean was only 3.16, indicating a stronger concern with the overall balance. When asked "what would have made it more balanced?", 20 of the NCCRSR respondents offered a wide range of suggestions (see appendix); however, there was a relatively even split between those recommending inclusion of more consumptive users vs. those recommending inclusion of more non-consumptive users and NGOs..

Overall, I felt that the composition of stakeholder organizations represented on the NCCRSR was								
Answer Options	1 (Poorly balanced)	2	3	4	5	6 (Well balanced)	Rating Average	Response Count
Answer	18.8% 6	3.1% 1	12.5% 4	21.9% 7	31.3% 10	12.5% 4	3.81	32
<i>answered question</i>								32
<i>skipped question</i>								0

Question Text	Scale	2008 NCCRSR		2006 CCRSR		Change in Means 2008-2006
		Mean	Standard Deviation	Mean	Standard Deviation	
Overall, I felt that the composition of stakeholder organizations represented on the (N)CCRSR was:	1 (Poorly balanced) 6 (Well balanced)	3.81	1.72	3.16	1.4	0.65

The overall perception regarding the size of the NCCRSG came down slightly on the “too large” side, with a mean of 4.45 out of 7. However, 65% of the respondents rated the size as essentially just right (ranking it a 4) and none of the respondents ranked it as “too small”. In the Central Coast process, the adjusted mean was slightly higher - 4.76 vs. 4.45 - indicating that a few more respondents in that process felt the group size was too large. Also, the standard deviation for the NCCRSG was smaller than for the CCRSG (0.9 vs. 1.35), indicating a wider range of views on size among participants in the earlier RSG process. (See appendix for 13 comments related to group size.)

I felt that the overall group size of the NCCRSG (i.e., number of Primaries and Alternates) was									
Answer Options	1=Too Small	2	3	4	5	6	7=Too Large	Rating Average	Response Count
Answer:	0.0% 0	0.0% 0	3.2% 1	64.5% 20	22.6% 7	3.2% 1	6.5% 2	4.45	31
<i>answered question</i>									31
<i>skipped question</i>									1

Question Text	Scale	2008 NCCRSG		2006 CCRSG		Change in Means
		Mean	Standard Deviation	Mean	Standard Deviation	2008-2006
I felt that the overall group size of the (N)CCRSG (i.e., number of Primaries and Alternates) was*:	1 (Too small) 7 (Too large)	4.45	0.9	4.76	1.35	-0.31

* Survey mean (for 2006 data) has been adjusted from a 1-6 answer range to a 1-7 range.

Almost half of the respondents rated the length of time for the entire NCCRSG process as just right (4 out of 7). However, with a mean of 3.58, the group as a whole felt that the length of time was a bit too short. The adjusted mean from the previous CCRSG process of 2.94 indicates that not having enough time was less of a concern in the NCCRSG process than the CCRSG process, but that it was still a concern. (Suggestions from 16 respondents on improving the timeframe are in the appendix.)

I felt that the length of time for the entire NCCRSG process (approximately eleven months from our first plenary meeting in May 2007 to our last meeting in April 2008) was									
Answer Options	1 (Too Short)	2	3	4	5	6	7 (Too Long)	Rating Average	Response Count
Answer:	9.7%	12.9%	9.7%	48.4%	16.1%	3.2%	0.0%	3.58	31
	3	4	3	15	5	1	0		
<i>answered question</i>									31
<i>skipped question</i>									1

Question Text	Scale	2008 NCCRSG		2006 CCRSG		Change in Means
		Mean	Standard Deviation	Mean	Standard Deviation	2008-2006
I felt that the length of time for the entire (N)CCRSG process was*:	1 (Too short)– 7 (Too long)	3.58	1.29	2.94	1.26	0.64

* Survey mean (for 2006 data) has been adjusted from a 1-6 answer range to a 1-7 range.

Overall, respondents felt that the cross-interest works groups were “very helpful”, with a mean of 4.81, and with over 50% of respondents giving it a 6. Only four respondents out of 31 thought that it was “very unhelpful.” (See appendix for thoughts from 15 respondents on working group structures.)

How helpful was the creation and use of cross-interest working groups (i.e., Gems) to the overall success of the NCCRSG process and results?									
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count	
Answer:	12.9%	0.0%	3.2%	12.9%	19.4%	51.6%	4.81	31	
	4	0	1	4	6	16			
<i>answered question</i>									31
<i>skipped question</i>									1

IV. Work Products, Information and Technical Assistance

We asked respondents to rate the “helpfulness” of eight work products produced in the course of the NCCRSR process. All of the work products, with the exception of the “Options for Special Closures,” got a mean rating above 3.5 (the middle of the 1-6 range). The “Options for Special Closures” received the lowest mean, 3.13, with over 50% of respondents rating the products as “very unhelpful”. The work products that were rated as most helpful were the “Round 2 and Round 3: Draft Proposals,” with means of 4.34 and 4.25 respectively. Not far behind were the “Groundrules” (4.16), the “Regional Profile” (4.13), and the “Round 1 Work Team Concepts and Draft External Proposals” (4.13). Slightly lower, but still receiving overall positive means were the “Regional Goals” (4.13) and the “Regional Objectives/Design Considerations” (3.88). (The Appendix contains a wide range of suggestions for improving the work products in future RSG processes, with comments from 22 respondents.)

How helpful did you feel the following work products were in completing the overall work of the NCCRSR?								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
Groundrules	3.1% 1	6.3% 2	15.6% 5	34.4% 11	28.1% 9	12.5% 4	4.16	32
Regional Profile	9.4% 3	6.3% 2	15.6% 5	21.9% 7	25.0% 8	21.9% 7	4.13	32
Regional Goals	3.1% 1	9.4% 3	28.1% 9	18.8% 6	15.6% 5	25.0% 8	4.09	32
Regional Objectives/ Design Considerations	3.1% 1	18.8% 6	18.8% 6	18.8% 6	28.1% 9	12.5% 4	3.88	32
Round 1: Work Team Concepts and Draft External Proposals	15.6% 5	3.1% 1	6.3% 2	28.1% 9	21.9% 7	25.0% 8	4.13	32
Round 2: Draft Proposals	9.4% 3	6.3% 2	6.3% 2	21.9% 7	31.3% 10	25.0% 8	4.34	32
Round 3: NCCRSR Proposals	9.4% 3	9.4% 3	12.5% 4	12.5% 4	28.1% 9	28.1% 9	4.25	32
Options for Special Closures	25.8% 8	25.8% 8	3.2% 1	16.1% 5	12.9% 4	16.1% 5	3.13	31
<i>answered question</i>								32
<i>skipped question</i>								0

Below is a comparison of the means and standard deviations for similar work products in both the NCCRS and CCRSG processes (at least in form if not exactly in content). The table shows that while the “Groundrules” were more favorably rated in the CCRSG process than in the NCCRS process (4.50 vs. 4.16), the “Regional Profile”, “Regional Goals,” and “Regional Objectives” were all ranked somewhat higher in the NCCRS process.

Question Text	Scale	2008 NCCRS		2006 CCRSG		Difference in Means
		Mean	Standard Deviation	Mean	Standard Deviation	2008-2006
How helpful did you feel the following work products were in completing the overall work of the NCCRS/CCRSG:						
Groundrules	1 (Very unhelpful)–6 (Very helpful)	4.16	1.22	4.50	1.50	-0.34
Regional Profile	1 (Very unhelpful)–6 (Very helpful)	4.13	1.15	3.88	1.60	0.25
Regional Goals	1 (Very unhelpful)–6 (Very helpful)	4.09	0.99	3.79	1.59	0.30
Regional Objectives	1 (Very unhelpful)–6 (Very helpful)	3.88	1.43	3.54	1.67	0.34

Respondents rated the technical information and analysis provided by the MLPA Initiative Team as very helpful, with a mean of 4.84, and 61% of respondents rating the I-Team’s technical information and analysis as a 5 or 6. The technical information and analysis provided by the SAT, also received high ratings, with a mean of 4.03, and 45% of respondents rating their contribution as a 5 or 6. The Department of Fish and Game’s contribution of technical information and analysis received a positive, though slightly lower mean of 3.84. While 45% of respondents rated it as “very helpful”, almost 30% rated it as “very unhelpful” (a rating of 1 or 2). (The appendix lists technical documents that 18 respondents indicated were particularly helpful.)

I felt that the technical information and analysis provided by the following entities as we worked on forming MPA proposals during the course of the NCCRS process was								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
MLPA Initiative Team	0.0% 0	6.5% 2	6.5% 2	16.1% 5	38.7% 12	32.3% 10	4.84	31
Science Advisory Team	9.7% 3	12.9% 4	16.1% 5	16.1% 5	16.1% 5	29.0% 9	4.03	31
Dept. of Fish and Game	6.5% 2	22.6% 7	12.9% 4	12.9% 4	29.0% 9	16.1% 5	3.84	31
							<i>answered question</i>	31
							<i>skipped question</i>	1

Of the socioeconomic data provided to the NCCRSG, the means indicate that only the Ecotrust estimate of impacts to commercial fisheries from the MPA proposals (4.26) and the information in Regional Profile Section 5 (4.03) were viewed as being helpful. At the same time, the mean of the Ecotrust estimate of impacts to recreational fisheries from MPA proposals (3.52), and the survey data on selected non-consumptive uses in the NCC region (3.39) were both viewed as somewhat less helpful. (The appendix includes recommendations from 22 respondents for improving the socioeconomic information in MLPA study areas.)

How helpful did you feel the following sources of socioeconomic information were in completing the work of the NCCRSG								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
Information in Regional Profile Section 5	6.9% 2	3.4% 1	20.7% 6	31.0% 9	24.1% 7	13.8% 4	4.03	29
Survey data (MPA Center/MCBI) on selected non-consumptive uses in NCC region	16.1% 5	9.7% 3	22.6% 7	32.3% 10	9.7% 3	9.7% 3	3.39	31
Ecotrust estimate of impacts to commercial fisheries from MPA proposals	0.0% 0	3.2% 1	29.0% 9	22.6% 7	29.0% 9	16.1% 5	4.26	31
Ecotrust estimate of impacts to recreational fisheries from MPA proposals	16.1% 5	12.9% 4	19.4% 6	19.4% 6	19.4% 6	12.9% 4	3.52	31
<i>answered question</i>								31
<i>skipped question</i>								1

On average, respondents expressed strong support for all the assistance to the NCCRSB from various entities. The strongest support, with a mean of 5.52, was for the Planning/GIS staff, followed by the Facilitation staff (Concur) with a mean of 5.35, and then the MLPA I-Team (overall), with a mean of 5.10. The Department of Fish and Game staff had a relatively lower but still positive rating with a mean of 4.42. (In the appendix, 13 respondents offer suggestions for improving the assistance provided by one or more of the entities identified in the table.)

How helpful was the assistance provided to the NCCRSB throughout its process by								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
MLPA I-Team overall	0.0% 0	0.0% 0	6.5% 2	25.8% 8	19.4% 6	48.4% 15	5.10	31
Planning/GIS staff	0.0% 0	0.0% 0	6.5% 2	9.7% 3	9.7% 3	74.2% 23	5.52	31
Facilitation staff (Concur)	0.0% 0	0.0% 0	3.2% 1	16.1% 5	22.6% 7	58.1% 18	5.35	31
Dept. of Fish & Game staff	3.2% 1	9.7% 3	19.4% 6	12.9% 4	19.4% 6	35.5% 11	4.42	31
<i>answered question</i>								31
<i>skipped question</i>								1

Respondents found the assistance provided to the NCCRSR by the SAT to be “helpful” on average but not “very helpful”. The highest scores were given to the SAT’s evaluation of MPA proposals (4.39) followed by the SAT’s briefings on topics of interest (4.33). Less helpful but still with slightly positive means were the SAT’s answers to science questions from the RSG (3.84) and the respondents’ direct interaction with SAT members at RSG or other meetings (3.81). (The appendix includes responses from 13 respondents about what should be done differently in future MLPA study regions regarding the understanding and use of scientific information.)

How helpful was the following assistance provided to the NCCRSR throughout its process by the Science Advisory Team (SAT)?								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
Direct interaction with SAT members at RSG or other meetings	9.7% 3	12.9% 4	22.6% 7	16.1% 5	19.4% 6	19.4% 6	3.81	31
SAT answers to science questions from RSG	12.9% 4	16.1% 5	12.9% 4	12.9% 4	22.6% 7	22.6% 7	3.84	31
SAT briefings on topics of interest (e.g. oceanography, birds and mammals, etc.)	3.3% 1	10.0% 3	23.3% 7	10.0% 3	20.0% 6	33.3% 10	4.33	30
SAT evaluation of MPA proposals	6.5% 2	12.9% 4	6.5% 2	16.1% 5	25.8% 8	32.3% 10	4.39	31
<i>answered question</i>								31
<i>skipped question</i>								1

Regarding decision-support tools provided during the RSG process, respondents found the hardcopy maps and live GIS support during work sessions to be very helpful, with means of 5.55 and 5.45, respectively. The internet map service site was also found to be helpful, with a mean of 4.03. However, the respondents were evenly divided regarding the helpfulness of Doris, the online MPA decision support tool, with a mean of 3.48. (16 respondents provide suggestions for improving the decision-support tools in the appendix.)

How helpful were the decision-support tools provided to the RSG during the process?								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
Live GIS support during work sessions	3.2% 1	0.0% 0	6.5% 2	3.2% 1	12.9% 4	74.2% 23	5.45	31
Internet map service site (www.marinemap.org)	3.2% 1	13.3% 4	20.0% 6	16.7% 5	33.3% 10	13.3% 4	4.03	30
Doris, the online MPA Decision Support Tool	12.9% 4	19.4% 6	19.4% 6	16.1% 5	19.4% 6	12.9% 4	3.48	31
Hardcopy maps	3.2% 1	0.0% 0	0.0% 0	3.2% 1	22.6% 7	71.0% 22	5.55	31
<i>answered question</i>								31
<i>skipped question</i>								1

V. NCCRSG Process Objective

As with the CCRSG process before it, some confusion persists among participants as to whether the primary objective of the NCCRSG process was to develop multiple MPA proposals or a single, consensus MPA proposal. While 47% believed the goal was to develop multiple proposals and 16% thought the goal was a single proposal, another 38% identified the goal as “other” and described their confusion about this issue (shown below in table). In the CCRSG on-line survey, 29% thought the primary objective was multiple MPA packages, 25% believed the goal was a single consensus package of MPAs, and 46% selected “other”.

I understood that the primary objective of the NCCRSG process was to attempt to develop		
Answer Options	Response Percent	Response Count
Multiple MPA proposals	46.9%	15
A single, consensus, MPA proposal	15.6%	5
Other (please specify)	37.5%	12
<i>answered question</i>		32
<i>skipped question</i>		0
Responses to “Other” (n=12)		
While the NCCRSG agreed at the outset to attempt to arrive at a single proposal, there was very little support for this from either the BRTF or even the I-Team late in the process. Much was originally made of the strength of a single proposal, but it really seemed as though housekeeping concerns such as the CEQA requirements of multiple alternatives as well as an overarching BRTF desire to have a menu to choose from made multiple proposals the true game. A clearer understanding of this at the outset would have been preferable.		
i understood that a single consensus proposal would have been preferred (different versions of it could then have been used for CEQA purposes). This was clearly unlikely however, so i think the message that 2 or 3 proposals was the goal came through loud and clear.		
a single proposal seems unlikely. it's competitive so multiple		
A network of MPA's that both helped ecosystems and the communities that live around them		
single consensus proposal if possible, otherwise, three options		
A mixed message was given in that people were told that multiple proposals were expected but that a single proposal (if possible) would be accepted.		
an MPA network with high conservation value and scientific integrity AND cross-interest support		
multiple proposals from which the BRTF would choose one		
I was expecting when the process started to develop a single proposal but was happy to see that more than one was put forward to the BRTF		
Evaluate and, if necessary, improve the current MPA's to conform to the MLPAL within the current study region to become an integral part in the statewide network of MPA's. This could be one consensus array or a set of arrays.		
While we were told that multiple proposals were required we understood "no action" was a proposal and most of us hoped for a single consensus proposal perhaps with only one or two areas that might have some small disagreements. But, Coastside prevented this		
The best MPA's for ecosystem function in support sustainable fishery practices.		

