

Appendix K. Lessons Learned Reports from the Central Coast Regional Process

Following are four reports on lessons learned during the first study region process

California Marine Life Protection Act Initiative Blue Ribbon Task Force

MEMORANDUM

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To: MLPA Blue Ribbon Task Force
From: John Kirlin, Executive Director
Subject: Administrative lessons learned in the MLPA Initiative
Date: August 29, 2006

When designing the MLPA Initiative in 2004, assumptions were made about administrative processes, anticipated activities and staffing. The actual experience in the subsequent two years suggests important lessons for any future similar effort. These adaptations were largely successful but reflection on the experience of the initiative can improve future designs. A few of these issues are identified in the Harty/John report on lessons learned. This memo offers my perspective on selected issues.

Recommendations are made in four areas, with additional explanation following:

1. Anticipate uncertainty, complexity and change, suggesting the need for flexibility, transparency and accountability in administrative designs and procedures
 2. Provide resources needed to support the key organizational units created (in the MLPA Initiative these were the BRTF, CCRSG, SAT and SIG) and to ensure robust public engagement
 3. Clarify roles among external funders, any BRTF and any executive director.
 4. Anticipate the need for individuals to augment and complement state personnel for selected key roles and engage them as consultants
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- 1. Anticipate uncertainty, complexity and change, suggesting the need for flexibility, transparency and accountability in administrative designs and procedures**

The MOU creating the initiative identified six deliverables; provided for creation of a Blue Ribbon Task Force (BRTF), a Master Plan Science Advisory Team (SAT), and Central Coast Regional Stakeholder Group (CCRSG); and established a schedule for required reports on progress. Specifying deliverables, creating the charters of the major groups responsible for achieving the work of the initiative, and setting progress

report procedures is wholly appropriate and to be expected in any future design similar to the MLPA Initiative. The MOU also detailed an organizational structure (Attachment 1). More detail regarding budget categories and amounts allocated to those categories was provided in the budget provided to the initiative by the Resources Legacy Fund Foundation (Attachment 2).

These details of organizational structure and budget allocations to categories were not good predictors of eventual staffing and expenditures through the MLPA Initiative. The actual organizational structure developed is shown in Attachment 3. Attachment 4 provides a break out of the actual expenditures for the MLPA Central Coast Project into functional categories. Clearly, ways were found to make needed changes in the MLPA Initiative organizational structure and budget format.

Any future effort such as the initiative could begin development of an organizational design and budget from the experiences of the MLPA Initiative and make improvements upon the elements provided at the beginning of this initiative. Most importantly, however, is the general point that ANY initial organizational design and detailed budget allocation to categories is likely to require modification during the course of the effort.

Rather than over-specifying these administrative features, flexibility can be included in the design of the effort. That flexibility should be accompanied by transparency and accountability for use of funds.

2. Provide resources needed to support the key organizational units created (in the initiative these were the BRTF, CCRSG, SAT and SIG) and to ensure robust public engagement

The initial budget allocation to categories and suggested staffing in the original organizational chart did not provide resources needed to support the key organizational units of the initiative or robust public engagement. This is seen most easily in the original budget, which allocated 56% of the projected central coast budget to biological/socioeconomic research and development (\$1,400,000, representing 28.5% of the total) and GIS/mapping/databases (\$1,350,000, representing 27.5% of the total).

By a generous definition of actual expenditures shown on Attachment 4, 31% was spent to bring science into the MLPA Central Coast project (SAT related, planning/data prep/analysis, new data collection and future decision support tools).

In contrast, 30% of expenditures can be considered direction of the project (executive/general administration, BRTF and project management) and 25% can be considered public engagement (stakeholder billed costs, facilitation/outreach, meeting facilities/materials, and public access). Moreover, the direct costs attributed to the volunteers of the BRTF, SAT and CCRSG, were very modest. Most costs were associated with staff work to support those groups.

In short, adequately supporting the work of the key organizational units of an effort such as the initiative requires extensive work by staff and consultants, including assembling and organizing needed materials, preparing for meetings, and facilitation. In addition, costs of meeting facilities and public access, and web-casting of meetings are substantial. These expenditures should be anticipated in any funding plan and explicitly shown in any budget categories.

3. Clarify roles among external funders, any BRTF and any executive director

The MOU provided for creation of the BRTF to provide overall direction to the initiative and the chair of the BRTF selected an executive director to be responsible for the work program and related staffing of the initiative. As the external funder, RLFF provided invaluable services as fiscal agent, overseeing formal contract relationships, payment to contractors and vendors and keeping fiscal records. To meet its responsibilities to the foundations that provided grants to the initiative, RLFF had its board of directors approve MLPA Initiative contracts greater than \$50,000.

In practice, the executive director requested and received authorization for expenditures in specified areas from the BRTF and then worked with RLFF to put contracts in place consistent with the BRTF authorization. In all cases where they reviewed contracts, the RLFF board approved proposed contracts. However, the dual approval process requires additional effort and can cloud perceptions of who is responsible for decision making.

In future efforts such as the initiative, early attention should be given to clarifying roles among external funders, any BRTF and any executive director. To the extent possible, decision making roles should be separated from fiscal oversight required to satisfy funders.

4. Anticipate the need for individuals to augment and complement state personnel for selected key roles and engage them as consultants

As was the case with the MLPA Initiative, additional personnel with key skills are likely to be needed for any future Initiative-like effort. In these instances a commitment should be made to recruiting highly skilled individuals who can make significant contributions. The original MLPA Initiative budget identified three key roles with proposed compensation levels approximating state employees' net pay. The initiative entered into either flat-fee or hourly consultant relationships for its key roles and contracts. Additionally as can be seen in the number of contracts shown on Attachment 3, more than 30 consultants were involved in the MLPA Initiative, apparently more than anticipated by those involved in developing the MOU and initial budget.

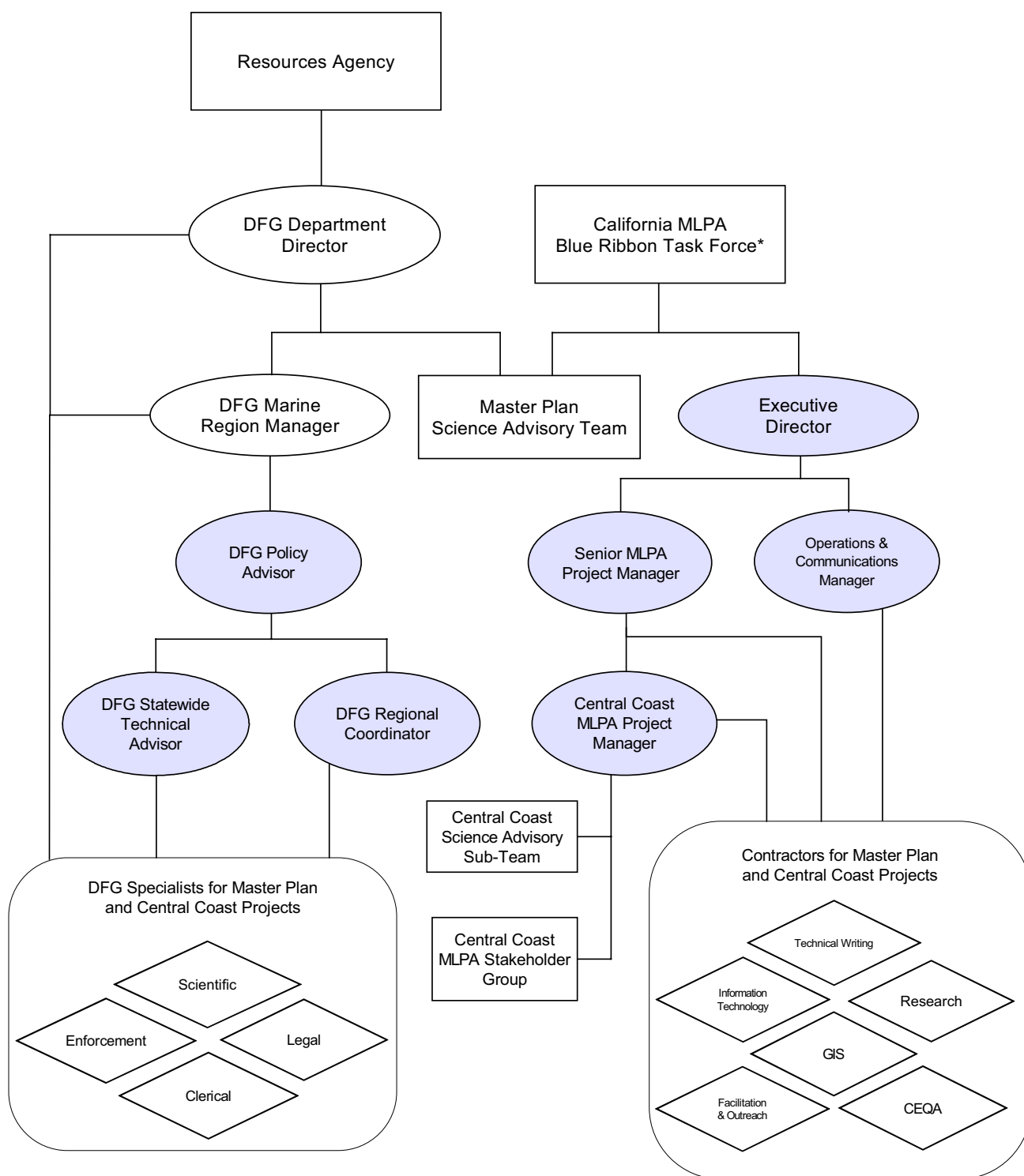
Future efforts should be designed to expect entering into consulting relationships with individuals and firms and that those contracts are congruent with typical compensation agreements and terms of engagement.

Attachments

1. MOU Exhibit B, Organizational Chart
2. Original budget, total and for central coast, with categories
3. Actual MLPA Initiative organizational structure
4. Analysis of MLPA Initiative expenditures for Central Coast Project

EXHIBIT B

California Marine Life Protection Act Initiative: Organizational Structure



Notes:

* Appointed by the Secretary for Resources

○ Steering Committee Members

Attachment 2: Original Budget, Total and Central Coast, with Categories

MLPA Initiative (Years 1-3)

	Total	Central Coast
BUDGET ITEM¹	3-year budget (8/27/04-12/30/06)²	
Contracted Personnel		
Executive Director	245,000	125,000
Sen. Pgm Mgr	325,000	215,000
Ops & Com Mgr	200,000	135,000
Reg Pjt Mgr	228,000	223,000
DFG staff ³	749,333	483,333
Research & Development		
Bio/socio research & development	2,000,000	1,400,000
GIS/mapping/databases	1,870,000	1,350,000
Env. review, documentation & analysis	475,000	425,000
Stakeholder outreach & communication	299,500	214,000
Meetings, Workshops & Travel		
Facility, travel, logistics, lodging, per diem, conference lines	275,000	160,000
Administrative & Support		
Computers/equipment	23,000	18,000
Supplies/facilities	135,000	80,000
Telephone, fax, email, mail	135,000	80,000
Sub-total	6,959,833	4,908,333
Contingency ⁴	487,188	
Total	7,447,021	

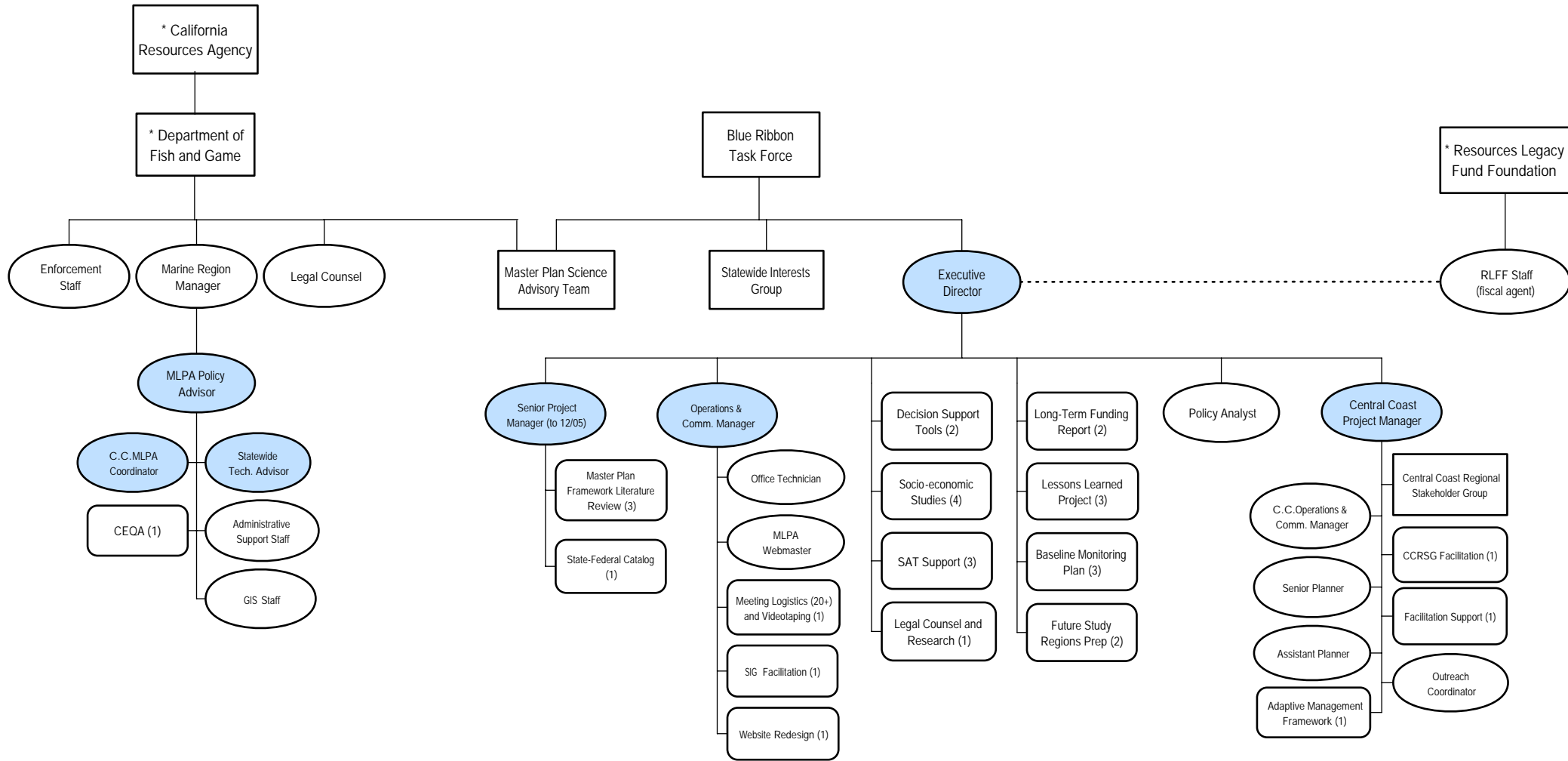
1. Changes over 20% or \$500,000 (the lesser of those amounts applicable) to individual line-items per output must be requested in advance in writing to RLFF.

2. Some Central Coast activities may carry over through June 2007. Funding contingent upon a renewed agreement between the partners (Resources Agency, Department of Fish and Game, and Resources Legacy Fund Foundation).

3. Contingent upon demonstration of best faith efforts by DFG to obtain public funds for these positions.

4. Some contingency funds may be available during the course of this effort. These funds may only be available depending upon the urgency of the need, the use of existing available funds, and the potential for other state funds, among other factors.

California Marine Life Protection Act Initiative
Organizational Structure
Revised August 2006



KEY:

Groups

Personnel

Contracts
(# of contracts)

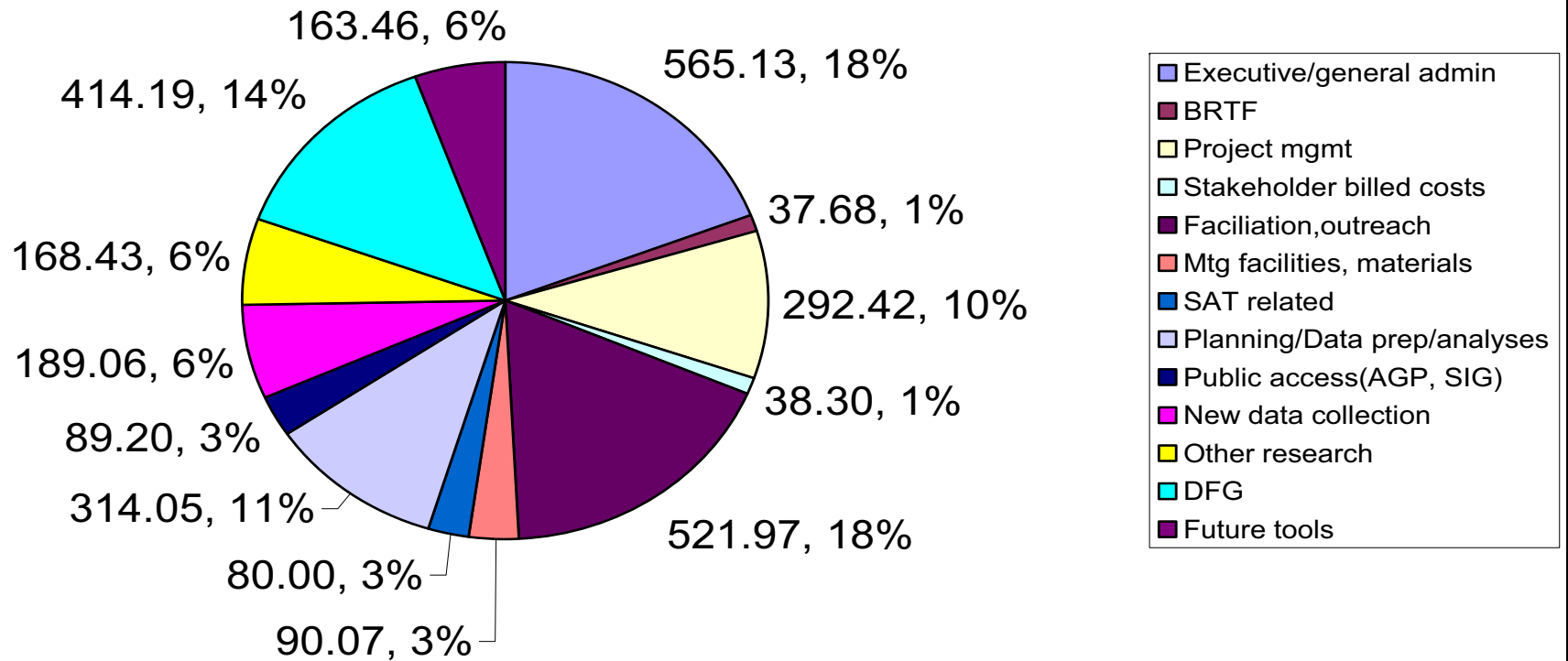
* MLPA MOU signatories

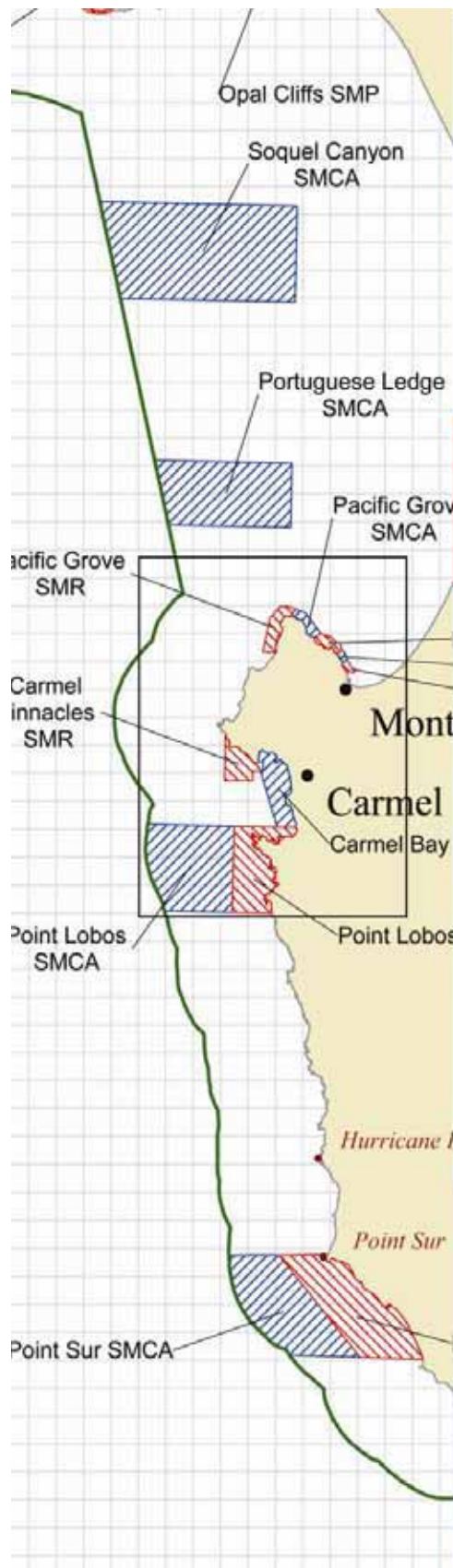
Members of
Steering Committee

Note: This chart does NOT reflect 65 individual contracts for travel expense reimbursement (for group members)

Attachment 4: MLPA Initiative Direct Expenditures on Central Coast Project

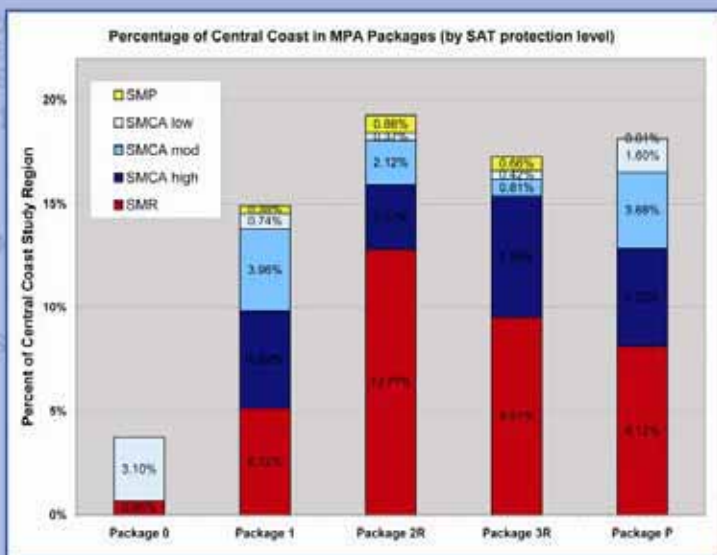
(1000s of dollars; through July 2006)





REPORT ON LESSONS LEARNED FROM THE MARINE LIFE PROTECTION ACT INITIATIVE

August 17, 2006



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Executive Summary

California is a recognized leader in efforts to effectively manage and protect ocean resources. A key management shift over the past decade has been to emphasize protection of marine ecosystems over individual species. The Marine Life Protection Act (“MLPA”), enacted in 1999 with significant support from the environmental community, takes this approach.

The MLPA vests authority for creation and implementation of a Marine Life Protection Program (“MLPP”) with the Fish and Game Commission (“Commission”) and the Department of Fish and Game (“Department”). The Department made two attempts from 2000-2003 to implement the MLPA (MLPA 1 and MLPA 2). Both fell short of producing a MLPP or MPA networks along California’s 1,100 miles of coast. A separate Channel Islands effort resulted in a Commission vote to establish MPAs, but the process generated significant lingering controversy and is not typically characterized as a success.

Governor Arnold Schwarzenegger took office in November 2003 during a period of political ferment and severe budget shortfalls. His platform included a commitment to ocean protection, and the new Secretary for Resources, Mike Chrisman, began working with representatives from the Resources Legacy Fund Foundation (“RLFF”), a private philanthropic group, and Ryan Broddrick, the new Director of the Department, to implement the MLPA using a public-private model. Extended negotiations during early 2004 resulted in a groundbreaking Memorandum of Understanding for a Marine Life Protection Action Initiative (the “MOU” and the “Initiative”).

The key elements of the MOU were:

- Private funding and contracting through the RLFF rather than through state mechanisms
- Focus on an area of the central coast as a pilot
- Creation of a Central Coast Regional Stakeholder Group (“CCRSG”) to develop alternative networks of MPAs
- Creation of a Blue Ribbon Task Force of distinguished people experienced in public policy but not directly associated with MLPA or MPA issues, whose task was to oversee the CCRSG effort and deliver alternatives to the Department and Commission for a decision
- Professional staff to support the BRTF and maintain a tight project focus
- Use of a Master Plan Science Advisory Team that would not design MPAs but rather support alternative development
- Creation of a Master Plan Framework to support development of the MLPP in phases
- Ambitious deadlines that include delivering a draft Framework to the Commission by May 2005 and a proposal for alternative networks of MPAs by March 2006, and
- A partnership among the Signatories: the Resources Agency, the Department, and RLFF

Finding 1. There is no question that the Initiative has been significantly more successful than earlier efforts to implement the MLPA, even before a decision by the Commission. This report is intended to identify “lessons learned” from the Initiative, in part to assist in decision making about one or more future study areas. There are three additional findings:

Finding 2. The Initiative processes and the BRTF recommendations provided a sufficient foundation for decision-making by the Commission.

Finding 3. The key elements of the Initiative functioned effectively in the central coast process overall, even with the questions and caveats to be anticipated in such a complex endeavor.

Finding 4. There is no conclusive reason at this time why the basic structure and approach of the Initiative cannot be replicated for the next study area. There are a number of issues and open questions, including:

- *the availability of private funding*
- *the challenge of retaining and recruiting high-quality contract staff, BRTF members, and SAT members in light of the demands imposed by the Initiative*
- *the availability of key Department staff to focus intensively on the next area*
- *the extent to which key stakeholders, particularly consumptive interests, will endorse the Initiative model following the Commission's ultimate decision for the central coast. The CCRSG Report provides further insight on this question.*

RECOMMENDATIONS

- 1. The basic Initiative structure -- a BRTF with contract Staff, RSG, SAT, and effective Departmental involvement -- is the best option for the next study area, with limited modifications based on lessons learned.**
- 2. The State of California should negotiate a new Memorandum of Understanding with the Resources Legacy Fund Foundation or other entities to ensure adequate funding for future study areas as well as for implementation of Commission decisions about MPAs along the central coast.**
 - a. The Resources Agency and Department should open discussions with the RLFF and other private entities about funding for management of MPA networks.**
 - b. The RLFF and all private funders must work with the other Signatories, BRTF, and Staff to ensure separation and clear boundaries.**
 - c. The Signatories should consider whether other funders, or non-profit entities, might become part of the public-private partnership.**
- 3. The Department of Fish and Game should have the same roles and responsibilities in the next study area but should participate more proactively in the regional stakeholder process and should focus a substantial portion of its new resources on implementation of the Commission's decisions to establish MPA networks along the central coast.**
 - a. With respect to a RSG in the next study area, the Department should engage more directly with regional stakeholders as they develop packages of proposed MPA networks.**

- b. The Resources Agency and Department, with appropriate support from other elements of the Initiative, should establish a specific goal of building the capacity of the Department, particularly the Marine Region, to effectively expand its role in future MPA design processes while at the same time implementing MPAs adopted by the Commission.**
 - c. The Department should foster local relationships between its MPA staff and stakeholders to support both design and long-term implementation.**
 - d. Future study area planning should build on the Department's experience with implementing and managing MPAs.**
- 4. A Blue Ribbon Task Force should play a central role in the next study area as it did for the Initiative.**
 - a. The criteria for appointment of BRTF members should remain the same.**
 - b. Two or three members of the central coast BRTF might be appointed to the new BRTF to provide continuity.**
 - c. The new BRTF should develop operating guidelines for its work in the next study area.**
 - d. The BRTF should value consensus and carefully weigh the potential consequences for the overall process before creating its own package of alternatives, or modifying stakeholder packages on its own, when working with a RSG in the next study area.**
 - e. BRTF members should plan to participate in all BRTF meetings.**
 - f. The BRTF, Department and Commission should seek opportunities to promote integrated decision making for the next study area, and BRTF members should also maximize opportunities for informal discussions.**
 - g. The BRTF should focus on key issues linked to MPA network design and implementation and limit the time it spends on local user conflicts if these are not significant for overall network effectiveness.**
- 5. The responsibility for managing the next study area should remain with private sector Staff hired under the public-private partnership.**
 - a. The basic principles used to manage the Initiative so far should continue.**
 - b. The BRTF Chair should continue to hire an Executive Director with the same role and responsibilities.**

- c. **The Executive Director should continue to have significant flexibility in hiring project staff and consultants and should not be constrained by DFG hiring and contracting requirements.**
 - d. **Roles, responsibilities, and expectations among the Department, BRTF, and Staff should be addressed explicitly at the beginning of a new study area.**
- 6. The Science Advisory Team should continue in the same role in the next study area.**
- a. **The SAT should support the BRTF and Department but not “draw lines on a map.”**
 - b. **The Department should retain final responsibility for appointing the SAT but should consult extensively with the next BRTF Chair about SAT composition prior to making final choices.**
 - c. **The SAT should make progress in addressing the challenges of bringing the “best scientific information available” to bear on the design of networks of MPAs.**
 - d. **The SAT should be provided the resources needed to support the BRTF and the Department.**
 - e. **The SAT should select its own co-chairs.**
 - f. **The SAT should use professional facilitation services provided as part of overall support for its activities.**
 - g. **The SAT members should not be compensated for their time, in order to protect their independence, but should continue to be reimbursed for expenses.**
- 7. The Commission, Department, and BRTF should collaborate to clarify two issues that were highly contentious in the central coast process – how to deal with conflicting scientific approaches to marine life protection, and how much information about socioeconomic impacts is required for decision-making about MPA network design.**
- a. **Address the broad issue of integrating fisheries management, marine ecology, and MPA planning directly, at the start of planning in the next study area.**
 - b. **Make a basic policy decision about the role of socio-economic information for the next study area.**
- 8. In planning for the next study area there should be a thoughtful evaluation of potential “hot spots” and issues—a conflict assessment—and specific design choices should reflect this evaluation.**

Expanded Summary of Key Findings

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

The BRTF forwarded three alternative packages to the Department, designated 1, 2R, and 3R, with the last recommended as the preferred alternative. Package 1 was a direct product of the CCRSG process, developed by fishing and other consumptive interests. Package 2R was a BRTF revision of a package developed by non-consumptive interests in the CCRSG. Package 3R also was a BRTF revision of a CCRSG package, in this case prepared originally by a mixed group that was trying to find a consensus position late in the CCRSG process. All of the packages forwarded to the Department represented a significant improvement over California's existing set of *ad hoc* MPAs along the central coast, which were addressed in the Initiative as Package 0.

The three packages bracketed a politically feasible range of policy choices for a final decision by the Commission. The Department's preferred alternative, Package P, falls within this range. It is based on Package 3R and reflects proposed solutions to enforcement and other issues that were not resolved to the Department's satisfaction by either the CCRSG or BRTF.

The alternatives all appear to meet the requirements of the MLPA. They are all the result of a robust stakeholder process, and all have been evaluated by the SAT according to the Framework's Guidelines. They are all supported by extensive documentation. The differences among them reflect different policy and political choices, particularly between consumptive and non-consumptive interests. The Commission could vote to adopt Package 1 if its judgment suggests an outcome most favorable to consumptive interests. Package 2R offers the highest overall level of protection. Packages 3R and P offer different responses to the tradeoffs between consumptive and non-consumptive uses, with Package P perhaps offering greater enforceability and Package 3R having been developed in a public setting.

There is controversy associated with two aspects of these alternatives: the extent to which they meet the MLPA's requirement for the use of "best readily available science," and their treatment of socio-economic information. In summary:

Science. The MLPA requires use of the *best readily available science* in developing the master plan that guides decisions about MPAs. It also requires use of "the most up-to-date science" for MPA design guidelines. Fishing interests consistently criticized the SAT process and the Initiative's alternatives by pointing out a perceived imbalance on the SAT between marine ecologists and fisheries scientists. This imbalance, and the SAT's alleged failure to utilize mathematical models preferred by fisheries scientists, represents a failure to meet the MLPA's science standards according to this critique.

It is accurate to say that marine ecologists were more heavily represented on the SAT than fisheries biologists on a purely numerical basis. But at least four scientists on the SAT did have acknowledged, significant fisheries science expertise – such as work on distribution, abundance, and movements of harvested marine fisheries; habitat-specific stock assessments; and modeling the population dynamics

of harvested species. One had done this work for the Pacific Fishery Management Council. It is also true that the hypotheses and tools used by marine ecologists formed the basis for the Framework and significantly influenced design and evaluation of the various alternatives, but this body of information includes published fishery models about MPAs according to several SAT members.

There is persistent conflict associated with the policy of establishing networks of MPAs and the science that is driving their design and evaluation. Part of this conflict involves the use of MPAs to support fisheries. The critique offered by consumptive interests is an extension of this larger debate that has been underway for at least a decade involving marine ecologists and fisheries scientists. The critique also is part of a larger policy challenge facing California: the integration of MPAs into overall coastal management. The SAT was charged with assisting the design of MPA networks, not with integrating MPAs into California fishery policy. The BRTF was informed of the different viewpoints during its deliberations. The BRTF also was aware of the consistent political opposition of consumptive interests to creation of new MPAs.

The Department of Fish and Game commissioned two external peer reviews of the SAT's work through Oregon Sea Grant and California Sea Grant. These evaluations praised SAT work. Here is a quote from one peer reviewer: "In general, the Science Advisory Team should be commended for their ability to search out the *best available science* and apply it to the specific problem of designing an MPA network. The last few years have seen an intense focus on estimating larval dispersion distances, and the Advisory Team has done an excellent job of applying this research to the problem at hand." [*emphasis supplied*]

In contrast, the California Fisheries Coalition organized a separate "peer review" by three highly regarded fisheries management scientists, two of whom had been invited to serve on the SAT but had declined to do so. Their report flatly asserts that "[t]he best readily available science is the use of quantitative models." It criticizes the SAT for failing to use such models, and argues that the results from the authors' models undermines the SAT's central hypothesis (larval transport), Guidelines, and evaluation of MPA packages. The review claims this resulted in distorted and unsound advice to the BRTF about alternative networks of MPAs proposed by the CCRSG. The SAT prepared a detailed response to this review.

A reasonable conclusion would be that (1) there are clear disagreements about what constitutes best available scientific information and how to use that information to design MPA networks, (2) the SAT based its work on hypotheses and data endorsed by marine ecologists and this included consideration of various fisheries models, (3) the SAT's work meets the standard of "best available scientific information" according to the external peer review, and (4) the BRTF made an informed policy choice to move ahead in the face of scientific conflict in order to implement the MLPA.

The Initiative was a policy making process, not a scientific one. This distinction is critical. In the first, failed effort by DFG to implement the MLPA, scientists "drew lines on a map" to identify possible MPAs. In contrast, the Initiative process gave regional stakeholders and the BRTF the responsibility for designing alternative MPA networks with guidance and evaluation from the SAT, although there are different views about the BRTF's ultimate role. The SAT's obligation was to support open and constructive scientific debate *insofar as it contributed to the Initiative's goals*, namely developing plausible alternatives of MPA networks for consideration by the Commission.

This included ensuring that relevant viewpoints were effectively represented while also maintaining focus and not being consumed with an ongoing scientific disagreement.

It is likely that the tools used to design and evaluate MPAs will improve over time, and may ultimately involve mathematical models like those used in traditional fisheries science. One member of the SAT who is developing such tools has been funded by the Initiative to continue his work. Future study areas will benefit from continued robust scientific investigation and debate. While it will be helpful if the competing scientific camps can find ways to work jointly to support marine management in the future, the approach to “best available scientific information” is not a significant shortcoming in the Initiative process.

Socio-economics. A second criticism of the alternatives, again raised by fishing and other consumptive interests, is the treatment of potential socio-economic impacts associated with creation of MPA networks. The MLPA refers to economics in several places but does not include it explicitly in the six statutory goals described above. There are significant difficulties associated with gathering, applying, and analyzing data at an appropriate spatial scale to be relevant to MPA network design, and data about the benefits associated with MPA networks is not readily available.

The Initiative contracted with Ecotrust and Dr. Astrid Scholz (a SAT member) for an analysis of the relative effects of proposed MPA packages on commercial and recreational fisheries along the central coast. Ecotrust’s product was a “worst-case” analysis, and specifically was not an environmental impact analysis and did not address behavioral responses, i.e., redirected fishing effort, due to a lack of data. The analysis was made available fairly late in the CCRSG process of designing MPA alternatives under constraints that limited its value. Nevertheless, impacts on consumptive users were a factor in MPA package design and evaluation. There was no equivalent effort to analyze potential benefits associated with MPA creation.

An external review of the Ecotrust analysis pointed out the limitations of the approach but was generally supportive of it as a rough measure of the upper bound of relative impacts among various MPA alternatives. The report concludes that “if the goal is to assess the upper bound of impacts from MPAs by utilizing the knowledge of fishermen through survey methods, then the current methodology designed by Ecotrust serves as a good start.” The CFC also prepared a critique.

In summary, the Initiative attempted to incorporate socio-economics into MPA design. There are diverse perspectives on the results. This effort resulted in significant learning that should influence decision making about future study areas. Based on these factors and its secondary role in the language of the MLPA, the approach followed by the Initiative does not change the overall evaluation of the BRTF’s recommendations. The CCRSG Report provides additional perspectives on the treatment of socio-economic information.

Finding 2: The Initiative processes and the BRTF recommendations provided a sufficient foundation for deliberation and decision-making by the Commission.

Did the key elements of the Initiative work on the Central Coast?

This question addresses the effectiveness of the four major elements in the Initiative process – the

BRTF, the SAT, Initiative staff, and the public-private partnership that provided financial support for these new elements – as well as the Department’s role in the Initiative. (The CCRSG process is examined in detail in the CCRSG Report and is not addressed here.) The focus of this section is on satisfaction, perceptions about how each element worked, new kinds of knowledge contributed by the Initiative, and each element’s overall contribution to the Initiative.

Most interviewees reported that they felt the basic Initiative process worked fairly well—with some reservations and exceptions explained below. This group included senior management at the Resources Agency and Department. Department staff with day-to-day responsibility had a number of issues but also reported overall satisfaction. Consumptive users generally reported dissatisfaction with the BRTF and SAT. A number of people were holding back from a final judgment of the Initiative, waiting to see how the Commission will respond to the BRTF and Department recommendations.

BRTF. All BRTF members were interviewed for the report and described general satisfaction with the Initiative. One significant concern was how their work products, particularly their preferred alternative, would be treated by the Department and the Commission.

The BRTF was seen as generally effective in generating a set of plausible, high-resolution policy alternatives for consideration by the Department and Commission. The general comfort of BRTF members with public policy decision making allowed them to be comfortable and “make the system work.” The Chair was viewed as playing a particularly valuable role in controlling meetings and generally ensuring no leadership vacuum developed. Along with this general satisfaction there is consistent dissatisfaction among stakeholders, the SAT, and Department with the BRTF’s treatment of the three stakeholder packages at its March 14-15, 2006 meeting. In particular, the BRTF’s decision to modify two of the packages prior to forwarding them to the Department caused significant negative reactions.

The dissatisfaction of fishing and other consumptive interests is an exception to the general level of satisfaction described above. Most fishing interests criticized the BRTF’s makeup and actions, although not their commitment and effort. One important finding from the interviews is that the tactics and strategy employed by consumptive interests were perceived negatively by several BRTF members and ultimately limited their initial sensitivity to consumptive needs and willingness to seek responsive solutions.

The inability of the BRTF to reach consensus on a preferred alternative received significant attention during interviews. This outcome may affect the willingness of the Department and Commission to consider its recommendations. BRTF members offered a range of views about the reasons for disagreement, including lack of time for private discussions and being asked to digest too much information too fast at the March 14-15, 2006 meeting. BRTF members also expressed different views about whether consensus could have been achieved.

SAT. BRTF members agreed unanimously that they felt the SAT fulfilled its charge of supporting the BRTF, despite the challenging circumstances. The Department also appears generally satisfied with the SAT, although there are exceptions for specific issues. Stakeholder views about the SAT are addressed in the CCRSG Report. Satisfaction levels of SAT members differ according to several

factors, but also are consistent on some points. Half of the SAT's members were interviewed [11], so all conclusions must be qualified. Those SAT members who worked extensively on the Framework and on the Evaluation sub-team are generally satisfied with their work, and several are eager to move on to the next study area. Here are key issues that emerged from interviews:

- The SAT structure, procedures, and deliverables were not clear at the beginning of the Initiative, and this led to perceptions of confusion and wasted time. At least one original SAT member left the group because of these factors.
- There was inadequate planning for SAT needs, and this hindered the SAT's ability to work.
- The SAT experienced conflicts over management and leadership styles, personalities, and role expectations that involved the Department and Staff.
- The SAT lacked sufficient time to do its work.
- The lack of compensation for SAT members had an uneven impact depending on individual employment and funding arrangements. It was a significant factor for some SAT members who contributed hundreds of hours of time.

There were a number of issues related to the different roles of SAT members, as follows:

- Two SAT members were contractors to the Initiative. This caused some problems related to analysis of their deliverables.
- At least two SAT members received contracts to perform additional work as a result of their involvement with the Initiative. There were diverse views about this among SAT members.
- One SAT member receives funding as a Pew Marine Conservation Fellow to support MPA research. There were a range of views about whether this presented a real or perceived conflict of interest.

The SAT contributed extensively to the pool of available knowledge about designing MPAs. One contribution is the Framework (now incorporated into the draft Master Plan) which is available to everyone. The Guidelines for Evaluation of MPA Networks are a particularly valuable element of the Framework and are available for use in future study areas. There are analytical tools for applying the Evaluation Guidelines, including spreadsheets that translate GIS habitat values into graphic representations. The SAT's Guidelines and their application to the CCRSG alternatives have been subjected to external peer review, with largely positive results. This information also is available for future study areas. Finally, the SAT prepared discrete "units" for educating the BRTF about MPAs, and this curriculum also is an asset for the future.

Initiative Staff. The Initiative was a new way of doing business and operated on a very tight timetable. Its staff had to design much of the process at the same time they were doing the work. The current version of the Framework, which describes the process for designing MPA networks in significant detail, did not exist in August 2004. Nevertheless, the professional staff (including the Executive Director) was largely able to meet the deadlines in the MOU and support development of alternative MPA networks delivered to the Department by the BRTF. The keys to these outcomes were:

1. Flexibility to create and adapt processes, hire personnel, and contract with experts
2. Shared responsibility among DFG, the BRTF, and the Executive Director and staff

3. A mutual commitment to success
4. High-quality, highly motivated people, i.e., good hiring
5. Singularity of purpose
6. A disciplined focus on Initiative goals
7. An ability to avoid being painted as partisan

Public-Private Partnership. A public-private partnership inevitably challenges people to accommodate differences around values and expectations; project complexity and ambition magnify these challenges and increase the importance of finding solutions. This accommodation was essential for the Initiative, particularly because key people had no prior working relationship. Interviews suggest that overall these relationships were positive, with some acknowledged exceptions.

The Initiative would not have been possible with substantial philanthropic funding through the MOU's public-private arrangements. No dissenting views about the significance of this contribution emerged during interviews. The Initiative was notable in its level of financial resources, stakeholder engagement, quality of work products, accessibility to the public, and project focus. Many people rated the Initiative highly compared with other public processes, and some called it the best they had seen. It is not unreasonable to link significant new state funding for FY 2007 with the accomplishments made possible by private contributions.

The source of private funds was constantly criticized by fishing and other consumptive interests. The basic concern is that the private funders are advocates for certain environmental values, and that these values inevitably will exert undue influence over policy outcomes in the Initiative. The Signatories appear to have structured the partnership to promote *separation*, an arms-length relationship, from the BRTF and ultimate decision makers, and to emphasize transparency and openness.

The partnership relied heavily on highly qualified contract staff at an executive and senior management level. Compensation for these staff was underestimated and likely will remain high for the next study area.

Financial oversight occurred on several fronts. The RLFF addressed fiduciary obligations to funders through its board and staff. The BRTF and Executive Director provided oversight of the Initiative budget, and this information was available to the public. The Executive Director and Staff worked directly with RLFF on contracting matters. Overall, despite the lack of a model, this set of relationships appears to have worked reasonably well. One issue for the future is the extent of the Executive Director's authority to enter into and modify contracts.

The Department's Role. The Department played a significant role in the achievements of the Initiative. The Marine Region team provided technical expertise, management skills, and a reliable if muted voice about policy positions.

The Initiative was based on a fundamental restructuring of the Department's role in implementing the MLPA. This balance was tested at various points, including the Department's decision to develop Package P as its preferred alternative. The Department identified five reasons why this was necessary, but there is an important question whether robust engagement as a stakeholder with the

CCRSg might have allowed other stakeholders to address some of the Department's needs in the various MPA alternative packages.

One critical question will be the lessons the Department takes from the Initiative, and how it will utilize its new budget authority. There may be interest in "undoing" the restructuring of roles reflected in the MOU by expanding Departmental authority in future study areas. This approach could include limiting (or eliminating) the BRTF, and even assuming control over contracting and hiring of consultants. Such steps would not be consistent with the Department's resources and staffing capacity at this time, and likely would reduce the overall value of the stakeholder process.

Finding 3: The key elements of the Initiative functioned effectively in the central coast process overall, even with the questions and caveats to be anticipated in such a complex endeavor.

Can the Initiative be replicated?

The question of replicating the Initiative is receiving significant attention at this time. There are reports of initial planning and decision making for the next study area, and the Legislature and Administration appear to have agreed on appropriations for this purpose. If a private-public partnership is to be continued, the time appears ripe to begin discussions about a second MOU or similar vehicle. Apart from the Initiative, the potential for future public-private partnerships is relevant for California. One veteran of California government sees this approach as "the wave of the future," because citizens want more government to deal with environmental issues but are unwilling to pay through increased taxes. A summary review of key factors follows.

Financial Support. Private funding for the Initiative through December 2006 is planned at \$7.4 million. The potential for future private funding, either for the next study area or for implementing a Commission decision, is unknown. There clearly is potential public funding, as demonstrated by the increase for MLPA implementation in FY 2007. Whether this will extend into the future is not known. In any event, the mix of public-private funding for the future likely would change, but interviews suggest that public funding alone will not be sufficient to support completion of the Master Plan for the entire coast and implementation.

Political Support. The Schwarzenegger Administration has actively supported the public-private partnership for MLPA implementation to date. There is no sign of this changing in the short term.

Structure. It appears the basic structure of the Initiative could be replicated for the next study area, assuming financial and political support.

Departmental Resources. A small group of Marine Region staff played key roles in the Initiative (and also brought the experience of the Channel Islands, MLPA 1 and MLPA 2). Nevertheless, the Initiative taxed the Department's internal resources, staff capacity, and systems. The Department has not recovered from several years of significant budget cuts. New budget authority will not immediately replenish shortages in personnel, skills, and experience. Moreover, the Department must work within the rigid state personnel system, which does not promote the qualities that were so essential to the Initiative. Nor does the state contracting system offer the type of flexibility that served the Initiative. These issues were acknowledged during interviews with Department staff.

Human Costs. The Initiative accomplished its objectives at high personal costs to stakeholders, BRTF and Department staff, consultants, SAT members, and the BRTF members. The number of meetings and related time commitments had a direct impact on anyone who faced a choice about working or participating in the Initiative. For those engaged in fishing, this often entailed a direct loss of income. Other stakeholders used personal vacation time, or left their businesses to attend Initiative meetings. Ultimately there are undeniable personal disincentives to participate in another Initiative, particularly if it carries the same human costs linked to workload, timeline, and pressure. The influence of these disincentives will vary with individual situations. There also will be significant value if experience and knowledge gained during the Initiative can be carried into the next study area.

Differences in Future Study Areas. Interviews suggest that customization and flexibility will be important characteristics in designing approaches to future study areas. No one has endorsed a cookie cutter approach using only one shape, for several reasons. First, there will be significant differences in the natural characteristics of each study area, e.g., types and distribution of habitat, natural features, and species, to name only a few. The amount of information available for future study areas will also be a factor. The central coast was selected for the Initiative in part because there was a reasonable amount of data about key natural features already available. There also will be different user dynamics. As one example, interviews indicate that there is “less room and more users” along the Southern California coast, and “less room for error.” There likely will, however, be continuity among some stakeholders, and some veteran advocates who “sat out” the central coast process. Both factors will be significant.

Legal Issues. In many respects the Initiative appears to be *sui generis*. In particular, there is no clear precedent for a privately funded natural resource planning effort on this scale that will result in public rulemaking. This means that rules about how to structure roles, responsibilities, and relationships within the Initiative were created along the way, and that participants in the Initiative were constantly asked to innovate and live with uncertainty in this effort to “get it right.” It also means that the legal implications of this partnership model are open to question and likely to be tested by interests opposed to the MLPA or the current approach to its implementation. One lawsuit has already been filed. A CEQA challenge to the Commission’s decision would not be a surprise. Whether litigation will affect efforts to replicate the Initiative cannot be reliably predicted in this report.

Leadership. The MOU identifies leadership as an important characteristic for the Initiative. Interviews consistently cite the leadership provided by individuals and groups as an essential element in achieving the MOU’s objectives as well as other results. The Initiative was staffed by a group of strong personalities who devised ways to work with one another effectively and to inspire others. This is true for the BRTF, the Staff, and Department. Leadership on the SAT ultimately appears to have rested with the small group of scientists who did a huge amount of work to support MPA network design and evaluation. Leadership also manifested itself within the CCRSG, which also featured numerous strong personalities. [See CCRSG Report] The potential to replicate the Initiative will depend significantly on leadership from these same positions.

Finding 4: There is no conclusive reason at this time why the basic structure and approach of the Initiative cannot be replicated for the next study area. There are a number of open questions, such as the availability of private funding and the challenge of retaining and recruiting high-quality contract staff, BRTF members, and SAT members in light of the demands imposed by the Initiative. There

also are questions about the availability of key Department staff to focus intensively on the next area. One final question is the extent to which key stakeholders, particularly consumptive interests, will endorse the Initiative process. This will be influenced by the Commission's ultimate decision for the central coast. The CCRSG Report provides further insight on this question.

Contents

Executive Summary	2
<i>RECOMMENDATIONS</i>	3
Expanded Summary of Key Findings	6
Table of Contents	15
I. INTRODUCTION	16
II. THE MARINE LIFE PROTECTION ACT	19
MLPA Summary	19
Implementing the MLPA	21
III. DESCRIPTION OF THE MLPA INITIATIVE	24
The Memorandum of Understanding for the MLPA Initiative	24
MLPA Initiative Process and Products	27
Innovation: The BRTF	29
Private Funding and Contracting	35
Project-focused Staffing and Management	37
The SAT and the Role of Science	38
IV. EVALUATING THE MLPA INITIATIVE	42
Initiative Objectives	42
Part One: Did the Initiative Processes and BRTF Recommendations Provide a Reasonable Foundation for Decision Making by the Commission?	43
Part Two: Did the Key Elements of the Initiative Work Effectively on the Central Coast?	49
Part Three: Can the Initiative be Replicated?	61
V. RECOMMENDATIONS	66
V. CONCLUSION	76
APPENDIX A: Comparison of California's MPA Processes 1998-2006	77
APPENDIX B: People Interviewed for Report	80
APPENDIX C: List of Sources	85

I. INTRODUCTION

California's state government was in turmoil as 2004 began. Voters had recalled Governor Gray Davis in October 2003, and the legislative and executive branches in Sacramento were coping with significant, unexpected changes caused by the election of Governor Arnold Schwarzenegger, who took office in November. The State was in the throes of a massive budget deficit, and state agencies were slashing spending and losing personnel.

For the California Department of Fish and Game ("DFG" or "Department") and the California Resources Agency, the challenges of January 2004 were compounded by the demise of a second attempt to implement the Marine Life Protection Act ("MLPA"). The MLPA was a 1999 effort by the State Legislature to protect ocean resources by establishing a network of marine protected areas ("MPAs"). DFG and the Fish and Game Commission ("Commission") were directed to implement the MLPA, although they were provided no additional funding to do so by the Legislature.

DFG had tried twice, using two different approaches, to develop proposed networks of MPAs using a mix of sound science and stakeholder input, including local knowledge. Both efforts were seen as failures, for different reasons. There was strong opposition from fishing interests to the concept of creating MPAs along California's coast where consumptive uses such as commercial and sport fishing would be limited or barred. Representatives of these interests reacted strongly, and with suspicion, when initial concepts for MPAs developed by a volunteer MLPA science team assembled by the Department were presented for public input in 2001. There were scientific disputes that spilled into the policy debate. And the challenges of conducting a planning exercise for the entire 1,100 mile length of California's coastline were significant.

Environmental and conservation groups were the moving force behind the MLPA, and their supporters in the Legislature subjected DFG to regular criticism at public hearings about the lack of progress on implementing the MLPA. DFG was losing resources in the Marine Region, and outside the Department some people perceived a lack of motivation—fairly or not—to make the MLPA work. The State was out of money: a headline in the Sacramento Bee on January 14, 2004 summarized the problem: *Calif. Budget woes stall plan for coastal marine reserves*. By January 2004, DFG management had decided to end the effort and prepared a detailed letter to participants explaining its decision to "place the process on permanent hold." The letter described a test for embarking on any further effort to implement the statute: "We will only continue the MLPA implementation process when we are able to adequately support a comprehensive, scientifically based, constituent involvement process."

There also were hints in January 2004 of a possible solution: a public-private partnership to complete the process. Secretary for Resources Mike Chrisman, a former Commission member, acknowledged the possibility of adding private contributions to the mix, and a spokesman for The Ocean Conservancy endorsed this approach, along with a scaled-back vision: "We do the Volkswagen version instead of the Cadillac version." There was no obvious model for such a partnership by the State, particularly on a controversial ocean policy initiative, and there were serious questions about DFG's capacity to assume full responsibility for a third effort based on previous outcomes. But DFG and MLPA advocates had learned, sometimes painfully, about what would be needed to get a proposal to the Commission, and those lessons were available to serve as a foundation for a third

effort that eventually was designated the MLPA Initiative (“Initiative”).

Just over two years later, in March 2006, the Initiative’s Blue Ribbon Task Force (“BRTF”) voted to forward three alternative packages of MPA networks for a pilot region, including a preferred alternative, to the Department for consideration and ultimately to the Commission for a decision. These alternative packages focused on a study area along California’s central coast and reflected extensive stakeholder input and scientific evaluation, beyond the levels achieved in prior MLPA efforts. Each package provided a significantly higher level of protection for marine ecosystems than California’s existing system of small MPAs that had been created over decades in an unplanned and *ad hoc* manner. Despite their opposition to MPAs, a coalition of fishing interests had participated in the Initiative’s Central Coast Regional Stakeholder Group (“CCRSG”) and developed one of the packages that were forwarded to the Commission. There had been a significant “convergence” among the alternative MPA packages as they were developed and refined, although consensus within the CCRSG on a single package remained elusive and was not a required outcome. The BRTF’s members ultimately were not able to agree on a preferred alternative, voting 5-2 at the March 15, 2006 meeting (and by subsequent e-mail). Three months later, in June 2006, DFG forwarded its own preferred alternative to the Commission that was based on the BRTF’s preferred alternative, citing its statutory role under the MLPA and the need to address enforcement and other issues. DFG forwarded a draft Master Plan to the Commission in July 2006.

Focus and Organization of this Report

This report presents an initial evaluation of the groundbreaking Initiative process through June 2006. The focus is a broad one that generally excludes the CCRSG. A separate report that focuses on the CCRSG is being prepared concurrently by Raab Associates (the “CCRSR Report”).

The report is organized to provide background on the MLPA and DFG’s efforts to implement it, a description of the Initiative, evaluation of the Initiative based on three different sets of questions and criteria, and recommendations for future study areas. The core evaluation questions are:

- Did the Initiative provide a reasonable foundation for a decision by the Commission?
- Is the Initiative an acceptable and defensible process?
- Can the Initiative be replicated?

Note: On August 15, 2006, the Commission took action to create a MPA network along the central coast. The implications of this decision and the dynamics of the process have important implications for the Initiative and future study areas. This step occurred following completion of interviews for this report. While the report cannot fully address these implications it offers some limited, preliminary observations.

Methodology

This report relies on information gathered from a variety of sources, including:

1. *Confidential interviews with people involved in the Initiative: BRTF members, agency decision makers and staff, scientists, and stakeholders, conducted either individually or in group format.* These personal perspectives were essential to explaining “what happened,” and

to analyzing the effectiveness of the Initiative's critical responses and innovations. They also provided reaction tied closely in time to the culmination of the Initiative process and the Commission's deliberations. Most interviews were held in person. A standard set of questions formed the foundation for each interview within a defined group, such as the BRTF or SAT, with significant customization to address specific experience, perspective, and knowledge. Under ground rules for the interviews the authors promised confidentiality based on non-attribution of content. This report honors that commitment. The report relies on qualitative characterizations of responses rather than statistical measures.¹ A complete list of people interviewed for the report is attached as Appendix B.

2. *Follow up questions via telephone* as the report was developed to ensure accuracy.
3. *Personal observation* of the BRTF meeting March 14-15, 2006, and the joint BRTF-Commission meeting May 25, 2006;
4. *Review of documents* available on the Initiative web site;
5. *Review of documents* recommended or provided by stakeholders, such as Sea Grant peer reviews and critiques prepared by the California Fisheries Coalition;
6. *Review of other sources* on the Internet, such as the U.S. Oceans Commission web pages;
7. *The experience and professional judgment of the authors.*

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This report has been prepared collaboratively by J. Michael Harty, Harty Conflict Consulting and Mediation (www.hartyconflictconsulting.com), and DeWitt John, Thomas F. Shannon Director of Environmental Studies, Bowdoin College (<http://academic.bowdoin.edu/faculty/D/djohn/>). A draft of the report was reviewed by John J. Kirlin, Executive Director of the Initiative, Phil Isenberg, Chair of the BRTF, and some Initiative and DFG staff, for factual accuracy, clarity, and consistency. The final report is solely the product of the evaluator-authors, prepared under contracts with the Resources Legacy Fund Foundation.

¹ The CCRSG Report includes results of a confidential, standardized, online survey.

II. THE MARINE LIFE PROTECTION ACT

Evaluation of the Initiative requires familiarity with key elements of California's Marine Life Protection Act, enacted in 1999.² 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.³ 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.⁴ 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.⁵

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.⁶ 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.

The MLPA directs the Commission to adopt a Marine Life Protection Program ("MLPP") to improve

² The statute is codified at Fish and Game Code §2850-2863.

³ The Framework is available on the Web at: <http://www.dfg.ca.gov/MRD/mlpa/pdfs/mpf082205.pdf>

⁴ 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.

⁵ 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.

⁶ Framework pp. 50-52, citing Marine Managed Areas Improvement Act.

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.⁷

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 2855.⁸

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")
- 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

⁷ FGC §2853(b)

⁸ FGC § 2853(c)

issues.⁹

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.¹⁰

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.¹¹

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.¹²

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.

⁹ FGC §2855(b)(3)

¹⁰ The MLPA does not provide for a master plan framework, or for phasing of the master plan.

¹¹ FGC §2857(a).

¹² 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 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.

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.¹³ Operating under existing law, the Department and Commission initiated a process to review this request.¹⁴ 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.
- 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.¹⁵

Once the MLPA was enacted in 1999 DFG took a literal approach in its first effort at implementation [“MLPA 1”].¹⁶ 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

¹³ 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.

¹⁴ Formal legislative approval of the MLPA occurred during the Channel Islands process.

¹⁵ 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.

¹⁶ The differences between MLPA 1 and the Channel Islands process, which was underway during MLPA 1, are notable. See Appendix A to this report.

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 organization.¹⁷ 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.

¹⁷ DFG reportedly committed to the seven-group approach prior to hiring outside process design assistance.

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.¹⁸ 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, and the Resources Legacy Fund and Resources Legacy Fund Foundation ("RLFF").¹⁹ 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

¹⁸ 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.

¹⁹ 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>

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.²⁰

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

²⁰ 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 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

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.

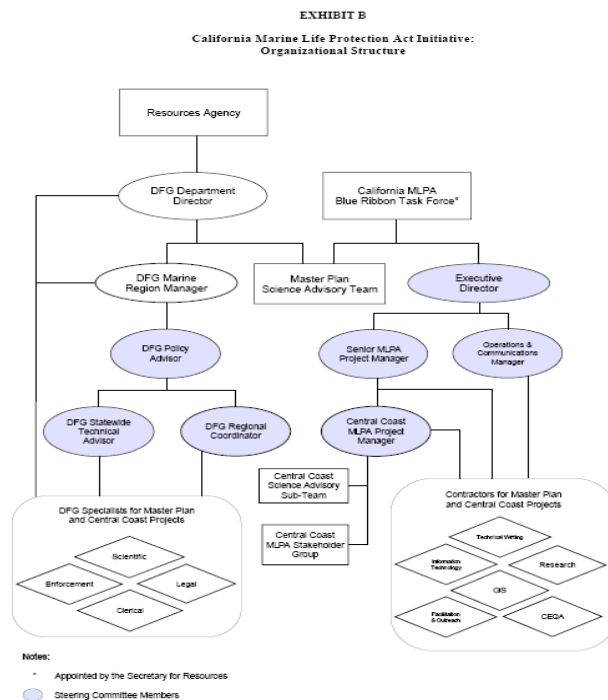
Create a clear and ambitious timeline. The MOU commits the parties to submit the draft Framework to the Commission by May 2005, just nine months after signing. Ten months later, by March 2006, BRTF must submit its recommendations for alternative networks of MPAs to the Department. This deadline is 15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

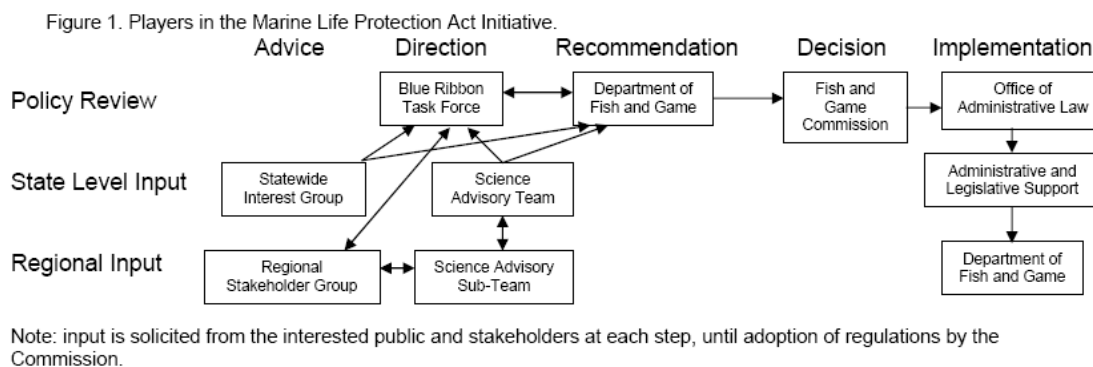
Link to the Ocean Resources Management Program. The MOU explicitly brings the Initiative under the umbrella of California's Ocean Resources Management Program and its authorizing legislation.²¹ The Resources Agency is described as fulfilling its obligations under the Program through "a mix of government, private sector, and public-private partnership arrangements."

²¹ Public Resources Code §36000 *et seq.*

Exhibit B to the MOU is a diagram of the proposed structure for the Initiative.



The decision making structure proposed for the Initiative can be seen in Figure 1 from the Framework, Page 13:



MLPA Initiative Process and Products

Overview

The MOU was signed in August 2004. Over the course of the next 18 months, from September 2004 through March 2006, the Initiative engaged hundreds of people, over thousands of hours, in person, via telephone, and remotely over the Internet, in the effort to “get it right” for a section of California’s coast and develop a potential model for the 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 2005,²² 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 Broddrick: “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.”²³

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.²⁴

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

²² The BRTF reportedly was prepared to make this decision in February but lacked a quorum. See SAT Meeting Summary March 23, 2005

²³ DFG Press Release, June 23, 2006

²⁴ <http://www.dfg.ca.gov/mrd/mlpa/masterplan.html>

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.²⁵ 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.”

²⁵ 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
- Intellect
- Vision
- Public policy experience
- Diversity of professional expertise
- Ability to get things done²⁶

²⁶ The BRTF Charter is available on the Web: <http://www.dfg.ca.gov/mrd/mlpa/brtf.html#charter>

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 face 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 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.²⁷

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:

²⁷ 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.

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.²⁸ 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.²⁹

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 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:

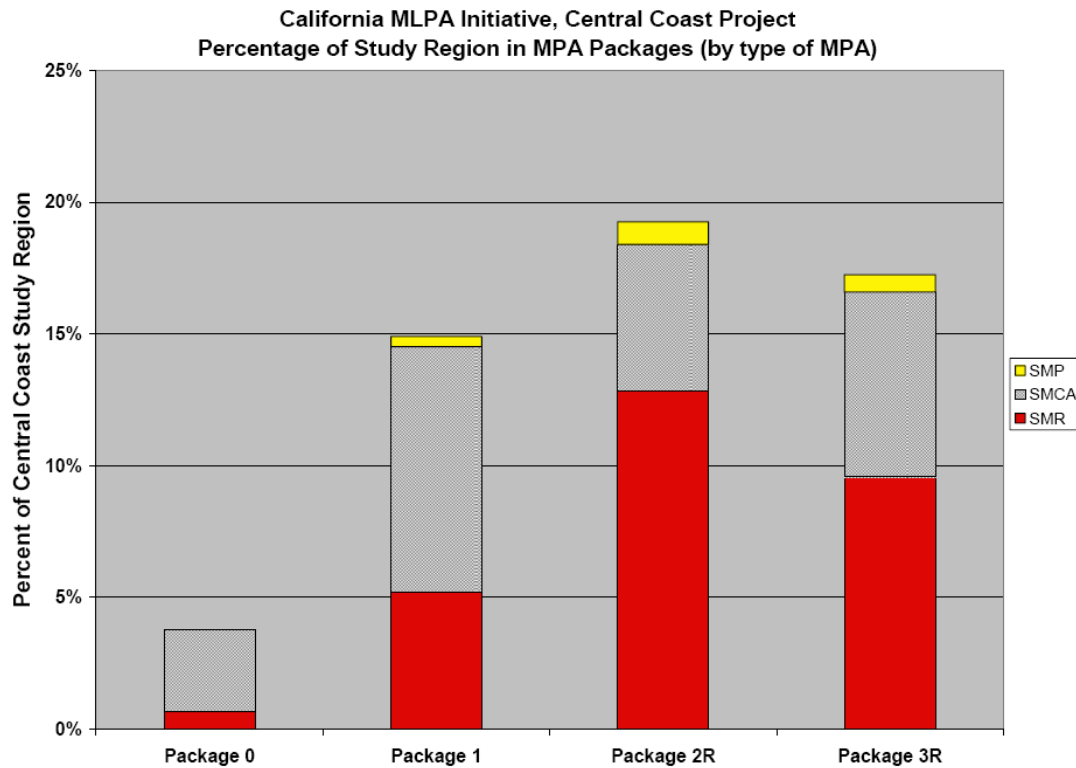
²⁸ Package 0 represents the existing set of MPAs.

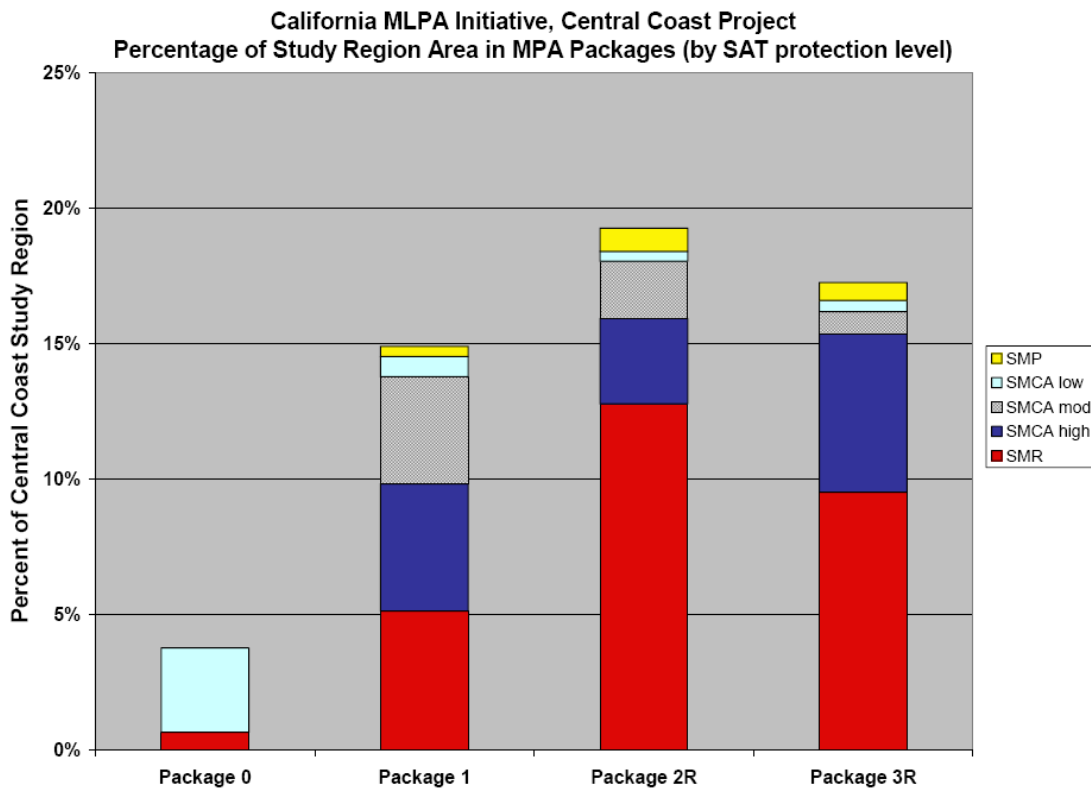
²⁹ See BRTF comments on individual packages, Attachment B to April 28, 2006 Transmittal memo.

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.





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.³⁰ 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.³¹

³⁰ Memorandum from BRTF to Mike Chrisman, Secretary, California Resources Agency, on "Long-term Funding for the Marine Life Protection Act," February 15, 2006

³¹ "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.

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 2003.³²

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.”³³

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>.

Initiative Costs

Total budgeted amounts from private sources for the Initiative through December 2006 are \$7.4

³² 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.

³³ MOU Exhibit A.

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 allegations in the complaint, this approach opens the door for the Legislature to under-fund 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.³⁴

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.

³⁴ 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.

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,³⁵ 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.³⁶ This included facilitation support for the Central Coast Project (CONCUR, Inc.). DFG 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.

³⁵ Henson is a state employee, and her hiring proved challenging in light of state personnel policies.

³⁶ This report is being prepared pursuant to a contract with RLFF.

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 draft Master Plan Framework.³⁷ 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."³⁸

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.³⁹

³⁷ The Framework is another innovation of the MOU. It is not part of the MLPA, which describes a master plan.

³⁸ See Science Advisory Team Charter. The SAT established its own guidelines that reiterated the importance of this separation.

³⁹ 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.

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 Kvitek , 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 the Initiative.⁴⁰

As noted, most of the SAT’s work was done in sub-teams.⁴¹ 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.⁴² 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.

⁴⁰ See July 6, 2005 SAT Meeting Summary pp. 9-10

⁴¹ Sub-teams were organized by discipline or expertise: Design Principles, Habitat, Information Needs and Data Organization, and Central Coast (for interaction with the RSG).

⁴² See July 6 Meet Summary discussion

IV. EVALUATING THE MLPA INITIATIVE

Initiative Objectives

The MOU set five objectives for the Initiative and the first three have been met. The BRTF:

1. Sent the draft Master Plan Framework to the Commission for approval on schedule in May 2005.
2. Submitted a comprehensive strategy for long-term funding of planning, management and enforcement of marine protected areas by mid-February 2005, only six weeks late; and
3. Approved a proposal for alternative networks of MPAs for the central coast on time in March 2006; it was transmitted to the Department in late May, and DFG submitted the suite of alternatives to the Commission, including its preferred alternative, in June.