VI. Blue Ribbon Task Force and Department of Fish and Game

Respondents were completely split as to whether or not the guidance provided by the BRTF to the NCCRSR after Rounds 1 and 2 was helpful, with a mean rating of 3.55. 32% found the guidance “very helpful”, but 29% found it “very unhelpful” and 39% found it equally either only marginally helpful or marginally unhelpful. (See suggestions in appendix from 14 respondents as to how the BRTF feedback could have been more helpful.)

How helpful was the feedback and guidance provided by the BRTF to the NCCRSR after Rounds 1 and 2?								
Answer Options	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Rating Average	Response Count
Answer:	16.1% 5	12.9% 4	19.4% 6	19.4% 6	16.1% 5	16.1% 5	3.55	31
<i>answered question</i>								31
<i>skipped question</i>								1

Respondents expressed little satisfaction with the deliberative process used by the BRTF at its April 22-23 meeting to develop the Integrated Preferred Alternative MPA proposal for the NCC. They gave it a mean rating of 3.26, and 39% of respondents said that they were “very unsatisfied”. (In the appendix, 23 respondents describe what would have made them more satisfied)

How satisfied are you with the deliberative process the BRTF used at its April 22-23 meeting to develop the Integrated Preferred Alternative MPA Proposal for the NCC?								
Answer Options	1 (Very Unsatisfied)	2	3	4	5	6 (Very Satisfied)	Rating Average	Response Count
Answer:	25.8% 8	12.9% 4	9.7% 3	25.8% 8	12.9% 4	12.9% 4	3.26	31
<i>answered question</i>								31
<i>skipped question</i>								1

On average, respondents were fairly evenly divided in their level of satisfaction with the substance of the Integrated Preferred Alternative MPA Proposal adopted by the BRTF on April 23, which received a mean rating of 3.48. By contrast, respondents expressed reasonable satisfaction levels with the BRTF’s decision to forward all three MPA proposals developed in the NCCRSR process to the Fish and Game Commission. This decision received a mean score of 4.35. With a mean of 4.10, respondents also indicated, that, on average, they had a somewhat, but not entirely clear understanding of the way in which the BRTF was going to review and then make recommendations to the Fish and Game Commission on the MPA proposals developed by the stakeholders. (In the appendix, 20 respondents describe what would have made them more satisfied with the substance of the IPA MPA proposal, and 12 describe what might have better clarified the BRTF’s review and recommendation process.)

How satisfied are you with the <i>substance</i> of the Integrated Preferred Alternative MPA Proposal adopted on April 23?								
Answer Options	1 (Very unsatisfied)	2	3	4	5	6 (Very satisfied)	Rating Average	Response Count
Answer:	9.7% 3	16.1% 5	19.4% 6	35.5% 11	9.7% 3	9.7% 3	3.48	31
<i>answered question</i>								31
<i>skipped question</i>								1

How satisfied are you with the BRTF’s decision on April 23 to forward all 3 MPA proposals developed in the NCCRSR process to the California Fish and Game Commission?								
Answer Options	1 (Very Unsatisfied)	2	3	4	5	6 (Very Satisfied)	Rating Average	Response Count
Answer:	9.7% 3	12.9% 1	3.2% 4	25.8% 6	29.0% 8	19.4% 9	4.35	31
<i>answered question</i>								31
<i>skipped question</i>								1

Thinking back to the outset of the NCCRSR process, how clear was your understanding of the way in which the BRTF was going to review and then make recommendations to the California Fish and Game Commission on the MPA proposals developed by stakeholders?								
Answer Options	1 (Very Unclear)	2	3	4	5	6 (Very Clear)	Rating Average	Response Count
Answer:	9.7% 3	12.9% 4	3.2% 1	25.8% 8	29.0% 9	19.4% 6	4.10	31
<i>answered question</i>								31
<i>skipped question</i>								1

Respondents, on average, reported that they were reasonably clear in their understanding of how the Department of Fish and Game staff was going to review and comment on the feasibility of the MPA proposals developed by the NCCRSR. The mean response was 4.26. Nearly half the respondents indicated they were “very clear” and only 19% said they were “very unclear”.

Thinking back to the outset of the NCCRSR process, how clear was your understanding of the way in which California Department of Fish and Game staff was going to review and comment on the feasibility of the MPA proposals developed by the NCCRSR?								
Answer Options	1 (Very Unclear)	2	3	4	5	6 (Very Clear)	Rating Average	Response Count
Answer:	6.5% 2	12.9% 4	6.5% 2	25.8% 8	19.4% 6	29.0% 9	4.26	31
							<i>answered question</i>	31
							<i>skipped question</i>	1

VII. Overall Satisfaction

Respondents indicated that, on average, they were satisfied - but not **very** satisfied - with the NCCRSG process to develop MPA proposals (before the final proposals were considered by the BRTF), with a mean of 4.03 (on scale of 1-6). (See appendix for 18 respondents' comments about what would have made them more satisfied).

My overall level of satisfaction with the NCCRSG process to develop MPA proposals (before the final proposals were considered by the BRTF) can best be characterized as								
Answer Options	1 (Very Unsatisfied)	2	3	4	5	6 (Very Satisfied)	Rating Average	Response Count
Answer:	6.5% 2	3.2% 1	19.4% 6	35.5% 11	22.6% 7	12.9% 4	4.03	31
							<i>answered question</i>	31
							<i>skipped question</i>	1

On average, respondents expressed satisfaction with the overall process to develop MPAs for the NCC after the BRTF's recommendations but before the Fish and Game Commission's final decision, with a mean of 3.90. Almost half the respondents said they were "very satisfied", while 23% were "very unsatisfied". In contrast, when the same question was asked of the CCRSG participants at the same juncture in the process, the mean was only 3.00, indicating a lack of satisfaction, on average. (In the appendix, 16 NCCRSG respondents describe what would have made them more satisfied with the overall process.)

Recognizing that the California Fish and Game Commission has not yet decided on an MPA proposal for the NCC, how satisfied are you with the overall process to develop MPAs for the NCC?								
Answer Options	1 (Very Unsatisfied)	2	3	4	5	6 (Very Satisfied)	Rating Average	Response Count
Answer:	3.2% 1	19.4% 6	12.9% 4	16.1% 5	45.2% 14	3.2% 1	3.90	31
							<i>answered question</i>	31
							<i>skipped question</i>	1

Question Text	Scale	2008 NCCRS G		2006 CCRSG		Difference in Means
		Mean	Standard Deviation	Mean	Standard Deviation	2008-2006
Recognizing that the California Fish and Game Commission has not yet decided on an MPA proposal for the NCCRS G/CCRSG, how satisfied are you with the overall process to develop MPAs for the NCCRS G/CCRSG?	1 (Very unsatisfied)- 6 (Very Satisfied)	3.90	1.35	3.00	1.53	0.90

On average, respondents reported - with a mean of 3.19 - that their overall level of satisfaction with the NCCRS G effort was dependent on the final outcome at the Fish and Game Commission. Almost half the respondents, however, claimed that their overall satisfaction is “very dependent” on the final outcome at the Commission. The same questions asked of the CCRSG members revealed overall satisfaction levels that were even more contingent upon the Commission’s final decision, with a mean of 2.83.

To what degree is your overall level of satisfaction with the NCC effort dependent on the final outcome at the California Fish and Game Commission?									
Answer Options	1 (Very Dependent)	2	3	4	5	6 (Not Very Dependent)	Rating Average	Response Count	
Answer:	22.6%	25.8%	3.2%	16.1%	22.6%	9.7%	3.19	31	
	7	8	1	5	7	3			
	<i>answered question</i>								31
	<i>skipped question</i>								1

Question Text	Scale	2008 NCCRS G		2006 CCRSG		Difference in Means
		Mean	Standard Deviation	Mean	Standard Deviation	2008-2006
To what degree is your overall level of satisfaction with the NCCRS G/ CCRSG effort dependent on the final outcome at the California Fish and Game Commission?	1 (Very dependent)- 6 (Not dependent)	3.19	1.78	2.83	1.97	0.36

Note: The appendices to this report also include suggestions from NCCRS G participants as to which aspects of this process should be preserved in future RSG processes and which should be changed.

Appendices

What would have made the composition of stakeholder organizations represented on the NCCRSG more balanced? (n=20)
The inclusion of more generalists and fewer single issue/single fishery interests --- these voices were very strong on their particular interests and just extra baggage when the discussion turned to other fisheries. It also seemed like there should have been more voices from the north part of the study region.
more fishing representation from north of Bolinas.
Additional diver representation. More consumptive user representation
Too many stakeholders were not truly stakeholders
more members from the North Coast consumptive user group
Better background checks. Some stakeholders miss represented their affiliations
conservation interests equal in number to extractive users
less preservation based paid representatives
Too many stakeholders came from government entities
needed another representative for non-consumptive divers
More General Public Members
Less marine mammal, less psuedo-environmental groups
more coastal residents, more science teachers and more marine biologists and local businesses other than recreational fisherman and their industry lobbyists
I think that the government agencies involved should have been there only as advisory bodies not as voting members
More background investigation should be done for the nominees so that their undisclosed associations with influential groups can be fully realized. When the creation of MPA's is ultimately dependant on a "straw vote", it becomes questionable as to where is the science, and is there an agenda at hand. Weighting of consumptive, non-consumptive and professional protectionists should be equally balanced with knowledgable people with something to bring to the table that is useful in the creation of working MPA's and is not agenda based.
A truly representative cross-section of marine users. "Balance" appeared to be achieved by having the same number of "fishermen" and "environmentalists" when in fact this is not representative of marine use at all. The paid environmental organizations had a huge advantage in the process due to their overwhelming participation on the RSG.
More agency reps with expert knowledge
Every individual fishing interest had a stakeholder but non-consumptive users were lumped as "enviros". Also, recreational fishers had way too much representation
It was pretty easy for the consumptive users to vote as a block and since they had - I think it was - one more vote than every other interest combined, it felt a bit lopsided.
Professional conservation representatives are not true stakeholders

What would have been a better overall group size for the NCCRSG (i.e., number of Primaries and Alternates)? (n= 13)
15 primaries and alternates
fewer NGO people. twenty is enough for any group
A lot of people to manage, but not sure how else to do it
just about right as it was
nothing wrong with the size of the group
I feel that to have balanced members was good size.
i thought it was fine size-wise, but i would say that there was not parity in user group representation as I was not afforded an alternate and so in big straw polling the other side always had an advantage - which is not fair
The size of RSG is not as important as the knowledge base that it ultimately comprises. This particular RSG had reasonable representation but there could have been better representation for the North sub region. Some of this lack of direct representation was taken to task by several of us from the South and this void is further filled with the all important, public comment. In public comment we are able to hear from other stakeholders that are not on the RSG.
20 primaries; alternates served as real alternates, not as full members that were only limited by voting at the end of the process. Alternates participation should have been severely limited.
I do not think I could have been smaller and still have sufficient coverage of constituencies
About 1/2 the people. Then they would have more impetus to represent their interests
Good stuff. You need organizational capacity for people do have time to work outside the plenary and gem format.
One representative for each fishery concerned and a scientist/fishery expert for each fishery.

What, if any, would have been a better timeframe in which to complete the work of the entire NCCRSG process? (n= 16)
longer would be better to get additional ideas into the process. Special Closures for example were sidelined due (at least in part) to time constraints, and could easily have been lost at several points.
We got the job done but most of us felt rushed.
The very end seemed a bit rushed and staff were scrambling to get us timely information. Additional time before the last meeting or splitting the last meeting into two meetings would have been helpful
Go slower in the end game
I think there were times we didn't have enough time to research the material presented to us. The fact that many extra meetings were thrown in the mix was not stated when we started the process
about right, rushed at times, but was necessary to push forward
A longer period was needed so that sufficient time could be given to analyze updated SAT information and "new" information as it was presented. Things seemed to go fairly well, and good progress seemed to occur, until December when the process became disjointed. After the Pacifica meeting there was a large gap in time with little information followed by a plethora of meetings and documents that were given insufficient time for digestion. The director's hands until December seemed benevolent; the final months seemed to reflect hurried-up, top-down direction most interested in a quick resolution of differences. It was, in my opinion one reason why the proposals splintered into three groups at the end.
I can't picture it going any longer or any shorter.
Needed to get more work done earlier so not rushed in end.
i really do want it to be shorter - but it always felt like we needed more time. perhaps it isn't more time per se but better use of the time we have, and more strict adherence to deadlines and attendance - if you snooze you lose
probably to allow more time to develop proposals in the "Gems" groups

I believe we often said that there was not enough time or money to do the best job we could have. If all elements needed for the creation of MPA's were available to the RSG, and, most importantly, the RSG had a full understanding of how to use the tools early in the process, a lot of time could be used in the development process. There is a steep learning curve at first and many of the RSG were not up to the task early enough. Even now there are RSG that are not aware of the workings.
It was adequate but the proposed timeline was much shorter. Staff was told repeatedly by RSG members that more time would be needed and each time they refused until finally allowing the process the time it needs. This should be planned for up front.
with people's schedules and the amount of work required it would have been hard to shorten the process. One suggestion is to lengthen the meeting days rather than number of meetings.
slightly more time towards the end to refine proposals for the BRTF and develop more consensus
Hey, it looks as if the CFG commission final voting date is up in the air. The RSG could have used a few more months of flexibility too.

From your perspective, what, if any, structure would have been potentially more effective than the "Gems" cross-interest working group structure? (n=15)
The cross interest working groups were an extremely helpful way of getting divergent interests to work together---there was just not quite enough time in the schedule to effectively merge the cross-interest proposals (1 & 3) which should have made the final cross interest proposal much tighter than it was.
I think the gems groups worked well. I was skeptical at first because it seemed that fracturing the RSG would mean that not everyone was getting the same information. I think however that the benefits gained from working in the smaller groups (easier to jump in with info, less focus on the louder voices, trust building) outweighed the downsides. Better capture and dissemination of the information discussed in the workgroups to the whole RSG would probably help resolve the major downside.
With such a large group, had we not broken into smaller working units I feel significant time would have been spent to develop our proposals. It was easy to engage all the panel members in the smaller groups however three groups representing commercial, recreational and ecological interest may have been able to move the process along more easily.
More research needs to go into the organization of the groups. It may have helped to have more interaction. I know personally that the time you gave me to address the other groups in explaining the commercial fisheries may have made some good impact on the final options (Pt Reyes)
good as it was, needed more discipline from mediation team to keep each cross-interest process fair and equitable, avoid intimidation tactics used by some stakeholders
I would have said 6 at one point since there seemed to be a true willingness by many people on both sides to work toward resolution of the differences in an amicable fashion. However, ultimately the process proved to be power driven and the baby was cut in half.
The work groups were the most productive part of the process
At first I did not understand the 3 different groups but should have having seen final outcome we should have joined sooner than end to have a better convergence plan. I am still very proud of what the 1-3 group accomplished though.
I thought this structure was very helpful because it forced people to work together, in accordance with BRTF guidance. Did become somewhat difficult towards end because people felt allegiance to particular work group and had hard time leaving their groups, whether or not it was the best thing for the process. But did foster camaraderie and goodwill overall and was effective in sussing out potential conflicts and solutions early on in the process.
i think cross-interest is very important - it makes everyone work together - i think how and when you mandate this is the key and i am sorry to say i don't think i have the specific answer of at what junctures to use it, but it is critical to success in my opinion
Full plenary with the RSG, SAT, and BRTF either monthly or semi monthly with maybe a smaller focus group with these representatives meeting in between.

RSG members had virtually no time to caucus within interest groups. Of course, paid staff from environmental organizations are able to do this outside of the RSG process but members of the fishing community that volunteer their time do not have this luxury. This is another example of how the fishing community was put at an extreme disadvantage within this process. The cross-interest workgroups provided nothing of value to the process and only served as political vehicles from some RSG members (professional lobbyists). It also would have been helpful to have an opportunity to caucus between geographic interest groups.
it's the only way the process could work. And, for those who entered into it in good faith, it worked well.
This is the smartest idea of the whole process organizationally
A working group of highly knowledgeable representative in each fishery representative of the study area both commercial and recreational, presented with a clear understanding of the MLPA requirements and goals

What, if anything, would you recommend doing differently in future MLPA study regions regarding the work products for the NCCRSR and the processes for developing them? (e.g. Groundrules, Regional Profile, Regional Goals, Options for Special Closures) (n=22)
The Regional Profile seemed a vacuous exercise in how the Department would like the state of the fisheries to be, rather than a critical and honest evaluation of the state of things. While an impartial evaluation by a third party is probably impractical and prohibitively expensive, perhaps there could be a greater effort to provide a more neutral position or one that begins to recognize that the impaired state of our fisheries is why the MLPA came to pass in the first place. Special closures should be considered within the development of MPAs rather than in the bubble of a parallel universe. The way these were handled seemed to be on an uneven playing field that favored agencies and NGOs over fishermen....
allow/provide for a synthesized version of the ecological and/or economic data from the regional profile. It's a solid, comprehensive document but suffers from too much info. Synthesis would help the RSG take into account all the info. This should form the foundation of the line-drawing exercise so would need to be done before line drawing starts. If such a synthesis is impossible from the MLPAI team itself, opportunities should be given for outside work products in this regard.
be sure that there is more precise bathymetric data in all study areas. special closures seemed ad hoc and didn't fit into schema of the mlpa so are vague and thus subject to abuse. the email ground rules seem unnecessarily draconian given the spirit of collaboration needed
The 1 team was helpful to all teams, but the cross interest teams need more help just by the nature of what they are doing. Next time, give them that extra support. This would have applied after round one, when 2 and 4 diverged from broad cross interest involvement.
The process was laborious. I feel the represented groups could have each developed a proposal and then forwarded them to the BRTF. They picked and chose what they wanted anyway.
go slower at the end and faster in the beginning
Do more research in selecting study groups. Jade was not able to come out with an option
constrain all user groups to actually submit proposals: The sportfishing community was allowed to not submit a meaningful proposal throughout the process, then come in belatedly with an external proposal, which was unfair to those who played by the rules
The ability to split off two proposals, a "fisherman's proposal" and an "environmental proposal," almost assured acquiescence to political pressure by the BRTF. Far better would have been a willingness to achieve and accept a unified proposal that might have prevented some of the politics that will taint the final proposal. (2) If the SAT is likely to disenfranchise a user group/stakeholder group (as with the on-shore anglers) then that information should be given early on in the process so that alternate strategies can be used.
a more comprehensive economic loss study which includes the economic multiplier.

<p>Round 3: The last minute merging of groups created too large a change in what we'd worked for during the whole process without any recourse other than approaching the BRTF ourselves. We basically lost everything important to our constituents in a matter of the last hour of the last meeting</p>
<p>Have available vocational considerations for SHIFTS needed to occur with changes from MLPA placement. Have data from modeling data available before draft and final proposals go to SAT!!!!</p>
<p>I felt the special closures discussions were a distraction that should not been pursued under the NCC process. Additionally, I felt they were pursued poorly. Having them discussed as a parallel process for 6 months is good because it keeps the discussions from distracting from MPA discussions early on. However, when the public and fellow RSG members lose their opportunity to give input early on, they ultimately feel blindsided when the special closures are shoehorned into the MPA proposals at the 11th hour. The product in our case was wide variation in size and location of special closures across proposals, which distracted from the meat of the MLPA, which is MPAs.</p>
<p>Some objectives don't seem to fully capture goals (e.g. those for goal 6). DFG should clarify at the start, not in the round 3 feasibility analysis, how they intend to interpret the objectives. In round 3, recommend having staff as informed as possible about what steps would help each proposal better meet goals and objectives. what worked re RSG proposals: allowing differences to be fully expressed at the start, and creating incentives to merge/collaborate as process moved forward.</p>
<p>Special closures is a sham for setting up additional closed areas with no benefit to the general public.</p>
<p>first, i had an unpleasant experience where another stakeholder did not behave according to ground rules, and i felt the i-staff did not act stringently enough to reprimand this person. ground rules are ground rules - if you break them you should be out - period end of story. and then during the final clustering of work-groups, one work group was afforded a private/closed session that the others were not and this again is unfair. all teams must be given the same preference and optys.</p>
<p>Groundrules: I can't remember ever referring to the groundrules but I guess there is some need for them as a rule of thumb. Regional Profile: This is an extremely important tool to get right and be used by the less informed in order to understand the complexities of the particular study region involved. My first look at the Regional Profile was somewhat shocking and puzzling at the same time. There were many inaccuracies that warranted immediate correction and I found myself on the Team to do just that. Unfortunately, there was just not enough time or resources to entirely "fix" the Profile but, what resulted was for the most part useful. I want to acknowledge the extremely difficult task that was given to folks that compiled all that data and made it into such a beautiful piece of art. It was not the fault of the creators but rather the data that was presented to them that gave all the problems and misunderstanding. Thanks Guys. Regional Goals/Objectives/and Design Considerations: These elements of the Process are were very important in completeing our overall task. Without them we would not be able to measure or quantify what our intentions were in creating specific MPA's. I dinked Objectives and Design Considerations because we could have done a better job of crafting them in the beginning and could have used the Design Considerations a bit more seriously. Draft Proposals: These were useless since we never had all the guidance that we were supposed to have until the last iteration. RSG were just putting down anything they felt like thinking it would be evaluated on a piecemeal basis and they would just have to plug in the ones that the SAT said were able to pass. What a waste of time. NCCRSG Proposals: The final proposals were useful to reflect a particular groups makeup. With the division of the RSG throughout the Process we were never able to realize the broad knowledge base of the entire RSG applied to creating an array or arrays. If you can create arrays with only a portion of the whole RSG, what did you need all the other RSG for? Special Closures: This element came on late in the Process and only complicated and already frenzied RSG. I was on the Team to look at Special Closures and from the evidence that was being given by the proponents it was hard to give their claims much weight. I think that the RSG was the inappropriate avenue to persue this interest. If it weren't for the wonderful personality of Irina Kogan, I would have not even given any support at all. I</p>

believed in Irina and so I supported her.
Have a real BRTF policy analysis done. The first round was a total waste of time and very little useful information was provided. The SAT evaluation does not provide any mechanism to provide suggestions about how to improve proposals; that is left to guess at. Special closures took WAY too much time away from the process of creating MPAs.
rely more on EDOM , :UC Davis or other models. Ecotrust data should assume redistribution or effort. Acknowledge that fishers have conflict of interest (financial) while gov't agencies and others don't. have stakeholder representation be proportional to CA population. Not just split 50/50 between pro use and conservation.
Demand participation. Coastside rec fishers drew up their proposals as outside proposals and got them inserted as "group proposals". Then they refused to compromise or participate further. Just stayed in the hallways protecting their proposals and sending in people to other working groups to lobby for their outside proposal.
I will re-iterate that I felt deceived by the process of developing proposals. We were asked to make some very difficult compromises with competing interests. I felt, on the whole, we did a good job of this. Considering that we were asked to do this, it was deceitful for CFGD staff to be in the room while we developed these proposals considering John Ugoretz's letter to the BRTF saying that all mpas under the moderate high level should be thrown out of consideration. CFGD staff must have known John's direction yet they did not dissuade us from making these compromises. They had no problem telling us when our mpas did not meet their design guidelines - but they didn't tell us that having a moderate high protection level was, in itself, a design guideline. If we had known this was the case, we would never have compromised to the degree that we did to reach consensus. I must say I have felt cheated since John's letter and nothing is going to take that bitter taste out of my mouth. I can assure you I will contact the RSG members in the south coast to warn them not to compromise like we did. I will send them all a copy of John's letter so they know what to expect.
Not break the group into "Gems" The group should stay as full group and keep everything open and disclosed. No work allowed or private meeting outside of stakeholder meeting.

What, if anything, would you recommend to improve the value of technical information and analysis in future MLPA study regions? (n=19)
The Department's feasibility guidance was less than helpful.
more science with more direct participation by members of the sat
We received an opinionated, poorly worded document, DFG_Memo_FinalProps_Guidance_080311.pdf on March 15, two days before the last RSG meetings. Instead of helping, especially the cross interest 1-3 group, DFG with that document became an advocate and damaged 1-3. 1-3 made some mistakes in the March meeting that could have been aided by the staff in the room. Everyone needs to understand how difficult it is to form a cross interest proposal and do everything possible to help them succeed. DFG could have written the same critique at round 2 which would give policy makers and RSG more time to digest it and question it.
Receiving it in a more timely maner.
Call a guess a guess and acknowledge that facts are not so easy to identify
I had asked on several occasssions if there had been astudy on crab movements in and out of study areas was told that there had been and Susan Ashcraft had some memerory of such studies. Instead the SAT used a study that was done somewhere up in Alaska where conditions are not even close to the conditions we have here. It would have been very helpful to know how much crab would get in closed areas.
Best available information at the present time was provided
More accurate information on inshore areas
since these MPA s are just " no fishing by human zones," the data should have included the amount of take humans are responsible for as a % of total mortality for the species present in these mpa s .

<p>Some of the stakeholders may need to be enlightened on the value of information that has been scientifically and statistically verified, as well as the meaning of uncertainty in the context of making statements that affect the placement and designation of MPAs. Perhaps explaining the whole scientific process in layman's terms may assuage some of the backlash. Some of the SAT seem better at communicating to laymen than others. In terms of Fish & Game's assessment of the SMP, perhaps communicating a little earlier in the process, rather than the last minute (two days before the BRTF meeting), would give us time to respond in a constructive way</p>
<p>Have social economic data for support businesses when MLPA's would shut down small communities like found in Northern Sonoma County. I do understand that environmental impact studies were too grand for MLPA issues but this still should have been an issue addressed with some type of support data!</p>
<p>see above. 100 penny maps that can be shared. Earlier DFG guidance re their interpretation of objectives and other feasibility concerns. Spatial data on non-consumptive uses in form comparable to recreational fishing data (e.g. analysis of alternatives showing % benefit to non consumptive use from MPA network alternatives. Change instruction to identify important places based on whole career (results in value given to places that haven't been fished for relevant species in years so makes it difficult to capture benefit of protecting potential restoration site). Changes to basic SAT levels of protection should be avoided or kept to a minimum once process begins, to avoid politicizing the SAT process (with exception of addition of species accidentally omitted)</p>
<p>Composition of the SAT must include more scientists who understand the value of traditional fishery management tools. Bird lovers and folks seeking to advance their positions by future grants can stay home.</p>
<p>ecotrust data should be provided in advance, and both commercial and recreational financial information should have been shared up front - the recreational data in this NCC process was not only submitted last minute, it wasn't available for all stakeholders to review, and there was no transparency into the viability or sourcing of the data</p>
<p>Get started early in the process and compile as much information that you can from as many reliable sources as possible. Use the input from the RSG. There was a lot of valuable information that was expressed in the process that was not used by the SAT. When the SAT is looking for information that is scarce or not available they should refer to the experience of the RSG members who are knowledgeable in that particular area.</p>
<p>A real commitment to educating RSG members regarding SAT guidelines. No training at all was provided. Furthermore, no informative information was provided regarding way in which to improve MPA arrays - this was left upon stakeholders to figure out. More times than not staff did not have any answers (or correct ones).</p>
<p>Try to have most of the technical studies and reports done either before or early on in the process. At our last meeting after all the proposals were in final we were still getting talks on such things as water quality.</p>
<p>I must say, the technical info was amazing. I have never been involved with something where so much info was available. The main drawback was the lack of non-consumptive socio-economic figures to offset the bias towards the consumptive socio-econ figures. If you look at the Regional Profile, for example, it shows that non-consumptive recreation/tourism produced alot more revenue than the consumptive side for local communities, but we had no place based maps highlighting the socio-economic benefit of certain areas for these purposes.</p>
<p>Ensure to include all representative fishery of the region with the social-economics.</p>

I felt that the following documents that were provided during the course of the NCCRSG process were particularly helpful (n = 18)
SAT responses to questions, and SAT documents in general
eco trust economic data
SAT guidelines, feasibility guidelines, SAT evaluation methods. Books on MPA design. Regional profile.
The habitat representation analyses of (goals 1,2,3,4 and 6). The SAT evaluations of the draft proposals.
Maps
All science panel documents were helpful, seafloor bathymetric mapping was essential.
The list of science references was excellent. The SAT's presentations were all clear and helpful.
All though time consuming I found that verbal explanations of SAT data very helpful. I also found that when Fish & Game attended work sessions and verbalized concerns (like enforcement issues and such) this was helpful to help focus work better during this stage!
SAT analysis very helpful, though presentations could be shorter, especially at final BRTF meeting, where BRTF should have been briefed before the meeting. Unfair to public to put them through 8 hours of presentations when they came to speak.
spread sheets for economic analysis (allowed us to identify options that preserved habitat values while minimizing costs). maps of landings/effort data habitat maps that showed relief, as opposed to just hard vs soft substrate maps of public access points, abalone take, etc design tool
Updated maps and descriptions
i thought the i-team did a great (even while sometimes thankless) of trying to pull data together into useful analysis. it would seem to me they need to be afforded more time to do this as the next phases are planned.
The most used documents for me were the Goals and Objectives, Master Plan, Levels of Protection, Socioeconomic analysis, and the many Memo's that followed throughout the Process. Thank Gang. You Guys Rock!
DFG Feasability criteria. Very clear and relatively easy to understand.
The on line mapping tools
regional profile, SAT answers to RSG questions, SAT and EcoTrust evaluations of proposals
The SAT guidelines and design suitability guidelines really helped alot. It required alot more work but it was worth it.
Abalone impact information Abalone Report Card Landings F&G Staff

<p>I felt that the following documents that were provided during the course of the NCCRSG process were particularly unhelpful (n = 14)</p>
<p>the final feasibility analysis memo from the DFG. This information should have been provided long before it was as it could then have been taken into account in the real RSG deliberations. Also appears subjective. That some members of the RSG should see SAT guidelines at a ceiling is not surprising, but the DFG should not make those type of policy calls. Recommendations to actually delete hard thought out MPA proposals in inappropriate and should be left to the BRTF/COMmission.</p>
<p>The reports of modeling results for NCCRS were inappropriately detailed about possible MPA arrays effects. The models might be useful for testing effects of mpa concepts under a variety of assumptions. (e.g. concepts such as no MPAs, insurance value of MPAs , MPAs at min size and max spacing, and vice versa.) But, without validation of the model the detail results are way ahead of what can be supported with data. Every model layer is uncertain: habitat mapping, habitat quality (relief, rugosity, edges), species habitat associations, unfished biomass, population parameters, useful species mix to consider, distribution of fishing effort, and ability to manage fishing effort. The Ecotrust reports were unwieldy and there was insufficient time to look at the Ecotrust maps to make use of the information. The Ecotrust rec data was not real useful. I am skeptical of any survey data gathered from consumptive users during the project when the users have a stake in the outcome and know something of the choices.</p>
<p>There were several. It seems that we were inundated with technical information much of which had very limited impact on our study area.</p>
<p>misleading information called " best available science"</p>
<p>If we lived in a ticky-tacky world, and if the ocean were a neat ticky-tacky environment, the direction provided by the SAT and DF&G might make sense. However, that isn't the case. The SAT conclusions (and assigned scores) make absolutely no sense in regards to the affect of onshore angling versus commercial or commercial-recreational (partyboat) fishing. As for the DF&G, we had the wardens report that monitoring onshore anglers via a "ribbon" approach was possible yet people sitting at desks in the bowels of the DF&G said no. It's akin to people sitting at headquarter desks in any organization telling the people in the "field" how things "really are." It's led to the demise of many corporations.</p>
<p>We still have an unresolved problem with Fish & Game's assessment of Salt Point Marine Park.</p>
<p>Some of the Eco-trust graphs were too complicated to be used during work sessions and was given too late during work sessions. This was a shame because this was very important information and should have been used as much as possible.</p>
<p>DFG's memo at the end of the process was very biased and extremely unhelpful. They gave helpful comments on feasibility all along and that was very useful, but to give feedback inconsistent with what we'd been hearing (in terms of feasibility) AFTER our final proposals were done is to be incredibly unconstructive. The DFG was not directed to provide their own alternative in this round (as they did in the last round), but circumvented this direction in the biased, unhelpful, unfounded after-the-fact memo. Modealing results also not super helpful.</p>
<p>100-penny maps that stakeholders were not allowed to have. This is worse than useless, as some people have more access to information than others, and RSG members other than fishermen cannot use these data for design purposes. Willingness to let the aggregated maps be shared should be a precondition of participating in a survey. As previously stated, DFG interpretation of objectives should have been shared earlier.</p>
<p>SAT articles and positions meant to advance a cause not supported by folks with time and experience on the water. People who reality comes from observations, not theory to advance a on-consumptive point of view.</p>
<p>Evaluations, and Levels of Protection. The socioeconomic impact documents</p>
<p>SAT guidelines: Not clear at all. How to achieve such goals even less clear</p>
<p>DFGs guidelins on MPA siting, shape etc were rediculus. Some rules are warranted, but there were too many and they were not uniformly applied.</p>
<p>The lack of a document informing us that moderate rated mpas don't meet design guidelines for CFGD</p>