The two remaining MOU objectives appear to be on schedule to be completed on time.

4. Develop recommendations for coordinating the management of marine protected areas with the federal government by November 2006; and
5. 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 Initiative has already been far more successful than the two previous DFG efforts to comply with the requirements of the MLPA. A table comparing these efforts and the Channel Islands MPA process can be found at Appendix A to this report.

Three important questions remain to be answered:

1. Did the Initiative processes and BRTF recommendations provide a reasonable foundation for decision making by the Commission? The Initiative's Executive Director consistently defined success for the Initiative as delivering to the Department and Commission a plausible set of policy alternatives on time. Since the BRTF delivered a set of alternatives on time the question for evaluation is whether those recommendations are plausible. Do the Initiative process and the alternatives it has identified conform to the requirements of the MLPA? Do the alternatives represent a range of policy choices among which the Commission might choose? Has the Initiative delivered information that the Commission will need to fulfill its responsibility for deliberating and making a policy choice?

2. Did the key elements of the Initiative work effectively in the central coast? The Initiative included five key features – the public-private partnership, the BRTF, the SAT, the MLPA-I staff, and regional stakeholder process. Did these elements work effectively to enhance the capacity of the Department and Commission to meet their statutory responsibilities? (This report addresses the first four elements; the CCRSG Report addresses the regional stakeholder process.)

3. Can the Initiative be replicated? The MLPA requires a statewide MLPP, a master plan, and a network of MPAs. The Governor, Legislature, Commission, and Department have already taken initial steps toward expanding the Initiative process to other parts of the California coast. What lessons can be learned from the Initiative about developing a statewide MPA system? Can the Initiative be replicated in other locations or will some adjustments be needed?

These questions are addressed in the following three parts.

Part One: Did the Initiative Processes and BRTF Recommendations Provide a Reasonable Foundation for Decision Making by the Commission?

The MLPA requires that the Department submit and the Commission adopt a MLPP that includes networks of MPAs. The MLPP and the MPAs are intended to protect and rebuild marine life populations, including economically valuable fish, and to protect marine ecosystems. The statute requires a system of MPAs with clear management goals and processes for monitoring and evaluation, public education, and enforcement.

The alternative networks of MPAs that have been delivered by the BRTF to the Department appear to meet these goals and requirements. They result from an extensive deliberative process that engaged local and state-level stakeholders as well as scientists and that was notably open and inclusive. The documentation provided to the Department and Commission is extensive but provides clear choices that represent different policy approaches. The three alternatives in the BRTF's April 28 memorandum appear to have "bracketed" a politically reasonable decision range. DFG's preferred alternative, Package P, falls within this range. The following graphs from DFG's submission illustrate this result:

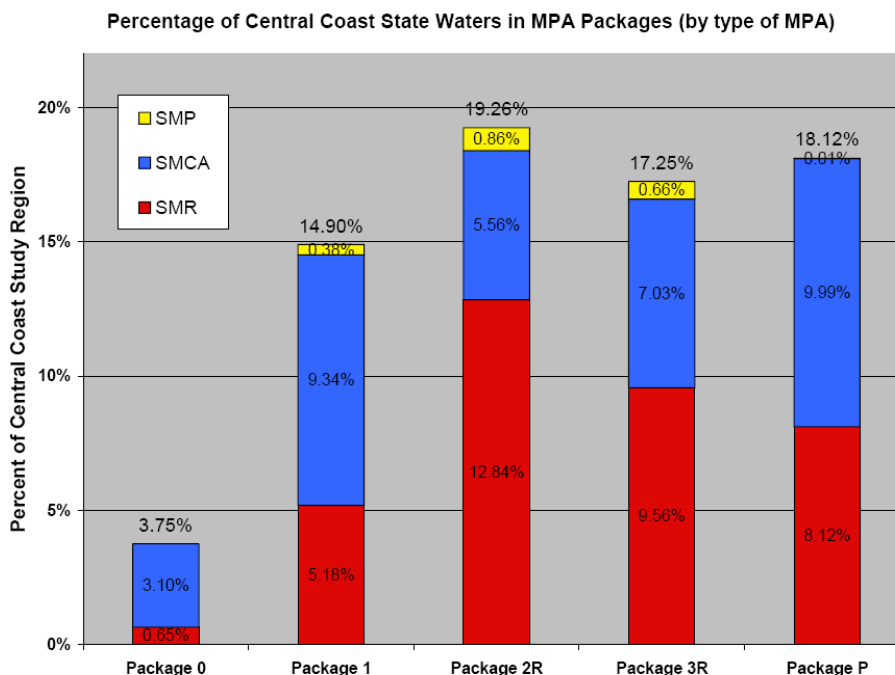


Figure 1. Percent of the Central Coast study region included in the Department's preferred alternative (Package P) as compared to existing MPAs (Package 0) and alternative proposals (Package 1, 2R, and 3R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its allowed uses.

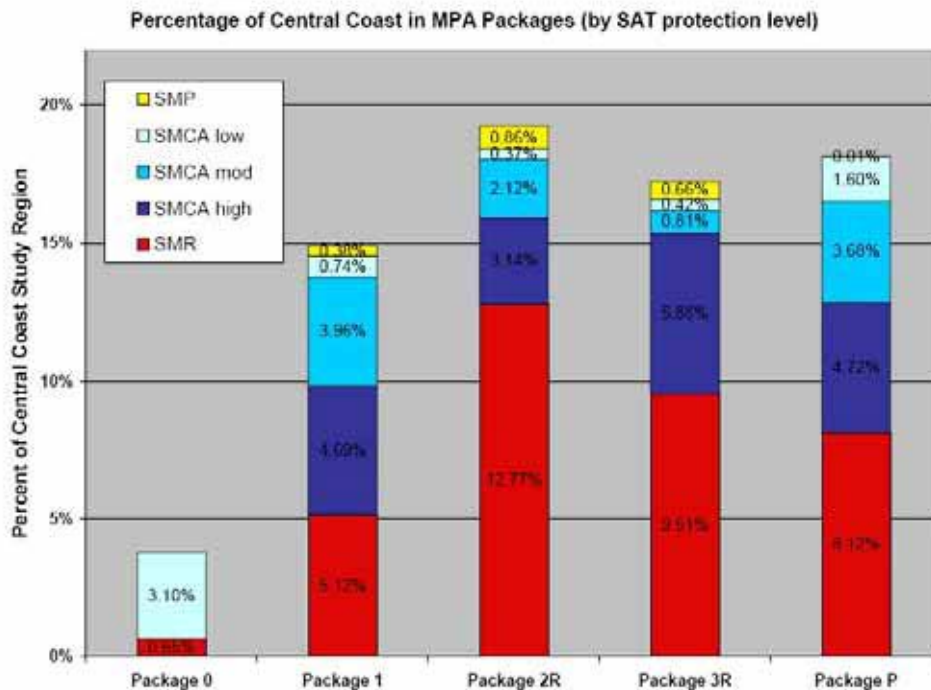


Figure 2. Percent of the Central Coast study region included in the Department's preferred alternative (Package P) as compared to existing MPAs (Package 0) and alternative proposals (Package 1, 2R, and 3R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Level of protection is noted as defined by the Science Advisory Team in the Master Plan. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its allowed uses.

The Commission could vote to adopt Package 1 if its judgment suggests an outcome most favorable to consumptive interests. Package 2R offers the highest overall level of protection and would be more favorable to non-consumptive interests. Packages 3R and P offer different responses to the tradeoffs between consumptive and non-consumptive uses, with Package P perhaps offering greater enforceability and Package 3R having been developed in a public setting.

There is, however, some controversy about two features of the Initiative process. First, some stakeholders have asserted that the process failed to comply with the MLPA requirements for “best readily available science” and “most up-to-date science.” Second, some stakeholders have challenged the adequacy of the socio-economic analysis provided to the BRTF. There has been much less public controversy to date about plans for implementation and management of the proposed networks of MPAs. Some interviewees and some members of the BRTF have raised concerns about implementation, as have members of the Commission. This chapter of the report will address the first two issues – science and socio-economics. The question of implementation is addressed in the chapter on Recommendations.

The Role of Science in the Initiative Process

Science. The MLPA requires use of the *best readily available science* in developing the master plan that guides decisions about MPAs.⁴³ It also requires use of “the most up-to-date science” for MPA design guidelines.⁴⁴ These terms are not defined in the statute, and the Initiative’s Executive Director reviewed different definitions for the SAT at its July 2005 meeting.⁴⁵

Fishing interests consistently criticized the SAT process and the Initiative’s alternatives by pointing out a perceived imbalance on the SAT between marine ecologists and fisheries scientists. This imbalance, and the SAT’s alleged failure to utilize mathematical models preferred by fisheries scientists, represents a failure to meet the MLPA’s science standards according to this critique.

It is accurate to say that marine ecologists were more heavily represented on the SAT than fisheries biologists on a purely numerical basis. But at least four scientists on the SAT did have acknowledged, significant fisheries science expertise – such as work on distribution, abundance, and movements of harvested marine fisheries; habitat-specific stock assessments; and modeling the population dynamics of harvested species. One had done this work for the Pacific Fishery Management Council. It is also true that the hypotheses and tools used by marine ecologists formed the basis for the Framework and significantly influenced design of the various alternatives, but this body of information includes published fishery models about MPAs according to several SAT members.

There is persistent conflict associated with the policy of establishing networks of MPAs and the science that is driving their design and evaluation. Part of this conflict involves the use of MPAs to support fisheries. The critique offered by consumptive interests is an extension of this larger debate that has been underway for at least a decade involving marine ecologists and fisheries scientists. The critique also is part of a larger policy challenge facing California: the integration of MPAs into overall coastal management. The SAT was charged with assisting the design of MPA networks, not with integrating MPAs into California fishery policy. The BRTF was informed of the different viewpoints during its deliberations. The BRTF also was aware of the consistent political opposition of consumptive interests to creation of new MPAs.

The Department of Fish and Game commissioned two external peer reviews of the SAT’s work through Oregon Sea Grant and California Sea Grant. These evaluations praised SAT work. Here is a quote from one peer reviewer: “In general, the Science Advisory Team should be commended for

⁴³ FGC §2855(a), 2856(a)(1)

⁴⁴ FGC §2856(a)(2)(C)

⁴⁵ A familiar standard in fisheries management is “best scientific information available” (National Standard 2, Magnuson Fishery Conservation and Management Act of 1976). A NRC report on *Improving the Use of the Best Scientific Information Available Standard in Fisheries Management* (2004) suggests using the following criteria rather than a specific definition: relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review. (Page 55) *Inclusiveness* has as its goal to “capture the full range of scientific thought and opinion on the topic at hand,” and means that “critiques and alternative points of view should be acknowledged and addressed openly.” (Page 55) The ED differentiated the MLPA standard and Magnuson Act standard as follows: MLPA emphasizes timeliness over quality; when science is not available the bias is to action and not analysis. [BRTF Meeting Summary, p. 4] This statement may not fully acknowledge the *timeliness* criterion proposed in the NRC report: “Management actions should not be delayed indefinitely on the promise of future data collection or analysis . . . Except under extraordinary circumstances, FMP implementation need not be delayed to capture and incorporate data and analyses that become available after plan development.” [p. 57]

their ability to search out the *best available science* and apply it to the specific problem of designing an MPA network. The last few years have seen an intense focus on estimating larval dispersion distances, and the Advisory Team has done an excellent job of applying this research to the problem at hand.” [Gunderson p. 1][*emphasis supplied*]

In contrast, the California Fisheries Coalition organized a separate “peer review” by three highly regarded fisheries management scientists, two of whom had been invited to serve on the SAT but had declined to do so.⁴⁶ Their report flatly asserts that “[t]he best readily available science is the use of quantitative models.” It criticizes the SAT for failing to use such models, and argues that the results from the authors’ models undermines the SAT’s central hypothesis (larval transport), Guidelines, and evaluation of MPA packages.⁴⁷ The review claims this resulted in distorted and unsound advice to the BRTF about alternative networks of MPAs proposed by the CCRSG.⁴⁸

Interviews also indicate the following:

- Some SAT members have participated in workshops on the role of MPAs in fisheries management organized by NMFS
- One fisheries scientist on the SAT was unable to support critical SAT recommendations because of basic disagreements about approach
- The SAT, and particularly the sub-teams, were not environments that consistently explored opportunities to integrate different scientific viewpoints and learn in the eyes of all SAT members. There were a variety of reasons, including severe time constraints.
- SAT members had access to respected fisheries biologists outside the SAT
- One fisheries biologist who declined to participate on the SAT advised fishing interests participating in the CCRSG
- The modeling work of Dr. Loo Botsford was an element of SAT deliberations, but did not drive decision making, in part due to its stage of development
- There are diverse views among SAT members about the role of fisheries science and its models in the specific project of designing MPAs to implement the MLPA, but there is substantial agreement that a robust fisheries science presence potentially could add value to a future SAT and that models likely will play a more significant role in the future.

A reasonable conclusion would be that (1) there are clear disagreements about what constitutes best available scientific information and how to use that information to design MPA networks, (2) the SAT based its work on hypotheses and data endorsed by marine ecologists and this included consideration of various fisheries models, (3) the SAT’s work meets the standard of “best available

⁴⁶ The question of whether this document qualifies as peer review, as opposed to a scientific advocacy report, was raised in a number of interviews.

⁴⁷ *Peer Review, California Marine Life Protection Act (MLPA) Science Advice and MPA Network Proposals*, prepared by Ray Hilborn, PhD, Richard Parrish, PhD, and Carl J. Walters, PhD (May 2006) for the California Fisheries Coalition [hereinafter CFC Science Review]. The claim that there is uncertainty associated with the key hypothesis underlying the size and spacing guidelines, known as larval dispersal, is accurate. But this is not new information: it is openly acknowledged by proponents. There is also uncertainty associated with the mathematical tools that the authors of the CFC Science Review assert, without qualification, are the “best available science.”

⁴⁸ “The original makeup . . . demonstrated that ecological theorists dominated the SAT . . . this imbalance led to a SAT membership that engaged in virtually no skeptical debate about assumptions and other science questions involved in creating the science guidelines.” Pp. 4-5, CFC Science Review. The SAT has prepared a detailed response to these criticisms. See California MLPA Initiative Master Plan Science Advisory Team Response to CFC Report, August 1, 2006 (available on DFG web site).

scientific information” according to the external peer review, and (4) the BRTF made an informed policy choice to move ahead in the face of scientific conflict in order to implement the MLPA.⁴⁹

The Initiative was a policy making process, not a scientific one. This distinction is critical. In the first, failed effort by DFG to implement the MLPA, scientists “drew lines on a map” to identify possible MPAs. In contrast, the Initiative process gave regional stakeholders and the BRTF the responsibility for designing alternative MPA networks with guidance and evaluation from the SAT, although there are different views about the BRTF’s ultimate role.⁵⁰ The SAT’s obligation was to support open and constructive scientific debate *insofar as it contributed to the Initiative’s goals*, namely developing plausible alternatives of MPA networks for consideration by the Commission. This included ensuring that relevant viewpoints were effectively represented while also maintaining focus and not being consumed with an ongoing scientific disagreement.

It is likely that the tools used to design and evaluate MPAs will improve over time, and may ultimately involve mathematical models like those used in traditional fisheries science.⁵¹ One member of the SAT who is developing such tools has been funded by the Initiative to continue his work. Future study areas will benefit from continued robust scientific investigation and debate. While it will be helpful if the competing scientific camps can find ways to work jointly to support marine management in the future, the approach to “best available scientific information” is not a significant shortcoming in the Initiative process.

The Role of Socioeconomic Information in the Initiative

Socio-economic information about the potential impacts of proposed MPA networks generated significant attention during interviews and was the source of significant conflict during the Initiative. There is agreement that the MLPA refers to economics in several ways, including staffing for the master plan team. There is also agreement that economics are not referred to explicitly in the goals of the MLPA. Experts seem to agree that gathering, analyzing, and applying information about impacts at an appropriate spatial scale to be relevant to MPA network design is challenging. They also seem to agree that data about potential benefits associated with MPA networks is not readily available.

Observation of Initiative meetings and evaluation interviews reveal little common ground beyond these points. Consumptive users likely to be affected by creation of MPAs insisted on the importance of sound economic analysis in network design and evaluation. Non-consumptive users insisted that an analysis of potential economic benefits from the creation of MPAs also was required to present a balanced picture. The BRTF received a briefing on economic issues and offered diverse views during interviews, with one member asserting that “it’s the whole game politically” and others pointing to its secondary importance in the MLPA and vague significance for MPA network design and evaluation. A decision by the Commission will trigger review under the California Environmental Quality Act (CEQA) and Administrative Procedures Act and socio-economics likely will be part of that review.

⁴⁹ BRTF meeting summaries indicate they were informed about the scientific and policy conflicts associated with fisheries management and MPAs.

⁵⁰ In particular, there are different views about whether the BRTF should draw its own lines or modify the work of stakeholders.

⁵¹ SAT members acknowledged in interviews that they were unable to provide a quantitative evaluation of network function in the time available, and point to this as a possible new approach to evaluation and design of MPA networks.

The SAT included two economists: Dr. Astrid Scholz and Dr. Linwood Pendleton. The Initiative contracted with Dr. Scholz's organization, Ecotrust, for an analysis of relative effects of proposed MPA packages on commercial and recreational fisheries along the central coast. This work was undertaken during the Initiative, and the results were made available fairly late in the process and under conditions that reportedly limited their value for MPA planning but did allow analysis of maximum potential impacts. The report was a "worst-case" analysis, and specifically was not an environmental impact analysis and did not address behavioral responses due to a lack of data.⁵² Nevertheless, impacts on consumptive users were a factor in package design and evaluation through hours of discussion and negotiation among stakeholders.⁵³ No equivalent work was done to quantify the beneficial impacts of MPAs.

There are questions about how this contribution fits with the MLPA's requirements. The Framework has limited references to economics. It states that MLPA 1 and 2 failed to provide sufficient information to stakeholders about potential socio-economic impacts⁵⁴ and identifies socio-economics at different stages of the MPA development process.⁵⁵ The Framework identifies "economic contribution" of ocean-dependent activities to local and regional communities as a component of baseline data to support MPA design⁵⁶ and identifies potential socio-economic criteria for State Marine Reserve design.⁵⁷ According to one view the Framework references are essentially "placeholders." DFG reportedly tried to encourage progress on this set of issues several years ago by assembling a group of social scientists but the effort did not yield concrete results for use in the Initiative.

An external review of the Ecotrust analysis sponsored by the Department points out the limitations of the approach but is generally supportive of it as a rough measure of the upper bound of relative impacts among various MPA alternatives. The report concludes that "if the goal is to assess the upper bound of impacts from MPAs by utilizing the knowledge of fishermen through survey methods, then the current methodology designed by Ecotrust serves as a good start." There is also a critique of the Ecotrust products commissioned by the CFC.⁵⁸

⁵² The Department subsequently commissioned an economic analysis of impacts. See James Wilen and Joshua Abbott, "Estimates of the Maximum Potential Economic Impacts of Marine Protected Area Networks in the Central California Coast," final report submitted to the California MLPA Initiative in partial fulfillment of Contract #2006-0014M (July 17, 2006). This information was not available to the BRTF or stakeholders.

⁵³ See "Summary of Potential Impacts of the February '06 Proposed MPA packages on commercial and recreational fisheries in the central coast study region," Final Version, revised March 8, 2006.

⁵⁴ Framework p.10, App. C p. 17

⁵⁵ Framework Table 1

⁵⁶ Framework p. 57

⁵⁷ Framework Attachment A to App. F p.36

⁵⁸ See James E. Wilen and Josh Abbott, "Discussion of Ecotrust Methodology in Commercial Fishing Grounds and their Relative Importance Off the Central Coast of California," report submitted to the California MLPA Initiative in partial fulfillment of contract number 2006-0014M. See also Bonnie J. McCay, Caroline Pomeroy, Kevin St. Martin, and Barbara L. E. Walker, "Peer Review, Ecotrust MLPAl Products, July 31, 2006 (commissioned by the CFC). The Department also sponsored a review comparing Ecotrust squid data to logbook data by Wilen and Abbott: "An Assessment of Ecotrust's Relative Importance Indicators: Comparisons with Logbook Data for the Market Squid Fishery," (June 8, 2006). This analysis reached the following conclusion: "Overall, we conclude that for the squid fishery test case, the index computed by Ecotrust's sampling/survey/mapping procedures is associated in an expected manner with actual behavior on the part of sampled fishermen. High values ascribed to importance indices are related to higher effort levels in those areas, although the statistical association is weak and not monotonic (Figure 7). Moreover, even

In summary, the Initiative attempted to incorporate socio-economics into MPA design. There are diverse perspectives on the results. This effort resulted in significant learning that should influence decision making about future study areas.⁵⁹ Based on these factors and its secondary role in the language of the MLPA, the approach followed by the Initiative does not change the overall evaluation of the BRTF's recommendations. The CCRSG Report provides additional perspectives on the treatment of socio-economic information.

Conclusion: The Initiative processes and the BRTF recommendations provided a sufficient foundation for deliberation and decision-making by the Commission.

<i>Part Two: Did the Key Elements of the Initiative Work Effectively on the Central Coast?</i>
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This chapter evaluates the effectiveness of the four major elements in the Initiative process described in Section III – the BRTF, the SAT, Initiative staff, and the public-private partnership that provided financial support for these new elements – as well as the DFG's role in the Initiative. (The CCRSG process is examined in detail in the CCRSG Report.)

This chapter explores participants' levels of satisfaction with their role in the Initiative, stakeholder's perceptions of how well each element worked, new kinds of knowledge and skills that were developed, and how each element contributed to the overall Initiative.

Most interviewees reported that they felt the basic Initiative process worked fairly well—with some reservations and exceptions explained below. A number of people were holding back from a final judgment of the Initiative, waiting to see how the Commission will respond to the different MPA packages.

From a project management perspective the Initiative has opened eyes about what can be accomplished in a complex policy environment. The MOU set aggressive and, in the view of many, unrealistic deadlines, particularly given the problems in MLPA 1 and 2. These deadlines have largely been met to date, and there is every reason to expect this pattern to continue. While some have suggested that the bar has been set too high because of generous funding and uniquely qualified personnel, the Initiative experience will influence future study areas.

Senior management at the Resources Agency and DFG expressed overall satisfaction with the Initiative to this point—prior to a decision by the Commission. This evaluation is consistent with the additional funding for MLPA implementation included in the 2007 Budget according to reports. It also is consistent with the political commitment of Governor Schwarzenegger to ocean protection. There is significant focus at this time on how to implement a Commission decision to establish MPAs, particularly from a cost and enforcement perspective.

with the non-random sampling, the group of fishermen who were not sampled seems to exhibit similar spatial choices as its sampled counterpart. Although we caution that one cannot make too much out of analysis of a small and imperfectly disaggregated sample, we suspect that the attention the Ecotrust gave to sampling protocol, and the involvement of fishermen in the data gathering design, led to honest survey answers and reliable data.”

⁵⁹ For example, it may be useful to identify impacts on local port areas, rather than aggregating them for the entire study area as was done in the Ecotrust analysis.

DFG staff with day-to-day responsibility for the Initiative had a much more detailed set of issues but also appear satisfied overall to this point. The decision by DFG to develop Package P is not inconsistent with this general view.

The BRTF

All eight BRTF members interviewed for this report said they were generally satisfied with the Initiative and their own roles. They saw the creation of the BRTF as a way to shift responsibility for initial development of alternative networks of MPAs away from DFG, while respecting the Department's expertise and reserving its right to review and modify the BRTF's draft documents before sending them to the Commission. This is consistent with the intent of the MOU as explained during interviews. This role was understood by BRTF members, but they also expressed a desire for influence in shaping policy. Here is a sample of BRTF members' views about their roles:

- *We were out front, catching the flak*
- *We were a diverse group, able to relate to constituents*
- *We fleshed out issues*
- *I saw this as governmental and political, not science*
- *We put distance between state agencies and some interest groups*
- *We wanted to avoid winners and losers (on packages)*
- *It worked*

Many interviewees agreed that the BRTF was a sound innovation that supported objectives of the Initiative. In the words of one skeptic: "I had my doubts but it's a brilliant idea." One contrary view is that the BRTF is essentially another layer between decision makers and communities whose "buffering" function is unnecessary. This view was not widely shared across interest groups or BRTF members. The BRTF was seen as generally effective in generating a set of plausible, high-resolution policy alternatives for consideration by the Department and Commission. The general comfort of BRTF members with public policy decision making allowed them to be comfortable and "make the system work." The Chair was viewed as playing a particularly valuable role in controlling meetings and generally ensuring no leadership vacuum developed.

The BRTF generally was viewed as non-partisan, despite the intense advocacy that characterized the Initiative process. Interviews revealed that some stakeholders tested BRTF members early for evidence of a pre-determined outcome and were generally reassured that the process was open. The general principle of welcoming stakeholder perspectives, even while challenging the content, appears to have been significant in influencing perceptions. This created credibility and allowed the BRTF to give authoritative direction to the CCRSG. This credibility also limited a perception that the Initiative was a "staff directed process." Finally, the BRTF served as mediating force to local and regional dynamics. They injected statewide perspectives and helped stakeholders find balance points.

Interviews also reveal general (although not unanimous) dissatisfaction outside the BRTF with the "tinkering" process (modifying the substance of Packages 2 and 3, so that they became 2R and 3R) at the March 14-15, 2006 meeting.⁶⁰ This sentiment is shared by stakeholders, SAT members, and

⁶⁰ This dissatisfaction is addressed in the CCRSG Report from the stakeholder perspective.

Department staff. The modifications are described in the BRTF's April 28, 2006 memorandum transmitting its recommendations to Director Broddrick.

There is a general exception to the satisfaction described above: most fishing interests represented on the CCRSG have consistently criticized the BRTF's makeup and actions, although not their commitment and effort. The criticism includes a lack of diversity, a general bias in favor of environmental goals, a lack of sensitivity toward economic impacts, and unjustified and uninformed changes to the CCRSG packages.

The BRTF interviews revealed dynamics not reflected in such criticism: several BRTF members were sympathetic to core needs and interests of consumptive users, but were unable or unwilling to support those users in light of their tactics and strategy, which were viewed as hostile to the CCRSG-BRTF effort to find agreement and essentially an extension of political advocacy. This information suggests the values and views on the BRTF were sufficiently broad to support a politically acceptable range of MPA package alternatives. The Recommendations section of this report addresses the issue of how to address changes to CCRSG packages in the future.

BRTF members invested a great deal of time into the Initiative. A majority were concerned from the beginning of the Initiative about whether their recommendation would carry weight with DFG and the Commission. As one member put it: "We're all busy. If I take the time, I'll give my best but I want the product to be used." Most of the interviews for this report were conducted when the details of Package P were largely unknown. BRTF members reportedly met with Secretary Chrisman to express their concerns. The reactions of BRTF members to Package P, and to the Commission's ultimate decision, have the potential to impact retention and recruitment of BRTF members for future study areas. At the same time, the CCRSG was the source of the alternative MPA packages, and steps taken by the BRTF to create its own recommendations to the Department and Commission were perceived, at least by fishing interests, as violating the implicit structure of the process. This tension is addressed in the Recommendations section and in the CCRSG Report.

As a process innovation, the BRTF had to refine the roles and responsibilities described in the MOU and Charter in unanticipated contexts. Examples include the BRTF's process for selecting a preferred alternative and the decision to create its own MPA alternative (Package S). The uncertainty resulted in uneven expectations that were a source of occasional confusion and frustration. One example is the confusing expectations about whether the BRTF should "mediate" an effort to achieve CCRSG consensus. The BRTF addressed consensus at its first meeting in October 2004, and was advised not to expect consensus based on the Channel Islands process. The Executive Director reminded the BRTF in July 2005 that consensus was not a goal. Even so, interviews revealed a persistent desire among many BRTF members for stakeholder agreement, and there clearly were mixed messages. The CCRSG Report addresses this issue in greater detail.⁶¹ The Recommendations section of this report also addresses this issue.

One point of particular emphasis in the interviews was the BRTF's divided vote in March 2006 on a preferred alternative and its inability to reach consensus. The MOU does not specify a decision rule for the BRTF, so this result raises no concerns about consistency. But there is a basic question: *Would*

⁶¹ The CCRSG Report offers a somewhat more critical perspective about this uncertainty.

consensus have enhanced the impact, or “stickiness,” of the BRTF’s recommendation and influenced decisions by DFG and the Commission about making modifications?

As noted above, the interviews suggest the decision to create a BRTF was influenced by advice about decision boards, and consensus is at the heart of their effectiveness. The MOU drafters did not have direct experience with decision boards, and did not explicitly state an intention that the BRTF seek consensus or consult with experts on decision boards about how to adapt them to the Initiative. Moreover, the public policy field is familiar with the strategy of creating a commission as a way of deflecting political attention from ultimate decision makers. Interviews with the BRTF members yielded no information about a briefing on consensus or its significance *vis à vis* DFG and the Commission. BRTG members clearly discussed consensus along the way and were aware of its potential value during their March meeting.

Individual BRTF members cited several factors that worked against consensus. One was a lack of time at the March meeting, and a second was the amount of new information they were being asked to digest. This resulted in part from the BRTF’s decision to “put its stamp” on two of the three CCRSG alternatives prior to forwarding them to the Commission. These modifications left some BRTF members unsure what was in the packages and reluctant to endorse alternatives they had not fully analyzed and discussed.

Another factor cited by several BRTF members was a lack of time for meeting privately, out of the public eye, to seek understanding and agreements. All BRTF members appreciated the value of transparency that accompanies public deliberations, but several felt this could have been balanced by structured time for BRTF-only discussions. This need was felt at different points in the process, but came into sharper focus at the March meeting.

Both the BRTF and the stakeholders failed to reach consensus on a recommended alternative. *Was it unrealistic to expect the BRTF to succeed where the stakeholders could not?* While the intensity of the disagreements may have been similar, it appears the BRTF struggled to bridge gaps over different issues than those challenging the CCRSG. In particular, the substance of Package 1, prepared by a coalition of fishing and other consumptive interests, was part of CCRSG efforts to find agreement. Package 1 was not an issue for the BRTF’s members, who were divided between the levels of protection in Packages 2 and 3 (or 2R and 3R after modifications). Advocates of the decision board model would argue in favor of the BRTF working to consensus. Public policy experts may argue that the decision board’s power is diluted in the public policy context, for various reasons.⁶²

Ultimately there are diverse views among BRTF members about whether it would have been possible for them to reach consensus even if they had had more time. For at least one member the March meeting was a “lost opportunity” despite its results, while for others the prospect of consensus was uncertain, unlikely or not valued enough for its potential impact on subsequent decision making by DFG and the Commission. Whether consensus would have increased the impact of the BRTF’s recommendations ultimately is speculative. DFG has understandably strong interests in asserting its authority over the MLPA, and in ensuring that its wealth of practical experience about issues such as

⁶² Delegation of authority issues are not likely to arise in the private sector. They are more of a concern in the public sector where lawmaking authority rests in the legislative branch and may be delegated under certain circumstances to the executive branch and bureaucracy. This report’s authors have no opinions on any associated legal issues.

enforcement is reflected in recommendations to the Commission. The interviews did not include Commission members.

The Department's draft Master Plan appears to propose a future option that would bypass a BRTF and have stakeholder alternatives for MPA networks delivered directly to the Department.⁶³ It is useful to imagine what would be lost without a BRTF, which provided an open, balanced forum for public deliberation as well as effective oversight of a stakeholder process (and an initial buffer for the Department and Commission). There is significant value in seeing a wise and diverse group of citizens—the BRTF—publicly discussing difficult issues presented by stakeholders and the MLPA and working toward sound recommendations. At this time it is difficult to imagine either the Department or the Commission filling this role, for different reasons. The Department lacks the diversity of perspective represented by the BRTF's members, and its personnel are not “independent.” The Commission's members lack time due to other obligations, and lack the resources to actively oversee an intensive stakeholder process.⁶⁴ Interviews indicated a significant but not unanimous perception that both the Department and Commission have organizational cultures and values that favor the interests of consumptive over non-consumptive resource users. The alternative of retaining a BRTF but preventing it from dealing directly with stakeholder proposals appears likely to significantly undermine its effectiveness, at least until the process of establishing new MPAs has broader acceptance.

Finally, it is worth considering how much time the BRTF should devote to local user conflicts in a study area, and what criteria it should use to make this decision. The Initiative featured significant user conflicts around Monterey Bay and these issues consumed significant resources for the CCRSG and BRTF meetings. The MLPA includes improvement of recreational opportunities as a goal for the MLPP, and consumptive-non consumptive user conflicts are a central challenge in establishing MPA networks. One possible criterion for the future is the significance of a particular user “hot spot” for overall network design and function. In other words, while important to local users, is the area important to satisfy network design guidelines? Depending on the answer, the BRTF may choose to increase or decrease the attention devoted to seeking a resolution to the conflict. A sound conflict assessment conducted before key decisions are made about process design for the next study region potentially could identify such hot spots and inform decision making about RSG membership and structure.

SAT

As explained in the previous chapter, the SAT was perhaps the most controversial element of the Initiative.

Science is often the focus of attack when it is a significant factor in setting public policy. There is

⁶³ The draft Master Plan prepared by the Department is not entirely clear about the future role of the BRTF. The “Blue Ribbon Task Force MPA Design Process” (p. 19) appears to continue the BRTF. However, the process of “Evaluating alternative MPA proposals” appears to contemplate a process where such proposals might go directly to the Commission (p. 19). The process provides for BRTF “evaluation” of alternative proposals, but not a BRTF preferred alternative. This appears to be the responsibility of the Department. Table 1 reflects an ongoing role for a BRTF (pp. 21-23), but also suggests MPA alternatives could go directly to the Commission (2.2.3).

⁶⁴ The criteria for appointment to the Commission also appear different from those that are critical for the BRTF to succeed.

persistent conflict associated with the policy of establishing networks of MPAs and the science that is driving their design and evaluation. Consequently, it is not surprising that the role of science and the SAT in the Initiative generated the most attention during this evaluation. It is not the purpose of this initial report to exhaustively address the issues associated with science. These are part of a larger debate that has been underway for at least a decade involving marine ecologists and fisheries scientists. They also are part of a larger policy challenge facing California: the integration of MPAs into overall coastal management. The conflicts over composition of the SAT and use of “best available scientific information” were addressed earlier in this report. This section focuses on the satisfaction of SAT members with the process and the overall impact on knowledge of the Initiative’s approach to science.

Overall Satisfaction

BRTF members agreed unanimously that they felt the SAT fulfilled its charge of supporting the BRTF, despite the challenging circumstances. DFG also expressed general satisfaction with the SAT, although there are exceptions for specific issues. In particular, a significant number of interviewees (including some CCRSG stakeholders) reported that the SAT process took shape as the Initiative developed and that this caused some frustration and confusion, as follows:

- The MOU did not fully anticipate or describe the role of the SAT. In particular, it did not explain the SAT’s role in developing guidelines for MPA design or the SAT’s role in evaluating proposed MPA packages developed by the CCRSG. The SAT’s iterative process of drafting and refining the Evaluation Guidelines caused some conflict with CCRSG members who felt “the goal posts kept moving.” One example cited by fishing interests was the “late development of [the SAT’s] ‘levels of protection’ metric.” SAT members acknowledged that they refined their guidelines to address weaknesses exposed during the package development process.⁶⁵ In particular, the SAT added guidelines on spacing, size, habitat, and oceanographic features after the FGC adopted the draft Master Plan Framework in August 2005.
- All SAT meetings were open to the public and there was extensive opportunity for input. There is voluminous documentation on the Web. However, some interviewees reported there had been limited time available to the full SAT for open discussion of the CCRSG packages, and the extensive use of non-public sub-teams also shifted this work out of the public forum. There is a public record for full SAT meetings, but no record for sub-teams.