What, if anything, would you recommend doing differently in future MLPA study regions regarding the gathering and use of socioeconomic information? (n=22)
In a more perfect world, the socioeconomic analysis would include a forward projection of the economic benefits to fisheries enhanced by working MPAs---rather than a singular down-side (cost) analysis.
commercial fishing data useful because was provided much earlier this round, however the 100 pennies exercise was not so useful because we were not able to look at the maps for more than 20 minutes in Gualala in October. Recreational fishing data was less useful than it could have been because it was provided so late in the game. Non-consumptive user data was helpful, but the sample size was quite small--equal effort/time/money should be put into gathering these data as are put forth for gathering fishing data.
Having the information available sooner in the process.
see comments to ecotrust survey
It did not appear to me that economic factors had carried any weight with the enviromental community.
Ensure that the socioeconomic information includes all important species. e.g. , the Abalone information for the NCC was nonexistent
Port history should go back further than five years
weigh non-consumptive uses an their socio-economic benefits on an equal footing with consumptive users
There absolutely has to be information relating to the economic impact of the proposed MPAs to the nearby towns. The economic impact to the commercial boats was a start but many people felt that the MLPA powers to be purposely avoided information on the overall impact that will occur to areas like Gualala and Point Arena.
always use the multiplier.
As long as we understand how some of the estimates were made and what the confidence level is, we will understand how literally we should take some of the statistics. I think this was communicated pretty well for the most part.
A bigger environmental impact study done and support from vocational agencys to help with shifts needed for changes by MLPA placement.
sample size on non-consumptive users a bit small, despite great effort by MCBI. Ecotust data very helpful this round because saw info early on, but could be even more helpful if got to actually see maps for mor ethan 20 minutes. Recreational data interesting, but got info pretty late.
See previous answer. Regional Profile was great for context and trends! Nonconsumptive use survey was a decent start, but analysis comparable to that for rec fishing would make it much more helpful. Share maps of 100 penny exercise with all stakeholders (and not for 10 minutes only). Change instructions for commercial and rec data, perhaps to include last 5 to 8 years, not whole career. Recreational fishing data is more difficult to use given that there's no way to compare the absolute value of say pier fishing and party boat fishing, but any such estimate would probably cause more problems than would solve.
Fishermen, commerical and recreational, including divers and kayakers are the only groups to take a hit with MPA's. Find a way to compensate these groups for thier loss of areas. When 'conservation groups' celebrate in creation of reserves, make sure there is adequate compensation from the conservations groups going directly to support the fishermen and consumptives they have hurt.
oopsy i answered this in the previous question ;) but you could have more data on aggregate landings and more data on how MPA's can ebenfit - the projected financials were never focused on but are equally significant
It is very important to encourage as many individuals as possible to participate in the surveys (Ecotrust or others) in order to get the most accurate account of the impacts of specific MPA's. Of all the socioeconomic data used in the formulation of proposals, the most relied upon was the Ecotrust data and direct input from effected individuals. It is also important to have industry experts review the data for accuracy. I don't know where MARXAN came from but there is some

serious work that needs to be done there.
Provide this information earlier in the process and make it available in the public domain so RSG members had full access. Being limited to access during official meetings only is absurd. These are excellent products that need to see the light of day.
Ecotrust should estimate redistribution of effort from other fisheries around the world and report those actual losses from MPAs.
Only present and consider it if it meets scientific quality standards. The data on rec fishers never should have been presented because it had no validity. It was worse than nothing.
First, the non-consumptive study did have revenue/dollar amounts so if you compared it to the consumptive sides it was looking at apples and oranges. There was no comparative format to weigh different uses. This weighed it in favor, for instance, of a few commercial fisherman in Bolinas versus, for example, the millions of visitors to the Point Reyes National Seashore and all the local revenue this brings in. Also the fishing pressure study should focus its mapping on overall commercial fishing pressure, no port by port. It makes it hard to compare impacts. If two urhcin fisherman get the same clout as the entire Bodega salmon fleet, in their use areas, it throws off the matrix.
ensure to include it all!!!!

What, if anything, could have been done to improve the assistance provided to the NCCRSg throughout its process by the I-Team overall, Planning/GIS staff, Facilitation staff, or Dept. of Fish & Game staff? (n=13)
real time GIS analysis of socioeconomic and ecological info would be a great next step. Clearer guidance from DFG on what is feasible and what is not (turquoise discussions re SE Farallones comes to mind) would cut down the time spent on pointless discussions.
less paperwork, fewer computers, fewer power points with glossy MPA's and fat pregnant fish
F@G may have been helpful in finding some old reasearh studies
Facilitation staff, in spite of their high reputation and good intentions, did not enforce fair and even-handed processes at key junctures in the proceedings. The facilitation staff, at one critical point, called for a re-vote on a a straw-vote on Salt Point State Park, resulting in loss of consideration of this keystone asset and leading to an entirely undemocratic voting process. One example of about four situations of this type that were not only allowed by the facilitators, but were led by the facilitators. In my opinion, facilitators should not impose their own preferences on the team for which they are charged with providing guidance.
Too broad of a question and probably too broad of a process to see efficiency. We were buried amidst the myriad reports, studies, and recommendations that might have been useful if we had a little more time. Unfortunately, most stakeholders also have somewhat of a real life and so the demands on time were severe. As for a resolution to questions or problems with the answers, probably nothing could be done. Too many agendas were at play to resolve and please all the people.
the dfg was not consistent in their "feasabilty guidelines"
Again add Dept of Employment and a Vocational Counselor to help with concerns by stakeholders whom make there living using resouces that will be changed by MLPA placement.
Concur could have stepped in more forcefully for the last BRTF meeting (it was a mess), but I know they tried and were shot down. DFG was very helpful until their final memo, in which they heavily overstepped their bounds.
Good to have all of the above as involved as they were. Staff were remarkably accessible and responsive, and that really made a difference in the process. On some issues, there was a conflict or inconsistency between what we heard from wardens/on-the-ground DFG staff about feasibility and what we heard later from DFG, particularly in round 3 when it was too late to make changes. It's unreasonable to expect perfect consistency, but if, e.g., DFG plans to oppose MPAs that allow too many uses, they should say that firmly to stakeholders at the start of the process, not a week before final RSG proposals are due.
the reason i am grading fish and game staff low is for two reasons - the first being in most of the

work sessions we would ask them about specific circumstances and they would approve or say okay - and then later they would say its not okay. and then secondly and perhaps most critically after the final proposals were submitted to the BRTF, dept of fish and game sent out a memo that was neither constructive nor inclusive of acknowledging why some choices were intentionally made with respect to local socio-economics or safety or other choices- instead it just bashed alot of the work and this memo was interpreted as mean spirited.
I believe that all members of the I-Team were very supportive and always available to provide assistance.
Nothing. Thanks to all of you.
You have heard it all before. I only have my one sticking point with CFGD. Otherwise they were steller like the rest of you. The staff of all teams was top notch

What, if anything, would you recommend doing differently in future MLPA study regions regarding understanding and use of scientific information? (n=13)
more direct interaction with sat members, in work groups for instance
the SAT only answered selected questions, discarding the touchy ones. very elite attitude as well. We were their students, not their equals
SAT was invaluable, the BRTF should have been more tuned in to the SAT process, so that science could have guided the BRTF consideration of the RSG options as they were submitted, instead of political pressures.
The entire process, to a degree, is supposed to be based on the best available science. However, the science for some areas, i.e., inshore areas, seems minimal. In addition, it still comes down to how you interpret the data and human biases plays a part. Do you see the forest for the trees, or fish for the kelp? I was once told by a DF&G marine biologist that ocean science is a guessing game and that the guesses are as often wrong as they are correct. Given that the biologist was finishing up a long-time career, it wasn't exactly encouraging information. I'm not sure if any of the fishermen on the stakeholder group agreed with the conclusions of the SAT or the recommended "protection values" assigned to types of fishing. Lacking agreement on that most basic aspect of the process, there is little reason to wonder why there wasn't greater support.
The sat should argue things out at their meetings and not use voting and motions to form thier collective viewpoints.
I need to be more involved in attending their meetings
Have modeling data on hand while drawing squares or understanding this formula while drawing mlpas zones. Have more SAT member attend worksession groups for immed feedback. Understanding SAT goals for stakeholders so do not take evaluations personally.
Uniformly high marks for the SAT, with a couple of suggestions: Make sure the caveats on the socio-economic analysis are crystal clear. There should be a clear statement that the percentages for recreational impact can't be averaged (and why) or used to develop dollar estimates (and why). Could error bars or uncertainty estimates be provided, or does lack of statistical significance of the sample make that impossible? Re Science evaluation: If the quality of the habitat, in addition to its type, influences the effectiveness of an MPA, is there any way to capture that characteristic in the analysis? This was an issue in both regions so far, and one that RSG members need to use their judgment (and local knowledge) about. If it's not practical or possible to provide quantitative info on habitat quality, perhaps SAT members could just acknowledge that it's a factor not captured in the analysis now.
The SAT repeatedly demonstrated a lack of knnowledge about sustainable fishing and how to accomplish that. The reserves agenda came thorough loud and clear. References to adaptive management were MIA.
getting our rsg science questions answered more expeditiously; having the SAT formed before the RSG so there would be no lag time
I only wish there were interaction from the SAT and that questions asked of the SAT didn't take 2 months to get an answer to from a sub SAT group that had to answer to the full SAT and then make a formal reply. What is with that. I would also like to see the SAT have a measure of accountability in some of the statements that they make along with their decisions. The use of

best readily available science is a poor excuse for what is best for California and is often not realistic for the study region. One instance is using Dungeness Crab mobility studies done in Glacier Bay Alaska to determine mobility of local crab to set levels of protection. I really enjoyed John Largier's oceanography briefing.
Final guidance was given at the LAST RSG meeting! This was symptomatic of the entire process. Questions would go left unanswered for months at a time. The SAT members that participated on the RSG were largely unavailable and/or not helpful. The evaluation was fine but nothing was included to help RSG members improve proposals. Clear communication of goals and objectives needed to make sure RSG members understand how they can meet SAT guidelines.
The SAT wasted time on answering questions that had no bearing on the process just because somebody wanted to know. There should be a better screen for the SAT activities. The evaluations were good but the standards were being discussed even at the last SAT meeting. It is time to put modeling in it's grave. It was not helpful to anybody except people who make money doing models. The science is just not there yet for decision making for large ecosystems. While modeling may have some relevance for a single species in a small geographic area it was just a waste of time and energy in this process.

What suggestions, if any, do you have for improving the decision-support tools in future MLPA study regions? (n=16)
GIS support and DFG planning staff help was critical in this process. Doris sounded like a good idea, but did not seem to be friendly even to the tech savvy members of the RSG. Not a new idea, but an entirely standardized feet/fathoms delineation of all issues would be extremely helpful.
didn't really use DORIS, have own GIS software.
Doris is slow
The use of Doris needs more support. I found it difficult to use.
consider that many of us are not computer savvy. and do not aspire to ever be so.
Doris, while very useful, was a little slow and "clunky" to actually utilize in the real world, even with fast computers and fast internet connections, however this is understandable, since this is an emerging technology now first seeing application in the marine environment, and is likely to be fine-tuned as it is used more in the future.
Keep it short and simple; do not assume that everyone at the table has the hardware or is technologically as sophisticated as the I-Team staff. However, to be fair, they tried their best to educate us!
less doris
I never resolved my problems in getting access to Doris in the beginning and ended up using our own GIS.
A picture is worth a 1000 words. Maps very helpful for the public to understand and the faster we could publish the better to explain to interested and effective parties for better feedback.
GIS staff was amazing. Period.
1. Different GIS teams used different base maps during meetings, making it harder to compare among groups. Suggest you determine a single format for all teams to use during meetings. 2. Not being electronically inclined, I depended heavily in the design process on a set of hard copy maps by region of interest that I printed out at the start. They contained: substrate, lat/long 1 min graticule screened back), fathoms (and meter contours) and buoys from the nautical chart, towns and land features. They were helpful in situations where I was talking to locals folks without a computer.
Set up more work sessions with groups that include GIS to help with maps and calculations. Most home computers couldn't handle some of the Doris stuff. Saving it and making sense of it and sharing it with others was impossible for some of us.
having GIS support assigned to each workgroup and then dedicated to that team for the whole process so no info or context gets lost. having two people - one to drive the GIS and one to capture narrative
Get more money for the Doris Team to develop that tool. Use of Doris was not what you would

<p>call menu driven or easy. With a little more time, Doris could be the best tool for the RSG and any working member of the process to develop or inform decision makers. With the data layers that are available to Doris in a timely manner, there is little reason not to develop a very easy user friendly format. I have given them my suggestions and hope they are able to bring them to fruition. A huge thanks to the GIS staff.</p>
<p>Development of a real decision support tool and a planning tool that would enable RSG members to visualize how they were achieving (or not) the SAT goals as they were creating MPAs. This should be available in real time. Doris is a complete waste of resources. All SAT evaluation tools (spreadsheets etc...) should be available to RSG members so they can experiment with various options. the entire SAT evaluation process needs to be streamlined to facilitate real stakeholder participation without having to wait weeks-months for an evaluation.</p>

<p>How could the feedback and guidance provided by the BRTF to the NCCRSR after Rounds 1 and 2 have been more helpful? (n=14)</p>
<p>Feedback and guidance from the BRTF seemed to be completely ignored by everybody---the RSG, the I-Team, and the BRTF itself. Guidance on special closures? The weight of cross interest support? Perhaps simpler or more specific guidance (eg: three proposals) would be more helpful/useful.</p>
<p>the feedback was pretty clear.</p>
<p>Feedback amounted to nothing more than a goal number of proposals to reach if they had a clue. none of them were "ocean people".</p>
<p>BRTF did not appear to be fully engaged, except for one or two individuals who took the time to attend RSG meetings and observe the negotiating process, and who know the details of this particular study region</p>
<p>I felt mixed messages were sent.</p>
<p>Th brtf did not do their home work . The Chair asked the question " what is ex - vessel prices" ? on april 22 08 .</p>
<p>Not always what we wanted to hear but fair in there expectations. After all they too had a job to do and we should be glad they even asked us for our work in the process.</p>
<p>BRTF guidance was absolutely critical and was properly conveyed to us.</p>
<p>Golding was a poor leader, Caldwell came with too strict an agenda, of her own. Put members onthe BRTF the more represent sectors of the public that stand too loose, boat manufactures, tackle manufacturers, wholesalers.</p>
<p>less emphasis on consensus - consensus wasn't the objective</p>
<p>If the BRTF would have had the proper guidance from the SAT the BRTF would have had the information they desparatly needed to give the RSG the guidance they needed. I give a 3 out of respect to the BRTF members. It was not their fault.</p>
<p>Something more than telling us to reduce the number of proposals. At least in Round 2 they finally provided something resembling guidance</p>
<p>We got conflicting and unclear messages based on who you talked to. Staff opinions varied from what BRTF said publicly during the meetings. The issue of special closures was one which staff tried to derail throughout the process and used the BRTF as the bad guy. But, in fact the BRTF was fine with whatever the stakeholders came up with for special closures.</p>

What would have made you more satisfied with the deliberative process the BRTF used at its April 22-23 meeting to develop the Integrated Preferred Alternative MPA Proposal for the NCC? (n=23)
The BRTF meeting on April 22-23 was not the best of public meetings. All the boilerplate for the first 2/3 of April 22 should not have been on the agenda; adequate time should have been reserved for presentations of 3 proposals; an adequate number of equally functional microphones should have been available; public comments should have all been taken at once (to reduce that urge that some people have to speak whenever given the chance); public comment should have been random rather than stacked according to support, and should have taken place close to staff guestimates (@ 2:00pm rather than six hours later). The deliberations that took place on the morning of April 23 should have started as early as possible on the first day---this was the essence of this meeting and many people---RSG members as well as the public---did not get to witness the best of the process.
I was not present, but watching parts of it on the internet it seemed very heavily on evaluation presentations etc the first day, when much of that could have been done by individual BRTF members if provided the info beforehand/briefed the night before. the time then could have been better spent in discussions with the RSG members over the reasons for differences in proposals.
If they had stuck with 1-3. I think they were winging it to make a new proposal. I agree with adding most of the state Parks changes but the other pieces shifted the balance.
Guidelines RSG were to follow was ok for BRTF to dismiss.
I feel the BRTF did not take into consideration the social-economic impact their preferred alternative will have on the communities in the north coast region.
If I felt the stakeholders had any connection with the BRTF world. They were not stakeholders at all.
It was sort of hard to swallow some of the miss information they put out to make their changes Where were we for a whole year to have things shot to hell in four hours?
Less politics and more science, less changing their minds after being lobbied at lunch by extractive users.
It was very unclear as to how and when testimony from the various stakeholders would be given. Due to prior commitments I could not attend both days of the meeting and really hoped to speak up during Day 1. Unfortunately, I was never given the opportunity to speak due to both format issues and what I felt was a poorly managed meeting. I had many things I wanted to say about the process and was never given the chance to say a single word. I was very unhappy driving home that night. As to the deliberative process used by the BRTF, I am still in the blue as to their thinking.
I am completely disenchanted with the brtf . I believe all three proposals should have gone to the commission without being accompanied with the brtf preferred alt.
Meeting was very long but overall good interaction between groups and BRTF. Recongition should have been at an earlier time so all RSG members that attended could have gotten there award rather than those whom stayed til the end.
I know the BRTF understodd the subtleties of the proposals and boundaries. But I don't know if they did the best job of showing that knowledge to those present at meeting. I also feel that MUCH more time should have spent doing side-by-sides by proposal co-leads. This is where the meat is, but because the meeting was run so poorly, we got only 1 minute each or so to explain why our shapes are the way they are, and I think this left many people feeling disillusioned with the BRTF process.
The North coast was an abomination. The ideas from the Russian River and south were good.
the meeting was poorly organized, and there should have been dedicated time slots for guest speakers like the director of parks, and other officials who came to speak but left because they had waited for so many hours. it would have also been much better if public comment by user groups was staggered and alternated, so not all 2xa at once or all 4 at once, but alternating so it was more evenly distributed.
I don't feel that there is even a need for a BRTF. I believe that the DFG Commission could decide for themselves what would be the best MPAs

<p>A more integrated approach that had closer interaction with the RSG working on the existing proposals per array and using the flexibility that is offered to the BRTF to further refine the proposals. At this time if the BRTF felt that they needed to integrate another proposal or that there were several proposals that were essentially the same and reduce the number sent to the Commission, they could.</p>
<p>There was no "process" involved in their creation of the "IPA". This was nothing more than politicians creating sausage. Only one proposal achieved ALL of the SAT guidelines and it did it with the least socioeconomic impact yet the BRTF chose to simply ignore that and succumb to political pressure. Their action reflects poorly on the entire process.</p>
<p>last minute changes by the BRTF seemed odd</p>
<p>They had made decisions the night before on their compromise. Give the north to 1-3 or 4 (because coastside is not strong there) and from Bodega south, go with 2. They tipped their hand when they got back from lunch and "admitted" they had voted the wrong way. Also, these were developed as packages not shopping carts. Yet, they went through each particular area and discussed the best for each area. Thus, the whole concept of a package was thrown out. So, next time, if that's what they are going to do, take each proposed area and have options for each discreet area. At the end then, a truly integrated package will be decided upon. And, any alternatives presented to F&G would be site specific which is how the hearings go anyway. The package system will only work if it is a take it or leave it but can't change it package.</p>
<p>greater consideration of RSG proposals with the most cross-interest support</p>
<p>There was a process? It seemed like the same thing as the meeting when the RSG was forced to vote after being presented to for an entire day. We were braindead after that meeting. I felt that the presentations before public comment and deliberation were way too long. The BRTF had heard much of this before and it forced public comment to wait until almost after dinner. Public comment in support of proposal 4 did not begin until after 9 p.m. It was unfair to let all the 2XA people go first and force everyone else to wait. Day 2 was a different story and made alot more sense.</p>
<p>Justifications for changes were not given.</p>

What would have made you more satisfied with the <i>substance</i> of the Integrated Preferred Alternative MPA Proposal adopted on April 23? (n=20)
I would have been more satisfied if the IPA as well as the 3 final proposals from the RSG were less the products of anecdotal posturing and was anchored to a greater degree in science. I realize that our science is quite incomplete and also quite expensive, but there still should be a way to use the brains of all those marine scientists in the room that could have generated a network of MPAs that had less politic and more science.
the BRTF was interested and deliberative, and did a good job trying to take the needs of everyone into account.
a more common sense approach to the northern region. it seems like they got overwhelmed.
Less impact to the region north of Fort Ross.
many changes happened near the end, the salmon closure, VMS, no time to adjust, too fast track
I think the whole precess could have done its job without the BRTF
Restoration of reef habitats is among the most important part of bringing back California's nearshore coastal ecosystem and depleted rockfish populations, but Duxbury Reef is provided no option for restoration at all. Tragic outcome !
Following the 1-3 proposal for Saunder's Reef and keeping all of Salt Point open to recreational anglers.
The brtf voted 5-0 to adopt the 1-3 version at Saunders Reef ,, Then at the 11th hour chose the prop 4 version ... I am at a loss to explain this.
I was sorry the 1-3 plan for Duxsbury reef was dropped but other than this I thought there plan was something I could live with. I still think that the 1-3 plan was the best.
northern end of Bodega, Duxbury, more at northern end of Fitzgerald
stronger protection from Bodega Head to the southern end of the region. From the Russian River on down, the IPA replicates the least protective proposal, and that's a huge missed opportunity. Particularly disappointing is the omission of the highly diverse rocky reef habitat (with walls, pinnacles, rock islands...) at the northern end of the Bodega Head reserve and of an MPA at Duxbury Reef/Double Point, where an SMCA in part of the reef could help restore a treasured but heavily impacted place.
No Sea Lion Cove at all, no Saunder Reef, Less loss at Salt Point, more loss at Sea Ranch unless there want an agreement to improve access. In reality, access will very virtually non-existent. This becomes a private diving area for rich folk.
higher protection of fitzgerald and an smca at duxbury. creating an smca at duxbury does not shut down family fishing opportunities - it enriches them by allowing some of this critical habitat protection and a chance to replenish and eventually feed fishing ops. i will say that i wholeheartedly support how the BRTF attempted to listen to all info and chose to select from a variety of proposals with the strong back-bone of proposal 1-3 since proposal 1-3 was truly the only integrated/cross user proposal
I think the area North of the Russian River has been impacted too much.
From Russian River South the MPA's that were selected by the BRTF are "livable" and I feel will contribute to a viable statewide network. The areas that I find unnecessarily restrictive and somewhat punitive are the large SMR above Salt Point, Saunder's Reef, and Sea Lion Cove. The MPA with the most impact to the North is the large SMR. Feasibility has already indicated the use of Sea Lion Cove and Saunder's Reef as MPA's are not to the Departments liking and will do nothing to contribute to a viable statewide network. In proposal 2/XA, a solution has been offered that would conform to the MLPAL and cause the least impact to the extremely fragile economic nature of the North coast business structure. Further, the 2/XA solution will have the least impact to the Sea Ranch community and local land owners. With the IPA there will be a shift of effort that will result in further impact to the Ft. Ross area, and an increase in the use of the Sea Ranch, something that is already very contentious. In phone surveys of the Sea Ranch long term residents, it was an overwhelming consensus that they did NOT want any more public interaction. PERIOD One individual said that he will hire armed guards to stop any trespassing. I was told that dozens of trespassing tickets are given out on a regular basis by one member who should know. There are only 40 parking spaces among six access points in TSR. There are hundreds

<p>along the road south including the Salt Point State Park. This area needs to stay open to keep the masses where they normally go. The IPA will entirely eliminate any access for several land owners to the waters off their land. These landowners have always been great stewards of the lands and sea and really don't deserve such a blow. 2/XA provides some access. On a safety note for trollers working the contours off the coast for salmon, the IPA will cause a dangerous and unnecessary change in course that will put the boats broadside to the seas that are well known in the area. When you consider the most biologically important habitat is inside close to shore, less than 1 mile, why extend the MPA out to 3 miles and cause a dangerous condition. The Pt. Arena MPA is a good choice. Note to the BRTF: The job you did at Fitzgerald was excellent. We tried to do this but did not have the flexibility that you do. I appreciate your wisdom and sensability in creating this fine example of your abilities. I hope we or you are able to do this more in the future.</p>
<p>See previous question. A more balanced approach in the north was needed (north of Russian River).</p>
<p>All the real compromises had been made in 1-3. Dropping Duxbury was a real tragedy. It had one of the few areas where the effectiveness of MPA's could have been studied. Instead we ended up like the central coast process which is that wherever rec fishers go there are no reserves and so all the reserves are where nobody fishes now anyway. The one true exception to this was the Farallon islands where because Coastside didn't have a lot of input it turned out to be a very good proposal that all could agree on.</p>
<p>inclusion of additional MPA near double point that was included in 2 of the 3 RSG proposals</p>
<p>Duxbury, what else? But after all the rec fishing email alerts falsely told their members that we wanted to close down all of Duxbury (and the John Ugoretz letter) I assumed Duxbury was done for anyway. When the BRTF accidentally included it I was ecstatic. Its unfortunate that my efforts to be truthful with my membership (as all RSG members agreed to) was not met with the same level of truth from the other side.</p>

<p>Thinking back to the outset of the NCCRSG process, what, if anything, would have given you a clearer understanding of the way in which the BRTF was going to review and then make recommendations to the California Fish and Game Commission on the MPA proposals developed by stakeholders?? (n=12)</p>
<p>The unclarity was mostly a personal fault of not registering early or strong enough the role that the BRTF would have. I don't know if other RSG members shared this problem; if so, a BRTF meeting at the very beginning of the process, (rather than the occasional visit to the RSG meetings by Task Force members) might have been helpful</p>
<p>A statement of intent from the BRTF as to what or how they intended to use our proposals if you told us we were probably going to have very little to do with the outcome</p>
<p>Tell us at the outset that at the end of the day, when all of our diligent work was done, that our negotiated outcome would be supplanted by simple political shenanigans by appointees who had not really been part of the negotiations and who had not been following the science very closely.</p>
<p>The understanding was fairly clear; unfortunately some of my fears were proved to be accurate.</p>
<p>Perhaps to have had one of the BRTF members speak to the RSG toward the end of the meetings and explain how they plan on processing the RSG proposals.</p>
<p>Have all stakeholders understand the BRTF's goals and how they may differ from the NCCRSG's goals.</p>
<p>A primer on and discussion of the review process. But it's also important to emphasize the importance of the goals, not just the guidelines and analytic techniques. Otherwise there can be a tendency to game the system, or see meeting the guidelines as the end not the means.</p>
<p>in my mind this is a moot point - what the RSG should have been focused on is creating a proposal that best meets the charter, and giving the BRTF robust choices to select from</p>
<p>It would have been clearer if we knew that packages meant nothing. Except for them to be able to pass on so they could be in an EIS.</p>
<p>more explicit description of evaluation criteria</p>
<p>Considering how it turned out to be, not much.</p>

Thinking back to the outset of the NCCRSG process, what, if anything, would have given you a clearer understanding of the way in which the California Department of Fish and Game staff was going to review and comment on the feasibility of the MPA proposals developed by the NCCRSG? (n= 12)

Throughout the process the DFG played a deceptive and underhanded role as rulemaker, gatekeeper, and referee. Many of the Department staff were a great help to the RSG process, providing significant technical support and guidance. The Department's overarching dominance of defining the playing field---from delineating which species are "Depleted or Overfished" to a completely arbitrary and inconsistent measures of feasibility in regulatory structures---significantly undermined entire process. The Department's final analysis of the 3 proposals seemed to be bordering on bad faith. Many of the proposed MPAs had been on the table for months, so the absolutely critical and thoroughly dismissive tone of this final memo was really beyond comprehension. Where was the constructive feedback MONTHS earlier? If boundaries or whole MPAs were to be so unacceptable, shouldn't this have been made clear by the numerous Department staff that we repeatedly queried? A more cynical mind would think that a political fix had been leveled. unbelievable.

It seemed clear from the outset, but the final feasibility analysis memo was a surprise and appeared to be making at least some subjective recommendations best left to the BRTF and Commission.

just hand it to them from the start

Tell us that one person had what was essentially veto power over any of our negotiated proposals. The enforcement feasibility feedback was fine, but the arbitrary rejection of certain proposals was unfair and unreasonable. DFG staff should also be trained not to argue openly with members of the public during scoping meetings and other public events, it does not help reassure the general public....

I had thought that the DF&G would be a more neutral player in this process. Instead it appeared that they are advocates of the MLPA (perhaps due to the legislation) and far too often seemed to work against anglers

Again, if they thought that SMPs were something that contributed little to the MLPA, we should have discussed this early on in the process.

Immed feedback after purposals was submitted

I thought I fully understood. However, once they basically chose their own proposal under the guise of their DFG Feasibility memo, I realized I didn't.

DFG did a good job stating its preferences for how lines should be drawn, right from the beginning. Less clear was its interpretation of objectives (e.g. that some couldn't be applied at the site level, even once that site was part of a network; and that some were consistent only with full protection) and various other criteria for whether an MPA was acceptable.

this is the area that i think needs the most improvement. and to be clear i think feasibility choices are often at odds of other choices, so when we as stakeholders choose safety or local support over some obtuse feasibility i think that dfg has to do a better job of capturing and understanding that trade off - especially when they are in each and every work group and we purposefully address these choices and questions to them.

Unfortuntualy the DFG has been castrated in this process. This was evident when the BRTF chose to simply ignore all of their suggestions in favor of a politically motivated move to support California Parks. This action removed any amount of trust that this process is fair and balanced.

I give it a high score because we all understood that F&G is not bound by anything the RSG or BRTF does and will make their own decision. At least this time they won't have F& G staff fighting the RSG as much.