Satisfaction levels of SAT members differed according to several factors, but also are consistent on some points. Over half of SAT members were interviewed [11], so all conclusions must be qualified. Those SAT members who worked extensively on the Framework and on the Evaluation sub-team are generally satisfied with their work, and several are eager to move on to the next study area. Here are key issues that emerged from interviews:

⁶⁵ One SAT member described the SAT as shifting from an early “conceptual” mode regarding the Framework to a very concrete mode once the task of evaluating alternative packages of MPAs became fixed. This caused refinements to the Guidelines in order to support evaluation. For example, the seven sub-regions were less a conceptual guideline than a methodology to evaluate distribution of habitat up and down the coast.

- The SAT structure, procedures, and deliverables were not clear at the beginning of the Initiative. This led to uneven meetings, differences in expectations, perceptions of inefficiency, and to some frustration among SAT members about how to have a meaningful role. “I can’t be useful in this process” was a sentiment expressed by at least one person who chose to leave the SAT. Two examples are:
 - Initial concepts about where key decisions would be made didn’t match up with the final process, e.g., who designs networks?
 - The amount of time spent completing the draft Framework and MPA design guidelines ultimately was significant but was not fully appreciated at the outset.
- There is significant agreement within and outside the SAT that there was inadequate planning for SAT needs and that this hindered the SAT’s ability to work effectively. One example is funding for graduate students to do literature searches, or data input for spreadsheets used to evaluate MPA networks. Another is for technical support such as computing and GIS.
- The SAT experienced conflicts over management styles, personalities, and role expectations that involved DFG and Staff. These were magnified by the initial lack of clarity about the SAT’s role and then by the amount of work requested from the SAT under difficult deadlines. A majority of SAT members expressed dissatisfaction with the SAT-DFG relationship. SAT members preferred more autonomy and less direct involvement by DFG in SAT processes, and would have preferred to select their own Chair. DFG’s primary goal was to ensure that the SAT met the schedule and milestones of the Initiative: “gave us something we could use.” Some SAT members felt this goal interfered with “doing science.” DFG appointed the SAT Chair, but the relationship with DFG’s lead representative proved difficult and caused the Chair to resign and become a contract advisor to the Initiative. The Chair’s background in system modeling, economics, and management science, rather than natural science, was problematic for some SAT members.
- There is a consistent theme from interviews of SAT members and others that the SAT did not have enough time to do its work. This applies across the spectrum, from sub-committee work on the MPF to full SAT discussion of Guidelines and evaluation of MPA packages. There were severe pressures to meet deadlines and “give us a deliverable.” Views vary on how this impacted the SAT’s work products. One perspective is “I’m comfortable with the science, but . . .,” while another is that “we didn’t have time to do science” through extensive development of alternatives and education of one another. Another perspective is “we always needed another half day.” The lack of time was perceived to severely limit opportunities to interact with the CCRSG, although SAT members had different views about the appropriate structure for that relationship.
- The significant amount of uncompensated time contributed by many SAT members received consistent attention in interviews. The financial impacts of SAT participation varied depending on employment and funding, and for some were offset by contracts with the Initiative.

Some interviewees reported concerns about the multiple roles that some SAT members played, as follows:

- Two SAT members were also contractors to the Initiative. There were varied reactions to this situation, with some SAT members criticizing this dual status and suggesting it impaired the

ability of other SAT members to honestly critique work products, and others concluding it had no significant impact. The primary focus was the economic work of Ecotrust: some SAT members felt they lacked the capacity within the SAT to evaluate complaints from the CCRSG members about the quality of the Ecotrust data and analysis. There was similar but less intense concern among some SAT members about the SAT's ability to evaluate Dr. Botsford's modeling. Outside the SAT there was criticism from consumptive users of the contractual arrangement with Ecotrust. It is difficult to separate this criticism from open antipathy toward the substance and conclusions of the contracted work products. Criticism from other stakeholders was not significant.

- At least two SAT members received contracts to perform additional work as a result of their involvement with the SAT. This issue was raised mainly by the fishing community, who feel it is another signal of bias on the SAT against fisheries management. This did not appear to be a significant issue for other stakeholders. SAT members appeared divided in their feelings about this.
- One SAT member, Dr. Steve Gaines, receives funding as a Pew Marine Conservation Fellow to support MPA research.⁶⁶ Interviews revealed a range of views about whether this presented a significant real or perceived conflict of interest for the SAT's role. This arrangement highlights the different impacts of not compensating SAT members for their time.

Additions to Knowledge

Master Plan Framework. The SAT had a challenging task to support development of the Framework given tight timeframes and organizational and process issues. The eventual decision to break into small teams based on expertise proved efficient as a way to support Framework drafting. The Framework developed for the Central Coast Project and adopted by the Commission in August 2005 is a critical shared reference point.⁶⁷ The Framework has value because its rules are written down and apply to everyone.

Guidelines for Evaluation of MPA Networks: The MLPA and SAT Charter do not charge the SAT with developing Guidelines for evaluating alternative networks of MPAs. MLPA 1 and 2 had not identified a clear path. Evaluation—and creating the analytical tools for evaluation—became a significant and almost overwhelming task for the SAT, particularly for the Sub-Team that did most of the work in developing and refining evaluation guidelines. [See July 6, 2005 SAT Meeting Summary] These Guidelines are now available for use in future study areas and are a major contribution toward implementation of the MLPA, even with the general acknowledgment that they are likely to change over time as knowledge increases.

Evaluation of alternative packages of MPAs for BRTF: This was not a clear charge for the SAT, and significant time passed before evaluation was established as a SAT task despite the obvious need for this process. The SAT evaluations of the stakeholder packages were a major influence on BRTF

⁶⁶ According to the Pew Fellows web site, Dr. Gaines is using his fellowship to help implement the MLPA. <http://www.pewmarine.org/pewFellowsDirectoryTemplate.php?PEWSerialInt=9727>

⁶⁷ On July 21, 2006, DFG forwarded a Master Plan to the Commission that builds on the Framework. It is not clear at this time what significance the Framework will have in light of this step.

decision making. Most of the work was done by the Sub-Team, often at significant personal cost and under tight deadlines.

Analytical tools for future areas: According to SAT members there are now a number of “cook books” for application in future study areas that will not require creation from scratch. These include:

- In order to evaluate packages the SAT created Excel spreadsheets that translated GIS habitat values into graphic representations. These spreadsheets are now available for future study areas.
- The refinements to the Evaluation Guidelines are available, such as the size and spacing criteria. One specific example is the 2 miles² standard for rocky habitat within an MPA. While these detailed guidelines can be expected to change based on scientific advances, they have been peer reviewed and are available for future study areas.

Peer reviewed results: The MLPA calls for external peer review of the scientific basis for the Master Plan. DFG organized peer review of two SAT products: the Evaluation Guidelines developed for the Framework, and application of those Guidelines to the alternative packages of MPAs developed by the CCRSG. These peer reviews are generally supportive of the SAT’s work.

Education of BRTF and CCRSG. The SAT felt a heavy responsibility to educate the BRTF and CCRSG about MPAs, and felt a huge effort was made to accomplish this. The need for education is a result of criteria for selecting the BRTF and CCRSG. The need and demands were not fully appreciated at the beginning of the SAT effort and are not clearly identified in the Charter. The “units” developed for this educational process are available for future use.

Initiative Staff

The Initiative was a new way of doing business and operated on a very tight timetable. Its staff had to design much of the process at the same time they were doing the work. The current version of the Framework, which describes the process for designing MPA networks in significant detail, did not exist in August 2004.⁶⁸ Nevertheless, the professional staff (including the Executive Director) was able to meet the deadlines in the MOU and support development of alternative MPA networks delivered to the Department by the BRTF. The keys to these outcomes were:

1. Flexibility to create and adapt processes, hire personnel, and contract with experts
2. Shared responsibility among DFG, the BRTF, and the Executive Director and staff
3. A mutual commitment to success
4. High-quality, highly motivated people, i.e., good hiring
5. Singularity of purpose
6. A disciplined focus on Initiative goals
7. An ability to avoid being painted as partisan

Interviews suggest that “singularity of purpose” was particularly important for success. Government typically does not permit employees to exercise the type of project-specific focus that characterized Initiative staff. The Initiative structure allowed the Executive Director and his key hires to avoid distractions and work purposefully to achieve the ambitious goals established in the MOU.

⁶⁸ DFG’s draft Master Plan is intended to more closely reflect the actual Initiative process.

The Public-Private Partnership

The public and private sectors are characterized by different values, incentives, and expectations about work-related subjects like deadlines, quality, accountability, and personal lives. A public-private partnership inevitably challenges people to accommodate these differences; project complexity and ambition magnify these challenges and increase the importance of finding integrative solutions. This accommodation was essential for the Initiative, particularly because key people had no prior working relationship. Interviews suggest that overall these relationships were positive, with some acknowledged exceptions.

The Initiative would not have been possible without substantial private philanthropic funding through the MOU's public-private partnership. This financial commitment supported robust stakeholder engagement through the CCRSG, highly competent project management staff for the BRTF, numerous private consultants to provide a range of services including CCRSG facilitation, a SAT, open meetings to promote transparency, and extensive documentation available to the public. No dissenting views about the importance of this financial contribution emerged during interviews.

Despite some initial inclination toward a low-budget approach, the Initiative was notable in its level of financial resources, stakeholder engagement, quality of work products, accessibility to the public, and project focus. Compared with other public decision and input processes, many people rated the Initiative highly and some called it the best they had seen. This is true even for some people whose satisfaction was contingent on the final Commission decision. For many people, private funding improved the quality of public engagement in policy making and stimulated future public funding (as evidenced by new budget authority for DFG).

The source of private funds was constantly criticized by fishing interests, who raised concerns from the time the MOU was being negotiated to the present. This dissatisfaction is detailed in a Critique of the Initiative, and is addressed in the CCRSG Report. The basic concern is that the private funders are advocates for certain environmental values, and that these values inevitably will have undue influence over policy outcomes in the Initiative. Comprehensive evaluation of this claim is outside the scope of this report. However, it appears that the Signatories were sensitive to this issue and structured the private-public partnership to reflect *separation*, an arms-length relationship, with the BRTF and ultimate decision makers, and to emphasize openness and transparency. In practice it is difficult to imagine the alternative development process being more open and still achieving its objectives.

There is a significantly greater potential for realizing the expected benefits of MPAs as a result of the Initiative. This includes funding commitments and organizational priorities:

1. The FY 2007 State Budget, adopted in July 2006, appears to include significant funding for MLPA planning and implementation.
2. The Ocean Protection Council's ("OPC") recently completed Strategic Plan includes support for MLPA implementation, including securing funding, and some of the budgeted funding appears dedicated to OPC.

The Initiative hired high-quality management expertise that matched the requirements of the project.

There was a failure to fully appreciate the costs of such expertise. It is likely compensation costs will remain high for future study areas in light of the Initiative experience and new challenges.

The BRTF worked closely with the Executive Director to provide oversight of budgeting and spending. This information also was available to the public in the form of semi-annual reports. The Executive Director and staff worked directly with RLFF on financing and contracting. Given the lack of a clear model, the relationship appears to have been satisfactory. One question for the future is the degree of independence available to the Executive Director to enter into and modify contracts without requiring RLFF approval.

The Regional Stakeholder Group Process

The CCRSG Report will address levels of satisfaction and the impact of the Initiative on relationships among resource users along the central coast.

The Department's Role in the Initiative

DFG played a significant role in the achievements of the Initiative. The Marine Region team provided technical expertise, management skills, and a reliable voice about policy positions. They negotiated a relationship with the Initiative Staff that, by all accounts, was fundamentally successful despite inevitable challenges. The organizational relationship of DFG to the BRTF and Staff (*see* MOU Exhibit B) was intended to foster independence as well as collaboration. This appears to have been achieved, although one result is that DFG operated in a somewhat ambiguous zone, as a stakeholder and regulator, and several people commented on occasional tension about authority, roles, and responsibilities.

As noted above, DFG's senior management is generally supportive of the overall Initiative. They acknowledge the value of the resources made available by the public-private partnership. These resources helped overcome what has been characterized as an ingrained DFG instinct to underestimate costs and find a way to "get by." In retrospect, this instinct contributed to the outcomes of MLPA 1 and 2. Management also acknowledged DFG's traditional aversion to risk and change, but emphasized that fundamental change is occurring, in the Marine Region and elsewhere.⁶⁹ Thus far DFG has succeeded in keeping the promise it made at the end of MLPA 2: "We will only continue the MLPA implementation process when we are able to adequately support a comprehensive, scientifically based, constituent involvement process." The next challenge is to ensure that a Commission decision on the central coast can be implemented over the long term.

The Initiative was based on a fundamental restructuring of DFG's role in implementing the MLPA, and the MOU arrangements are a balancing of that new role with private funders and a BRTF and contract staff. From complete control (MLPA 1 and 2) DFG moved into a partnership over the process of developing alternatives, although it retained final responsibility to "independently review and make any amendments or modifications to the draft documents that it determines appropriate." This balance was tested at various points during the Initiative, and is still being tested as a result of DFG's decision to prepare its own recommended alternative, Package P, to the Commission, and to prepare a draft Master Plan. The Package P decision is examined below.

⁶⁹ As noted above, other people interviewed for this report expressed doubts about the nature and pace of internal change, particularly as it applies to organizational culture and values about consumptive and non-consumptive resource uses.

Evaluating DFG's Preferred Alternative: Package P

DFG's decision to develop its own recommended alternative, Package P, is based on its interpretation of the language of the MOU and the MLPA. DFG cited the following reasons "in general:"

- Ensure that MPA boundaries and regulations [are] simple, clear, and easily enforced;
- Consider key policy issues such as existing kelp harvest leases, shoreline fishing access, and user group conflicts;
- Ensure that the MLPA requirement to improve recreational opportunities in areas subject to minimal human disturbance [is] met for all types of recreation (both consumptive and non-consumptive);
- Wherever possible, reduce potential impacts to existing uses and use patterns; and
- Ensure that the scientific guidance provided in the process [is] fully considered.⁷⁰

DFG could have taken any one of a number of paths in response to the BRTF's recommendations, including offering comments and proposed modifications on each package without offering a separate alternative. The decision to develop Package P appears to fit into a gray area of the MOU language, and decreased satisfaction with the Initiative process among many stakeholders and BRTF members.⁷¹ DFG reportedly held over 35 meetings with various constituents as it developed Package P, but it is not practical to assess satisfaction for this report based on the substance of Package P. The SAT analyzed Package P at the same level as the BRTF's three recommended packages.

DFG raised some concerns late in the Initiative process about enforceability of the MPA packages. The use of a depth contour, rather than straight lines, is one example. As already noted there also is some level of DFG dissatisfaction with the BRTF's tinkering with Packages 2 and 3 at the March meeting. In the current policy structure DFG and the Commission will always have a significant voice on policy consistency, and some adjustment of the BRTF and stakeholder recommendations was to be expected. DFG did not reject any of the three recommended packages wholesale.

One outcome of the Initiative is that DFG has even more experience to devote to future study areas and MLPA implementation. The critical challenge will be what lessons DFG takes from the Initiative. Its management (and the Resources Agency) could decide that, after the basic success of the Initiative, and with knowledge gained in the Channel Islands, MLPA 1 and MLPA 2, it is time for DFG to re-balance the authority in the MOU in its favor. This could mean looking to the private sector only for funding and asserting DFG control over contracting and staffing. Its leadership could propose that the BRTF has addressed most critical policy choices and is not needed for the next study area. This approach would be understandable and may become a viable long-term option for MLPA implementation. But the success of the Initiative after so much conflict and disappointment in earlier efforts raises the question whether there are more benefits to be wrung from the Initiative model in the next study area before it is revised or discarded. The Recommendations section of this report addresses this question.

Conclusion: The key elements of the Initiative functioned effectively in the central coast process overall, even with the questions and caveats to be anticipated in such a complex endeavor.

⁷⁰ California Department of Fish and Game Preferred Alternative for Marine Protected Areas in the Central Coast Study Region, Overview of MLPA Requirements and Department Recommendation, June 22, 2006, p. 4.

⁷¹ Of course, as one reviewer commented, this broad dissatisfaction also could be a sign of good policy making.

The question of replicating the Initiative is receiving significant attention at this time. There are reports of initial planning and decision making for the next study area, and the Legislature and Administration appear to have agreed on appropriations for this purpose. If a private-public partnership is to be continued, the time appears ripe to begin discussions about a second MOU or similar vehicle. Apart from the Initiative, the potential for future public-private partnerships is relevant for California. One veteran of California government sees this approach as “the wave of the future,” because citizens want more government to deal with environmental issues but are unwilling to pay through increased taxes.

This section explores a set of questions related to replicating the Initiative. The primary focus is feasibility and practicality based on the Initiative experience to date. There is also an important set of questions related to implementation of a Commission decision for the central coast and future study areas, but these are generally outside the scope of this evaluation.

Financial Support

Private funding for the Initiative through its scheduled termination in December 2006 is planned at \$7.4 million. The potential for private funding for a future study area is unknown.

DFG’s financial contribution to the Initiative was limited, although in-kind contributions of personnel were valuable. The FY 2007 State budget approved by the Legislature in early July reportedly includes substantial funding for MLPA implementation, potentially 11 full-time positions for planning the next study area, and additional positions for central coast implementation, although the actual language has not been reviewed for this report. The funding structure reportedly involves the Ocean Protection Council and legislative committees as well as DFG.

This new appropriation confirms there is potential public financial support for future MLPA study areas if a partnership continues to meet the goals of private philanthropy. The mix of public and private funding for such a partnership is likely to change over time, with a greater proportion of funds coming from state appropriations. Interviews suggest state funding would not, by itself, be sufficient to support replication of the Initiative model in future study areas. The demands of implementing a Commission decision for the central coast will require public funds, further emphasizing the potential need for a private role going forward.

Political Support

The Schwarzenegger Administration actively supported the Initiative as part of an overall program of ocean protection. There is no evidence at this time of a change in priorities. The Legislature’s action in supporting significant MLPA appropriations is further evidence of political support. It is not clear how the Commission’s final decision may affect—or reflect—this political balance. One unknown factor is the likely continuation of political support beyond the November 2006 elections. This support will be essential to successfully completing a second study area, particularly if it covers Southern California’s coast.

Institutional Structure

Assuming funding and political support exist, and certain issues covered in the Recommendations section are addressed, it appears the basic structure of the Initiative could be replicated: a BRTF; professional contract staff; a SAT; a RSG; and a substantial DFG role. The quality of the people who would comprise the core of that structure is an important question addressed below.

DFG Resources

A small group of DFG staff played key roles in the Initiative. They served as DFG's voice as an MOU signatory to the BRTF, SAT, and CCRSG. They articulated DFG's policy positions and shared oversight and project management roles. And they coordinated DFG's contributions of technical expertise and information. Many of these key staff, including John Ugoretz and Paul Reilly in the Marine Region, also have invaluable personal experience with DFG's earlier efforts to implement the MLPA (and with the Channel Islands MPAs). This experience includes personal relationships with key stakeholder groups.

The Initiative proved challenging to DFG's internal resources, expertise, capacity, and systems. Section III of this report pointed out the significant reductions in funding and positions for the Marine Region over the past four years. These reductions inevitably have deprived DFG of a pool of qualified, experienced personnel to adequately staff an ambitious project like the Initiative. One example is the reported inability of DFG to take advantage of \$750,000 made available by RLFF as part of the MOU to support DFG personnel. Interviews indicate DFG was unable to identify appropriate personnel to fill these positions and also experienced challenges with internal financial systems.

DFG's personnel system, a part of the larger State system, has rigid requirements to protect seniority and other values that operate as a significant handicap to managers needing employees with skills, experience, and temperament to fit comfortably into a project like the Initiative.

A related problem is not unique to DFG, namely the State's byzantine contracting system. Relative to the private sector, DFG lacks the flexibility to hire qualified contractors in the timeframes needed for a fast-moving project. The pool of potential consultants is often limited to those already under contract on other projects, and most contractors must run a complex gauntlet of legal and other requirements. There are similar problems associated with acquisition. According to interviews, RLFF was asked by DFG to supply laptop computers for staff to support the Initiative when state regulations created obstacles.

These constraints based on State personnel, contracting, and acquisition systems are not likely to change for the next study area. New legislative appropriations appear to give DFG an opportunity to begin building internal capacity, but this will not be possible in a short timeframe. For these reasons, it will be critical that key DFG staff from the Initiative, familiar with its basic structure and experience (as well as DFG's previous efforts to implement the MLPA), are available to play a significant role in the next study area.

Human costs

The Initiative accomplished its objectives at high personal costs to stakeholders, BRTF and DFG staff, consultants, SAT members, and the BRTF members. The number of meetings and related time commitments had a direct impact on anyone who faced a choice about working or participating in the Initiative. For those engaged in fishing, this often entailed a direct loss of income. Other stakeholders used personal vacation time, or left their businesses to attend Initiative meetings. The BRTF staff were paid to focus on the project, but interviews suggest their workload and time pressures were severe. The challenging deadlines established in the MOU contributed to this impact. Consultants were paid to support the Initiative, but also worked under severe time constraints and workload, and some incurred financial impacts by under-reporting time. DFG staff work in a large organization with different expectations about workload and schedule, but the core DFG team were consistently acknowledged in interviews for their high level of effort. Other human costs for DFG included the challenge of maintaining project focus in the face of other demands. BRTF members contributed hundreds of hours, with the Chair approaching 1,000, in meetings, traveling, and preparing. SAT members' commitments were uneven, with a small group also providing hundreds of hours. The financial arrangements for individual SAT members also varied based on employment and, in the case of academics, funding sources.

Ultimately, there are undeniable personal disincentives to participate in another Initiative, particularly if it carries the same human costs linked to workload, timeline, and pressure. Here is a perspective from a MLPA veteran: "[A] normal human being cannot withstand the pressure and demands created by successive MLPA regional processes." The influence of these disincentives will vary with individual situations.

Can the Initiative be replicated in a new study area without some continuity of personnel?

In practical terms the potential for a complete lack of human continuity is unlikely. This is particularly true for people whose jobs are linked MLPA implementation or supporting the Initiative. For RLFF, DFG, and the Resources Agency, at a minimum, the potential for at least some continuity is high. The same is true for some members of the SAT given professional interests and the role of funding for research.

The potential benefits of having some level of human continuity from the Initiative to a new study area were generally acknowledged in the interviews. For the BRTF, benefits include more group experience as a resource for avoiding past difficulties and making good choices about priorities, and matching (or exceeding) the level of knowledge that stakeholders will bring to a future process.

For the SAT, familiarity with the Framework and the role of supporting design and evaluation of proposed MPA networks would be helpful. Some SAT members are highly motivated because of their professional focus on MPAs, and a few are motivated financially, by contracts with the Initiative, to continue. Even for these people, however, the workload, schedule, and general strain of the Initiative have been significant and are likely to affect retention and recruitment. This is significant, because the quality and motivation of Initiative participants overall was extremely high.

Interviews generated diverse, but typically cautious and low-key, levels of interest when the topic of continuing was raised with other Initiative participants.

Influence of the Initiative on Stakeholders

There is likely to be some continuity of stakeholders for a future study area. This will be true for consumptive users as well as environmental and conservation groups. There also will be veteran advocates who essentially “sat out” (but monitored) the Initiative for different reasons, and new stakeholders who are closely linked to local uses. This range of experience and expectation will influence RSG dynamics, and also dynamics with the BRTF, SAT, Department and Commission. “Lessons learned” by stakeholders inevitably will shape the future of MLPA implementation.

Rule clarity

There was substantial uncertainty during the Initiative around roles, responsibilities, and procedures that should *not* be replicated. The “rules” likely will be clearer for a second study area.

Differences in future study areas

Interviews suggest that customization and flexibility will be important characteristics in designing approaches to future study areas. No one has endorsed a cookie cutter approach using only one shape, for several reasons. First, there will be significant differences in the natural characteristics of each study area, e.g., types and distribution of habitat, natural features, and species, to name only a few. The amount of information available for future study areas will also be a factor. The central coast was selected for the Initiative in part because there was a reasonable amount of data about key natural features already available. Future study areas apparently will vary in relative availability of data. There also will be different user dynamics. As one example, interviews indicate that there is “less room and more users” along the Southern California coast, and “less room for error.” The SAT and BRTF should have reduced workloads because the Framework (and draft Master Plan) already exist.

Legal issues

The Initiative appears to be, in many respects, *sui generis*. While a number of existing models have some similarities, this evaluation did not identify any clear fit.⁷² In particular, there is no clear precedent for a privately funded natural resource planning effort on this scale that will result in public rulemaking. This means that rules about how to structure roles, responsibilities, and relationships within the Initiative were created along the way, and that participants in the Initiative were constantly asked to innovate and live with uncertainty in this effort to “get it right.” It also means that the legal implications of this partnership model are open to question and likely to be tested by interests opposed to the MLPA or the current approach to its implementation.⁷³ Whether litigation will affect efforts to replicate the Initiative cannot be reliably predicted in this report. The regulatory process for implementing a Commission decision on MPAs involves CEQA review and may also result in litigation that could influence replication of the Initiative.

Leadership

⁷² One possible influence is the private component of HCP efforts undertaken with the U.S. Fish and Wildlife Service. Several people suggested that there is significant private sector influence over policy that results in rules, such as those for public accounting standards.

⁷³ As noted previously, the *Coastside Fishing Club* litigation is the first legal challenge to the Initiative.

The MOU identifies leadership as an important characteristic for the Initiative.⁷⁴ Interviews consistently cite the leadership provided by individuals and groups as an essential element in achieving the MOU's objectives as well as other results. The Initiative was staffed by a group of strong personalities who devised ways to work with one another effectively and to inspire others. This is true for the BRTF, the staff, and DFG. Leadership on the SAT ultimately appears to have rested with the small group of scientists who did a huge amount of work to support design and evaluation of proposals. Leadership also manifested itself within the CCRSG, which also featured numerous strong personalities. [See CCRSG Report] The potential to replicate the Initiative will depend significantly on leadership from these same positions.

Conclusion: Replicating the Initiative

There is no conclusive reason at this time why the basic structure and approach of the Initiative cannot be replicated for the next study area. There are a number of open questions, such as the availability of private funding and the challenge of retaining and recruiting high-quality contract staff, BRTF members, and SAT members in light of the demands imposed by the Initiative. There also are questions about the availability of key DFG staff to focus intensively on the next area. One final question is the extent to which key stakeholders, particularly consumptive interests, will endorse the same process. *This calculation will be influenced significantly by the Commission's ultimate decision for the central coast.* The CCRSG Report provides further insight on this question.

⁷⁴ MOU Attachment A:

V. RECOMMENDATIONS

- 1. The basic Initiative structure -- a BRTF with contract Staff, RSG, SAT, and effective Departmental involvement -- is the best option for the next study area, with limited modifications based on lessons learned.**

The Initiative has functioned effectively up to the current point (prior to a Commission decision). As explained below and in the CCRSG Report, some adjustments can be made to reflect lessons learned and increase effectiveness, but no major changes are recommended for the next study area. The Legislature's decision to provide additional staff and budget for the next year's work on MPLA implementation should enable the Department to play a more active role in working with stakeholder groups as they develop packages of proposed MPA networks. The BRTF would be well-advised to focus its work even more intently on encouraging stakeholder groups to explore how they can find consensus.

The Department's recently-written draft Master Plan is confusing about the future role of the BRTF: there is a suggestion that stakeholder packages could be sent directly to the Department. Taking this step would eliminate an invaluable part of the Initiative process -- the opportunity for stakeholder groups to engage in public discussion with each other and with a panel of independent experts who are well versed in how to design public programs to address controversial issues. This process of public deliberation is valuable and should continue to be the centerpiece of the MLPA process. The presence of the BRTF and its contract staff does not in any way diminish or detract from the authority of the Department or the Commission. Rather, it equips them with invaluable tools for meeting their statutory and constitutional responsibilities. The BRTF will continue to need a staff that is experienced in designing and conducting public deliberative processes with a tight project focus. The Department should train its staff in these skills and may eventually be able to staff these deliberations. But at the present time, the Department does not have the necessary skills or the resources to do so. Based on information available for this report, the arguments in favor of abandoning the basic Initiative structure at this time are outweighed by arguments supporting continuity in the next study area.

- 2. The State of California should negotiate a new Memorandum of Understanding with the Resources Legacy Fund Foundation or other entities to ensure adequate funding for future study areas as well as for implementation of Commission decisions about MPAs along the central coast.**

Substantial private resources will be needed to complement state resources and continue the MLPA effort to establish and manage MPA networks. The Commission and the Department do not have the resources or capacity to fully support the next study area, especially when new MPAs along the central coast are anticipated. Moreover, the next study area may pose challenges that will require at least as much private funding in order to accomplish MLPA goals.

- a. The Resources Agency and Department should open discussions with the RLLF and**

other private entities about funding for management of MPA networks.

As part of developing a plan for long-term management of MPA networks, the Resources Agency and Department should consider how to raise funds for MPA management and should consider whether private funds might be useful in ensuring that the Department can fulfill its statutory and regulatory responsibilities.

b. The RLFF and all private funders must work with the other Signatories, BRTF, and Staff to ensure separation and clear boundaries.

It will continue to be essential that the RLFF and any other funders maintain “arm’s length” working relationships that allow the other Signatories, BRTF, Staff, SAT, and regional stakeholder processes to operate in the public arena without the specter of influence by funders. To this end, it would be highly desirable to eliminate the current caps on the ability of the Executive Director to enter into and modify contracts without prior approval by RLFF.

c. The Signatories should consider whether other funders, or non-profit entities, might become part of the public-private partnership.

There are sound reasons to explore the potential for bringing additional funders who might have different value sets into the partnership. So long as there is separation, adding funders should have no appreciable impact on the effectiveness of the Initiative model and could improve prospects for long-term support. Another option to explore is whether there are non-profit entities more familiar with the State that could oversee contracting and hiring in the same way as RLFF in the future without sacrificing flexibility, responsiveness, and speed.

3. The Department of Fish and Game should have the same roles and responsibilities in the next study area but should participate more proactively in the regional stakeholder process and should focus a substantial portion of its new resources on implementation of the Commission’s decisions to establish MPA networks along the central coast.

a. With respect to a RSG in the next study area, the Department should engage more directly with regional stakeholders as they develop packages of proposed MPA networks.

Consistent with this report’s recommendation that the same basic structure be utilized for the next study area, the Department should have essentially the same roles and responsibilities as it did for the Initiative. However, the Department should engage more actively with stakeholder groups, speaking up directly and substantively about such matters as the practical issues of managing MPAs. This approach should seek to reduce the need to modify alternatives produced through the stakeholder and BRTF processes in order to satisfy DFG requirements. As the Commission designates networks of new MPAs along the central coast and elsewhere, the Department will have an increasing store of information about implementing MPAs that stakeholder groups will need to draw on.

The Department's relationship to the CCRSG in the Initiative was uneven, and there is little evidence that the Department established a priority of clearly and consistently articulating its interests to maximize the potential for stakeholder alternatives to reflect these interests. This recommendation is consistent with findings of the CCRSG Report (p. 39).

- b. The Resources Agency and Department, with appropriate support from other elements of the Initiative, should establish a specific goal of building the capacity of the Department, particularly the Marine Region, to effectively expand its role in future MPA design processes while at the same time implementing MPAs adopted by the Commission.**

The Department has relied extensively on a very small group of talented and committed managers to support MLPA implementation since 1999. The accomplishments of these individuals are notable. There is no "bench," however, and time and experience are required to build that capacity. Expanding the Department's role in MPA design in the next study area, while simultaneously taking on implementation of a Commission decision for the central coast, appears likely to create unnecessary strain on existing staff and threaten recent accomplishments. The Initiative, if it continues, presents an opportunity to build executive and management capacity as part of MLPA implementation. In particular, there is an opportunity for the Department to identify desired skills and expertise and then utilize the public-private partnership model to cultivate these, with the potential for assistance from highly experienced professional staff. Specific measures could be established to evaluate progress in building capacity and assist senior decision makers in matching future Departmental responsibilities with personnel. Under the right circumstances, the Department may develop the capacity to expand its role in MPA design following completion of the next study area, even as it takes on greater implementation obligations.

When the Commission designates new MPAs, stakeholder groups are not likely to quietly acquiesce in DFG decisions about how to operate the new reserves. It is more likely that stakeholders will continue to demand that they be consulted. The DFG will need to develop an effective process to engage stakeholders so that all parties can learn from the implementation process.

Implementation will require that the Department hire and train staff with technical and strategic management skills, including the ability to design and staff public deliberative processes. This process began with the Channel Islands and likely will expand very soon along the central coast. Commission decisions for future study areas will only increase the need for these skills.

- c. The Department should foster local relationships between its MPA staff and stakeholders to support both design and long-term implementation.**

It would be very useful if DFG staff who are knowledgeable about specific communities and marine areas were able to work directly with stakeholders (and professional facilitators) to develop alternative MPA packages in the next study area and implement those MPAs.

d. Future study area planning should build on the Department's experience with implementing and managing MPAs.

Experience in managing new central coast MPAs likely will provide valuable input to the design of MPAs in other locations. The Department should brief the BRTF and possibly a future RSG on specific central coast (and Channel Islands) implementation and management challenges during future study region planning efforts.

4. A Blue Ribbon Task Force should play a central role in the next study area as it did for the Initiative.

The BRTF played a number of valuable roles in the Initiative, including, but not limited to, a politically adept buffer for the Department and a public forum for deliberation. The Initiative has not eliminated the pressures and problems that led to creation of the BRTF, and there is every reason to anticipate significant benefits by retaining this feature for the next study area. The existence of a Master Plan will reduce some of the uncertainty about policy that characterized the Initiative, but it is highly likely that there will be proposals to modify that Plan based on scientific advances. Both the SAT and RSG will benefit from oversight by a BRTF so long as its authority is clear and undiminished.

a. The criteria for appointment of BRTF members should remain the same.

The first BRTF functioned effectively without marine scientists or other technical experts on marine issues; the key criteria for selecting members is the capacity to tap the knowledge of such experts while leading effective public deliberation and decision-making about complex, highly contentious, place-based natural resources management issues.

b. Two or three members of the central coast BRTF might be appointed to the new BRTF to provide continuity.

Continuity would be particularly valuable for a Southern California project as the issues to be addressed there may be even more complex than on the central coast.

c. The new BRTF should develop operating guidelines for its work in the next study area.

The new BRTF should take advantage of the experience gained by BRTF members and other participants in the central coast process, as well as the independent evaluations, to establish some basic guidelines for its deliberations. Guidelines could address coordination with the Executive Director and Staff, how the BRTF members will work

with one another, the requirements for an alternative to be forwarded to the Commission for consideration, and the pros and cons of seeking consensus among BRTF members about a preferred alternative. A specific guideline is proposed in 5.d, below.

- d. The BRTF should value consensus and carefully weigh the potential consequences for the overall process before creating its own package of alternatives, or modifying stakeholder packages on its own, when working with a RSG in the next study area.**

The Initiative demonstrated the potential consequences of developing a BRTF option and modifying stakeholder packages. The lessons learned interviews highlighted the difficulty of creating incentives for consensus and maximizing ownership of outcomes, particularly among stakeholders, while ensuring that a deliberative public process yields plausible alternatives. The BRTF should value the potential power of consensus, both for itself and a RSG. It also must have the necessary decision making tools to deliver a plausible set of policy alternatives to the Department and Commission in the next study area. On balance it appears counter-productive to limit the BRTF's options for future deliberations, and better to rely on its collective wisdom and judgment.

- e. BRTF members should plan to participate in all BRTF meetings.**

As a general principle, BRTF members should endeavor to participate in all BRTF meetings and this principle should be emphasized during recruitment. The option of reducing the size of the BRTF might reduce difficulties associated with attendance, but likely would limit the "wisdom" that makes such a group useful.

- f. The BRTF and Department should seek opportunities to promote integrated decision making for the next study area, and BRTF members should also maximize opportunities for informal discussions.**

The Initiative was a balance of independence for the BRTF in order to build credibility with the need to coordinate and integrate overall decision making. The next study area presents an opportunity to explore ways to maintain independence, increase integration, and support the Department's development of capacity to expand its role in MPA design (*see* Recommendation 4.b). The BRTF and Department should explore ways to integrate decision making about key "steps" for the next study area and promote education within the Department about deliberative processes that engage the public. For example, BRTF members could discuss with the Department's MLPA team specific challenges associated with articulating key interests around MPA network design to a RSG and jointly develop solutions. These integrative steps should be transparent to stakeholders, and must protect the BRTF's ability to interact effectively with stakeholders and the broader public. One potential benefit of this interaction may be a new MLPA implementation process option.