What, if anything, would have made you more satisfied with the NCCRSR proposal development process (before the final proposals were considered by the BRTF)? (n=18)
Recognizing that there would almost always be a hard consumptive and a hard non-consumptive position staked out, more time and effort should have been put into supporting a middle position, with some mechanism that would reward or elevate participation in the middle position. The polar proposals had the support of professional staffers (from the RSG pool) and lobbyists, whereas for the most part, 1 & 3 were generalists attempting to craft a proposal that was truly cross interest. The merge of the cross interest proposals should have taken place significantly earlier in the process to allow the time to completely develop this proposal.
RSG members (or external others) being permitted to provide synthesized information into the process at an earlier time.
if something could be done to make it even more collaborative, less competitive
The user groups with the most to lose were the least represented.
consider the over educated people who battle with the less educated. advantage goes to the educated
BRTF should have played a bigger role in the development of the options. I think giving the options leaders a few minutes to explain what they were trying to accomplish was not fair.
some key and critical areas, Duxbury Reef and Salt Point State Park in particular, were left behind and not addressed due to serious flaws in the stakeholder process, not for any other reason
A willingness by "all" participants to truly listen, empathize and sympathize with the feeling of fellow stakeholders. I know it's unrealistic and "pie-in-the-sky" but I was hoping for a miracle.
location of all the meetings should have been in the port towns that will be suffering the impacts of these MPA.
Already mentioned the last minute merges. I forgot to mention that some of the stakeholders were switching merge groups in order to vote in more than one proposal group. Not fair- stay where you were put!
I know that my voice was heard and sometimes even made a difference to how we decided to proceed with our work. I think everybody's did and even though not all of us got everything we wanted we were able to voice our concerns.
Too many conservation groups wanted closures for the sake of closures, without regard to economic impact too north coast areas. The Park service should be glad they get any closures and rally around those rather than advocating to take land from the public for their underwater park ideas. The idea of the Park Service wanting to close areas to the public should be met with a tremendous cut to their funding.
less straw polling so early with such random attendance in rooms, more decisions based on established criteria
Some reason you guys keep erasing my answers? Having the full plenary involvement I have stated earlier and without the agenda driven protectionist element causing unnecessary conflict to people that are trying to do the best for all of California and Californians.
A fair and balanced treatment of all stakeholders. See other comments for details.
Groups 4 and 1-3 worked well. Group 2 was a failure and allowing Coastside to capture group 2 and introduce an outside proposal as if it were a negotiated proposal was wrong. While group 4 was labeled as the conservation proposal it was in fact a multi-stakeholder group and modified their proposals based on input from stakeholders and other community members
slightly more time towards the end of the process to refine proposals and develop more consensus among stakeholders
I felt the closed caucus was a joke. It allowed all the fishermen to basically get together and strategize for their interests in a way that was unavailable and unsought by others who wanted an open process. This is the 2nd worst decision after my earlier complaint about throwing out hard-won compromise moderate MPAs.

Recognizing that the California Fish and Game Commission has not yet decided on an MPA proposal for the NCC, what changes would have improved your overall satisfaction with the process to develop MPAs for the NCC? (n= 16)
further improvements to make the process even more transparent and democratic would help public buy-in ultimately
More consideration given to the commercial fisheries and to the social-economic impact of closure of abalone habitat
less politics, more reality. this is about the future generations, not preferred sites.
Not follow the process of sequential erosion of proposals that we saw during this process, only to set us up for more sequential erosion during the BRTF decision at th end, and likely a final political manipulation of the product still to come. Embarassing!
More time might have allowed the stakeholders to reach consensus and prevented the horse trading going on in the back rooms.
F&G commission should have held at least one meeting with the RSG
I've already discussed them.
I still think that being asked for feedback is better than not and while maybe the process is not perfect it still beats having the Fish and Game Commission make decisions without information from the stakeholders.
Make that 5.5. Less emphasis on short-term, worst-case economic impact estimates. There should be more emphasis on benefits, or less on costs that probably won't be incurred, or both. My general satisfaction has a lot to do with the fact that the process was generally open, inclusive, and responsive. That feeling could be changed dramatically if the Commission were to weaken the IPA.
Some groups, like NRDC, Oceana, et al, were unrealistically recalcitrant towards the consumptive users.
less politicking, less tolerance for lying - but overall i have to say everyone who had their hearts in the right place and the majority of the staff did a tremendous job
I really don't think there is a need for an IPA.
I think if you read the previous statements I have made you will understand
See previous answers
If we had come up with proposals that really would have made a difference in the ocean ecosystem
Obviously, I wish it wasn't so political. But such is life.

Please list up to 3 things you would recommend doing similarly in future MLPA study regions - first recommendation: (n=25)
DFG not make preferred alternative
eco trust scocio-eco data
cross-interest work groups
More user group participation.
Small working groups. e.g., gems
establish goals and objectives early on in the process
Diverse "gem" groups
Good ecological characterization as baseline at the beginning
Have a diversity of interests represented on the group.
keep the working group structure intact
covering ground rules and goals
Breaking up in small work groups (gem groups)
work groups across interests
facilitator interviews of RSG candidates
Structured outcomes for meetings
Gems group formations
mixing up the work groups is good
GIS help
Keep as many of the administrative Teams as possible in order to have a strong knowledge base of experienced individuals to offer their expertise to emerging RSG. I Team, Concur, Ecotrust, Dept. etc.
Continue to strengthen the mapping capabilities
Concur facilitators
cross interest working groups
Get good representative stakeholders
use of cross interest work groups
gem groups - breakouts rock

Second recommendation of what to do similarly (n=20)
Similar makeup/balance of RSG
live gis personal
support information & documents
Providing a regional profile
split people into cross-interest teams
continue social gatherings of groups
Good sidescan sonar done for all of the region
Follow most of the procedures that were used up until the December meeting.
access to SAT / BRTF meetings
Traveling to all regions in study area so can understand all areas.
several iterations of proposals, with SAT and DFG feedback after each
cross-int RSG groups, eventual incentives to merge divergent proposals
EcoTrust socioeconomic data
having co-leads
staff availability
Continue to have meetings in familiar places but please find somewhere better than Pacifica. That place has the worst lighting and gives everyone that braindead feeling. LOL I did find the meeting in Gualala to be extremely helpful for public outreach and local interaction for the RSG. These outlier areas need to be physically experienced by the RSG.

Live GIS support
Be sure F&G staff are fully involved and participate
use of meeting locations throughout study region
top notch GIS/Planning/CFGD/Concur/Initiative staff - the best part of the whole process

Third recommendation of what to do similarly (n=18)
equal representation in work groups
side-by-side comparisons
Straw voting
keep the size of the group the same or smaller
keep Delbra and give her a raise
Explain to the RSG at the begining that they are only advisory and may be over-ruled by politics
Provide adequate compensation to those stakeholders whose organizations do not compensate them for their time and expenses. It's one way to assure a more level playing field
gem groups
Facilitation by either Concur or Fish and Game staff for meetings and work sessions to stay focused!
equal representation in work groups
side-by-side comparisons
Straw voting
keep the size of the group the same or smaller
keep Delbra and give her a raise
Explain to the RSG at the begining that they are only advisory and may be over-ruled by politics
Provide adequate compensation to those stakeholders whose organizations do not compensate them for their time and expenses. It's one way to assure a more level playing field
gem groups

Please list up to 3 things you would suggest doing differently in future MLPA study regions – first recommendation (n=26)
Ensure DFG provides feasibility evaluations in the detail of their final feasibility analysis much earlier on during RSG process
more live sat participation
"Surprise" straw votes to rank or narrow selections
Less enviro and gov.participation on the RSG.
Streamline the paperwork
try to reach concensus on FINAL goals and objectives
Lessa time on ground rules
Use more caution in picking stakeholders
More democratic facilitation process, no favoritism by facilitators, stick to professional facilitators, not DFG staff to lead groups
Decrease the number of stakeholders who come from public agencies
put the cost of monitoring and enforcment up front
I would try to explain better the role & goals of State Parks in relation to the MLPA to the other RSG members
Converging gem groups sooner in process
DFG should not overstep by making biased statements about how some MPAs should be eliminated. The point of protection levels is flexibility; to allow uses to account for socioeconomics and then have been so flexible that DFG says they'e useless is a Catch 22 that is very unhelpful
more extensive data collection on non consumptive use, and use it, if possible, to compare benefits of various alternatives
More time for group discussions

Speed up the process when lines start to appear on maps
better agenda and time management
more time to develop the final gems proposals
Conviene the SAT very early in the process and have them work closely with the RSG to make sure that the RSG fully understands what the levels of proteciton mean and how the evaluation process works. There should be a test for all RSG to pass and a mock MPA study to help them in their development skills.
Too many to list...No forced cross-interest groups
Minimize listserve informal and off-topic comments
Acknowledge that Fishers have a strong conflict of interest in MPA design.
Prevent a group like Coastside or other rec fishers from "hijacking" the process
commitment by BRTF and F&G Commission to adopt a consensus proposal if the RSG can achieve one
punishment for RSG members that attempt boycotts (Sean, ed and Ben) or intimidate other RSG members (sean white comes to mind)

Second recommendation of what to do differently (n=24)
Set time aside for including discussion on ways to use MPAs to better meet the goals of the MLPA (eg no disturbance areas/Special Closures)
accurate substrate charts
Less time laying groundwork - We didn't look at maps & #s until well into the 11 months
Quicker response from the SAT to questions from RSG
allow special closure discussions ealry on (in applicable)
less time hashing goals and objectives in the beginning
More representation provided to non-extractive interests
Give adequate time to process new information. Receiving new study materials a day or two before the meeting is unacceptable and if the meetings have to be scheduled further apart so be it.
put the cost to the economy up front
Don't allow a situation where the balance of representation by stakeholders is compromised by an external group
More direct interation or coaching from SAT at work sessions or during travel meetings.
less time on models
more complete DFG guidance on feasibility upfront
More early guidance from SAT
Have EcoTrust value economic loss of closure proposals
always professional facilitation esp for very divergent grps
no government representatives allowed to vote on proposals
Do not break up the RSG. This only dilutes the effectiveness of the RSG knowlege base and causes some to take on a competiton attitude that is not conducive to making viable MPA's that will benefit California. Make sure that each RSG member is fully versed and understands the evaluation processes and is well aware of the master plan. Tests should be given prior to the creation of MPA's. Aslo, as the RSG is formed, it would be wise to see how the members interact with on another in a mock MPA creation setting. See previous responses for further suggestions.
Balanced approach when selecting RSG
Better facilitate review of external proposals
Rely on Marxan and other models
Decide well in advance against packages. Do site specific negotiations
consideration of non-fishing related adverse impacts to marine life
consumptive users should not have more votes than all other interests combined. After all some of the other RSG members were bound by multiple use mindset or did not allow themselves to vote at all (like GFNMS)

Third recommendation of what to do differently (n=19)
Synthesize regional profile into more digestible form
less of a doomsday atmosphere in the beginning
Get correct socioeconomic info out more quickly
More time for public comment.
Bring SAT and BRTF out of the clouds. they are just people
No intimidation of stakeholders by other stakeholders should be permitted, as was routine in the NCCR, particularly the intimidation of female RSG members by certain of the sport fishing interests
Provide a copy of the SAT scores for the Central and North Central regions at the start of the process and discuss how important the scores are to the process.
add the above figures together
No last minute merges- it invites political maneuvering and dishonesty
More concern about vocational outcomes and bringing in the appropriate agencies to help with this issue. Shifts can be achieved and there are agencies to help with this if Fish and Game are not. Impact studies should be at least attempted by somebody from the state of CA.
brief BRTF and decisionmakers ahead of time on SAT and DFG evals so that public meetings are not bogged down with lengthy presentations
socio-ec data available earlier, and 100 penny maps distributed
RLFF fund upgraded laptops for participants
better adherence to ground rules
Please make sure that you ask all RSG if they have any affiliations or connections to other organizations. For the SAT make sure they are using sound science and not just pulling rabbits out of their hats.
Remove agency reps that do not bring anything to process of MPA creation (NPS, NMS, State Parks)
Get work sessions on task sooner
Set the bar high for MPAs, Have SAT re evaluate if they really think their size and spacing guidelines are adequate and how they might better interact with the EDOM models.
ensuring that hard won compromises are respected instead of trashed by members of the MLPA leadership

Additional comments to share with evaluators: (n=14)
thanks!
I'm fearful that this process is privately funded. it's a scary course change away from representative gov't towards corporate control of public policy. This seems to be the thing that scares people the most. it also leads to cynicism.
It was quite an education in many ways. It opened my eyes to many of the agendas of the environmental community. As our population continues to grow we need more areas to recreate and here we are making this area smaller. It would have been nice to have a few MPAs and study them to confirm their value as the scientific community seems to be split on their value.
Overall this has been a rewarding experience. Because of the varied interest of the RSG membership getting to agreement on anything was a challenge. The current process works but the timeline we were given was too short. Thank you for the opportunity to share my comments with you.
overall I enjoyed the whole thing. It drew me to tears, it helped develop friendships with people I disagree with. I would do it again.
I tried as hard as I could to save as much of our fishing grounds as I could I was disappointed that we lost some of our grounds but feel that we did save enough area to survive if the commission is fair

<p>It is obvious that this is a difficult set of social decisions for any population to make, and it enrages some interest groups to step back from their habitual extractive endeavors and recognize that there must be reasonable limits on "taking" from natural systems. But no segment of our society has the right to deplete the public trust resource to their own profit and benefit, at the cost of passing the living marine environment on to future generations intact and in sustainable condition. Democratic process should prevail, to a greater extent than this time during the NCCR, in the next shoreline segment to be undertaken in the MLPA process. RSG members, serving as volunteers, should not be allowed to unwittingly become objects of intimidation and antisocial treatment by those who disagree with them philosophically. The process is as important as the outcome.</p>
<p>Although some of my answers may seem to be somewhat negative, I also felt the process was one of the most enriching of my life. I am better educated, have a better understanding of both sides of the equation, and have several new friends. I just hope that whatever we have done is a positive action that helps more than it hurts.</p>
<p>I am appalled that the th process allowed paid reps from large non governmental organizations like nrdc and oc to participate. The word stakeholder implies someone who has something to loose.</p>
<p>Have followup in future to see outcome of MLPA's and how stakeholders were effected. I plan on not only explaining to my grandchildren how process went to create MLPA's but ensure that they interact in there lifetime with the finished product. I think this would be great publicity to show how process worked!</p>
<p>Overall, a great, functional process and I am proud to have been a part of it.</p>
<p>Building relationships on RSG was important, and encouraged by dinners, boat trip to Farallones, etc. Keep that up! Encouragement to stakeholders to represent more than a single constituency was also important.</p>
<p>are we there yet? :) ha ha! i learned a great deal from what i like to call "my year of making sausage" and am glad to have been able to contribute to the process. i fully expect/hope the commission to choose the BRTF IPA - because otherwise it feels like a lot of really hard work for nothing.</p>
<p>Scott and Eric - you're great facilitators. Thanks for all your work. I have my few misgivings, but you did a great job. Grade A- (for the closed caucus decision)</p>

APPENDIX C

MEMBERS OF NCC REGIONAL STAKEHOLDER GROUP

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Members of the North Central Coast Regional Stakeholder Group

November 19, 2007

- **Dirk Ammerman**, Owner, Pacific Rim Seafoods
- **Tom Baty**, independent sportfisher and conservationist (alternate for Craig Merrilees)
- **Ben Becker**, Pacific Coast Science and Learning Center Director, Point Reyes National Seashore (alternate for Don Neubacher)
- **Bill Bernard**, Member, Abalone Advisory Group
- **Bob Breen**, educator
- **Richard Charter**, Associate, Defenders of Wildlife Marine Program (alternate for Karen Garrison)
- **Christopher Chin**, Executive Director, Center for Oceanic Awareness, Research and Education (alternate for Samantha Murray)
- **Josh Churchman**, commercial fisherman
- **Neal Desai**, National Parks Conservation Association (alternate for Frederick Smith)
- **Tom Estes**, commercial fisherman (alternate for Michael McHenry)
- **Ellen Faurot-Daniels**, Oil Spill Supervisor, California Coastal Commission
- **Dr. Henry C. Fastenau**, Diving and Boating Safety Officer, Bodega Marine Laboratory, UC Davis
- **Karen Garrison**, Co-Director, Natural Resources Defense Council Ocean Program
- **Aaron Golbus**, Wharfinger, Port of San Francisco
- **Russ Herring**, Secretary/Treasurer, Southern Pacific Sinkers Fish Club (alternate for Bill Bernard)
- **James Hobbs**, recreational kayaker (alternate for Sean White)
- **Rick Johnson**, docent and teacher (alternate for Bob Breen)
- **Ken Jones**, President, United Pier and Shore Anglers of California
- **Francesca Koe**, VP and Managing Director, Underground Ads
- **Patricia King**, ocean conservationist and docent (alternate for Kellyx Nelson)
- **Irina Kogan**, Resource Protection Specialist, Gulf of the Farallones National Marine Sanctuary
- **Tom Mattusch**, Owner, Hulicat Sportfishing (alternate for Jay Yokomizo)
- **Michael McHenry**, commercial fisherman
- **John Mellor**, commercial fisherman (alternate for Josh Churchman)
- **Craig Merrilees**, educator and recreational fisherman
- **Dr. Lance E. Morgan**, Chief Scientist, Marine Conservation Biology Institute (alternate for Dr. Henry Fastenau)
- **Samantha Murray**, Ecosystem Program Manager, The Ocean Conservancy
- **Kellyx Nelson**, Executive Director, San Mateo County Resource Conservation District
- **Don Neubacher**, Point Reyes National Seashore Superintendent, National Park Service
- **Paul Pierce**, Member, Coastside Fishing Club (alternate for Ben Sleeter)

- **Nelson Pinola**, Chairman, Manchester-Point Arena Band of Pomo Indians
- **Karen Reyna**, Resource Protection Specialist, Gulf of the Farallones National Marine Sanctuary (alternate for Irina Kogan)
- **Santi Roberts**, California Project Manager, Oceana
- **Phil Sanders**, Member, California Abalone Association (alternate for Dirk Ammerman)
- **Dave Schaub**, Natural Resources Program Manager, California Department of Parks and Recreation (alternate for Craig Swolgaard)
- **Ben Sleeter**, Political Advocate/Scientist, Coastside Fishing Club
- **Craig Swolgaard**, Natural Resources Program Manager, California Department of Parks and Recreation
- **Frederick Smith**, Executive Director, Environmental Action Committee of West Marin
- **Ed Tavasieff**, Owner, California Fresh Fish and Secretary, Pacific Fisheries Enhancement Foundation
- **Cassidy Teufel**, Coastal Program Analyst, California Coastal Commission (alternate for Ellen Faurot-Daniels)
- **Nick Tipon**, Member, Federated Indians of Graton Rancheria (alternate for Nelson Pinola)
- **Sean K. White**, Owner, Great White Kayak Company and Fisheries Biologist, Sonoma County Water Agency
- **Robert J. Wilson**, Policy Liaison, The Marine Mammal Center (alternate for Santi Roberts)
- **Dave Yarger**, Past President, Fisherman's Marketing Association of Bodega Bay (alternate for Ed Tavasieff)
- **Jay Yokomizo**, Captain, Emeryville Sportfishing

APPENDIX D

**HCCM MEMORANDUM TO INITIATIVE EXECUTIVE DIRECTOR
JULY 2008**

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HARTY *Conflict Consulting & Mediation*

To: Ken Wiseman, Executive Director, MLPA Initiative
Cc: Jonathan Raab, Ph.D.
From: J. Michael Harty
Date: July 28, 2008
Subject: *NCC Lessons Learned for South Coast RSG Decision Making*

This memorandum is intended to provide you and the I Team with perspectives gathered as part of the Lessons Learned project for the North Central Coast study region. My understanding is that the I Team is engaged in establishing a Regional Stakeholder Group for the South Coast study region. While the final NCC Lessons Learned report will be completed later this summer, we agreed that it would be potentially valuable to the I Team for me to share some initial information gathered through (1) the Lessons Learned interviews, and (2) the online survey designed and supervised by Dr. Raab. In some cases I include statistical comparisons between survey results from the Central Coast and North Central Coast. In all cases I am comparing the average rating, or mean.

I anticipate that points addressed below will be included in the full Lessons Learned report but reserve the right to make changes. Having observed first-hand the quality of your work, I appreciate that much of what I offer below may already have been identified and adopted as part of your South Coast planning. Please let me know if further information would be helpful to you.

1. *RSG Selection Process.* There was no obvious disagreement with the modified process for selecting RSG members for the NCC based on the survey results; several comments endorsed this approach. I anticipate a recommendation that this process be continued for future study regions, including a significant role for the facilitation team. This recommendation would include the preliminary workshops and open houses that are part of public outreach, and that offer opportunities to meet potential candidates outside the formal nomination process.

2. *Stakeholder Interactions.* The survey responses indicate concern about the behavior of one or more RSG members toward others, with a suggestion that gender played a role. The term "intimidation" is used more than once. My interviews confirm that stakeholder interactions became an issue for some RSG members. The criteria for RSG membership were stated in the NCC nomination form, and this appears to be the case for the South Coast. I anticipate making a recommendation that RSG operating rules or guidelines state clear expectations about behavior and consequences for failing to meet those expectations. I also anticipate recommending that behavior and

consequences be part of interviews with potential RSG members, and also a criterion for RSG selection.

3. *Balanced Representation.* The overall level of satisfaction with RSG composition is notably higher for the NCC [3.81] than for the CC [3.16]. The chief complaint on the CC was directed at over-representation by consumptive users, according to the Raab Report [p.20] For the NCC, there are comments about the relative representation of fishing interests, government agencies, the general public, and NGOs. The number of comments in favor of any single group category is relatively small in relation to the overall number of survey responses. Interviews suggest that concerns about representation of fishing interests north of Bodega were raised with the I Team during the NCC process. I anticipate a recommendation that reasonable sensitivity to representation of different fishing areas within each study region be part of the RSG balancing effort. It is not my view that the NCC represented a departure from this standard.

4. *Straw Voting.* The MLPA Initiative is closely followed and key stakeholder groups appear to adjust their approach based on experience. Expectations about the use of straw voting can influence views about what constitutes a “balanced” RSG, with stakeholders counting likely votes in advance and seeking to influence RSG composition. There were a number of comments about the use of straw voting in survey responses. I anticipate a recommendation that the I Team address the implications of straw voting, which has value as a consensus-building tool, in making decisions about overall RSG balance.

5. *Undisclosed Affiliations.* The survey responses included criticism about one or more stakeholders with undisclosed affiliations, allegiances, or commitments that influenced outcomes within the RSG. These affiliations appeared to turn on basic values preferences that are at the center of MLPA decision making. I anticipate a recommendation that supports reasonable steps to identify undisclosed affiliations during the RSG interview process.

6. *Role of Federal and State Government Agencies.* The NCC RSG included representatives of multiple federal and state government agencies. The interviews and survey results reflect diverse views about the appropriate role of government agencies on the RSG. Survey responses cover a full spectrum: one view that accepts full participation (or at least not opposing such participation), another that prefers non-voting participation, and a third that opposes participation. The majority view appears to accept full participation. The BRTF addressed this general question early in the NCC process and BRTF interviews support the principle of full participation by government agencies. My expectation is that federal and state government agencies are potential RSG candidates for the South Coast. Candidates will want to know that they are full RSG members as part of their decision making process. I anticipate a recommendation

that supports BRTF clarification of this issue at the outset of the RSG process, leaving it to the BRTF to define the rules. I have no reason to expect that the BRTF would reduce government agency participation for the South Coast.

There was a specific issue during the NCC process about the role played by the Department of Parks and Recreation ("State Parks") in advocating for a particular MPA as an RSG member. Interviews suggest multi-layered concerns: one level involves the general question noted above, a second involves the internal consultation process for the Resources Agency and State Parks, and a third is result-oriented. Looking to the South Coast and the presence of beaches under the jurisdiction of State Parks, it is likely the same type of situation will present itself, and this eventuality should be part of the BRTF's clarification. I do not anticipate making any additional recommendation on this topic.

This set of recommendations does not address tribal government participation.

7. *Early Activities.* It appears from the schedule that the South Coast RSG will be named in mid-September. To the extent you will be planning early RSG activities over the next month or so, I anticipate recommending one or more early workshops for the RSG that provide a "deep" introduction to the MPA design process. In addition to presentations, I encourage consideration of hands-on learning through examples. I don't anticipate recommending that RSG members be tested, as suggested by one NCC RSG member in the survey. Use of the various technical tools will obviously be part of the education process.

I also encourage communication with the SAT about the role of the EDOM and UCD models as a potential MPA design tool. Interviews suggest there is an effort underway to design a user-friendly interface, and there is some sentiment among the SAT modelers that early, hands-on introduction of the models to the RSG is desirable. The SAT's paper dated April 2, 2008 is a useful summary of SAT thinking. In particular, the SAT recommended integrating models more completely in future MPA design efforts. I anticipate a recommendation that the BRTF return to this topic early in the South Coast process.

I anticipate recommending an early workshop for the BRTF on MPA design and evaluation that potentially would be open for the public to observe. Interviews suggest there would be support for this activity, and that it need not take up agenda time at a regularly scheduled BRTF meeting.

I also anticipate recommending an early BRTF-RSG session where the BRTF would clarify its role and authority related to MPA proposals and a preferred alternative.

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APPENDIX E

RLFF FUNDING COMMITMENT AS OF AUGUST 2008

California Marine Life Protection Act Initiative
Phase 2 Funding Description (Private Funds Only)
July 1, 2007 - June 30, 2009

Updated August 31, 2008

BUDGET ITEM	Phase 2		Year 2		Remaining Funds
	Total Budget (7/1/07-6/30/09)	Expenditures (7/1/07-6/30/08)	Budget (7/1/08-6/30/09)	Committed Funds (7/1/08-6/30/09)	
Contracted Personnel					
Full-Time Contractors (includes executive director, program manager, principal planner, planner, policy analysts)	\$ 930,000	\$ 653,216	\$ 276,784	\$ 274,077	\$ 2,707
Part-Time Contractors (includes GIS specialist, logistics support, science advisors)	\$ 370,000	\$ 88,049	\$ 281,951	\$ 79,848	\$ 202,103
Contracted Research and Development					
Biological/Socioeconomic Research	\$ 350,000	\$ 226,401	\$ 123,599	\$ 159,990	\$ (36,391)
GIS/Mapping/Databases	\$ 950,000	\$ 469,554	\$ 480,447	\$ 575,477	\$ (95,031)
Environmental Review, Documentation and Analysis	\$ 500,000	\$ 87,500	\$ 412,500	\$ 277,133	\$ 135,367
Stakeholder Participation	\$ 562,000	\$ 359,693	\$ 202,308	\$ 90,308	\$ 112,000
Policy Research, Technical Writing	\$ 120,000	\$ 9,988	\$ 110,013	\$ 89,061	\$ 20,952
Meetings/Workshops/Travel					
Facility, Logistics, Travel, Lodging, Per Diem, Stipends, Communications	\$ 485,000	\$ 573,849	\$ (88,849)	\$ 67,609	\$ (156,458)
Administration and Support					
Computers, Equipment, Supplies	\$ 25,000	\$ 20,469	\$ 4,531	\$ 3,906	\$ 625
Total	\$ 4,292,000	\$ 2,488,716	\$ 1,803,284	\$ 1,617,409	\$ 185,875

* An additional \$550,000 was provided by private sources for launch of South Coast project.

**California Marine Life Protection Act Initiative
Phase 3 Funding Description (Private Funds Only)
July 1, 2008 - December 31, 2011
Updated August 31, 2008**

BUDGET ITEM	Phase 3	Year 1	Year 1	Year 1	Year 2	Year 3	Year 4
	Total Budget (7/1/08-12/31/11)	Total Budget (7/1/08-6/30/09)	Committed Funds (7/1/08-6/30/09)	Remaining Funds	Total Budget (7/1/09-6/30/10)	Total Budget (7/1/10-6/30/11)	Total Budget (7/1/11-12/31/11)
Contracted Personnel							
Full-Time Contractors (includes executive director, program manager, principal planner, planner, policy analysts, regional coordinator, information officer)	\$ 2,169,500	\$ 284,000	\$ 207,600	\$ 76,400	\$ 876,600	\$ 672,600	\$ 336,300
Part-Time Contractors (includes GIS specialist, logistics support, science advisors)	\$ 283,800	\$ -	\$ 86,297	\$ (86,297)	\$ 120,400	\$ 111,800	\$ 51,600
Contracted Research and Development							
Biological/Socioeconomic Research	\$ 520,000	\$ 480,000	\$ 58,350	\$ 421,650	\$ 40,000	\$ -	\$ -
GIS/Mapping/Databases	\$ 2,410,000	\$ 1,630,000	\$ 1,081,905	\$ 548,095	\$ 780,000	\$ -	\$ -
Environmental Review, Documentation and Analysis	\$ 700,000	\$ 50,000	\$ -	\$ 50,000	\$ 350,000	\$ 300,000	\$ -
Stakeholder Participation	\$ 750,000	\$ 375,000	\$ -	\$ 375,000	\$ 375,000	\$ -	\$ -
Policy Research, Technical Writing	\$ 160,000	\$ 80,000	\$ -	\$ 80,000	\$ 80,000	\$ -	\$ -
Meetings/Workshops/Travel							
Facility, Logistics, Travel, Lodging, Per Diem, Stipends, Communications	\$ 1,291,075	\$ 662,263	\$ 49,000	\$ 613,263	\$ 628,812	\$ -	\$ -
Administration and Support							
Computers, Equipment, Supplies	\$ 50,000	\$ 30,000	\$ -	\$ 30,000	\$ 20,000	\$ -	\$ -
Total	\$ 8,334,375	\$ 3,591,263	\$ 1,483,152	\$ 2,108,111	\$ 3,270,812	\$ 1,084,400	\$ 387,900

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APPENDIX F

MLPA INITIATIVE NCC MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

among

THE CALIFORNIA RESOURCES AGENCY

THE CALIFORNIA DEPARTMENT OF FISH AND GAME

and

THE RESOURCES LEGACY FUND FOUNDATION

for

**THE CALIFORNIA MARINE LIFE PROTECTION ACT INITIATIVE
SECOND PHASE**

This Memorandum of Understanding (MOU), effective January 1, 2007, is made and entered into by the California Resources Agency (Agency) the California Department of Fish and Game (Department) and the Resources Legacy Fund Foundation (Foundation). Each of the Agency, Department and Foundation may be referred to individually as a Party or collectively as Parties.

I. OBJECTIVES

By this MOU the Parties seek to accomplish the following objectives:

- 1.1 To memorialize their agreement to fund and implement a process (referred to in this MOU as the second phase of the MLPA Initiative) to achieve the objectives of the Marine Life Protection Act (MLPA; California Fish and Game Code section 2850 et seq.) for the second phase of developing a statewide network of marine protected areas (MPAs);
- 1.2 To set out a publicly transparent, science-based process for the development of siting recommendations for the second phase of the MLPA process;
- 1.3 To set out within this process opportunities for timely and meaningful participation by the general public and stakeholders through regional and statewide meetings and workshops;
- 1.4 To incorporate within the process certain elements of the previous MLPA Initiative process on the Central Coast (Pigeon Point to Point Conception), including the Blue Ribbon Task Force (Task Force), the Science Advisory Team and Regional Stakeholders Group;

- 1.5 To clearly set out the roles and responsibilities of the parties to make the process transparent to the public, to maximize efficiencies, to enhance opportunities for cooperation and to avoid conflict or confusion;
- 1.6 To articulate a mutually agreeable process by which the Parties intend to secure the delivery of the Task Force recommendation for alternative MPA proposals and a proposed preferred alternative for the second phase of the MLPA process to the Fish and Game Commission by March 15, 2008, to secure the delivery of the Department's analysis and comments on those alternatives and Task Force recommendation to the Commission by April 15, 2008, and to complete the CEQA and rulemaking process for MPA proposals for this next phase of the MLPA process by January 15, 2009;
- 1.7 To develop information during the process that will assist the state in coordinating the management of MPAs and MLPA Program with the federal government;
- 1.8 To effectively support the role and decision making of the Fish and Game Commission by keeping the Commissioners, and the Commission staff informed and engaged throughout the process.
- 1.9 To refine the MLPA Initiative process to benefit from and be responsive to the lessons learned in the first phase of the MLPA process for the Central Coast (Pigeon Point to Point Conception);
- 1.10 To provide productive opportunities for participation in and integration into the process by the Department of Fish and Game based on its expertise and statutory jurisdiction;
- 1.11 To reflect the commitment of the parties to timely and effective implementation of the Fish and Game Commission's decision on a MPA network for the first phase of the MLPA process on the Central Coast (Pigeon Point to Point Conception).

II. RECITALS

- 2.1 Through its California Ocean Resources Management Program, the Agency seeks to ensure comprehensive and coordinated management, conservation and enhancement of California's ocean resources for their intrinsic value and for the benefit of current and future generations.
- 2.2 The Department is the trustee for fish and wildlife resources in the State of California, and has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and habitat necessary for biologically sustainable populations of those species.