In addition, the BRTF Chair should ensure that there is time for BRTF members to interact with each other informally consistent with any applicable open meeting requirements. This will promote understanding, consensus building, and stronger relationships, and it will make the Chair's job easier. There is no reason why such time

should be inconsistent with a basic process commitment to transparency and openness.

- g. The BRTF should focus on key issues linked to MPA network design and implementation and limit the time it spends on local user conflicts if these are not significant for overall network effectiveness.**

The BRTF spent a substantial amount of time on user conflicts in the Monterey Bay area during the Initiative. Some of its modifications to packages 2 and 3 reflected efforts to resolve these conflicts. In the future, the BRTF should carefully weigh the value it will add by devoting substantial time to resolving intense user conflicts, particularly if these are not linked directly to MPA network effectiveness.

- 5. The responsibility for managing the next study area should remain with private sector Staff hired under the public-private partnership.**

The Initiative has demonstrated the value of applying proven executive and management skills and “project focus” to complex public policy development. The Initiative’s successes on the central coast flow from the high level of the staff’s professional skills, their ability to focus all of their efforts on the MLPA process, and their lack of personal identification with a particular agency or point of view. The benefits available from a public-private partnership model are essential for maintaining momentum. It is difficult to imagine in practice how to maintain these key benefits if state government assumes responsibility for these tasks, even using a contractor model, at this time. This recommendation is intended to support the capacity-building proposal in 3.c above.

- a. The basic principles used to manage the Initiative so far should continue**

These principles include the ability of staff to commit to a single project and maintain that focus; respect for key milestones and schedules; high standards for work products; flexibility and adaptability; and a clear understanding of roles relative to other parts of the basic Initiative structure.

One of the positive lessons of the Initiative is that it was not viewed as a “staff-driven” effort, perhaps one reason for the generally laudatory evaluations given the Executive Director and staff.

- b. The BRTF Chair should continue to hire an Executive Director with the same role and responsibilities.**

If retaining the current Director is not an option, similarly high standards should be applied to hiring a new Director. This is one of the key appointments made by the Initiative.

- c. The Executive Director should continue to have significant flexibility in hiring project staff and consultants and should not be constrained by DFG hiring and contracting requirements.**

The Director should develop recommendations to the BRTF about the future role of consultants that reflect knowledge gained from the Initiative regarding size, composition, and compensation. One important issue to address is the potential loss of knowledge when different consultants are used in new study areas.

- d. Roles, responsibilities, and expectations among the Department, BRTF, and Staff should be addressed explicitly at the beginning of a new study area.**

To the extent these are not captured in a new MOU, a “partnering agreement” should be considered as a potential management option. This agreement would spell out roles and responsibilities and identify a clear process for resolving any disputes or uncertainty.

6. The Science Advisory Team should continue in the same role in the next study area.

The roles and responsibilities of the SAT in relation to the BRTF and CCRSG worked reasonably well once they were defined in the Initiative. The size and makeup of the SAT merits evaluation in light of a reduction in its anticipated work load and responsibilities in the next study area.

- a. The SAT should support the BRTF and Department but not “draw lines on a map.”**

MLPA 1 demonstrated the problems associated with having scientists draw lines that have direct impacts on resource users. The Initiative demonstrated that, under the right circumstances, stakeholders can design MPA networks that do a better job of resolving some policy and user conflicts. The SAT should assist the RSG to design alternative MPA packages and evaluate those packages, educate BRTF members about MPAs and provide advice about alternative proposals, and help the Department develop the capacity to monitor and evaluate networks along the central coast and in future study areas. To the extent that the Department’s draft Master Plan proposes a more directive role for the SAT in designing future MPA networks, this is a step fraught with potential for conflict as illustrated by MLPA 1.

- b. The Department should retain final responsibility for appointing the SAT but should consult extensively with the next BRTF Chair about SAT composition prior to making final choices.**

The composition of the SAT should take into account the Initiative’s success with having people who work in or near the study area take on a substantial amount of sub-team work. However, the distribution of workloads among SAT members and sub-teams should be more balanced.

- c. The SAT should make progress in addressing the challenges of bringing the “best scientific information available” to bear on the design of networks of MPAs.**

The Department and the BRTF should address scientific issues related to best available

scientific information in a structured and transparent way prior to making final decisions about a SAT for the next study area. In particular, DFG and the BRTF should organize a one-day workshop of current SAT members, outside experts, DFG, and BRTF (and Staff) to explore issues raised in this report that relate to SAT composition and test options for the next study area.

One goal for a workshop is a constructive “airing out” and clarification of issues and how they relate to the MLPA, identification of potential points of agreement among scientists, and potential criteria for DFG and BRTF decision making on SAT composition. A second goal is a description of how to interpret the MLPA’s best available scientific information standard for purposes of SAT composition and processes including evaluation.

The Charter for a future SAT should refer to a standard for best available scientific information. This same standard should be part of internal SAT agreements such as guidelines.

d. The SAT should be provided the resources needed to support the BRTF and the Department.

There should be a SAT support line item in budgets for future study areas. Funding requests should reflect agreement of the SAT co-chairs.

e. The SAT should select its own co-chairs.

Rather than a single chair, the SAT should have co-chairs with skills necessary to work collaboratively and effectively in the outcome-oriented, tightly scheduled environment of the MLPA. They also must be committed to integrating professional facilitation into SAT forums.

f. The SAT should use professional facilitation services provided as part of overall support for its activities.

Facilitators should be selected in part for their ability to work effectively with scientific groups. Familiarity with marine management, MPA issues, and the MLPA will be helpful by reducing learning time and enhancing understanding of context.

g. The SAT members should not be compensated for their time, in order to protect their independence, but should continue to be reimbursed for expenses.

7. The Commission, Department, and BRTF should collaborate to clarify two issues that were highly contentious in the central coast process – how to deal with conflicting scientific approaches to marine life protection, and how much information about socioeconomic impacts is required for decision-making about MPAs network design.

a. Address the broad issue of integrating fisheries management, marine ecology, and MPA planning directly, at the start of planning in the next study area.

Scientists with different training and experience will always have somewhat different perspectives about new and controversial topics like marine protected areas. Indeed, science advances through a process of inquiry and debate, which sometimes is highly contentious. Policy-makers must listen carefully to what scientists say but should not demand or expect unanimity.

The Commission, Department and BRTF should begin their work in a second study area by clarifying how marine ecologists, fisheries biologists, socio-economists, and other scientists can contribute to the work of the SAT and other Initiative activities. They should engage experts and develop a clear statement to support decision making and process design in the next study area.

The Department and BRTF should recruit marine ecologists, fishery biologists, and socioeconomists to serve on the SAT and expect active participation by all SAT members in making any adjustments that may be necessary in the guidelines for the design of MPA networks that were developed by the central coast SAT.

If the SAT is unable to come to agreement about changes in the guidelines for design of MPA networks, it should forward alternative approaches to the BRTF and Department, including rationales for the differences in these approaches. The Department will then advise the BRTF, which will make a policy choice that will guide work in the study area. (*See also* recommendation 7.c)

Uncertainties associated with MPA design should be fully acknowledged in presentations and stakeholder comments rather than avoided. In the end, research, monitoring, and evaluation of the MPA networks will hopefully yield clearer scientific guidance for MPA design and management. Until then the BRTF, the Department, and the Commission must make decisions based on the “best readily available science.”

b. Make a basic policy decision about the role of socio-economic information for the next study area.

Clear guidelines about the role of socioeconomic information should be built into resource discussions, planning, and the BRTF’s oversight of a new study area. The Commission’s deliberations about the central coast packages may provide useful information in this regard.

As with questions about MPA design, differences about the proper scope and detail of socioeconomic studies may well continue. However, requirements in the MLPA about socioeconomic information are much less detailed than requirements for scientific information.

8. In planning for the next study area there should be a thoughtful evaluation of potential “hot spots” and issues—a conflict assessment—and specific design choices should reflect this evaluation.

Past efforts to implement the MLPA have been characterized by uneven decision making about process design. Even though the Initiative attempted a more informed approach, the facilitators for the CCRSG were not included in the design phase, and the importance of consensus was not fully explored in advance for the BRTF. The design also raised questions about the significance of user conflicts in Monterey Bay for overall decision making. The Signatories should engage experts to advise them prior to making significant decisions about the process design for the next study area. It would be desirable to have continuity between process design and implementation.

V. CONCLUSION

While there is much to question about California's approach to governance and natural resources, the State is leading the way in the development of MPA networks as a management tool. Beginning with the basic policy choices reflected in the MLPA, the State has kept at the task over seven years, through continued opposition from fishing interests, a budget crisis, lack of personnel, challenging contracting and acquisition systems, and a venerable Department of Fish and Game and Commission that are being challenged to adapt to ecosystem-based management. In addition to an existing set of small MPAs, the State has established the Channel Islands MPAs and has the choice to establish a significant MPA network along the central coast when the Commission completes its deliberations as part of the Initiative. For all the difficulties associated with the process of establishing MPA networks, California's effort is receiving intense scrutiny from other states and key stakeholders, including fishing interests, because it is the biggest, most significant experiment in shifting state marine resource management from individual species to an ecosystem focus.

The Initiative is a significant phase of California's MPA effort. It has been characterized by adherence to the basic policy choice in the MLPA, a commitment by the Schwarzenegger Administration to move forward despite continued objections from fishing interests, and a willingness to take risks among stakeholders, private funders, the Resources Agency, and DFG. The Initiative's public-private model values focus, commitment, and creativity along with governmental expertise; a significant role for stakeholders; and openness and transparency about policy making. The role of DFG merits particular attention: DFG's leadership and key staff endorsed and adapted to the public-private model, and their knowledge and commitment were essential to the Initiative's accomplishments. At the same time, the Initiative highlighted some of the challenges facing the Department (and the Commission) as it continues its shift to an ecosystem focus.

This evaluation has looked at the Initiative from four different perspectives:

- (1) the MOU goals,
- (2) the foundation for a Commission decision,
- (3) the effectiveness of the Initiative's key elements, and
- (4) whether the Initiative can be replicated.

From each perspective, and when viewed overall, the Initiative has largely achieved its objectives and justified itself as a basic model. There are flaws, but these are inevitable under the circumstances and not fatal to the basic approach or its outcomes for the central coast. The next study area provides an opportunity to refine the model and test its limits. This report recommends that path, while recognizing that future modifications to the model may be called for prior to completing a Master Plan for California's coast.

APPENDIX A: Comparison of California's MPA Processes 1998-2006

	MLPA Initiative	MLPA 2	MLPA 1	Channel Islands
<i>Timeframe</i>	<ul style="list-style-type: none"> • MOU signed August 2004 • BRTF meets Sep 2004 • SAT meets Jan 2005 • CCRSG meets Jun 2005 • BRTF votes on pref'd alt. March 2006 	<ul style="list-style-type: none"> • Jan 2002 to Dec 2003 • Each of the 7 regional work groups had two meetings 	<ul style="list-style-type: none"> • Jan 2001 to Dec 2001 • Multiple public meetings July 2001 • Extensive follow up private meetings 	<ul style="list-style-type: none"> • 1999-2002 • MRWG mtgs over 22 months • Multiple Commission hearings
<i>Geographic Scope</i>	Central coast study area	Entire state	Entire state	Channel Islands only
<i>Funding and Costs</i>	<ul style="list-style-type: none"> • No new authorization or appropriation • Private funding via RLFF for central coast Project [\$2.4 mm]⁷⁵ • In-kind services from Resources and DFG additional 	<ul style="list-style-type: none"> • No new authorization or appropriation • Used fees from [specify program] • [\$1.45 mm budgeted as of March 2003] • This estimate does not include DFG costs • Project halted due to funding concerns 	<ul style="list-style-type: none"> • No new authorization or appropriation • [\$? DFG cost] 	<ul style="list-style-type: none"> • Estim. \$4.25mm (Initiative staff document)
<i>Public and Private Entities</i>	<ul style="list-style-type: none"> • Public-private partnership • Resources Agency, DFG, RLFF pursuant to MOU 	<ul style="list-style-type: none"> • DFG only 	<ul style="list-style-type: none"> • DFG only 	<ul style="list-style-type: none"> • DFG partnership with CI NMS
<i>Organized Stakeholder Role</i>	<ul style="list-style-type: none"> • CCRSG: develop MPA packages for BRTF • SIG: advise BRTF 	<ul style="list-style-type: none"> • Participate on one or more working groups 	<ul style="list-style-type: none"> • Comment on MP IDCs 	<ul style="list-style-type: none"> • Participate on MRWG to attempt to develop consensus recommendation on MPAs
<i>Decision Rules on Preferred Alternative and Outcomes</i>	<ul style="list-style-type: none"> • Majority voting by BRTF • CCRSG caucuses developed multiple packages • CCRSG ground 	<ul style="list-style-type: none"> • Initial decisions in regional working groups 	<ul style="list-style-type: none"> • All decisions internal to DFG 	<ul style="list-style-type: none"> • Consensus principle for MRWG • Sportfishing interests perceived as blocking consensus

⁷⁵ This amount includes overhead for BRTF, SAT and Staff allocated to CCRSG. The total MLPA Initiative private sector budget is \$7.4 million through December 2006.

	MLPA Initiative	MLPA 2	MLPA 1	Channel Islands
	<p>rules specify “striving to achieve a high level of consensus” in developing MPA proposals, to earn broad support across CCRSG interests. The objection of a few members is not grounds to impede movement</p> <ul style="list-style-type: none"> • There is no requirement of consensus on a single MPA package • CCRSG consensus on Regional goals and objectives 			
<i>Role of Science</i>	<ul style="list-style-type: none"> • Support completion of Master Plan Framework • Develop guidelines for designing and evaluating MPA networks • Evaluate CCRSG packages and advise BRTF • Don’t draw lines 	<ul style="list-style-type: none"> • MP Team continues • Advise individual regional work groups • Anticipate review and comment on RWG products 	<ul style="list-style-type: none"> • DFG appoints MP team • MP team develops MPA Initial Draft Concepts for entire coast • Intended to solicit feedback • MP team began to revise proposals 	<ul style="list-style-type: none"> • Science Advisory Team provided both recommendations for specific amount of habitats needed for MPAs along with review of various proposals.
<i>Development of Preferred Alternative for FGC Consideration</i>	<ul style="list-style-type: none"> • CCRSG develops alternative MPA network packages for BRTF • BRTF modifies packages and votes on preferred alternative • DFG develops own preferred alternative • FGC deliberating as of 8-1-06 	<ul style="list-style-type: none"> • DFG oversight of process • Seven regional working groups • No alternatives developed 	<ul style="list-style-type: none"> • DFG oversight of process • Extensive public meetings around state for input to DFG on IDCs • IDCs not moved forward to FGC following public input so no pref’d alternative 	<ul style="list-style-type: none"> • Marine Reserve Working Group seeks consensus recommendation • Agency co-chairs asked by advisory group to develop recommendation when consensus fails • Further MRWG input on draft preferred • DFG sends preferred proposal to FGC for decision
<i>Relative Value of</i>	• Multiple	• No usable results	• Public input	• FGC voted 2-1 to

	MLPA Initiative	MLPA 2	MLPA 1	Channel Islands
<i>Results</i>	packages provide a decision range <ul style="list-style-type: none"> • Iterative evaluation and modification process for packages results in high level of detail • FGC has range of options 	<ul style="list-style-type: none"> • Participants reportedly supported process. 	resulted in preliminary modifications to IDCs that did not move forward <ul style="list-style-type: none"> • Started MLPA 2 	adopt MPAs for CI <ul style="list-style-type: none"> • Significant conflict and distrust over outcome
<i>External Facilitation</i>	<ul style="list-style-type: none"> • Yes • Initiative partners designed process • Facilitators join after process designed 	<ul style="list-style-type: none"> • Yes • DFG designed process • Facilitators join after process designed 	No	<ul style="list-style-type: none"> • Yes • Facilitators join after process designed and convened
<i>Project Management</i>	<ul style="list-style-type: none"> • BRTF oversight • Contract Executive Director • Contract staff • Coordination with DFG project staff 	<ul style="list-style-type: none"> • Internal DFG, with greater interest from the Legislature's Joint Committee on Fisheries and Aquaculture. 	<ul style="list-style-type: none"> • Internal DFG 	<ul style="list-style-type: none"> • Internal DFG • Shared with CI NMS
<i>General Public</i>	<ul style="list-style-type: none"> • Meetings available via webcast • Attend BRTF and SAT meetings and comment • Documents available on web 	<ul style="list-style-type: none"> • Enhanced web site to keep public informed. 	<ul style="list-style-type: none"> • Attend public meetings • Comment on MP proposal 	<ul style="list-style-type: none"> • All meetings open to the public • Special evening public forums to solicit comments

APPENDIX B: People Interviewed for Report

Package 1 Stakeholders

Package 1 Focus Groups

Rick Algert, Harbor Director, City of Morro Bay

Eric Endersby, Diving Representative, Recreational Fishing Alliance Advisory Board

Tom Hafer, President, South-Central Nearshore Trap Organization

Robert Hather, Member, Board of Directors, central coast Fisheries Conservation Coalition

Jeremiah O'Brien, President, Morro Bay Commercial Fishermen's Organization

Art Seavey, Partner, Monterey Abalone Company

Package 2 Stakeholders

Package 2 Focus Groups

Marla Morrissey, Conservation Chair, Marine Interest Group of San Luis Obispo County

Don Canestro Reserve Director, Ken Norris Rancho Marino Reserve, UC Santa Barbara

Gordon Hensley, San Luis Obispo Coastkeepers

Ron Massengill, recreational fisherman and conservationist

Robin Robinson, artist community

John Wolfe, Advanced Assessment Team Volunteer Diver, Reef Environmental Educ. Foundation

D'Anne Albers, Executive Director, Friends of the Sea Otter

Package 3 Stakeholders

Package 3 Focus Group

Ellen Faurot-Daniels, Oil Spill Supervisor, California Coastal Commission

Holly Price, Resource Protection Coordinator, Monterey Bay National Marine Sanctuary

Jim Webb, President, Cambria Fishing Club (alternate for Bob Hather)

Department of Fish and Game

Focus Group

John Ugoretz, Nearshore Ecosystem/MLPA Coordinator

Paul N. Reilly, Senior Marine Biologist

Paulo Serpa, GIS Analyst

Tony Warrington, Assistant Chief

Doug Huckins, Captain

Individual Interviews

Ryan Broddrick, Director

Sonke Mastrup, Deputy Director

John Ugoretz

Science Advisory Team

Focus Group

Mark Carr, Department of Ecology and Evolutionary Biology, University of California, Santa Cruz

Rick Starr, University Extension, California Sea Grant Program

Mary Yoklavich, Southwest Fisheries Science Center, NOAA Fisheries

Dean Wendt, Center for Coastal Marine Science, California Polytechnic State University, San Luis Obispo

Individual Interviews

Steve Gaines, Marine Science Institute, UC Santa Barbara

Steve Barrager, Environmental and Natural Resources Law & Policy Program, Stanford Law School

Linwood Pendleton, Department of Environmental Health Sciences, UCLA School of Public Health

Doyle Hanan, Hanan and Associates

Steve Murray, California State University, Fullerton

Mark Carr

Loo Botsford, Wildlife, Fish and Conservation Biology, UC Davis

Mary Yoklavich

Astrid Scholz, Ecotrust

Blue Ribbon Task Force

Phil Isenberg, Chair, Isenberg/O'Haren

Doug Wheeler, Environmental Practice Group, Hogan & Hartson, LLP (Washington DC)

Susan Golding, President and CEO, The Golding Group

Meg Caldwell, Director, Environmental & Natural Resources Law & Policy Program, Stanford Law School

Cathy Reheis-Boyd, Chief Operating Officer and Chief of Staff, Western States Petroleum Association (WSPA)

Dr. Jane G. Pisano, President and Director, LA County Museum of Natural History

Ann D'Amato, Chief of Staff, LA County District Attorney

William W. Anderson, President and COO, Westrec Marinas

Statewide Interest Group (SIG) Focus Group (by telephone)
--

Zeke Grader, Pacific Coast Federation of Fishermen's Associates

Joel Greenberg, Recreational Fishing Alliance

Pam Heatherington, Marine Interests Group of San Luis Obispo

Dr. James Liu, United Pier and Shore Anglers of California

Tom Raftican, United Anglers of Southern California

Jesus Ruiz, YMCA SCUBA Program

Linda Sheehan, California Coastkeeper Alliance

Bill Janes, Commercial Fisherman

MLPA Initiative Team and Consultants/Facilitators
--

I-Team Focus Group

Amy Boone, Policy Analyst, MLPA Initiative

Rita Bunzel, Operations and Communications Manager, MLPA Initiative

Michael DeLapa, Central Coast Project Manager, MLPA Initiative

Evan Fox

Mary Gleason, Principal Planner, Central Coast Project, The Nature Conservancy

John Kirlin, Executive Director, MLPA Initiative

Melissa Miller-Henson, Operations and Communications Manager, MLPA Initiative

Facilitators Focus Group

Scott McCreary, CONCUR

Eric Poncelet, CONCUR

Consultant Interviews

Don Maruska, Don Maruska and Company, Inc.

Kirk Strum, Strum and Associates

Individual Interviews

John Kirlin

Melissa Miller-Henson

Michael DeLapa

California Resources Agency

Mike Chrisman, Secretary

Brian Baird, Assistant Secretary for Ocean and Coastal Policy

Resources Legacy Fund Foundation

Michael Mantell

Michael Weber

Barton H. “Buzz” Thompson, Jr., Board Member

Will Shafroth, Board Member

Other Interviews

Karen Garrison, NRDC

J. Clark Kelso, McGeorge School of Law

Vernell G. Goehring, California Fisheries Coalition

APPENDIX C: List of Sources

State Statutes

Marine Life Protection Act

Marine Life Management Act

California Ocean Protection Act

Regulations

Nearshore Fishery Management Plan

Initiative and Agency Documents

MLPA Master Plan Framework, as adopted by the Fish and Game Commission, August 22, 2005

MLPA Draft Master Plan, submitted by Department of Fish and Game to the Commission, July 21, 2006

MOU among Resources Agency, RLFF, and DFG, August 27, 2004

BRTF Charter

BRTF Meeting Summaries

SAT Charter

SAT Meeting Summaries

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

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

“MLPA Central Coast Project Recommendations,” Memorandum to L. Ryan Broddrick, Director, Department of Fish and Game, from Phil Isenberg, Chair, BRTF, dated April 28, 2006

DFG Memorandum to Commission transmitting Package P as Preferred Alternative, June 21, 2006

“Central Coast Initiative Packages-Revised Summary of Staff Evaluation of MLPA Goal 3 and SAT Evaluation of Replication,” prepared by MLPA Initiative Staff for BRTF, dated March 7, 2006

“Summary of potential impacts of the February ’06 proposed MPA packages on commercial and

recreational fisheries in the central coast study region,” prepared by Astrid Scholz, Charles Steinback, and Mike Mertens, Final version, revised 8 March 2006

“Peer Review of the Scientific Guidelines Found in the MLPA Master Plan Framework,” prepared by Oregon Sea Grant, dated January 2006

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“Master Plan Science Advisory Team Response to CFC Report,” August 1, 2006

James Wilen and Joshua Abbott, “Estimates of the Maximum Potential Economic Impacts of Marine Protected Area Networks in the Central California Coast,” final report submitted to the California MLPA Initiative in partial fulfillment of Contract #2006-0014M (July 17, 2006)

Wilen and Abbott, “Discussion of Ecotrust Methodology in Commercial Fishing Grounds and their Relative Importance Off the Central Coast of California,” report submitted to the California MLPA Initiative in partial fulfillment of contract number 2006-0014M

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“Facilitators’ Report Regarding the Channel Islands National Marine Sanctuary Marine Reserves Working Group,” prepared for the Channel Islands National Marine Sanctuary Advisory Council, dated May 23, 2001

Channel Islands Marine Reserves Working Group, Meeting Summary, May 16, 2001

“A Critique of the MLPA Initiative Process,” prepared by the CCRSG and SIG members representing fishing interests (2006) (provided to evaluators but not publicly released)

“Peer Review, California Marine Life Protection Act (MLPA) Science Advice and MPA Network Proposals,” prepared by Ray Hilborn, PhD, Richard Parrish, PhD, and Carl J. Walters, PhD (May 2006)

Marine Life Protection Act Process Summary and Draft Working Group Process June 14, 2002 (DFG documents)

Web Pages

California Fish and Game Commission

MLPA Initiative

Resources Legacy Fund Foundation

Articles

Davis, Gary E., "Science and Society: Marine Reserve Design for the California Channel Islands," *Conservation Biology*, Vol. 19, No. 6 (December 2005)

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National Research Council, Committee on Defining Best Scientific Information Available for Fisheries Management, *Improving the Use of the Best Scientific Information Available Standard in Fisheries Management* (2004)

California Marine Life Protection Act

Evaluation of the Central Coast Regional Stakeholder Group Process



August 14, 2006

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Contents

<i>Executive Summary.....</i>	<i>4</i>
<i>I. Introduction.....</i>	<i>13</i>
<i>II Brief Background</i>	<i>14</i>
<i>III. Overall Structure of CCRSG Process.....</i>	<i>16</i>
<i>IV. Stakeholder Selection and Membership.....</i>	<i>18</i>
<i>Description:.....</i>	<i>18</i>
<i>Participant Feedback:.....</i>	<i>19</i>
<i>V. Phase I: CCRSG Start Up (June-September 2005).....</i>	<i>22</i>
<i>Description:.....</i>	<i>22</i>
<i>Participant Feedback:.....</i>	<i>22</i>
<i>VI. Phase II: MPA Package Formation at the CCRSG (September-December 2005).....</i>	<i>25</i>
<i>Description:.....</i>	<i>25</i>
<i>Participant Feedback:.....</i>	<i>26</i>
<i>The Ecotrust Study on Socio-Economic Impacts:.....</i>	<i>29</i>
<i>The SAT Evaluation of MPA Packages:.....</i>	<i>31</i>
<i>Staffing the CCRSG Process:.....</i>	<i>32</i>
<i>VII. Phase III: MPA Package Refinement at the BRTF and DFG (December 2005-June 2006).....</i>	<i>34</i>
<i>Description:.....</i>	<i>34</i>
<i>Participant Feedback:.....</i>	<i>37</i>
<i>BRTF Recommendation Process:.....</i>	<i>37</i>
<i>DFG Analysis and Recommendation Process:.....</i>	<i>39</i>
<i>VIII. CCRSG Timeline and Budget</i>	<i>41</i>
<i>CCRSG Timeline:</i>	<i>41</i>
<i>CCRSG Budget:</i>	<i>42</i>
<i>IX. Conclusions and Recommendations for Future Regional Stakeholder Group Efforts.....</i>	<i>45</i>
<i>REFERENCES.....</i>	<i>58</i>
<i>Appendix A: CCRSG Primary Stakeholders and Alternates.....</i>	<i>59</i>
<i>Appendix B: Interviews and Focus Groups.....</i>	<i>61</i>
<i>Appendix C: Online Survey Respondents</i>	<i>63</i>
<i>Appendix D: Statistics From Online Survey.....</i>	<i>64</i>
<i>Appendix E: Multiple vs. Single Package Comments from Online Survey</i>	<i>65</i>
<i>Appendix F: Online Survey Questions and Responses.....</i>	<i>66</i>

Figures

<i>Marine Life Protection Act (MLPA): Central Coast Process Structure</i>	<i>16</i>
<i>Overall Summary of the Three Stakeholder-Developed Packages (1, 2R and 3R).....</i>	<i>35</i>
<i>Percentage of Central Coast State Waters in MPA Packages (by MPA)</i>	<i>36</i>
<i>MLPA Central Coast Direct Expenditures from RLFF – Draft.....</i>	<i>43</i>

Executive Summary

This report focuses exclusively on the MLPA Central Coast Regional Stakeholder Group (CCRSG) process and its development of marine protected area (MPA) packages. It begins with the formation of the CCRSG and moves through the hand off from the CCRSG to the MLPA Blue Ribbon Task Force (BRTF) to formulate recommendations for the California Department of Fish and Game (DFG) followed by DFG hand off to the California Fish and Game Commission. The CCRSG was a key element of the MLPA Central Coast Project, and the MPA packages developed by the members was one of the deliverables specified in the memorandum of understanding (MOU) that emerged from the Marine Life Protection Act. That MOU designated key roles for the CCRSG, the BRTF, the DFG and the Fish and Game Commission. Deriving lessons learned from the CCRSG perspective is valuable, given the key role of that group in developing alternative packages of marine protected areas (MPAs).

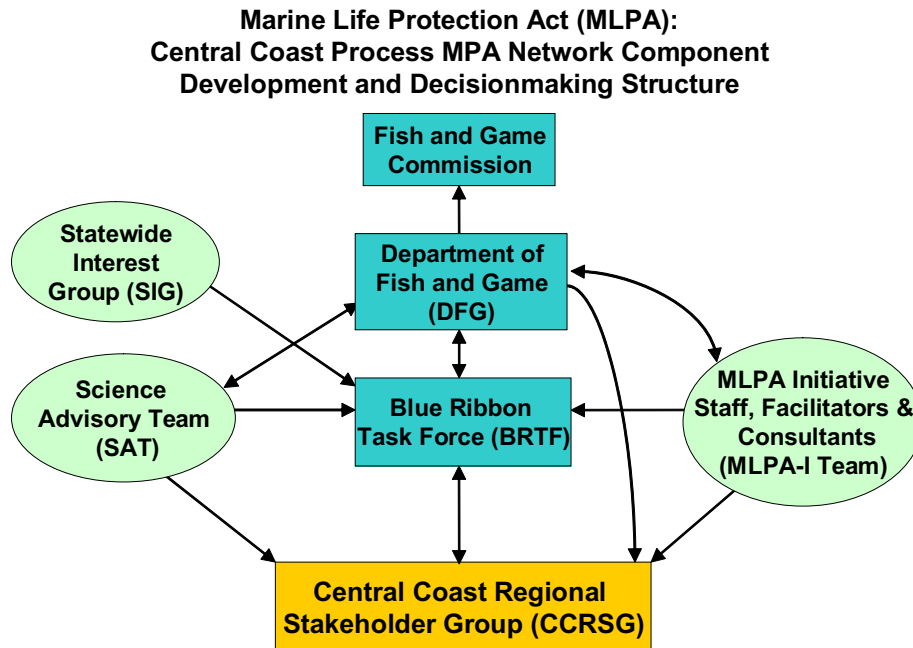
The overarching purpose of the report is to describe accurately what took place, to evaluate the strengths and weaknesses of the process, and to propose potential improvements to be implemented if and when similar processes are initiated up and down the California coast. The primary focus of this effort is to evaluate the success of the overall structure and goals of the CCRSG process. For a more detailed look at the day-to-day operation and management of the CCRSG process, see the MLPA Central Coast Project Facilitators' Report. For an analysis of the history of the MLPA leading up to the CCRSG process, as well as a more detailed look at the BRTF, funding of the Central Coast Project, the MLPA Master Plan Science Advisory Team (SAT), and implementation issues see *Designing Marine Reserves Along the California Coast: An Evaluation of the Marine Life Protection Act Initiative*, by Michael Harty and Dewitt John (Harty/John).

Methodology

The analysis and findings in this report are based on 1) review of pertinent documents, 2) observations at the BRTF meeting in March 2006 and the joint BRTF/Fish and Game Commission meeting in May 2006; 3) extensive interviews and focus groups comprised of 59 stakeholders; BRTF members; DFG staff and California Resources Agency management; MLPA Initiative staff and its consultants/facilitators; members of the SAT, and MLPA Statewide Interests Group, 4) an online survey completed by 25 CCRSG members (primaries and alternates) and 5) the author's extensive experience as an evaluator and mediator/facilitator who designs and runs complex multi-stakeholder processes on environmental and energy issues.

Description of Process and Overall Conclusion

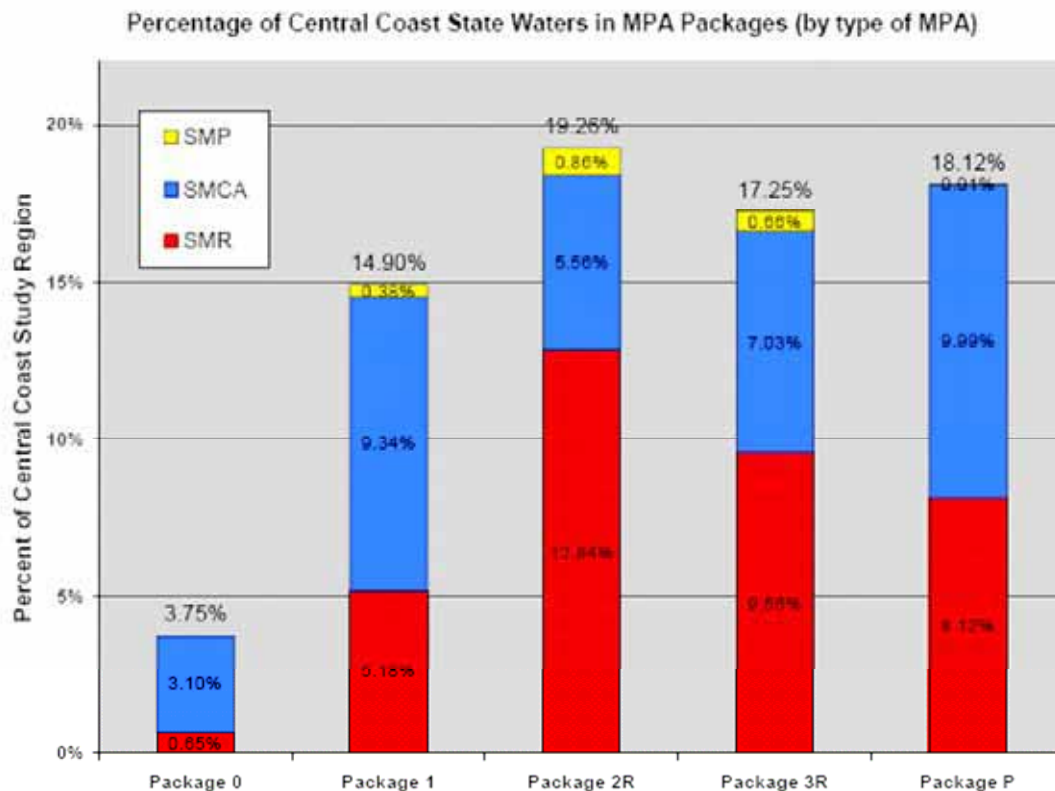
The graphic below delineates the overall structure and flow of the Central Coast Process.



The CCRSG was comprised of 32 primary representatives and 24 alternates. The group met in seven two-day plenary meetings which took place from June 2005 to December 2005, and produced three alternative packages of MPAs (packages 1, 2, and 3). These packages were modified slightly by their respective stakeholder representatives after December, as the packages proceeded through the BRTF process. The BRTF also authorized the MLPA I-Team staff to create a package of MPAs (Package S) for the BRTF that would meet the science guidelines. At the March 2006 BRTF meeting, the BRTF members directed staff to merge Package S and Package 3 into Package 3R, made modifications to Package 2 (renamed Package 2R) and chose Package 3R as their preferred alternative in a split vote (two BRTF members supported Package 2 R, and no member supported Package 1). However, the BRTF did forward all three packages to the DFG for its consideration. The DFG analyzed the packages, and then prepared its own preferred alternative package by modifying package 3R. It then forwarded the three packages it received from the BRTF along with its own preferred alternative (Package P) and Package 0 (the existing MPAs or “no-action alternative”) to the Fish and Game Commission. (As of this writing, the commission has not made a final decision, and this final step in the process is not part of this analysis.)

The final packages produced by this process through the DFG’s development of Package P are summarized below based on the type and percent area of each of the three MPA

classifications used in the process: state marine reserve, state marine park, and state marine conservation area. As the table below indicates, these packages all represent more than a tripling of the current amount of area within central coast MPAs and range from 14.90% of central coast state waters in Package 1 to 19.26% in Package 2. The percentage of protected areas in marine reserves, the highest level of protection, ranges from 5.18% in Package 1 to 12.84% in Package 2. Packages 3R and P fall between packages 1 and 2 both in terms of the total area they would protect and the percentage of that area that is in marine reserves.