- 2.3 The Foundation is an independent non-profit organization that supports and performs essential services to promote land and marine conservation. Consistent with its mission, the Foundation has developed and administered many strategic charitable programs, including one which is designed to achieve significant advances in coastal and marine conservation in California.
- 2.4 The MLPA declares the need to reexamine and redesign California's MPAs to increase their coherence and effectiveness at protecting the state's marine life, habitat, and ecosystems and, to that end requires, among other things, that the Fish and Game Commission adopt a Marine Life Protection Program to improve the design and management of the state's array of MPAs as well as accomplishing other goals.
- 2.5 In order to fulfill its obligations under the MLPA, the Commission has adopted a draft master plan to guide the adoption and implementation of the program.
- 2.6 Consistent with the master plan, the Commission has identified a preferred alternative and is circulating an environmental impact report for alternative networks of MPAs for the first phase of the program along the Central Coast (Pigeon Point to Point Conception).
- 2.7 The parties desire to achieve the objectives of this MOU through a robust, publicly transparent, science-based process that takes into account the existing limitations on state funding. Given their mutual interests, the Parties are willing to make the commitments set forth below to fund and implement such a process to achieve the objectives of the MLPA for the second phase of the MLPA Initiative process.
- 2.8 The Department seeks to obtain the assistance of the Agency and Foundation in preparing the alternative MPA proposals for the next phase of the MLPA process in recognition of the state's existing budgetary constraints and the Agency and Foundation seek to assist the Department in this process. The Parties also seek to enhance the State's capacity to complete and implement the master plan and to manage its networks of MPAs by improving coordination with key federal agencies and identifying new sources of long-term funding for the state's implementation of the master plan and related activities under the MLPA.
- 2.9 The Parties previously entered into a MOU dated August 27, 2004 to complete the first phase of the MLPA process, the preparation of the master plan framework and the development of alternative MPA proposals in an area along the Central Coast (Pigeon Point to Point Conception). That MOU has expired and the Parties wish to continue their relationship in the form set forth in this MOU.

III. COMMITMENTS OF THE PARTIES

A. ORGANIZATIONAL STRUCTURE, ROLES AND RESPONSIBILITIES

Resources Agency

- 3.1 The Resources Agency will provide state policy leadership and direction, including coordination with state agencies in furtherance of the state commitments made in this MOU.
- 3.2 The Resources Secretary will appoint the members of the Blue Ribbon Task Force to guide the development of alternative MPA proposals and to recommend a preferred alternative to the Fish and Game Commission for the second phase of the MLPA process. The members of the Blue Ribbon Task Force, consisting of people known for their integrity, intellect, experience in public policy and concern for the common good, will serve at the pleasure of the Secretary for Resources for a term no longer than the period from January 1, 2007 through December 31, 2008. The Secretary will appoint a Chair for the Task Force, will convene the Task Force to accomplish the objectives of this MOU and will provide the Task Force a charge. The charge shall contain a clear statement of the scope of the Task Force's authority and the duties to be performed including:
- a) prepare and make publicly available information and recommendations for coordinating management of MPAs with federal agencies;
 - b) guide the development of alternative MPA proposals, modify proposals presented to the Task Force by the Regional Stakeholders Group as the Task Force deems appropriate and craft alternative MPA proposals for presentation to the Fish and Game Commission;
 - c) recommend to the Fish and Game Commission a range of alternative proposals and a preferred MPA alternative proposal for the next phase of the MLPA Initiative process;
 - d) approve work plans for achieving its responsibilities within the timeframe set forth in Exhibit A;
 - e) direct key personnel, including the Executive Director of the MLPA Initiative, who will be retained as independent consultants by the Foundation upon the advice and concurrence of the chair of the Blue Ribbon Task Force.
 - f) approve a budget for the consultants to the Task Force to accomplish the objectives of this MOU.

- 3.3 The Agency will identify a qualified senior policy Agency staff person to provide advice to the Task Force and the Executive Director of the MLPA Initiative, to serve as liaison between the Agency and the Task Force, to assist the Agency in fulfilling its commitments under this MOU, and to participate in the work of the steering committee that guides the work of the Task Force in furtherance of the objectives of this MOU.
- 3.4 The Resources Agency will provide state leadership to make state budget requests for adequate current and future funding for the commitments made in this MOU including requests for funding for necessary Department personnel, funding needed to implement the first phase of the MLPA process on the Central Coast (Pigeon Point to Point Conception) and funding as necessary to complete future phases of the MLPA.
- 3.5 The Agency will provide, as necessary and available, office space, telecommunications equipment and support, and general clerical support for its staff and selected consultants to the MLPA Initiative.
- 3.6 The Agency will support, in light of available resources and consistent with applicable law, timely and efficient implementation of the Fish and Game Commission's MPA decisions reached in the first phase of the MLPA process.

Department of Fish and Game

- 3.7 The Director of the Department and Chair of the Blue Ribbon Task Force will jointly appoint the Regional Stakeholders Group, with a desired membership of no more than 20 members. The Department will appoint the Science Advisory Team, with a desired membership of no more than 15 members. The Director, on concurrence of the Resources Secretary, will provide to the Regional Stakeholders Group and the Science Advisory Team a charge or charter setting forth the scope of authority of the bodies and ground rules for the conduct of business by the groups and their individual members. The Science Advisory Team members and the members of the Regional Stakeholders Group will serve at the pleasure of the Director from January 1, 2007 through December 31, 2008. The Science Advisory Team members will select the Team's chair or co-chairs.
- 3.8 The Department will participate fully in the deliberations of the Blue Ribbon Task Force, Science Advisory Team and Regional Stakeholders Group to afford those bodies access to the Department's expertise and perspective in the development of alternative MPA proposals. The Department will provide to the Task Force, Science Advisory Team and Regional Stakeholders Group specific information on the Department's analysis and concerns regarding alternative MPA proposals during the second phase of the MLPA process.

- 3.9 The Department will assign key personnel required to assist in achieving the objectives of this MOU and may assign additional specialists or other personnel to assist in achieving the MOU objectives as the process goes forward.
- 3.10 The Department will by March 1, 2007 provide to the Blue Ribbon Task Force, Science Advisory Team and Regional Stakeholder Group a statement of the feasibility criteria that the Department will use in analyzing siting alternatives for the second phase of the MLPA process.
- 3.11 The Department, along with the Agency and staff of the Fish and Game Commission will participate as a member of the steering committee to guide the flow of work required to achieve the objectives and commitments of this MOU. The Department will provide staff support for the Science Advisory Team and the Regional Stakeholders Group.
- 3.12 The Department, along with the Executive Director of the MLPA Initiative, will participate in the briefings and discussions provided to the Ocean Protection Council, if any, and at least every two months beginning February 2007, to the Fish and Game Commission on the nature and progress of the MPA design process and alternatives under consideration.
- 3.13 The Department, in the exercise of its statutory jurisdiction, and in addition to participation in the development of alternative MPA proposals, may provide information, analysis and comments as appropriate to the Fish and Game Commission on the alternative MPA proposals and on the recommendation for a preferred MPA alternative proposal made to the Commission by the Blue Ribbon Task Force for the second phase of the MLPA process. The purpose of such information, analysis and comments is to provide advice to the Commission on feasibility of aspects of the MPA proposals and on the prospects of the MPA proposals to achieve the goals of the MLPA.
- 3.14 The Department will make available to the Task Force and Science Advisory Team any public data and other technical resources within the possession of the Department that are relevant to marine conservation and that are useful to help complete the objectives of this MOU.
- 3.15 The Department will provide office space, telecommunications equipment and support and general clerical support as necessary to fulfill its commitments under this MOU.

Resources Legacy Fund Foundation

- 3.16 The Foundation will use its best efforts to obtain, coordinate and administer philanthropic investments to fulfill the objectives of this MOU through December 31, 2008.

- 3.17 On July 1, 2007 the Foundation will provide to the Agency, the Department and the Task Force a description of funds the Foundation will contribute to fulfill the objectives of this MOU (the "Funding Description"). Between January 1, 2007 and July 1, 2007, the Foundation will pay reasonable expenses to fund the activities contemplated in this MOU. The Funding Description will reflect the Foundation's expenses for the period January 1, 2007 and July 1, 2007. The Parties acknowledge that the Foundation's financial contribution is limited to the available funds identified in the Funding Description. The Foundation may periodically revise the Funding Description according to changes in available funds.
- 3.18 Subject to the Funding Description, and subject to consultation with and general oversight of the Department, the Foundation will provide funding for consultants for staffing support for the Task Force through December 31, 2008. Upon recommendation and concurrence of the Chair of the Task Force, the Foundation will contract with qualified personnel or will renew the contracts of existing personnel as appropriate, to fill the key positions.
- 3.19 Upon the request of the Task Force, and with its recommendation and concurrence, the Foundation will contract with qualified consultants and experts as reasonably necessary to carry out the discrete research, writing and other technical tasks required to achieve the objectives of this MOU.
- 3.20 The Foundation, subject to the Funding Description and based in part on general oversight by the Agency and Department, will provide funding for the reasonable expenses of the Task Force, Regional Stakeholders Group and Science Advisory Team, including equipment, travel and meeting costs through December 31, 2008.
- 3.21 The Foundation recognizes and the Parties agree that the funding and services provided by the Foundation are solely in support of the process contemplated in this MOU and are not in any way contingent on the content of the recommendations made by the Blue Ribbon Task Force nor on the MPA alternative that is ultimately selected by the Fish and Game Commission.

B. GENERAL PROVISIONS

- 3.22 The Task Force will convene in public and open meetings whenever a majority of the members is scheduled to be present.
- 3.23 The Science Team and Regional Stakeholders Group will convene in public and open meetings whenever a majority of the members is scheduled to be present.
- 3.24 The Task Force and Science Team will provide regular opportunities for stakeholder and public input.

- 3.25 Final work products developed pursuant to this MOU by the Task Force and the Science Team and the Funding Description provided by the Foundation will be made available to the public.
- 3.26 The parties agree to the development of certain products to accomplish the objectives of this MOU including:
- a) alternative MPA proposals for the second phase of the MLPA Initiative process that satisfy the goals and requirements of the MLPA;
 - b) a recommendation by the Task Force to the Fish and Game Commission for a preferred MPA alternative for consideration and action by the Commission.
- 3.27 The Parties acknowledge that the funds provided by the Foundation are predicated upon the mutual commitment of the Parties to the objectives of this MOU, and that the availability of the funds as set forth in the Funding Description is contingent upon the Parties fulfilling their commitments made in this MOU and in turn the commitments of the Agency and Department are contingent on the availability of funds as reflected in the Funding Description. If the Funding Description is revised to reduce the amount of funds available, the Agency may revise its charge to the Blue Ribbon Task Force, as set forth in paragraph 3.2 of this MOU and the Parties may make other changes to the process contemplated in this MOU as may be necessary to reflect available funding.
- 3.28 In March and September of each year the Department, with concurrence of the Agency, will provide written reports to the Foundation concisely describing the key milestones, accomplishments and challenges in meeting the objectives of this MOU.
- 3.29 The Parties recognize and the Department acknowledges that the Department has a statutory obligation to implement and enforce the MPA network when approved by the Fish and Game Commission for the second phase of the MLPA process.
- 3.30 At least once every quarter, the Parties, Executive Director of the MLPA Initiative, Executive Policy Officer of the Ocean Protection Council, Executive Director of the Fish and Game Commission and other of their personnel as the Parties think appropriate will meet to discuss progress toward and any challenges in achieving milestones leading to accomplishment of the objectives of this MOU (milestones meetings). The Parties will be represented at milestones meetings by senior staff knowledgeable of the MLPA Initiative and its work. The milestones meetings will be chaired by the Resources Secretary.

C. STANDARD PROVISIONS

- 3.31 The parties agree in good faith to work to fulfill the objectives of this MOU. Nothing in this MOU shall be construed as obligating the Agency or the Department to expend funds, or for the future payment of money, in excess of appropriations authorized by law.
- 3.32 Neither this MOU nor any provision hereof may be waived, modified, amended or discharged except by an instrument in writing signed by the Parties.
- 3.33 This MOU constitutes the entire agreement of the Parties with respect to the matters set forth herein and it supersedes all prior or contemporaneous understandings or agreements among the Parties with respect to the subject matter of the MOU.
- 3.34 If a court of competent jurisdiction determines that a provision included in this MOU is legally invalid, illegal or unenforceable, and such decision becomes final, such provision shall be deemed to be severed and deleted from this MOU and the balance of the MOU shall be reasonably interpreted to achieve the intent of the Parties. The Parties further agree to replace such void or unenforceable provision of this MOU with a valid and enforceable provision that will achieve, to the extent possible, the purposes of the void or unenforceable provision.
- 3.35 This MOU and any amendment may be executed in two or more counterparts, and by each Party on a separate counterpart, each of which, when executed and delivered, shall be an original and all of which together shall constitute one instrument, with the same force and effect as though all signatures appeared on a single document.
- 3.36 None of the Parties may assign any rights granted by this MOU without prior written approval of the other Parties. Approval of assignment may be granted or withheld in any Party's reasonable discretion.
- 3.37 This MOU shall become effective on January 1, 2007 and shall be in effect from that date through December 31, 2008, unless it is terminated by withdrawal of one or more of the Parties or extended through an amendment.
- 3.38 If any Party is dissatisfied for any reason with performance of the commitments of this MOU, the Party may give written notice to the other Parties informing them of the facts giving rise to the dissatisfaction and giving the Parties an opportunity to remedy the situation. The Parties shall meet and confer at least once at a mutually agreeable time no more than 30 days from the date of the notice to resolve the issues presented in the notice and to discuss related concerns of other Parties. During the 30-day period, the Foundation will continue to pay obligations incurred prior to the date of the notice but may decline to encumber additional funds during the 30-day period.

- 3.39 At any time following a meeting pursuant to paragraph 3.38, any Party shall be entitled to withdraw from this MOU by providing a 10-day notice to the other Parties. Unless the Party withdraws the notice within the 10-day period, this MOU will automatically terminate at the end of the 10-day period. Following any notice of termination, the Foundation may withhold all unencumbered funds from further commitment; however, the Foundation will pay all obligations outstanding as of the date of the notice of termination whether invoices are presented to the Foundation before or after the date of termination.
- 3.40 The only remedy of any Party for a breach of this MOU is termination of the MOU as set forth herein. Under no circumstances shall any Party be liable to any other Party in connection with this MOU for any direct, indirect, incidental or consequential damages or be entitled to any legal or equitable relief other than termination of this MOU.
- 3.41 Nothing in this MOU shall be deemed to create a partnership or any other trust relationship between the Parties, it being expressly understood and agreed that the Parties obligations to each other under this MOU are not fiduciary in nature.
- 3.42 Each signatory below attests that he or she is duly authorized to execute this MOU on behalf of the Party he or she represents.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed by their duly authorized representatives.


Mike Chrisman
Secretary
California Resources Agency

12/20/06
Date


L. Ryan Broddrick
Director
California Department of Fish and Game

19 DEC 06
Date


W. John Schmidt
Executive Director
Resources Legacy Fund Foundation

12/19/06
Date

EXHIBIT A—SIGNIFICANT MILESTONES

1. December 31, 2006—Announce selection of next study region and agreement to new MOU.
2. January 15, 2007—Membership in Blue Ribbon Task Force announced
3. January 30, 2007—First meeting of Blue Ribbon Task Force
4. February 15, 2007—Membership in Science Advisory Team (SAT) announced
5. February 2007—First presentation to Fish and Game Commission on program (every two months thereafter)
6. April 2007—Fish and Game Commission to consider changes to draft Master Plan
7. September 2007—Fish and Game Commission policy review of draft MPA proposals and guidance to Blue Ribbon Task Force on proposals
8. March 15, 2008—Presentation of Blue Ribbon Task Force proposed siting alternatives and recommendation for preferred alternative to the Fish and Game Commission
9. April 15, 2008—Presentation of Department's analysis and comments, if any, on the Task Force packages and recommendation to the Fish and Game Commission
10. May 15, 2008--Commission consideration of alternative MPA proposals and selection of its preferred alternative for CEQA analysis
11. November 21, 2008--Completion of "lessons learned" analysis for the second phase of the MLPA Initiative process
12. January 15, 2009—Completion of the CEQA and rulemaking processes

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