Overall, the CCRSG process was successful in meeting its stated objective — which was to develop multiple packages of MPAs that met the SAT guidelines and were basically consistent with the MLPA. It accomplished this in a relatively tight timeframe and within budget. As the first region to move through the new comprehensive process envisioned in the MOU and MLPA Master Plan Framework (MPF), a guidance document developed for the MLPA process, the CCRSG was a learning process for everyone, and not surprisingly, achieved many successes but also hit numerous bumps along the way. Evaluating these successes and shortcomings will help to refine the process and inform other regions along the California coast as they move forward with their own regional stakeholder group (RSG) processes. These successes and shortcomings are each described and analyzed in detail within the body of this report and form the basis for the recommendations below.

Recommendations:

A. Overarching Recommendations

1. Clarify process from start:

Regardless of the final design of any future RSG process, the steps from start to final decision need to be more clearly laid out and understood by all participants and decision makers.

2. Stabilize underlying policy, science, and enforcement requirements prior to commencing:

Underlying policy, science, and enforcement requirements should at least be stabilized, and preferably resolved, prior to commencing any future RSG process.

B. Overall Structure of the RSG Processes Over Time:

1. Reconsider the respective roles and responsibilities of a SIG, SAT and BRTF in future RSGs:

If the policy, scientific, and enforcement issues underpinning MPAs are all sufficiently clarified, translated and stabilized, the need for various entities such as the SIG, SAT, and BRTF within the context of individual RSGs may diminish or their roles may shift. While it may still be useful in assisting on statewide MLPA issues, an SIG will probably not be needed in future RSG processes. Similarly, a BRTF, while probably an essential ingredient for the CCRSG and while perhaps still necessary in the next RSG, may not be required as the policy framework gels and the Fish and Game Commission can more easily backstop RSG processes. An SAT will undoubtedly still be an essential ingredient for refining underlying scientific issues and translating them both at a statewide level and within future RSG processes. However, as the evaluation framework is stabilized, more routine analytic evaluation of proposed MPAs may be adequately done by consultants, rather than by the SAT itself.

C. Stakeholder Selection and Membership

1. Reconsider the balance and diversity of RSG membership while reducing the number of formal members in RSG processes:

For future RSGs, in addition to including consumptive and non-consumptive users, consider including additional member organizations that are not necessarily aligned with either of these categories, as well as additional participants with statewide interests, and representatives of coastal communities.

Future efforts should, at the same time, do a better job of consolidating stakeholder interests wherever possible (i.e., limit the number of representatives for a particular constituency to only one or two), while maintaining the overall relative balance of

interests in the stakeholder group and providing access to individuals with particular knowledge and expertise who are not necessarily formal stakeholder representatives.

2. Let primary representatives pick their own alternates:

Primary representatives should be allowed to select their own alternates, either from their own organizations or from other organizations within their natural coalitions. While it is fine for process designers to suggest possible alternates, the primary organizations should ultimately choose compatible alternates (even if it is ultimately subject to DFG approval).

3. Retain facilitators/mediators early enough to assist with stakeholder selection:

Facilitators should be brought on board early enough in future RSG processes to be able to lend their expertise to the process design, including stakeholder identification and selection, with the understanding that the DFG and BRTF will have final say in the stakeholder appointments and RSG process design.

D. Start-Up Phase of RSG Process:

1. Compile regional spatial data, develop detailed regional profiles, and analyze existing MPAs before commencing each new study area:

The draft regional profile should be developed by the DFG, SAT and MLPA I-Team prior to commencement of future RSG processes, and the RSG members should help refine the information through the joint fact finding process described below. A geographic information system (GIS) database of relevant spatial data layers should be compiled to support this task and the work of the RSG. In addition, the team should analyze existing MPAs and provide that information to RSG stakeholders at the outset.

2. Socio-economic study requirements should be clarified and any required study should also be completed prior to the start of an RSG process

Any required socio-economic background analyses and tools need to be well designed and carefully implemented. Moreover, they should be assembled prior to the commencement of an RSG process, if possible, and the information gathered should be reviewed and refined by the RSG members through a joint fact finding process.

3. Enhance the regional profile with joint fact-finding on coastal resources and uses (by sub-region):

Future RSG processes should budget in additional time for joint fact-finding on each sub-region of the study area. This could begin with the respective draft regional profile acting as a starting text, and could then continue either with separate joint fact finding working groups or with workshops on each sub-region.

4. Clearly define and describe from the outset the CCRSG goal and process and the subsequent decision-making processes, as well as any explicit requirements that must be met:

Clearly communicate whether the overarching goal of an RSG process is to come up with a single or with multiple MPA package alternatives, and what the decisionmaking process will be, both within the RSG and as RSG-generated proposal(s) make their way through the final decision-making process. Additionally, the scientific evaluation framework should be explained to the RSG members before they start to design MPAs.

5. Streamline or eliminate altogether the development of regional goals and objectives:

The process of setting regional goals and objectives could and should probably be greatly streamlined, if not eliminated altogether. Future RSGs can use the MLPA goals or simply massage other regions' goals and objectives, leaving more time to spend in joint fact-finding and negotiating the MPA packages among the RSG members.

6. Provide training in modeling tools and mutual gains negotiation:

MLPA I-Team should provide training workshops early on in any software tools developed to assist RSG members in formulating packages. There should also be a short training in negotiation concepts and techniques at the outset of an RSG process.

E. Package Development Phase of RSG Process:

1. Consider changing the overall goal and focus of the RSG processes from developing multiple MPA packages to attempting to develop a single MPA package:

Future RSGs should consider focusing on attempting to create a single package of MPAs rather than multiple packages, and to restructure the process, including the groundrules, accordingly. This should be possible as the underlying policy framework, science, and enforcement requirements are refined and stabilized. A single package structure (even if a single package is not ultimately adopted within a particular RSG) can nevertheless generate greater convergence and therefore serve more effectively as a springboard for decisionmakers working toward the ultimate goal of crafting a single network of MPAs than can a multiple package structure.

2. Provide more time for MPA package development and negotiation:

Regardless of whether the goal of future RSG processes is to create multiple packages or a single package, more time should be dedicated to this task than was allotted in the CCRSG process.

3. Skip having everyone draw individual MPAs prior to focusing on creating packages:

The joint fact finding process by sub-region proposed in this report would allow future RSG processes to forgo this step and move directly into creating MPA packages (perhaps initially by sub-region) in working groups (rather than as individuals) once the regional profile and evaluation of existing MPAs is fleshed out.

Having an evaluation framework upfront should promote development of packages rather than compilations of individual MPAs.

4. Minimize the need for MPA proposals from outside the RSG process:

In the future, outsiders with the interest and knowledge to be able to put forward significant and comprehensive MPA network proposals should be seriously considered for membership in the RSG process, or otherwise consulted by RSG members. Those only interested in relatively small areas should have their input channeled through the area specific working groups or workshops proposed in this report.

5. DFG staff should participate even more actively in package development in RSG processes:

To the extent that DFG has definite concerns, perspectives, and opinions about issues arising in any subsequent RSG process, it would improve the process if DFG were to make those concerns known. That way, CCRSG members would be able to take these concerns into account as they forge MPA packages, rather than learn of them after the fact.

6. BRTF should provide feedback and guidance throughout the MPA package development process in an iterative fashion:

In subsequent RSG processes, assuming there is a BRTF, time should be built into the process for two or three iterative rounds of feedback between the BRTF and the RSG at an increasingly specific level of detail. The schedule for convening the RSG should therefore coincide with that of the BRTF so both groups are meeting over the same time period (rather than having the RSG process end before the BRTF formal decisionmaking process even begins).

F. BRTF and DFG Review and Recommendation Processes:

1. Align the incentives at the BRTF, DFG and Fish and Game Commission to foster joint problem solving and consensus in RSG processes:

Whether the formal goal of future RSG Processes is to develop one single MPA package or multiple MPA packages, the BRTF and the DFG should more strongly encourage stakeholders to develop consensus wherever possible. The BRTF and the DFG should consider putting in place a clear promise that if the stakeholders are able to reach agreement on a single package of MPAs, that the BRTF will recommend this single package to the DFG as its preferred alternative, and that the DFG will, in turn, recommend it as its preferred alternative to the Fish and Game Commission. The Fish and Game Commission could then put the proposal out for comment, and would only make changes based on critical feedback that makes sense to address. This overall approach typifies a negotiated rulemaking process used with increasing regularity and success at many federal and state agencies throughout the United States.

2. The BRTF and the DFG should not unilaterally change MPA packages agreed to by RSG members:

Packages developed and agreed to by stakeholders in future RSG processes should probably remain intact all the way up to the commission. The BRTF and DFG, rather than change those packages, can attach their own specific comments to each package specifying what they like, what they do not like, and what they would like to see changed.

3. The BRTF (and probably the DFG) should not develop their own preferred alternatives if RSG members develop package(s) that meet SAT guidelines:

The BRTF should also probably not seek to develop its own separate preferred alternative if RSG member-generated packages meet SAT guidelines (and are otherwise consistent with the MLPA). Instead, the BRTF could simply choose from among the various alternatives (assuming multiple packages are proposed) a base case for their preferred alternative, and then attach whatever conditions they deem necessary. This approach preserves the hard work done by the stakeholders while maintaining clarity about who is really recommending what. The DFG should consider a similar approach to formulating its preferred alternative when multiple packages are developed by an RSG that meet SAT guidelines and are forwarded to it by a BRTF.

G. RSG Timelines and Budgets

1. Lengthen RSG processes to at least one year to allow for more joint fact-finding and negotiation:

Future RSG processes would be likely to benefit from more time for joint fact-finding, negotiation on MPA packages, and interaction with the BRTF, if a BRTF is still in use. Even if many of the tools, guidelines, and background material are prepared ahead of time (as they should be) and the pursuit of regional goals and objectives is greatly streamlined or eliminated, this extended timeframe would still be beneficial. A timeframe of one year or more would most likely be reasonable, given the complexity and magnitude of the task.

2. Consider allowing more time between meetings:

Designers of subsequent RSG processes should consider whether a slightly longer timeframe between plenary sessions (e.g., six weeks) would better serve staff and members alike.

3. Carefully reevaluate budget needs in light of central coast project experience and future RSG process design:

Examine the expenses for the CCRSG process, and consider ways to streamline the process and reduce costs for future RSG processes wherever possible. In developing the budget, designers will need to take into account the specifics of the new study region and the processes to be used—including numerous features that could increase costs. In the end, it's not clear whether future RSG related costs will increase, decrease, or remain similar to those for the CCRSG.

4. Seek state funding, diversified private funding, or both:

State funding would reduce concerns regarding the potential for bias from private funding. If state money is not available for future processes or is insufficient, attaining diversified private funding from multiple foundations, corporations, and organizations might offset concerns about the majority of funding coming from a single source.

I. Introduction

This report focuses exclusively on the Central Coast Regional Stakeholder Group (CCRSG) process and its development of MPA packages. It begins with the formation of the CCRSG and ends with the hand off from the CCRSG to the Blue Ribbon Task Force (BRTF) to formulate recommendations for the Department of Fish and Game (DFG) followed by DFG's hand off to the Fish and Game Commission. The CCRSG process was a key element in the Central Coast Project, one of the deliverables specified in the Memorandum of Understanding that emerged from the Marine Life Protection Act. That MOU specified key roles for the CCRSG, the BRTF, the DFG and the Fish and Game Commission, further discussed below. Deriving lessons learned from the CCRSG perspective is valuable, given the key role of that group in developing alternative packages of MPAs. The analysis and findings in this report are based on 1) review of pertinent documents, 2) observations at the Blue Ribbon Task Force meeting in March 2006 and the joint BRTF/Fish and Game Commission meeting in June 2006; 3) extensive interviews and focus groups with Stakeholders; BRTF members; DFG staff and Resource Agency management; Initiative Team and its consultants/facilitators; members of the Science Advisory Team and Statewide Interest Group¹; 4) an online survey offered to all CCRSG Stakeholders (primaries and alternates)² and 5) the author's extensive experience as an evaluator and mediator/facilitator who designs and runs complex multi-stakeholder processes on environmental and energy issues.

The overarching purpose of the report is to describe accurately what took place, to evaluate strengths and weaknesses of the choices made, and to propose potential improvements to be implemented if and when similar processes are initiated up and down the Coast. The primary focus of this effort is the overall structuring and goals of the CCRSG process. For a more detailed look at the day-to-day running and management of the CCRSG process, see the *MLPAI Central Coast Project Facilitator's Report*. For an analysis of the history leading up to the CCRSG process, as well as a more detailed look at the BRTF, funding of the Central Coast Project, the SAT, and implementation issues (enforcement, adaptive management), see Harty/John.

Each section of this report will generally follow the following format:

- 1) Description of what happened.
- 2) Participants' feedback on what happened.

The last section of the report focuses on applying lessons learned from the CCRSG process to future MLPA related regional stakeholder group (RSG) processes.

¹ In all, I interviewed 59 individuals employing a combination of face-to-face individual interviews, phone interviews, and focus groups. Mike Harty joined me for all of the focus groups and for some of the interviews. See Appendix B for list of interviewees.

² Twenty-five Stakeholders participated in the online survey. See Appendix C for a list of online survey respondents. Of the 25 individuals who participated in the online survey, 15 also participated in an interview or in a focus group with me, while ten did not (bringing the total number of people who provided input for this evaluation to 69).

II. Brief Background

The California Marine Life Protection Act (MLPA) was approved by the legislature and signed into law in 1999. Its primary purpose is to improve the state's existing array of marine protected areas (MPAs) to conserve marine life and habitat. California law includes three types of MPAs—state marine reserves, state marine parks, and state marine conservation areas—each type has different levels of restriction on activities. The MLPA requires the establishment of a network of MPAs covering the state waters along the entire 1,100 mile California coast (and extending three nautical miles from the shoreline, with several exceptions).

Under the MLPA, the Department of Fish and Game (DFG) must convene stakeholders in each region along the coast to garner feedback and advice on possible MPA network components. Prior to the MLPA Central Coast Regional Stakeholder Group (CCRSG) process, the DFG had, on three other occasions, engaged stakeholders for the purpose of developing MPAs. The first process, from 1998 to 2002 started prior to the MLPA and focused on developing MPAs around the Channel Islands. The second and third stakeholder processes were separate statewide efforts under the MLPA that ran from January 2001 to December 2001 and from January 2002 to December 2003, respectively.

Several points with respect to earlier MPA stakeholder efforts bear mention here, as they significantly influenced the design of the CCRSG process. First, the Channel Island process was structured around reaching a unanimous consensus on a single MPA network proposal without a clear fall back if consensus was not achieved. When consensus was not achieved, many participants and policy makers viewed this as a failure. Second, midway through the DFG's first statewide effort, from January 2001 to December 2001, the DFG released "Initial Draft Concepts" of proposed alternative network components of MPAs for the entire California coastline. These proposals were met with strong negative reaction, particularly from the fishing community, which perceived this as a case of scientists crafting MPAs without stakeholder input. After taking public comment during a series of nine, well-attended statewide meetings, the DFG began to revise the Initial Draft Concepts. The revision was not formally completed and the process was halted. Lastly, in the DFG's second statewide effort, which took place from January 2002 to December 2003, it initiated seven simultaneous regional stakeholder groups to obtain stakeholder input prior to developing MPAs, but then did not complete the process, due to lack of adequate funding.

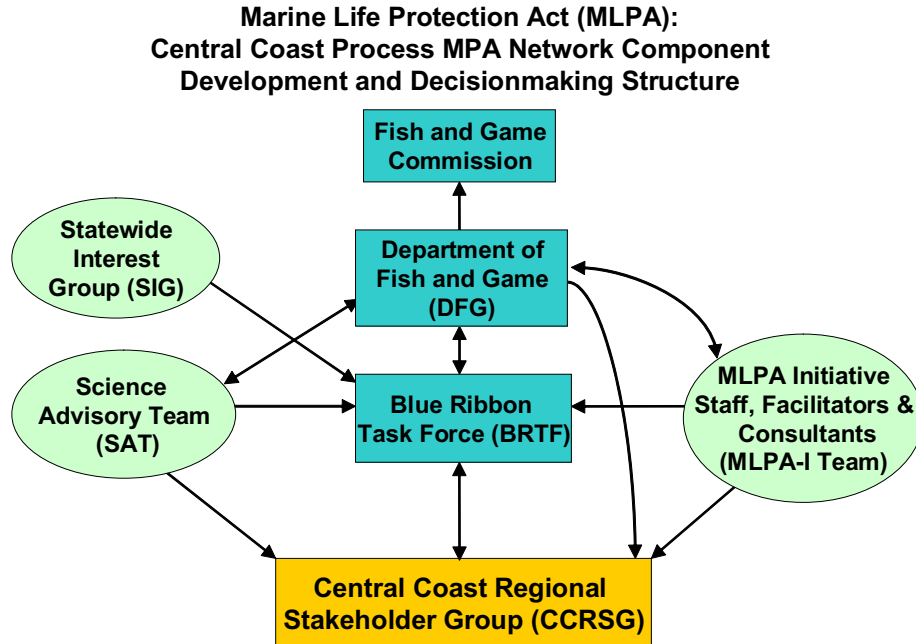
On August 27, 2004 the Resources Legacy Fund Foundation (RLFF), the California Resources Agency, and the DFG signed a memorandum of understanding (MOU) that provided the state with private foundation funding to essentially resurrect implementation of the MLPA. To avoid duplicating perceived weaknesses in the Channel Islands and the two other statewide MPA stakeholder efforts, the MOU signatories made several conscious design choices. First, they decided to focus on one area initially, selecting the central coast for the first stage in the process. Second, they provided adequate funding to support the process to completion. Third, they set a goal for the CCRSG of developing

multiple packages of proposed MPAs rather than a single, consensus package, as had been attempted in the Channel Islands. Fourth, they created several new entities to assist the DFG with the process, including a Blue Ribbon Task Force (BRTF) and Statewide Interests Group (SIG). The Master Plan Science Advisory Team (SAT) was expanded and restructured from the original MLPA Master Plan Team. The MOU also specified adequate funding for staff, consultants, and professional facilitators. Lastly, the MOU directed the parties to create a Master Plan Framework to guide the process, and detailed an aggressive timeline—nine months—to develop the framework, followed by 10 months to complete the work of the CCRSG.

(For a more detailed description and analysis of the three prior MPA-related stakeholder attempts in California and for additional background on the MLPA, MOU, and Master Plan Framework, see Harty/John and the California MLPA website.
<http://www.dfg.ca.gov/mrd/mlpa/brtf.html>)

III. Overall Structure of CCRSG Process

The graphic below delineates the overall structure and flow of the central coast process.



The Fish and Game Commission is the ultimate decisionmaker regarding the overall MPA network for the California coast, including the central coast portion. The Department of Fish and Game (DFG) provides recommendations and advice to the Fish and Game Commission after it, in turn, receives recommendations and advice from a Blue Ribbon Task Force (BRTF). The BRTF, in turn, seeks prior advice and recommendations from the Central Coast Regional Stakeholder Group (CCRSG).

To assist the BRTF and CCRSG with their interrelated processes, an MLPA Initiative team of administrators, consultants, facilitators, and modelers was assembled (MLPA I-Team). Staff from the DFG worked closely with the MLPA I-Team at each stage of the process and participated in BRTF and CCRSG meetings.³ A Master Plan Science Advisory Team (SAT) was also assembled to provide scientific analysis and advice to the DFG, BRTF, and CCRSG. A SAT subteam was selected from among the SAT members to work more closely with the CCRSG and analyze MPA package proposals. In addition to the CCRSG, which focused exclusively on the central coast, a team of stakeholders

³ DFG staff members considered themselves part of the MLPA I-Team (as did the other MLPA I-Team members), although this full integration was not clear to many of the CCRSG members interviewed.

with statewide interest was assembled to advise the BRTF on statewide MLPA process issues.⁴

Secretary for Resources Mike Chrisman recruited high-level individuals, who were generally without any particular expertise in marine protection, to serve on the BRTF (See Harty/John for additional background on the BRTF). Neither BRTF members nor members of the SAT received financial compensation for their service. The MLPA I-Team, but not the DFG staff, was under contract, and was compensated with funds from the Resource Legacy Fund Foundation (RLFF).

⁴ Note SIG did not end up playing an integral part in the formation or running of the CCRSG, and is not dealt with further in this evaluation.

IV. Stakeholder Selection and Membership

Description:

A critical element of any stakeholder process is the size and composition of the stakeholder group itself. The MOU signed in August 2004 calls for the establishment of a stakeholder group, specifies how that group is to be selected and what its overall role should be, but leaves wide latitude regarding its size and composition:

The Director of the Department and the Task Force liaison to the Central Coast Stakeholder Group...will elect members for a Central Coast MLPA Stakeholder Group to assist in developing the proposal for alternative network components of MPAs in an area along the central coast. (MOU, Section v, p.5)

The MLPA I-Team, on behalf of the BRTF and director of the DFG, sought nominations for the CCRSG through April 25, 2005. In making the selections, as described in the MPF and highlighted during our interviews, there were two dominant selection criteria 1) overall balance of the group, and 2) local knowledge:

The Central Coast Regional Stakeholder Group includes key, affected members of the central coast region who are able and willing to provide information that will assist in the development of the proposed alternative networks of marine protected areas along the central coast. The director of the Department and the central coast liaison of the task force solicited nominations, and selected from the nominees a representative group that will meet regularly over the course of the central coast process... (MPF, p.15)

The overall balance sought was generally characterized as between consumptive users (e.g., commercial and recreational fishermen, consumptive divers) and non-consumptive interests (e.g., non-consumptive divers and kayakers, and conservationists). It was apparently also important to select stakeholders who, collectively, had detailed and intimate knowledge of the entire central coast study region, or significant portions of it. According to the MLPA I – Team, in addition to determining which organizations would participate as stakeholders, it also carefully considered whether individuals who would represent their organizations could work collaboratively as specified in the original announcement for membership

In the end, the BRTF and the director of the DFG approved the selection of a stakeholder group, which was ultimately comprised of 32 primary representatives, and 24 alternates.⁵ See Appendix A for list of stakeholders.

Two additional facts are worth noting at this juncture. First, the alternate representatives were selected by the MLPA I-Team with assistance from the BRTF and the DFG, rather

⁵ As of November 2005

than by the primary representatives themselves. Second, the selection process for the primary and alternate representatives was essentially completed prior to the engagement of the lead facilitators (CONCUR), who thus played no role in selecting stakeholders.⁶

Participant Feedback:

In our assessment, we sought feedback on the stakeholder group size and balance. The two criteria are somewhat related, to the extent that relative size in stakeholder process design is often a function of the attempt to achieve balanced and inclusive representation and decisionmaking. Another issue related to stakeholder group design which arose in the course of interviews with participants involves the selection and functioning of alternates, which will also be addressed in this section.

Our online polling revealed that, on average, the respondents felt that the CCRSG was a bit too large (4.08 on a scale of 1 (too small) to 6 (too large) with standard deviation of 1.35⁷). In comments both in the surveys and in interviews, only one or two participants argued that the group should have been larger to accommodate more interests. Although many felt that the group was appropriately sized to accommodate all the interests necessary to create a balanced and comprehensive representation, most respondents still argued that the plenary meetings seemed too large.

The unusual size of the plenary meetings was tied both to the relatively large number of primary stakeholders and to the high rate of attendance and participation among the alternates. According to the seasoned lead facilitators, "...we were effectively facilitating plenary groups of about 60-70 people. Even with the plenary deliberations focused on the primary [members], this runs to the high-end of the size of stakeholder groups we have facilitated". (CONCUR, p.8) Of those who found the group too large, concerns fell into two areas. First, some expressed concern that, while a large group may have been necessary and positive in terms of including a wide range of interests, as well as helpful for fact-finding, the size of the group made decision-making unwieldy and difficult. The more common concern, however, seemed to be that there were too many people representing very similar interests and that the various constituencies could have been better streamlined. This latter argument came predominantly from the non-consumptive users, who felt that the fishermen and harbormaster representatives, who ended up speaking largely with one voice, could have had fewer representatives. Consumptive users articulated a similar concern, though with less frequency, regarding the possibility of streamlining representation among the non-consumptive divers. The streamlining issue obviously crosses over into the issue of composition and balance and not just size.

⁶ However, CONCUR did interview a majority of the primary representatives prior to the first CCRSG meeting.

⁷ The average for a 1-6 scale is 3.5. The standard deviation indicates the distance on either side of the average within which approximately 2/3 of the respondents fell. See Appendix D for all the results from the 1-6 scaled questions from the survey.

Regarding the overall balance of the CCRSG, the online survey responses were normally distributed but leaning slightly more toward “poorly balanced” than “well balanced” (3.16 average on a scale of 1 (poorly balanced) to 6 (well balanced) with 1.40 standard deviation). The survey and interviews revealed several issues of concern with respect to balance, including 1) consumptive vs. non-consumptive users; 2) localized vs. statewide users; and 3) completeness (i.e., whether any important interests were excluded from the table).

The balance between consumptive and non-consumptive users was a conscious design choice by the BRTF and the DFG and of great importance to those interviewed. Despite the occasional complaint (e.g., that there were too many diver representatives or that consumptive users whose livelihoods depend on the water should make up more than a majority of the seats), the consumptive users supporting Package 1, along with many of the BRTF members and DFG staff, felt that the CCRSG was essentially fairly balanced. Supporters of Package 1 pointed out on more than one occasion that, “there are 16 of us (fishermen and harbormasters) and 15 of them, which seems balanced”.⁸

Arguments that the CCRSG was not well balanced came more from the non-consumptive users and particularly from supporters of Package 2, many of whom argued that the non-consumptive users were a very diverse, non-aligned group. One Package 2 supporter stated during an interview, “It’s 16 of them [consumptive users] and 15 hodgepodge representatives trying to represent everyone else.” There were also some CCRSG members who did not clearly fit into either the consumptive or non-consumptive camps, and many of these members took a leadership role in formulating compromise Package 3. Although the BRTF members interviewed generally felt that the CCRSG was appropriately balanced, one individual felt that the membership was “totally stacked for consumptive users”.

The decision to base stakeholder selection primarily on localized interest and knowledge of the central coast resonated with most of the interviewees. However, some supporters of Packages 2 and 3 argued that the waters off the central coast are a statewide resource, if not a national and international resource, and that the CCRSG was not properly balanced between localized and broader geographic interests. But even while arguing for bolstering statewide representation, these critics still agreed that representation should disproportionately favor those with local expertise.

When asked whether any important interests that should have been included in the CCRSG process were left out, one or more participants mentioned the following groups:

- Representatives of coastal communities without large harbors
- Shore fisherman
- Kayak fisherman
- Surf riders
- Public at large

⁸ Some fishermen argued that consumptive users should have higher representation than roughly 50/50 since they would be the most financially impacted.

- Tourism industry
- Educators

Aside from the expressed desire of many participants for better streamlining the representation of certain groups with similar interests, there was little concern that any organization at the table should not have been present (i.e., was not a legitimate stakeholder). A few interviewees did not understand why there should be a seat for an artist, while others were confused about what interest group an emeritus professor was supposed to be representing.

The decision by the MLPA I-Team, BRTF, and DFG to select alternates from a pool of candidates seemed to elicit frustration among supporters of all packages. While the I-Team, the BRTF, and the DFG may have viewed selecting alternates as a way to guarantee inclusion of a wider range of organizations, participants did not perceive it this way. Many stakeholders, instead, saw this as an inexplicable “shotgun marriage”—arranged from on high without sufficient regard for personal chemistry or shared perspective. Stakeholders pointed out several cases in which the pairings resulted in alternates who did not share similar perspectives with their primaries, and, who, on occasion, “actively disagreed” with their primaries during meetings.

V. Phase I: CCRSG Start Up (June-September 2005)

Description:

During the first four CCRSG meetings, the process was largely focused on developing ground rules, regional goals and objectives, and on reviewing the regional profile. Ground rules covered a range of topics, including representation, participation and collaboration, decision making rules, media contact, and other important roles and responsibilities, and they were unanimously adopted at the first meeting, in June 2005.

The regional goals were largely taken directly from the MLPA itself, while the regional objectives were intended to be more specific and measurable statements describing what would have to be accomplished in order to attain specific regional goals. The regional goals were adopted during the second CCRSG meeting, and the regional objectives, which took up a substantial amount of time in the second and third meetings, were not adopted until the fourth CCRSG meeting in September 2005 (and even then they were considered “provisional”, as they were still subject to BRTF approval). The CCRSG also agreed to add numerous “design considerations” that should be considered in the design and evaluation of marine protected areas. One key design consideration, for example, was to avoid negative socio-economic impacts (CONCUR p. 95

Ultimately, the CCRSG adopted the goals and objectives by consensus. As described below, the ground rules were subsequently used throughout the remaining meetings, but the regional goals and objectives were not rigorously applied during the MPA package formation and adoption processes, as they took a back seat to the SAT sizing and spacing guidelines.

At the second and third CCRSG meetings, the stakeholders reviewed and commented on the regional profile prepared by the MLPA I-Team. The central coast regional profile is a 186 page document (including appendices) which provides background information and data on the biological, oceanographic, socioeconomic, and governance characteristics of the MLPA Central Coast Study Region.. Beginning at the third meeting, and periodically throughout the remainder of the CCRSG meetings, the stakeholders also heard presentations from the SAT on a variety of topics related to existing MPAs and the design of an improved MPA network component.

Participant Feedback:

The online survey results shown below indicate that the stakeholders on average felt that the ground rules were fairly helpful but that the goals and objectives were less so:

Online Survey Question: *How helpful did you feel the following work products were in completing the overall work of the CCRSG (on a scale of 1- very unhelpful to 6- very helpful)?*

Topic	Average	Standard Deviation
Ground rules	4.50	1.50
Regional Goals	3.79	1.59
Regional Objectives	3.54	1.67

Interviews with participants shed additional light on this topic. While stakeholders and others we interviewed were relatively positive about the development and application of the ground rules, regardless of their ultimate package preferences, this was not the case with regard to the regional goals and objectives. Supporters of Package 1 felt that the discussions regarding the regional goals and objectives were very important because they allowed the stakeholders to voice many of their concerns regarding the MLPA generally, and the need to balance protection with economic impacts, specifically. Although the language in the following regional objective statement was not as strong as they had originally sought, those who ultimately supported Package 1 considered its inclusion an important early victory:

Under Goal 5: 1) Minimize negative socio-economic impacts and optimize positive socio-economic impacts for all users, to the extent possible and if consistent with the Marine Life Protection Act and its goals and guidelines.

Supporters of Packages 2 and 3, who commented on this issue, acknowledged that some important ice-breaking conversations occurred during the regional goals and objectives discussions, which helped participants to get to know each others' interests. However, they generally viewed this part of the process much more negatively than did supporters of Package 1. First, they pointed out that the MLPA includes well-articulated goals, and translating them into more localized, regional goals and objectives provided little additional benefit. Second, they lamented taking up significant portions of three meetings on these discussions—precious time that they felt could have been much more productively spent developing MPA packages and negotiating. Lastly, they stated that the regional goals and objectives were rarely used later during the process, and that the primary means for judging the success or failure of MPA packages were the SAT guidelines rather than the regional goals and objectives.⁹ This latter point was also a frustration of the Package 1 supporters, as they wanted the regional goals and objectives applied more directly. Members of the MLPA I-Team and the facilitation team also expressed surprise and some frustration with the unanticipated time and effort it took to nail down the regional goals and objectives. The lead facilitator's report points out that "...CCRSG members used the Goals and Objectives discussion as a "stalking horse" for the (much later) delineation of MPAs." (CONCUR, p. 28

⁹ MLPA I-Team members point out that the purpose of the Objectives is different from the SAT guidelines; since the Objectives will be used to evaluate the ultimate success or failure of the adopted MPAs as they will play a role in developing a research/monitoring program and evaluating the individual MPAs

Survey respondents and interviewees also found the regional profile presented by the MLPA I-Team only mildly helpful (3.88 with 1 (very unhelpful) and 6 (very helpful)). The interviews generally revealed that, while the regional profile should have been very helpful in theory, in practice it was not fully explored in the CCRSG meetings and was hardly used by the stakeholders in crafting their MPA packages. Many stakeholders and MLPA I-Team staff saw this as a lost opportunity. While it is not completely clear why this opportunity was not fully exploited, it appears to be a combination of: 1) the profile not being fully ready at the start of the process; 2) inadequate time to verify its content through discussions with the stakeholders who were largely selected for their substantial local knowledge; and 3) inadequate time to fully utilize the data in the packaging process. In addition, some stakeholders complained that the regional profile was just too data-intensive to be readily used. The MLPA I-Team hopes to have a regional profile prepared prior to beginning any future RSG process.

VI. Phase II: MPA Package Formation at the CCRSG (September-December 2005)

Description:

Following the final adoption of ground rules, goals and guidelines at the fourth CCRSG meeting in September, the groups split into northern and southern breakout sessions to learn about and assess existing MPAs. At the fifth CCRSG meeting in October, after receiving guidance from the BRTF on forming MPA packages and receiving a demonstration of a software tool developed under contract (IMSG) for use in evaluating MPA packages, the group reviewed a preliminary evaluation of existing MPAs, and then turned its attention to proposing new candidate MPAs. In the course of the brainstorming session for potential new MPAs, CCRSG members proposed between 500-700 different MPAs!¹⁰

Between the fifth CCRSG meeting in October and the sixth CCRSG meeting in November, coalitions of stakeholders, responding to MLPA I-Team staff guidance to develop alternative packages of MPAs, developed two discrete MPA packages—one by commercial and recreational fishing interests (and harbors) (Package 1), and the other by non-consumptive interests (Package 2). The MPA packages combined individual MPAs along the central coast into a central coast MPA network component that, in theory, under the MLPA, would ultimately be connected to other network components to the north and south stretching from Oregon to Mexico and including offshore islands. In addition to the two packages proposed by CCRSG group members, the BRTF invited and received MPA package proposals from non-CCRSG members—six “external” packages were submitted.¹¹

At that sixth meeting, supporters of the two CCRSG packages presented their packages, and the MLPA I-Team staff presented the “external” packages and provided some initial analysis of the ways in which all the proposals met or did not meet the terms of the MLPA Initiative Master Plan Framework, specifically the scientific guidelines. Ecotrust, a consultant hired to conduct socioeconomic analyses, then presented its research methods and the results of its assessment of the location and economic value of recreational and commercial fishing along the central coast.¹² CCRSG members then caucused to discuss possible modifications to their initial MPA package proposals. In the course of this two-day meeting, a splinter group formed, comprised of about a half-dozen CCRSG members, in an attempt to find areas of convergence between the two proposed packages. The MLPA I-Team welcomed this effort to find areas of convergence and

¹⁰ Most of these were variations of a core group of potential MPAs according to the MLPA I-Team.

¹¹ Three of these proposals were complete MPA network components for the entire central coast (NRDC, Oceana, and Canestro/Morrissey), and the other three were for specific areas on the central coast (Helping Our Peninsula’s Environment, and two separate proposals from the Point Reyes Bird Observatory).

¹² Ecotrust collected new data only on commercial fishing and not recreational fishing, but analyzed DFG data on salmon and rockfish recreational fishing when evaluating packages.

provided GIS technical assistance, as was available to all members of the CCRSG. Its effort resulted in the beginnings of a third package (Package 3).

Prior to the seventh meeting, the SAT completed an analysis of Packages 1, 2, 3 and the external packages and presented its findings to the BRTF at its November 29 meeting. The SAT analysis and subsequent BRTF guidance to the CCRSG was summarized at the beginning of the seventh and last formal meeting of the CCRSG on December 6. At the BRTF's request, CCRSG members used a straw voting process to winnow down the number of packages under active consideration from eight to three. They also discussed ways to increase areas of convergence and to decrease areas of divergence among the packages. The only substantial change made to packages in the course of the final meeting was an agreement to combine two competing versions of Package 2 (from non-consumptive and conservation interests). Before the meeting ended, supporters of each package selected individuals to serve as "package leads or point persons" to assist with coordination and consultation on their respective packages after the CCRSG process formally ended. The MLPA I-Team laid out a process for completing each of the three MPA packages by the December 15 deadline and discussed the next steps in the process.

Participant Feedback:

In this section we touch on several issues relevant to this phase of the CCRSG process, including the goal of developing multiple vs. a single package of MPAs, the Ecotrust study on socioeconomic impacts, the SAT evaluation of MPA packages, and MLPA I-Team support.

Goal of developing multiple packages vs. a single package of MPAs and overall MPA package process:

Secretary for Resources Mike Chrisman clarified in the course of the interview we conducted with him that the decision to have the CCRSG focus on creating multiple packages of MPAs rather than attempt to reach a consensus on a single package was a conscious and clear one. It was driven largely by the perceived failure of the Channel Islands process that had been structured around attempting to reach a consensus on a single package of MPAs. As MLPA I-Team Executive Director Kirlin pointed out to the evaluation team, this conscious choice was reflected in the MOU, in Secretary Chrisman's charter for the BRTF, and in the MPF (which the BRTF reviewed and approved).

In the MOU:

The Master Plan Framework will also include a timeline to design and implement MPAs in phases by region, beginning with the development of alternative networks of MPAs for one specific region, namely, an area along the central coast, as part of the first phase. (MOU, p.2)

In the BRTF Charter from Secretary Chrisman:

The charge to the Task Force is 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 (BRTF Charter, p.1)

And under the Master Plan Framework, the charge to Stakeholders:

Task 3.1: Assemble MPA proposals into alternative proposals for the region;

Task 3.2: Evaluate these alternatives against regional goals, objectives, the MLPA, and other relevant state law;

Task 3.3: Identify potentially significant positive and negative impacts (ecological and socioeconomic). (MPF, pp.22-23)

Despite clarity regarding the goal of multiple packages, as reflected in the documentation, and notwithstanding the MLPA I-Team's insistence that this message was conveyed consistently and often to CCRSG members, our interviews and surveys revealed confusion among the CCRSG members and the BRTF members alike on this central organizing goal. In our online survey, for instance, we asked the following question with the response shown below:

Online survey question: *"I understood that the primary objective of the CCRSG process was to attempt to develop:"*

Multiple packages of MPAs	7 respondents (29%)
A single consensus package of MPAs	6 respondents (25%)
Other (please specify)	11 respondents (46%)

Comments of those who chose "Other" are reproduced anonymously in Appendix E and reveal a wide range of responses—some consistent with a single or a multiple packages objective, and others indicating either a lack of understanding of the goal or a belief that the goal was, in fact, both a single package and multiple packages. For instance, one survey respondent seemed to capture the spirit of the confusion, which was also reflected in our interviews with CCRSG members: "Ideally a single consensus package, realistically multiple packages that would be evaluated by the SAT, with the BRTF forwarding a preferred package".

The confusion seems to come from two sources. Although the MLPA I-Team asserted that the primary objective of the CCRSG process was to create multiple packages, CCRSG members reported that they often received encouragement to strive for convergence, if not consensus, wherever possible. One CCRSG member, in response to an online survey question, described the situation as follows:

The RSG was told from the very first meetings that if we did not agree, the BRTF and F&GC would "split the baby" and we were risking someone else making the decisions for us. We were told that if we could agree, it was very likely that the BRTF and F&GC would support our consensus product, and thus coming to agreement was the best way to extend control over the outcome. This was repeated over and over again at initial RSG meetings.

Another major source of confusion stemmed from the BRTF itself. As the process progressed, many CCRSG members felt that the BRTF was sending increasingly strong signals that it preferred to receive a single, consensus package of MPAs rather than

multiple packages. In our interviews with five BRTF members, all, including the chair, expressed a desire (and for some an expectation) to receive, if possible, a single consensus package from the CCRSG.

My assumption on the BRTF was that we were looking for a consensus to avoid having to make tough choices and to strengthen the credibility of the results. Although this may not have been initially communicated, we were clear in public meetings and to staff. (First BRTF member)

Our ultimate goal [from the CCRSG] was a consensus package, though it may have been a wild dream. (Second BRTF member)

Our chair felt strongly that the goal of the CCRSG process should be consensus. This is a good goal, as stakeholders need to move from their positions. (Third BRTF member)

Early on I didn't think the CCRSG members could agree on one package, but set it as a goal. (Fourth BRTF member)

It was my hope that stakeholders would reach a consensus on a single package, and it's total news to me that the [MLPA I-Team] staff was asking the CCRSG members to settle on multiple packages. (Fifth BRTF member)

Upon reflection, members of the MLPA I-Team acknowledged that the BRTF probably had not fully internalized the goal of multiple packages, and that the I-Team itself had not spent as much time clarifying this overarching goal with the BRTF as it felt it had with CCRSG members.

Beyond the confusion regarding the CCRSG goal of creating multiple packages vs. a single package, an important question to ask is whether a single package was either desirable or attainable. Clearly, from the BRTF's perspective it was desirable. But interviews with CCRSG members and others reveal a range of opinion. Many supporters of Packages 1 and 2 felt that while a consensus package might be desirable the two sides were just too far apart for a single package to be realistic. Others, particularly supporters of Package 3, felt that there was sufficient commonality among the proposals and that, with more time and the right structure and incentives to settle, a single package might have been possible. Some pointed out that a single package for most of the central coast may have been possible, but that consensus on certain contentious areas, such as Monterey Bay with its high user conflicts, would have been difficult to attain. One BRTF member, noted that over time, and after receiving feedback from the SAT and BRTF, the packages had substantially converged, and that given more time, the BRTF could have continued to intervene in a quasi-mediator role to drive CCRSG members toward agreement on a single package.

Another important issue that came up in the course of the interviews was that most CCRSG members interviewed, regardless of which package they ultimately supported,

felt that there was an insufficient amount of time within the CCRSG process itself to develop MPA packages. As one of the leads for Package 1 described it:

California Fisheries Coalition put together its package completely outside the CCRSG process. The CCRSG never had a coherent plan for developing packages, but even if it had and it was perfectly orchestrated, we couldn't have done it in three meetings.

Clusters of CCRSG members developed the first drafts of Packages 1 and 2 between the October and November meetings. That left only the November and December meetings in which to modify the packages (compared to four meetings early on to develop and adopt the regional goals and objectives). Many of the CCRSG members and others we interviewed were particularly frustrated that there was little time or space to collectively explore the proposals and look for common ground at the CCRSG meetings themselves. Package 3 supporters splintered from the other group to attempt this on their own, but they were frustrated that they had little time to do so. Coming together in the last stage in the CCRSG process, the Package 3 proponents couldn't attract many others to join them—as Package 1 and 2 supporters were busy trying to hold their respective coalition together and fine tune their packages. However, at that last meeting, in the third and last round of straw voting, 24 of 27 CCRSG members did vote for Package 3 as their 2nd choice (CONCUR, p.41). Facilitators and MLPA I-Team staff did facilitate some discussion about geographic areas where there seemed to be “convergence” at the last meeting in December, but additional refinements by individual package proponents were made primarily after the formal CCRSG ended.

The Ecotrust Study on Socio-Economic Impacts:

The MLPA, MOU, and MPF all make reference to identifying potentially significant positive and negative socio economic impacts, but provide little detail on how this should be done. As described above, many CCRSG members, most notably the fishermen and harbor masters that ultimately supported Package 1, argued strongly both for clear regional goals and objectives stressing the importance of socio-economic factors and for the MLPA I-Team to sponsor a detailed study to assess these potential impacts. However, the Ecotrust study that was commissioned was ultimately considered unsatisfying by CCRSG members for a variety of reasons.

During the course of the study itself, in which each fisherman was asked to distribute 100 pennies on maps of the central coast waters in an effort to identify the most valuable fishing spots, an Ecotrust staff member apparently (inadvertently) violated the confidentiality agreement with an individual fisherman, which upset the fishing community. The fishermen also discovered several mistakes in the data that further eroded their trust in the study. More centrally, the fishing community felt that the data was not sufficiently comprehensive because it didn't track the socio-economic impacts of fishing from the primary producer/user through the broader fishing community (e.g., boat makers, fish processors, hotels, etc.). The fishing community also did not think it was right that one of the principals at Ecotrust was also a SAT member. In the end, the fishing community, which had been the main advocate for conducting a socio-economic

study, became the leading critic of the Ecotrust study. One fisherman seemed to express the frustration of the community when he said during a focus group, “The Ecotrust study really became a study of valuable fishing areas (which we already knew) so that they could put [no-fishing] fences around them.”

But the other CCRSG stakeholders were also frustrated by the Ecotrust study, albeit for somewhat different reasons. First, the Ecotrust study came out relatively late in the process (this frustration was also shared by the fishing community). Second, the detailed data had to be kept confidential. This apparently resulted in this strange dynamic in which the MLPA I-Team, including the DFG staff, would provide feedback on the impacts of proposed packages from a map and database that the stakeholders couldn’t access. The end result was that CCRSG members couldn’t easily incorporate the potential socio-economic information in making tradeoffs to limit adverse impacts among different MPA areas and designs, since they only got a sense of these impacts after they had already made proposals.

Supporters of Packages 2 and 3 and some of the BRTF members we talked with also felt that the Ecotrust study was not sufficiently comprehensive, but for different reasons than Package 1 supporters. They argued that the Ecotrust study was too narrowly defined because it did not attempt to assess the potential positive impacts on non-consumptive uses of the central coast, such as on recreational diving and tourism.

Many of the CCRSG members and some of the BRTF members interviewed argued that a much more comprehensive socio-economic impact assessment should have been done on the central coast and should be done in a timely fashion for the next region.

Representatives of the fishing community expressed support for broadening such a study to include non-consumptive impacts, though they are skeptical that this will show much impact. Specifically, they do not see how increasing particular MPAs can be readily linked to increases in non-consumptive uses and therefore non-consumptive related benefits (as opposed to the fishing impacts which are more readily quantifiable).

Some of the CCRSG and BRTF members we interviewed, as well as the MLPA I-Team, questioned the extent that the MLPA obligates such a detailed look at socio-economic impacts, raised issues about the complexity and cost of conducting such a study, and seriously questioned whether it would be worth undertaking. They acknowledged that additional policy guidance on this issue from the state is needed. Quotes from BRTF Chairman Isenberg and MLPA I-Team Executive Director Kirlin underscore these points of view:

It’s almost impossible to do a comprehensive [socio-economic] analysis, and it’s not required by the MLPA. It’s very complicated if few are severely impacted but hardly anyone else is, and there’s little overall impact on the California economy. (Isenberg Interview)

The Act says use best available science and data, but there’s not much existing data...It’s extraordinarily difficult to get fishing data, and not possible to get non-

consumptive impact data at a similar spatial resolution... We need a policy recommendation from the Fish and Game Commission on this issue. (Kirlin Interview)

The SAT Evaluation of MPA Packages:

The Evaluation Sub-Team of the SAT was charged with developing and then applying MPA sizing and spacing guidelines for evaluating proposed MPA packages consistent with the MLPA. Everyone interviewed agreed that over the course of the CCRSG and BRTF processes these guidelines became de facto minimum thresholds that each package was required to meet. Many CCRSG members pointed out, often with frustration, that these guidelines essentially trumped the regional goals and objectives that were never rigorously applied to the proposed packages.

Like other important tools and data in the CCRSG process, the SAT evaluation framework was not available at the start of the process but was under development and refinement right through the end of the formal CCRSG process and into the BRTF finalization process. This was of great concern to many of the CCRSG members, especially those supporting Package 1, who felt that the SAT guidelines and metrics were an “endlessly moving target” which was often being changed to disqualify their package. MLPA I-Team staff and SAT members in our focus groups explained that they were not making fundamental changes over time, but simply refining the guidelines to make them more feasible to implement.

Package 1 supporters also expressed deeper and more fundamental concerns about the scientific assumptions that served as the underpinning for the SAT sizing and spacing guidelines, as well as about the make-up of the SAT. For instance, they argued that the theory of “larvae transport” was seriously flawed; as the fishermen don’t fish for or catch larvae, spacing MPAs for larvae transport purposes was unnecessary. They also argued that substantial additional fisheries regulations had been put in place in California since the MLPA passed, making MPAs largely redundant and unnecessary.

These concerns regarding the underlying science and the overlays of fisheries management regulations, led the Package 1 supporters to argue that the SAT should include marine fisheries scientists and not just eco-system based scientists. They also felt that some of the SAT members were “advocates” for MPAs and had conflicts of interest because they had funded research on MPAs. Without necessarily joining the Package 1 supporters in their questioning of the underlying science, other interviewees did not disagree that the SAT should include at least one scientist with marine fisheries management expertise in the future. According to the MLPA I-Team, this was an issue that the DFG tried to address in this round, but the marine fisheries scientists that were approached either wouldn’t join the SAT, or joined and then left. (See Harty/John for more on this issue)

Another finding from the interviews is that CCRSG members across all packages wanted to have more direct and interactive contact with the SAT members. Apparently, to avoid overwhelming the volunteer SAT members, all questions for and answers from the SAT

(between CCRSG meetings) were conveyed through the MLPA I-Team. This frustrated CCRSG members who wanted to be able to discuss science issues with the scientists directly, and to seek advice from the scientists in crafting their respective packages rather than only having the scientists react to the packages after they were proposed. However, one countervailing issue mentioned by several CCRSG members is that when they were able to speak with SAT members individually, they would occasionally receive contradictory takes on a particular issue from different SAT members, which was confusing.

In addition to nailing down the scientific guidelines prior to starting the next area, being able to talk directly to SAT members, and recruiting at least one scientist with marine fisheries expertise, interviewees made several additional suggestions related to the SAT. First, numerous CCRSG members and others mentioned that SAT members or any consulting firms they are associated with should probably not be eligible to take contracts from the MLPA-Initiative (as Ecotrust had). That said, some interviewees also advocated paying SAT members an honorarium of some sort in order to attract and retain a greater range of scientists from different backgrounds.

Staffing the CCRSG Process:

The MLPA I-Team consisted of a dozen people comprised of executive/general administrative personnel, project managers, and facilitators/other consultants. DFG staff worked alongside the MLPA I-Team, and their role and contribution is discussed in the following section of this report. The MLPA I-Team included the following members:

MLPA I-Team			
Executive/General Administrative Staff	Project Management Staff	Facilitators/Other Consultants	Planning/Data Acquisition/ Analyses/ Presentations
John Kirlin, Executive Director	Mike DeLapa	Scott McCreary & Eric Poncelet, CONCUR	Mary Gleason
Mike Weber	Rita Bunzel	Don Maruska	Evan Fox
Melissa Miller-Henson		Kirk Sturm	
Amy Boone			

The MLPA I-Team carried out a wide range of functions in support of the CCRSG and BRTF processes, including overall project management, analytic support, document development and communications management, and facilitation. In our interviews we asked CCRSG members to comment on the overall contributions and effectiveness of the MLPA I-Team. In our questioning we asked CCRSG members about the facilitators separately from the rest of the MLPA I-Team, and had follow up questions related to any perceived bias or partisanship in addition to their overall contributions and effectiveness.

The vast majority of those we spoke with were overwhelmingly positive about the MLPA I-Team's contributions and effectiveness. They felt that the Team was comprised of competent, high-caliber people who were accessible, responsive and productive. Many worried that such a good team would be very hard to replicate in future study areas.

Only a few Package 1 supporters felt that some of the MLPA I-Team members harbored biases, which they characterized as favoritism toward "more and bigger MPAs". Most of those we interviewed felt that even if the MLPA I-Team had personal biases (which most of these interviewees did not observe), they did not observe partisan behavior. One Package 2 supporter said, "The MLPA I-Team was non-partisan, to our chagrin, even if their hearts may be with us." The main concern, raised by participants across the packages, was that the staff's preparation of Package S seemed to undermine some of the MLPA I-Team's credibility in the eyes of many CCRSG members. Although most recognized that Package S was foisted upon the MLPA I-Team by the BRTF, some argued that the I-Team should have refused. These participants argued that in undertaking Package S, the I-Team undermined the sense that it existed primarily to support the CCRSG's process to develop MPA packages.

The facilitation team was led by CONCUR, with independent consultants Don Maruska and Kirk Sturm pitching in as needed. Almost everyone we interviewed generally felt that the facilitation ranged from competent to excellent. They felt that the facilitators kept things rolling along, and helped to maintain a relatively peaceful and productive process. Some felt that the facilitation seemed to improve as the process evolved, pointing out that some of the early meetings had gotten bogged down and were too slow. Others felt that an even stronger facilitation style should have been used at times to keep things moving and to better deal with a few dominating CCRSG members.

CCRSG members we interviewed across all packages did not sense bias or partisan behavior on the part of CONCUR staff. A few interviewees did, however, feel that one of the consultants who pitched in to facilitate occasionally did demonstrate partisan behavior (in favor of the fishermen) and pointed to an incident of unfairly recording comments during a meeting on a flip chart.

VII. Phase III: MPA Package Refinement at the BRTF and DFG (December 2005-June 2006)

Description:

Following the formal ending of the CCRSG process after the December 6/7 meeting, Package 1, 2, and 3 proponents further refined their packages largely in response to the BRTF's direction. The BRTF specifically told Package 2 and 3 proponents at its January meeting to make efforts to reduce the potential socio-economic impacts on fishermen, while telling Package 1 proponents that they needed to do a better job of meeting the SAT guidelines. The BRTF had also let CCRSG members know that they would appreciate getting one consensus package.

The package proponents submitted their packages by the December 15 deadline, and the MLPA I-Team then forwarded them to the BRTF and to the SAT for evaluation. At the January 31 BRTF meeting, the BRTF reviewed the latest set of packages from the CCRSG, and then requested that the MLPA I-Team prepare its own package for the BRTF to review (this was later called Package S). According to several BRTF members, the request for staff to prepare a fourth option was due to the lack of convergence on a single option among the CCRSG membership. The BRTF's request apparently caught CCRSG members and the MLPA I-Team alike by surprise and, as discussed further below, created great concern across the CCRSG membership.

Prior to the March BRTF meeting, the MLPA I-Team developed Package S and the other package proponents continued to meet in caucus to further refine their package proposals. In further refining their packages, the members were trying to address SAT and BRTF feedback, as well as DFG's request that the MPA boundaries (other than at the high tide line) be straight (preferably north-south/east-west) lines to simplify enforcement. All four packages were then submitted to the SAT for evaluation and presented at the March BRTF meeting.

In response to substantial concerns expressed by CCRSG members and the public about both the concept and specifics of Package S on the first day of the two-day BRTF meeting, the BRTF the next morning, asked the Project 3 leads to caucus with the MLPA I-Team to essentially merge packages 3 and S, into a new Package 3R. Later in the meeting, in another highly controversial move, the BRTF voted to unilaterally make some changes to Package 2, to rename it Package 2R and to make some additional changes to 3R. The BRTF then voted to forward Packages 1, 2R, and 3R to the DFG, but was split regarding which to recommend as its preferred alternative. Two BRTF members voted to support Package 2R as their preferred alternative, three members voted for Package 3R, and none of the BRTF members voted for Package 1.¹³ So Package 3R became the official BRTF preferred alternative.

¹³ One of the BRTF members had to leave early and so did not vote, but subsequently wrote a letter also throwing his support to 3R. Another member who was not at the meeting at all, also subsequent to the meeting expressed support for Package 3R—thus effectively making it a 5-2 decision.

A summary of the three packages appears in the table below. The total combined area proposed for some level of protection ranges from 171 square miles, or 15% of the study area, in Package 1 to 221 square miles, or 19% of the study area, in Package 2R, with Package 3R essentially right in the middle, at 17%. It is important to note, however, that even Package 1 proposes more than tripling the total area in MPAs from current levels of less than 4%.

Overall Summary for Package 1 (2/9/06 version)

Type of MPA proposed ¹	# Proposed	Area (mi ²)	% of Study Region
State Marine Reserve (SMR)	21	59.56 mi ²	5.18%
State Marine Park (SMP)	1	4.41 mi ²	0.38%
State Marine Conservation Area (SMCA)	7	107.37 mi ²	9.34%
All MPAs combined	29	171.33 mi ²	14.90%

Overall Summary for Package 2R (3/15/06 version)

Type of MPA ¹	# proposed	Area (mi ²)	% of study region
State Marine Reserve (SMR)	21	147.68 mi ²	12.84%
State Marine Park (SMP)	1	9.84 mi ²	0.86%
State Marine Conservation Area (SMCA)	8	63.93 mi ²	5.56%
All MPAs combined	30	221.45 mi ²	19.26%

Overall Summary for Package 3R (3/15/06 version)

Type of MPA ¹	# Proposed	Area (mi ²)	% of Study Region
State Marine Reserve (SMR)	18	110.00 mi ²	9.56%
State Marine Park (SMP)	3	7.54 mi ²	0.66%
State Marine Conservation Area (SMCA)	10	80.84 mi ²	7.03%
All MPAs combined	31	198.38 mi ²	17.25%

Package 1 places approximately 35% of the area comprised by its MPAs in the most restrictive classification (SMR), compared to 67% for Package 2R and 55% for Package 3R. The packages also differ in how they handle specific locations, for example Monterey Peninsula, which was the source of extensive debate.

The DFG staff took the handoff from the BRTF to prepare its own analysis and recommendations to the Fish and Game Commission, as is required under the MOU. Rather than simply endorse one of the 3 options forwarded by the BRTF as its preferred alternative, the DFG created its own preferred alternative to forward with the three packages from the BRTF. As with the BRTF's decision to create Package S, this caught many of the CCRSG members off guard and raised a range of concerns, discussed below. While formulating Package P, which began with the BRTF's preferred alternative Package 3R, DFG staff continued to consult with CCRSG members and others.¹⁴ According to the DFG, they made changes to address the following:

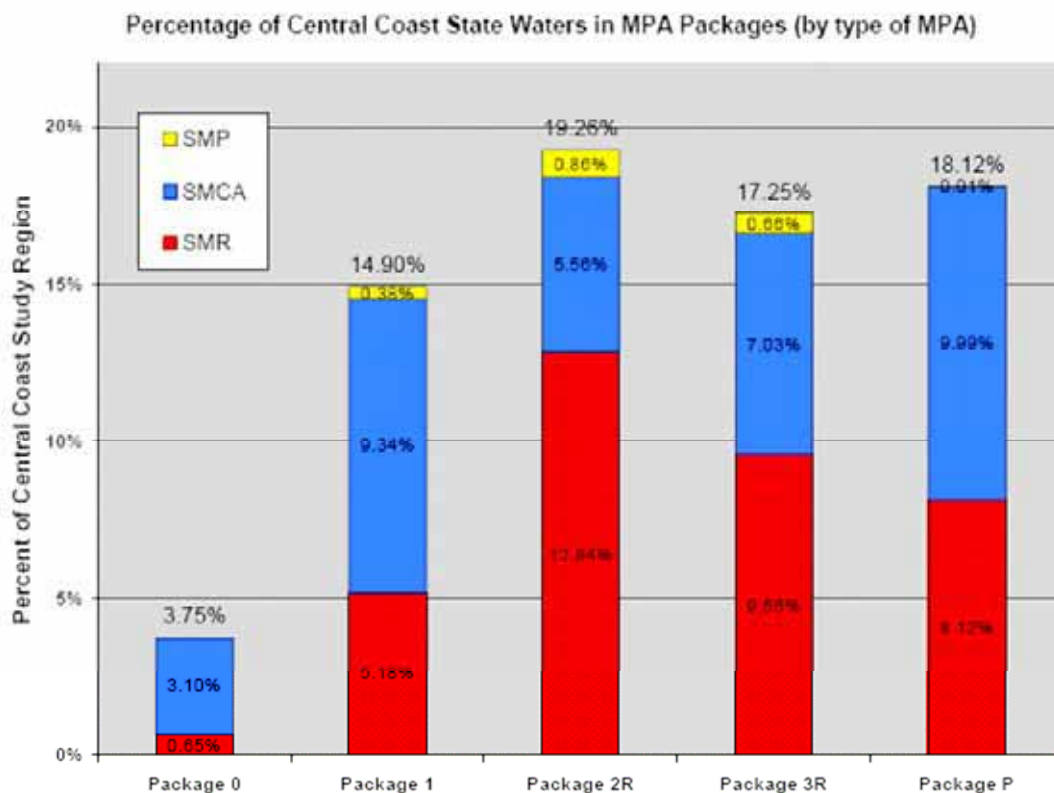
- Ensure that MPA boundaries and regulations were simple, clear, and easily

¹⁴ DFG had more than 35 meetings with constituents during this period. (DFG, June 22 memo, p.4)

enforced;

- Consider key policy issues such as existing kelp harvest leases, shoreline fishing access, and user group conflicts;
- Ensure that the MLPA requirement to improve recreational opportunities in areas subject to minimal human disturbance was met for all types of recreation (both consumptive and non-consumptive);
- Wherever possible, reduce potential impacts to existing uses and use patterns; and
- Ensure that the scientific guidance provided in the process was fully considered.

On June 22, the DFG initially presented to the Commission its own preferred alternative, Package P, along with the three CCRSG packages forwarded by the BRTF, and Package 0, which is the status quo representing current MPAs. As shown below, Package P falls between Packages 3R and 2R in terms of total percent of the Central Coast region that would be protected, and between Packages 1 and 3R (and substantially less than Package 2R) in terms of percentage that would receive the highest level of protection (state marine reserves).¹⁵



¹⁵ Note that we conducted all of our interviews and completed our online survey, prior to the DFG's release of proposed Package P.

The Fish and Game Commission will make a decision on the MPAs for the central coast either at its meeting in August or its subsequent meeting in November.

Participant Feedback:

In this section we discuss participant feedback regarding the two central issues associated with this phase: the BRTF recommendation process, and the DFG analysis and recommendation process:

BRTF Recommendation Process:

Based on our interviews and online survey, CCRSG members appear to have had a bit of a roller coaster set of feelings regarding the BRTF and its performance. Initially, many were skeptical about the fact that the overwhelming majority of the appointed BRTF members had little expertise or experience in fisheries or coastal ecosystem issues. But as the process got underway, most of the stakeholders came to appreciate the dedication, intelligence, and skills of the chair and of the more actively involved BRTF members. However, the decisions to pursue an independent staff-derived Package S, followed by the BRTF-directed changes to stakeholder Packages 2 and 3 at the March meeting, surprised and frustrated most of the CCRSG members.

At best, the BRTF request for staff to develop Package S and the subsequent BRTF decision to make unilateral changes to Packages 2 and 3 at the March meeting underscored a lack of clarity with respect to how the BRTF process was going to interface with the CCRSG package development process. In response to a question in our online survey regarding how clearly participants understood the way in which the BRTF was going to review and then make recommendations to the DFG on the MPA packages developed initially by stakeholders, the response was as follows: on a scale of 1 (very unclear) to 6 (very clear) the score was 3.08, with 2/3 rating it as 1-3 and 50% 1-2 indicating a significant lack of clarity. While everyone was aware that this was the first time through a new and complex process and that certain key procedures were essentially being created on the fly, most participants found the lack of clarity around the interface between the BRTF and CCRSG very frustrating.

The request for staff to develop an alternative (Package S) surprised and met with some initial resistance even from staff. From the BRTF's perspective, based on our interviews, members felt obligated to recommend a preferred alternative and decided that Package S could serve as a back-stop if something resembling a consensus package of MPAs did not emerge from the CCRSG process.¹⁶ The BRTF was further motivated by the fact that, at this junction, it did not feel that any of the packages yet met the SAT guidelines. However, according to one of our interviewees, Package S proved to be nothing more than a "detour". Still, for other stakeholders in the CCRSG, the decision to develop Package S was "deflating."

¹⁶ Activity 4.2 of the MPF required the BRTF to forward "...alternative proposals for MPAs, a preferred alternative...to the Department for its consideration and submission to the Commission." (MPF, p.32)

The BRTF's decisions at the March meeting first to marry Packages S and 3 into 3R and then to unilaterally make changes to Packages 2, which became 2R and to make additional changes to 3R, were met with even broader consternation among the CCRSG members than was the decision to pursue Package S in the first place. Numerous supporters of Packages 2 and 3 commented that once the packages were changed, "they weren't really our packages any more" and "we felt end-runned." Even a CCRSG member who benefited from one of the changes made by the BRTF felt that many of the changes had the feel of being, "nit picking, serendipitous, and arbitrary". One member observed that the new packages were embraced without comparable technical and scientific scrutiny:

...the result of the last minute effort to garner the majority of the BRTF's votes was bizarre. Here, after all of the careful work to meet scientific guidelines and minimize user disruption, a package is accepted without ANY scientific or socio-economic evaluation...That action flew in the face of the CCRSG's understanding of what sort of scrutiny each package would undergo.

The CCRSG members we interviewed for the most part believed that the BRTF would select its preferred alternative among the three options prepared by the CCRSG rather than either putting forward its own option or tinkering with the ones the CCRSG had put forward.¹⁷ In our interviews, CCRSG members suggested that if the BRTF couldn't fully embrace any of the three CCRSG options, it should have taken one of two alternative approaches. One way was to leave the three CCRSG package options intact, but to include comments on each option to the DFG as to what it liked, disliked, and recommended changing. This way the CCRSG packages would remain unchanged but the BRTF could still make clear its preferences and suggestions. The second option suggested was to have had more time to iterate between the BRTF and the CCRSG enabling the CCRSG to take the BRTF's feedback and have the opportunity to make further refinements to its packages. This happened on a broad brush level after the January meeting, when the BRTF told Packages 2 and 3 to reduce socio economic impacts, and told Package 1 to meet SAT guidelines, but it never occurred at the level of detail discussed at the March meeting.

In the end, the BRTF's final recommendations seemed to generally reduce the overall satisfaction of the CCRSG members with the process as a whole. When asked how satisfied they were with the CCRSG process prior to the BRTF making recommendations, as reported above, members across the various packages reported being relatively satisfied with the process, and the online survey score of 3.46 on a scale of 1 (very unsatisfied) to 6 (very satisfied) supports that conclusion. When asked on the online survey about their level of satisfaction with the BRTF's final recommendations, the score dropped to 2.96. Not surprisingly, this dissatisfaction was extreme among the Package 1 supporters, who did not garner a single BRTF member vote—and at this point, many Package 1 supporters who had generally been supportive of the CCRSG

¹⁷ Note that some CCRSG members did not think that the BRTF was supposed to be picking a preferred alternative in the first place—that this was reserved only for the DFG.

process expressed regret over having participated in the entire process. As one Package 1 supporter explained,

“The BRTF process made us [Package 1 supporters] feel betrayed. We didn’t feel that about the Stakeholder process.”

DFG Analysis and Recommendation Process:

After receiving the handoff from the BRTF, the DFG conducted its own analysis and developed its own preferred alternative Package P that was delivered to the Fish and Game Commission on June 22, 2006. [Given that we completed our interviews and surveys prior to that date, we did not collect feedback from participants on DFG’s actual preferred alternative recommendation. However, we did touch on the overall goals and process of the DFG to develop their recommendations in our interviews and survey.]

Interviewees, for the most part, did not feel they had a very clear idea from the outset of the CCRSG process of the eventual scope and scale of the DFG review. The online survey substantiated this when we asked how clear was their understanding about how the DFG would review and then make recommendations to the Commission on the MPA packages initially developed by stakeholders, scoring a 3.29 on a scale of 1 (very unclear) to 6 (very clear). The biggest surprise to both CCRSG members and several BRTF members related to DFG’s review was that they were planning to develop their own preferred alternative. Numerous respondents felt that this was inappropriate and that the DFG should have selected its preferred alternative among those forwarded by the BRTF. One BRTF member expressed their surprise and frustration as follows:

I was totally taken aback and not pleased when I discovered that DFG staff intended to prepare their own preferred alternative. They should have just evaluated the results forwarded from the BRTF. The end result may be fine, but from a process point of view I hate it. If the Commission takes DFG staff’s preferred alternative proposal, this will probably piss off the BRTF and stakeholders alike.

Other CCRSG and BRTF members felt that the DFG had more legal justification, expertise, or both, to develop its own preferred alternative than the BRTF had, regardless of whether or not they thought it was a good idea. Still, the uncertainty of what the DFG planned to recommend seemed to raise a certain amount of anxiety among most of those we interviewed who commented on the subject. Another point, made predominantly by Package 2 and 3 supporters, was that they understood and expected the DFG to review and comment on enforceability and monitoring related issues related to the alternative MPA packages, but not to further reduce impacts on fishermen.

Those we interviewed also made several comments regarding the DFG staff participation throughout the CCRSG process. Most appreciated the DFG’s forthright participation throughout the CCRSG process. But many were confused about their participation and role in the MLPA I-Team—were they fully integrated into the Team, separate from it, or did it vary by issue? Many also mentioned that they appreciated the importance of

having enforcement staff participate but at the same time, wished that this staff participation had commenced earlier in the process and had been more constant. In particular, interviewees mentioned that it would have been especially helpful to have had guidance in drawing enforcement boundaries earlier in the process. In that regard, several interviewees mentioned that they wished DFG could have shown greater flexibility on issues like requiring straight boundary lines and renegotiating kelp leases. Several interviewees also mentioned that they saw the DFG staff as fairly passive and that they would have preferred if DFG had been a more active participant in the CCRSG meetings, perhaps participating as a stakeholder or quasi-stakeholder so that CCRSG participants could have benefited more from DFG's expertise and perspective on what should be done. One CCRSG member said,

It would have been better if the DFG provided guidance upfront, instead of throwing jabs here and there. They should figure out what the rules are and let folks know from the start.

A BRTF member expressed a parallel interest in having DFG staff more engaged with the BRTF process, "I feel sort of cheated, and would have preferred to have more DFG input into the BRTF decision making process instead [of DFG developing their own MPA package]."

VIII. CCRSG Timeline and Budget

CCRSG Timeline:

The CCRSG process took approximately seven months, from June 2005 to December 2005. Twenty one of twenty five CCRSG members who participated in the online survey indicated that the process was too short, with an average of 2.52 on a scale of 1 (too short) to 6 (too long). In response to the follow up question, “What, if anything would have been a better timeframe in which to complete the work of the CCRSG”, respondents had a range of responses:

<u>Respondents</u>	<u>Better CCRSG Timeframe</u>
6	One to two more months/meetings
3	One year to two years
2	No timeframe should be specified
4	Similar timeframe but use a more efficient process

These responses were similar to comments we heard in our interviews. Many felt that at least another month or two would have been necessary in order to further explore the possibility of a common package of MPAs among stakeholders, and to otherwise refine the various packages in light of SAT and BRTF feedback. Many felt that more than one to two months would have been required to accomplish this, and suggested that a one to two year timeframe would have been more realistic. While almost everyone saw the importance of strict deadlines, a few participants felt that no “artificial deadlines” should have been imposed at all in a matter as important as this one.

There should be no time frame on something as important as this. Time should be taken as necessary to complete the job and do it well. Many peoples’ lives are at stake or at least their livelihoods. This should have no time frame as any time we rush through anything, the chances of mistakes and error increase exponentially.

Generally those who wanted substantially more time than one to two months supported Package 1, and in addition to wanting more time to refine their package, felt that more time was required to complete a better socioeconomic study and to vet the underlying science and policy issues.

Those survey respondents and interviewees who did not believe the timeframe should have been much longer, if any, generally supported Package 2 and were concerned that a slower process would delay implementation of the comprehensive MLPA network along the California coast. They often argued for streamlining the process rather than lengthening it. For instance, they preferred to move forward on the package formation and negotiation phases and to spend less time on regional goals and objectives. The MLPA I-Team observed during our focus group with them that the timeline would have probably been adequate if certain pieces had been in place from the start (e.g., regional profile, SAT guidelines). They further observed that if these things are in place the next

time, and if the process uses the statewide goals and either forgoes or streamlines the regional objectives development process, the seven-month timeframe might be sufficient. The facilitation team and others we interviewed observed that it would likely take longer if the goal of the CCRSG was to attempt to reach agreement on one package of MPAs rather than on multiple packages.

CCRSG members across packages expressed a desire for more time between meetings (e.g., 6 weeks) in order to digest material sent to them, consult with colleagues, and prepare for upcoming meetings.

Central Coast Project Budget:

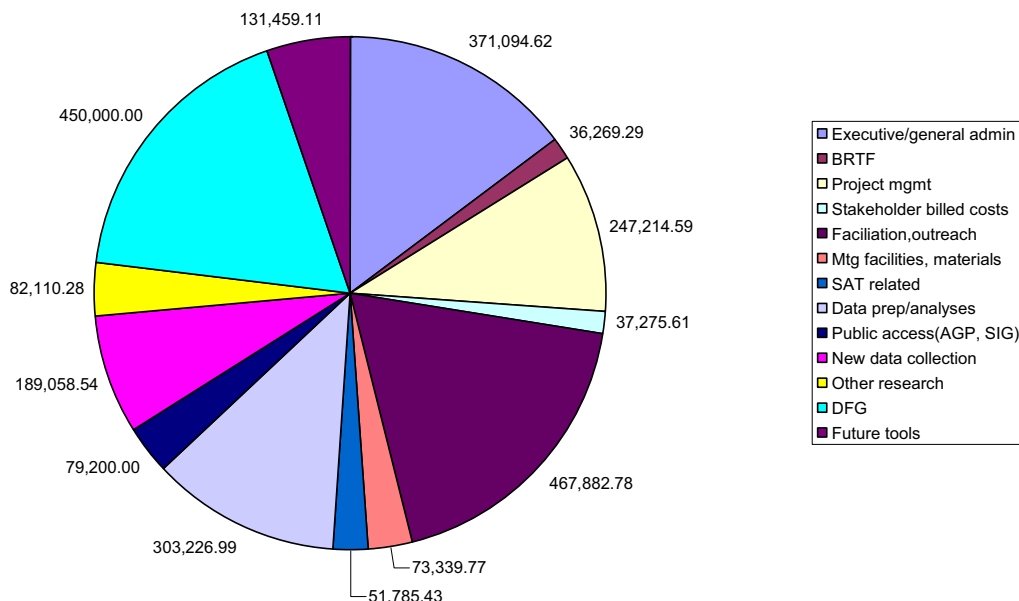
The direct costs for the Central Coast Project were approximately \$2.5 million.¹⁸ The distribution of those funds across a range of activities and categories is shown in the pie chart below. The largest categories of expenditures included 1) executive/general administration and project management (25%); 2) facilitation and outreach (18%); 3) DFG (18%); and 4) data preparation and analysis (12%).¹⁹

This funding came from a private foundation, the Resource Legacy Fund Foundation, (RLFF) as part of a larger grant of \$7.2 million for several MLPA tasks, including the Central Coast Project. As mentioned previously, the source of this funding was seen as problematic by some stakeholders, especially those supporting Package 1, who viewed the RLFF as having a pro-MPA bias. Most CCRSG participants however, saw the RLFF funding as essential in light of the absence of available state funding. BRTF members and MLPA I-Team members also asserted in interviews that once the MOU was signed, the RLFF maintained a completely arms-length relationship with both the MLPA I-Team and the BRTF.

¹⁸ There was an additional \$.25 million in indirect costs for a \$2.75 million total cost.

¹⁹ Executive/general administration \$388k and project management \$247k combined, account for 25% of the budget. DFG funds were used to cover DFG lead staff and other costs. Facilitation, outreach costs include CONCUR, Don Maruska, and Kirk Sturm.

MLPA Central Coast Direct Expenditures From RLFF - DRAFT (Adjusted total)
Total=\$2.5 million



For the most part, CCRSG members were not aware of the size or distribution of the Central Coast Project budget. We did not question them about the budget beyond inquiring as to what additional mechanisms they might want to see in future regional stakeholder groups if additional funds were available and, conversely, which components of the process would they recommend discontinuing if less funding were available. Overall, CCRSG members and others whom we interviewed did not generally see the process as excessive. Rather they perceived it as a well-supported and well-funded process, given its ambitious timeline and goals. The one work product that participants felt should be enhanced in a future process were funding to become available was the socio-economic impacts study discussed above.

The bulleted list below contains suggestions by one or more interviewees as to how the state could consider working within a tighter budget in the future²⁰:

- Decrease media coverage, all meetings need not be broadcast live.
- If MLPA I-Team staff helps stakeholders develop and refine MPA packages (since very few use on own), they don't need to spend money making tools more user friendly.
- Streamline the CCRSG process
 - Reduce or eliminate effort on regional goals and objectives
 - Skip the single MPA concept phase

²⁰ Note that some of these recommendations interviewees thought should be implemented regardless of the funding level.

- Reduce the amount of paper created and circulated.
- Consider not having a BRTF.
- Reduce redundant facilitation where possible.
- Don't repeat the study gathering and compiling town-by-town data.
- Consider north and south groups to cut down on travel.
- Don't do socio-economic impact analysis as it turned out to be not very useful.

The MLPA I-Team pointed out that many of the tools developed for the CCRSG process could be easily adapted for use in future RSGs, which would act as a cost-saving measure. However, the team also expressed concern that more populous areas (e.g., San Francisco Bay, San Diego, and Los Angeles) may require more elaborate and expensive stakeholder involvement processes than the one used for the central coast.

It is not clear how much more expensive the CCRSG process might have been had the time frame been longer. On the one hand, a longer process (especially if it entailed more meetings) could have required more compensated hours for monthly executive, administrative and project management staff. On the other hand, having to develop and maintain the capacity to deliver a multitude of goods and services very quickly - one of the hallmarks of the CCRSG process- also adds costs.

IX. Lessons Learned and Recommendations for Future Regional Stakeholder Group Efforts

Overall, the CCRSG process was successful in meeting its stated objectives—developing multiple packages of MPAs (i.e., packages that met the SAT guidelines and were basically consistent with the MLPA). It accomplished this in a relatively tight timeframe and within budget. As the first region to move through the new comprehensive process envisioned in the MOU and MPF, the CCRSG was a learning process for everyone, and not surprisingly, had many successes but also hit numerous bumps along the way. These successes and bumps should serve as instructive food for thought for refining the process, and to inform other regions along the California Coast as they move forward with RSG processes.

The remainder of this concluding section lays out an integrated vision for improving future RSGs based on the lessons learned from the CCRSG process and our firm's knowledge and experience with other comparable multi-stakeholder processes.

A. Overarching Recommendations:

1. Clarify process from start:

The CCRSG process suffered from a lack of crispness in its process definition—which was understandable to some extent when it occurred the first time through a complicated new process, but is inexcusable the next time around. Regardless of the final design of any future RSG processes, the steps from start to final decision need to be more clearly laid out and understood by all participants and decisionmakers. This includes articulating a clear goal for the RSG process (e.g., one package of MPAs vs. multiple packages), specifying exactly what a BRTF (assuming there is one) and the DFG will and will not do with work products of the RSG (e.g., in developing preferred alternatives) and defining in advance how the final recommendations and decisions will be made. While every stakeholder process will undergo a certain amount of fine tuning as it transpires, the major building blocks of the process design should be clear from the start and should not change midstream without good reason and clear notice.

- 2. Stabilize underlying policy, science, and enforcement requirements prior to commencing:** The CCRSG became a battleground for resolving at least three underlying policy; science; and enforcement requirements that have statewide implications. These issues should at least be stabilized, and preferably resolved, prior to commencing any future RSG process. First, a key policy issue that, at a minimum, deserves clarification is the role socio-economic impacts should have in determining MPAs, and how this should be realized. Second, an example of one of several science-related conflicts involved the establishment of MPA size and spacing requirements and evaluation framework. Finally, there was substantial discussion and debate about drawing acceptable enforcement boundaries and about how existing kelp leases should be evaluated. These kinds of issues had to be defined and translated

over the course of the CCRSG and BRTF processes so that participants could incorporate these guidelines and requirements into successful MPA packages. Potential flashpoints should at least be stabilized prior to the next RSG process, so that all participants understand the goals, expectations, requirements, and boundaries of their efforts. While these areas are obviously evolving and should be improved and refined over time, this evolution probably should not occur within the more narrow confines of a particular short-term RSG process. Rather, these issues are best resolved in a statewide forum (preferably the Fish and Game Commission, or if absolutely necessary, the Legislature).

B. Overall Structure of the RSG Processes Over Time:

The overall structure of the CCRSG process, and specifically the roles and responsibilities of key entities (e.g., SIG, BRTF, and SAT) seemed to be well conceived for this stage of the RSG processes under the MLPA in California. But as these RSG processes evolve, the various roles and responsibilities should be revisited. In particular, if the policy, scientific, and enforcement issues are all sufficiently clarified, translated and stabilized, the need for various entities may diminish and their roles may shift. For example, it may be that a SIG is of greater use focusing on statewide framing issues than working within the context of individual RSGs, if it's needed at all. Similarly, a BRTF that was an essential ingredient for the CCRSG, and may still be needed in the next RSG, may eventually no longer be necessary. As policymakers design future RSGs, they should explore the following questions:

1. Is a statewide interest group that directly participates in an RSG process still necessary?

The SIG's primary role in the CCRSG process was to advise the BRTF, but, in actuality, it had little involvement or affect on the CCRSG process itself. While such a group could conceivably continue to play a vital role in providing input to statewide decisionmakers on underlying policy, science, and enforcement matters, the SIG probably need not play a direct role in future RSG processes, which by definition, carefully select their own regional stakeholder group representatives.

2. When might a BRTF not be necessary?

The role of the BRTF in the CCRSG process was multi-faceted and important. The BRTF helped to guide the CCRSG, and had numerous other responsibilities geared to figuring out how to successfully implement the MLPA (see Harty/John). It is likely that, at least for the next round, as the underlying policy, scientific, and enforcement issues continue to be defined and refined, there will still be an important role for the BRTF. However, once there is greater stability of policy and method, it would be worth reassessing whether a BRTF is necessary or whether the process could be adequately overseen by the ultimate decisionmakers (currently the Fish and Game Commission).

3. How should the interface between the Scientific Advisory Team and future RSG processes evolve?

The SAT played a vital role in the CCRSG process. A SAT type body is undoubtedly still necessary for continuing to update the underlying science and helping translate the ramifications of that science to stakeholders both at a statewide level and within the context of individual RSGs. In each future RSG process, scientists could continue to be extremely helpful in explaining the underlying science and the specific resources of their RSG areas. In fact, the process could probably benefit if stakeholders had even greater access to scientists than they did in the CCRSG process. However, once the sizing and spacing guidelines and evaluation framework for the entire coast have been set, more routine analytic evaluation of MPA packages against these standards in specific RSG areas, could probably be handled by consultants rather than the SAT itself.

C. Stakeholder Selection and Membership

1. Reconsider the balance and diversity of RSG membership, while reducing the number of formal members in RSG processes:

The CCRSG was designed to balance consumptive and non-consumptive users with an overarching focus on organizations and individuals with substantial regional knowledge. For the most part, this balance seems to have been achieved in the CCRSG process, though the non-consumptive users appeared much more diverse than the consumptive users. Still, for future RSGs, two questions should be explored when forming the stakeholder group. First, are there other organizations or groups that have a legitimate interest in the outcome of the process, but are not clearly affiliated with specific user groups (i.e., groups that might support a range of activities on the coast)? If such organizations can be identified, might they be likely to represent a consensus-building middle ground?²¹ Similarly, the coastline of California is a statewide resource, and while regional knowledge is essential in helping to configure MPA boundaries and locations, organizations with more of a statewide presence also have a legitimate interest in the process outcome, and thus should not be precluded from consideration as potential members of future RSGs.

At the same time, thirty-two primary representatives in the CCRSG process is a relatively high number for a stakeholder process even of this scope and complexity. Processes of similar magnitude generally include about 20 to 30 members. Because many of the 24 alternate representatives also participated in the meetings, there were often 50 or more stakeholders present, which created a range of process-related challenges. More importantly, many of the CCRSG primary stakeholders were closely aligned and represented relatively similar perspectives and interests. Typically, designers of stakeholder groups on issues of this import seek representatives of umbrella organizations or coalitions of like-minded groups rather than numerous participants representing dozens of small organizations or individuals.

²¹ Perhaps a reasonable starting point could be 1/3 consumptive users, 1/3 non consumptive users, and 1/3 other organizations and agencies with broader interests.

Future efforts should look to do a better job consolidating stakeholder interests wherever possible. In the case of the CCRSG, this could have likely been done both with the fishermen/harbor representatives and the non-consumptive divers. When consolidating interest groups, two principles are essential. First, the overall relative balance of interests in the stakeholder group must be maintained (e.g., consumptive vs. non-consumptive users). Second, those individuals (e.g., fishermen and divers) who do not have seats at the negotiating table need to feel that they are adequately represented by umbrella or coalition representatives and that there is a clear path for them to infuse their particular knowledge and expertise into the process. Typically, this is accomplished through 1) close cooperation among coalition members and their representatives, and 2) the establishment of area specific working groups (or other types of joint fact finding workshops) which would be open to people with knowledge and expertise who are not necessarily formal stakeholder representatives.

2. Let primary representatives select their own alternates:

In this process, the DFG and BRTF hand-picked alternate representatives. The intentions behind this decision were laudable: to be more inclusive and to bring more organizations into the process. However, not only was this method of selecting alternates non-standard for stakeholder process designs, it also resulted in some incompatible matches between primaries and alternates and was disfavored by the stakeholders across packages. Moreover, as discussed above, the CCRSG was probably too large. Future RSG process designers will need to do a better job winnowing down and consolidating stakeholder interests to a manageable size and find other means to productively engage interested stakeholders in the process. In particular, RSG designers should not use the selection of alternates as a safety relief valve to avoid making hard selection choices. Primary representatives should be allowed to select their own alternates, either from their own organizations or from other organizations within their natural coalitions. While it is fine for process designers to suggest possible alliances, the primary organizations should choose their alternates, even if that selection is ultimately subject to DFG approval.

3. Retain facilitators/mediators²² early enough to assist with stakeholder selection:

The facilitation team was brought on board essentially after the DFG and BRTF had selected the stakeholders and completed most of the process design. Accomplished facilitators typically assist sponsors to identify, select, and recruit balanced and streamlined stakeholder groups. As such, facilitators should be brought on board early enough in future RSG processes to be able to lend their expertise to the process design, including stakeholder selection. In fact, there should be sufficient time and budget for the facilitation team to conduct a mini-assessment, interviewing key

²² Facilitators typically design and run meetings. Mediators facilitate meetings too but also actively seek consensus among stakeholders. To the extent that future RSGs are intended to actively seek agreement, neutrals sought and retained should be called mediators. We use the term “facilitators” here since that’s the term used throughout the CCRSG process.

parties and potential stakeholders to assist in fine tuning the RSG design and identifying candidate stakeholders.²³

D. Start-Up Phase of RSG Process:

1. Compile regional spatial data, develop detailed regional profiles, and analyze existing MPAs before commencing each new study area:

Due to constraints imposed by the CCRSG process time table, the regional profile for the central coast was not completed before the CCRSG began, and was not presented to the members until the second meeting. In future processes the draft regional profile should be developed prior to commencement and the RSG members should help refine the information through the joint fact finding process described below. The DFG, SAT, and MLPA I-Team should develop each profile, and it should include as much of the relevant, known information about biological, oceanographic, socioeconomic, and governance characteristics of the region as possible. The information should be divided by sub-region and include detailed maps. In addition, the SAT or consultant to the process should evaluate the existing MPAs in the region using the SAT evaluation framework so the stakeholders will know how those MPAs need to be changed or added to in creation of a regional network..

2. Socio-economic study requirements should be clarified and any required study should also be completed prior to the start of an RSG process:

In the CCRSG process, the socio-economic information was considered by most CCRSG members to have come “too little too late” to be useful in forming MPA packages. Debate remains as to whether future RSGs should carry out a more comprehensive study on socio-economic impacts that looks at both potential adverse and positive impacts for both consumptive (e.g., fishing) and non-consumptive uses (e.g., non-consumptive diving, kayaking, and tourism) over time. Such an undertaking would be complex and probably costly... Creating a tool that can actually be used in an RSG process to compare the socio-economic impacts of emerging and competing MPA package designs is a far more complicated task than developing a socio-economic background study of existing uses in a given area. As discussed above, the state of California, preferably through the Department of Fish and Game Commission, or if absolutely necessary, through the Legislature, probably needs to clarify to what degree and in what way socio-economic impacts should be used in forming MPAs. Regardless of what the state determines in this regard, any required socio-economic background analyses and tools need to be well thought out and carefully implemented. Moreover, socio-economic information should be assembled prior to the commencement of an RSG process, if possible, and the information gathered should then be reviewed and refined by the RSG members in the joint fact finding phase described below.

²³ In the CCRSG process, the facilitators did interview some of the already-selected stakeholders just prior to the first meeting, but this should be done earlier in future RSG processes, if possible.

3. Enhance the regional profile with joint fact-finding on coastal resources and uses (by sub-region):

The CCRSG process went directly from providing limited feedback on the draft regional profile to identifying 500-700 potential MPAs. There was little time spent exploring the uses and interests associated with each sub-region of the central coast. A better process the next time would budget in some additional time for joint fact-finding on each sub-region of the study area. This could begin with the respective regional profile acting as a starting text, and continue either with separate joint fact finding working groups or workshops on each sub-region. These could be open not only to the formal stakeholder group members but also to others with particular expertise or knowledge about the respective areas. The purpose of these short-term working groups or workshops would be to discuss the profiles and to hear about the resources and uses of these particular areas from the local experts (e.g., fishermen, divers, kayakers, etc.). These working groups or workshops could include tours of potential important marine resource areas as well as potential “hot spot” areas (i.e. sites with potential significant user conflicts). The end result would be a better-refined regional profile, and a much more three dimensional sense on the part of all stakeholders of the potential marine related benefits and user conflicts in different sub-regions prior to MPA package formation.

4. Clearly define and describe from the outset the CCRSG goal and process and the subsequent decision making processes, as well as any explicit requirements that must be met:

As discussed in the body of the report, throughout the CCRSG process there was confusion about whether the overarching goal of the CCRSG process was to come up with a single or multiple packages, and as to what both the BRTF and DFG would do with the MPA package recommendations that would emerge from the CCRSG process. Moreover, both the SAT guidelines and DFG’s enforcement-related requirements were not available from the outset of the process, but emerged and evolved in the course of the CCRSG process. As discussed in the two recommendations at the beginning of this section, it is very important that both the processes and requirements be more clearly defined and described than they were the first time through.

5. Streamline or eliminate altogether the development of regional goals and objectives:

In the CCRSG process, developing and reaching agreement on regional goals and objectives took significant portions of three out of the seven scheduled meetings. As it turned out, these regional goals and objectives were not well- utilized later in the process to compare various MPA packages. Instead, the SAT guidelines dominated the evaluations of packages against the MLPA goals.. While the discussions among stakeholders on developing regional goals and objectives appeared to serve the purposes of getting to know each other’s interests and debating the relative importance of socio-economic impacts, these worthwhile purposes could have been achieved in a different context. Understanding other stakeholders’ interests should be part of the joint fact-finding recommendation above. Determining exactly how socio-

economic impacts should be valued and evaluated in the context of forming MPAs should take place in a statewide context, as suggested above, rather than hashed out in each RSG process. The process of setting regional goals and objectives could probably be greatly streamlined, if not eliminated altogether, in future RSGs. Either the MLPA goals can serve as RSG goals and objectives, or stakeholders in future RSGs could simply massage the regional goals and objectives developed by the CCRSG process (or other MLPA RSG processes subsequently completed), if necessary. The time spent negotiating goals and objectives could probably be better spent in joint fact-finding and negotiating the MPA packages among the RSG members.

6. Provide training in modeling tools and mutual gains negotiation:

MPLA I-Team should provide training workshops for any software tools developed to assist RSG members in formulating packages. This includes both the current tool that the I-Team has developed and is refining to model MPA package proposals against SAT guidelines, but also any socio-economic tool that may be developed once that issue is sorted out.²⁴ Offering at least a half day, and preferably full-day training in “mutual gains” negotiation concepts and techniques by an experienced trainer early on in an RSG process could also be very helpful in fostering the joint problem-solving atmosphere desired.²⁵

E. Package Development Phase of RSG Process:

1. Consider changing the overall goal and focus of the RSG processes from developing multiple MPA packages to attempting to develop a single MPA package:

Setting the multiple MPA package goal for the CCRSG process was in large part a reaction to the perceived failure of the Channel Islands negotiations, which focused on creating a single package. As discussed in the body of the report, this goal of multiple packages in the CCRSG process was not completely clear to many of the CCRSG members and was certainly not clear among the BRTF members. Most of the BRTF members we interviewed would have, for a variety of reasons, preferred a single consensus package to emerge from the CCRSG process. At best, mixed messages were sent to the CCRSG members that conveyed something like “the goal is multiple packages, but a single consensus package would sure be nice.”

Since the essential goal of the MLPA is a single network of MPAs along the California coast, having multiple packages emerge from an RSG process leaves the BRTF, the DFG, and ultimately, the Fish and Game Commission, to essentially choose one of the multiple packages or to craft their own. As it is unlikely from a

²⁴ Note that even with this training, not all RSG members need to be facile in running such tools. There should also be an option for I-Team staff to run tools for members if they are not in coalitions where others are comfortable using them.

²⁵ “Mutual gains” negotiation also goes by other popular names such as “principled negotiation” and “win win” negotiation, but most stem from work originally developed by Roger Fisher and Bill Ury from the Harvard Law School in their famous book Getting to Yes.

political perspective that any of these entities would select one of the multiple RSG MPA packages in its entirety, it is likely the proposed options would have to be merged and melded into a new package. This was not a task that the BRTF relished or was readily equipped to accomplish in the CCRSG process. The DFG, with its greater substantive expertise, was probably better equipped technically, but not necessarily politically, to carry this out.

More importantly, with the goal of multiple packages, the CCRSG process was not structured to foster the exploration or development of mutual gains or a single package. The process, instead, tended to push Package 1 and 2 supporters to stake out more extreme package positions than either the BRTF or DFG ended up recommending. While Package 3 supporters made a valiant effort to try to merge Package 1 and Package 2, there was little perceived incentive for Package 1 or 2 supporters to fully engage in seeking a common solution, since this was not the objective of the CCRSG process. The BRTF had limited success in cajoling the Package 1 and 2 supporters to move toward the middle by telling Package 1 supporters to better meet the SAT guidelines and Package 2 and 3 supporters to reduce socio-economic impacts. Overall there was very little time set aside within the CCRSG process itself to try to negotiate common solutions.

Future RSG processes would not likely fare any better in reaching consensus or even in finding greater convergence if they are structured to produce multiple packages, as was the CCRSG process. In fact, there may be even less convergence if participants become even more positional in their package formation in anticipation that decisionmakers will simply be splitting the differences among packages. Given that the final decision by the Commission has not yet been made, it is difficult to postulate how stakeholders might change their negotiation strategies in subsequent RSGs. But in the course of our interviews, numerous interviewees did hypothesize that a “split the difference” type of decisionmaking could push them to take more extreme positions in the future.

Instead, designers of future RSGs should consider attempting to create a single package of MPAs rather than multiple packages, and to restructure the process accordingly. With so many important underlying policy and enforcement related issues still being worked out through the CCRSG, BRTF, DFG, and Commission processes (e.g., SAT guidelines, role of socio-economic impacts, enforcement guidelines), a single package objective may not have worked in the CCRSG process. However, as these issues are stabilized through the conclusion of the central coast process and beyond, the decision space for future RSGs will narrow, and a single package RSG goal will likely make increasing sense. Not having an explicit single package goal and restructuring subsequent RSG processes accordingly, makes it unlikely that a single package goal will ever emerge, which would be an unfortunate lost opportunity.

Having a single package goal, however, does not have to mean that, if a single consensus package is not achieved, nothing is forwarded and the endeavor is

considered a failure (as perceived by many interviewees with regard to the Channel Islands process). Even achieving a substantial but incomplete agreement (covering most but not all of the sub-regions, or including most but not all of the members) would be a better springboard for decisionmakers toward the ultimate purpose (crafting a single network of MPAs) than would developing multiple packages. The groundrules, however, would have to be clear about what happens under various circumstances. For instance, it might be that all, or virtually all, the RSG members would agree on what the MPAs should look like for most of the sub-regions in the study area, with the exception of one or more hot spots -- areas with high user conflicts. The groundrules can be clear, that for those areas, two or more options can be put forward if a single option can not be successfully crafted.

Having a clear single package goal and structure also does not preclude clusters of stakeholders from developing multiple packages along the way. However, the RSG would not stop there, but would spend substantially more time than the CCRSG did seeking convergence and trying to negotiate a common solution. If the process succeeds in reaching an agreement on one package for the entire study region (with substantial DFG, SAT, and potentially, BRTF input along the way) the solution should sail through the remaining review and approval processes and be successfully implemented. CEQA's requirements for analyzing at least three alternatives could be satisfied by doing bounded sensitivity analyses (preferably stakeholder endorsed) around the single solution, plus the no action alternative.

2. Provide more time for MPA package development and negotiation:

Regardless of whether the goal of future RSG processes is to create multiple packages or a single package, more time should be dedicated to this task than was allotted during the CCRSG process. Complete MPA packages weren't even proposed at the CCRSG process until the second to last meeting, and much of the package refinement occurred after the CCRSG had already officially disbanded. Multiple meetings should be set aside for package development, refinement, and negotiation. A single package goal will, however, likely require more plenary meeting time than a multiple package goal, all else being equal, but if done successfully, should require less time for the single package to wind its way through the approval process and be implemented.

3. Skip having everyone draw individual MPAs prior to focusing on creating packages:

The CCRSG process allowed individuals to propose discrete MPAs rather than packages of MPAs in each sub-region. CCRSG members proposed between 500-700 separate MPAs in the course of the process, many of which varied only slightly from others. These proposals were a bit overwhelming to the CCRSG members and the MLPA I-Team alike, and there was no clear nexus between the separate MPA proposals and the ultimate package formation process. The joint fact finding process by sub-region proposed above would allow future RSG processes to forgo this step and move directly into creating MPA packages (perhaps initially by sub-region).

4. Minimize the need for MPA proposals from outside the RSG process:

The CCRSG process allowed for individuals and organizations outside the CCRSG membership to submit alternative MPA packages. Some of these were comprehensive packages, while others focused on particular areas of interest. While some discrete recommendations may have been carried into the other CCRSG proposed packages from these outside packages, none of them were ultimately forwarded by the CCRSG to the BRTF. In the future, outsiders with the interest and knowledge to be able to put forward significant and comprehensive MPA network proposals should be seriously considered for membership in the RSG process, or otherwise consulted by RSG members. Those only interested in relatively small areas should have their input channeled through the area-specific working groups or through workshops proposed in this report. Allowing separate outside proposals should not be necessary in a well-designed, comprehensive process. The public, should however, have opportunities for other, more limited input into the RSG processes, such as the ability to review and comment on mid-course and final work products, and to comment at meetings. Future RSGs could also consider newly evolving methods for gaining statistically significant broad public input on discrete options such as through the use of Deliberative Polling.²⁶

5. DFG staff should participate even more actively in package development in RSG processes:

Many CCRSG members mentioned that DFG staff was extremely helpful and responsive to questions posed to them during CCRSG meetings, but was not otherwise forthcoming in providing guidance. For instance, certain enforcement-related requirements were not conveyed until late in the CCRSG process. DFG's eventual development of its own preferred alternative also caught many CCRSG and BRTF members off guard. To the extent that DFG might have definite concerns, perspectives, and opinions about issues arising in any subsequent RSG process, it would improve the process if DFG were to make those concerns known. That way, CCRSG members will be able to take these concerns into account as they forge MPA packages, rather than learn of them after the fact.

6. BRTF should provide feedback and guidance throughout the MPA package development process in an iterative fashion:

The BRTF, as described previously, did provide broad-brushed admonishment to the package proponents to better adhere to SAT guidelines and to reduce economic impacts. Package proponents made changes to their packages based on this direct feedback. But at the March meeting, when the BTRF needed to make its final recommendations and was finally in the position to give more detailed feedback, the CCRSG had already disbanded and time was essentially up. The entire process would probably have been improved if the CCRSG members had been able to take that more specific feedback and consider integrating it into their packages. In subsequent RSGs, assuming there is a BRTF, time should be built into the process for two or three iterative rounds of feedback between the BRTF and the RSG at an

²⁶ See for example the work of Center for Deliberative Democracy at Stanford University.
<http://cdd.stanford.edu/>

increasingly specific level of detail. The schedule for convening the RSG should therefore coincide with that of the BRTF so both groups are meeting over the same time period (rather than having the RSG process end before the BRTF formal decisionmaking process even begins).

F. BRTF and DFG Review and Recommendation Processes:

1. Align the incentives at the BRTF, DFG and Fish and Game Commission to foster joint problem solving and consensus in RSG processes:

Whether the formal goal of future RSGs is one MPA package or multiple MPA packages, the BRTF and the DFG should more strongly encourage stakeholders to develop a consensus wherever possible. One incentive that the BRTF and the DFG should consider putting in place is a clear promise that if the stakeholders are able to reach agreement on a single package of MPAs, that the BRTF will recommend this single package as its preferred alternative to the DFG, and that the DFG will, in turn, recommend it as its preferred alternative to the Fish and Game Commission.²⁷ The Fish and Game Commission could then take comments and hold hearings on the proposal to ensure that other organizations and individuals outside the RSG process do not uncover any serious flaws. If none arise and the Commission does not have any issues of its own, it can embrace the MPA proposal developed by the RSG as its own. If any flaws are revealed, the Commission could then make the necessary adjustments, or, better yet, it could encourage the RSG to meet again to see if it could agree on a refined plan that would address the issues the Commission need addressing. This overall approach typifies a negotiated rulemaking process used with increasing regularity and success at many federal and state agencies throughout the United States.²⁸

2. The BRTF and the DFG should not unilaterally change MPA packages agreed to by RSG members:

At its March meeting, the BRTF pushed Package 3 supporters to essentially merge their package with Package S (which became Package 3R). The BRTF then unilaterally made changes to Package 2 (which became Package 2R). Along with Package 1, these were the three packages that the BRTF forwarded to the DFG. CCRSG members across packages would have preferred if the BRTF had forwarded their packages (which generally represented substantial compromises and balancing within their respective coalitions) unchanged, or as discussed above, if the BRTF had allowed them the opportunity to bring these desired changes back to their full groups for consideration. A better final process might be to keep each CCRSG member package intact, and for the BRTF to attach its own specific comments to each package specifying what it likes, what it does not like, and what it would want to see

²⁷ While we believe that this recommendation is not inconsistent with the DFG's obligations under the law (e.g., to analyze proposals and send forward a preferred alternative) it deserves further legal scrutiny prior to implementation.

²⁸ To the extent that the California Environmental Quality Act requires three alternatives be compared, the approach proposed here could conceivably only provide two alternatives—the single RSG consensus package and the status quo. Short of changing CEQA, some variations (or sensitivities) may also need to be put forward by the RSG, BRTF, or DFG to satisfy CEQA.

changed. The DFG, which didn't change the packages it received from the BRTF (but did create a new preferred alternative), should likewise comment on, but not make changes to, the RSG member-derived packages forwarded by the BRTF.

3. The BRTF (and probably the DFG) should not develop their own preferred alternatives if RSG members develop package(s) that meet SAT guidelines:

Elaborating on the issue of making unilateral changes to RSG member MPA packages, the BRTF should also probably not seek to develop its own separate preferred alternative if RSG member-generated packages meet SAT guidelines (and are otherwise consistent with the MLPA). In the CCRSG process, the BRTF attempted to create its own package in Package S and subsequently orchestrated a “shotgun” merger of Packages S and 3 at the March meeting. Both these interventions were met with consternation by most CCRSG members, and can have a chilling effect on stakeholders’ willingness to participate in future RSGs. In the future, the BRTF could simply choose a base case for their preferred alternative, from among the various package options (assuming multiple packages are proposed), and then attach to it whatever conditions they deem necessary. Although the end result would not be substantively different than if they were to create their own discrete alternative, this approach preserves the hard work done by the stakeholders while maintaining clarity about who is really recommending what. The DFG should consider a similar approach to formulating its preferred alternative when multiple packages are developed by an RSG that meet SAT guidelines and are forwarded by a BRTF.

G. RSG Timelines and Budgets

1. Lengthen RSG processes to at least one year to allow for more joint fact-finding and negotiation:

The CCRSG process, in theory, took seven months, but members continued meeting for another four months beyond the official dissolution of the process in December, through the March BRTF meeting, (although during this period they met in caucuses rather than in plenary sessions.) Future RSG processes would likely benefit from more time for joint fact-finding, negotiation on MPA packages, and interaction with the BRTF, if a BRTF is still in use. This would likely be the case even if many of the tools, guidelines, and background material are prepared ahead of time (as they should be) and the pursuit of regional goals and objectives is greatly streamlined or eliminated. Formulating a single package may take longer than formulating multiple packages. In either case, a timeframe of one year or more is probably reasonable, given the complexity and magnitude of the task.

2. Consider allowing more time between meetings:

The CCRSG held two-day plenary meetings approximately every month. This frequency required the MLPA I-Team, SAT, and DFG to perform a wide range of tasks and work products under substantial time pressure. It also did not provide adequate time for many CCRSG members to adequately prepare for meetings (review materials, caucus, develop proposals) in advance. Designers of subsequent RSGs

should consider whether a slightly longer time frame between plenary sessions (e.g., six weeks) would better serve staff and members alike.

3. Carefully reevaluate budget needs in light of central coast project experience and future RSG process design:

The Central Coast Project cost approximately \$2.75 million to staff and run. While this is less expensive than the Channel Island MPA process (which apparently cost \$4.25 million)²⁹, the CCRSG was still not inexpensive compared to other similar stakeholder processes. Those putting together subsequent RSGs should carefully examine the expenses for the CCRSG process, and consider ways to streamline the process and reduce costs where possible. At the same time, designers must analyze the likely costs, given the specifics of the new study region and the processes to be used. Among important considerations affecting costs will be the complexity of interests involved; the costs required to assemble, clean and make useful the available data; decisions about further data collection, and travel and meeting costs. Adding certain activities such as engaging facilitators earlier, or doing a more comprehensive socio-economic study, could add costs to future RSGs. Adapting tools developed during the CCRSG process instead of creating new tools, should also save money. Designers should also assess the relative cost-effectiveness of a longer process with more time between meetings versus a more compact but intensive process, similar to the CCRSG. In the end, it's not clear whether future RSG costs will go up or down, or remain similar to those for the CCRSG.

4. Seek state funding, diversified private funding, or both:

The CCRSG process was funded by the Resources Legacy Fund Foundation (RLFF) as state funding was not available. Using funding from the RLFF enabled the CCRSG to move forward, but was viewed with suspicion by some of the CCRSG members, particularly those supporting Package 1. These participants feared that RLFF's pro-environmental roots would bias the process in various ways. Others we interviewed did not agree. Obviously, if state funding is available for future RSGs this perceived conflict of interest by some would not be at issue. (However, one disadvantage of state funding might be reduced budgeting flexibility). If state money is not available for future processes, another way to dilute concerns about RLFF funding would be to seek diversified private funding from multiple foundations, corporations, and organizations. This money would still need to somehow be pooled and centrally managed.

²⁹ Email from John Kirlin, July 18.

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Appendix A: CCRSG Primary Stakeholders and Alternates (November 2005)

- 1. D'Anne Albers, Executive Director, Friends o the Sea Otter**
- 2. Rick Algert, Harbor Director, City of Morro Bay**
- 3. John Aliotti, Owner, Carmel Canyon Spot Prawns (alternate for David Crabbe)**
- 4. Don Canestro, Reserve Director, Ken Norris Rancho Marino Reserve, UC Santa Barbara**
- 5. Tom Capen, President, Port San Luis Commercial Fishermen's Association**
- 6. David Crabbe, Vice President, California Wetfish Producers Association**
- 7. Dr. Daniel Davis, Senior Software Engineer, Monterey Bay Aquarium Research Institute
(alternate for Milos Radakovich)**
- 8. Dave Edlund, Chair of Skindiving, Central California Council of Diving Clubs**
- 9. Howard Egan, Sanctuary Affairs Coordinator, Recreational Fishing Alliance**
- 10. Jay Elder, Harbormaster, Port San Luis (alternate for Rick Algert)**
- 11. Eric Endersby, Diving Representative, Recreational Fishing Alliance Advisory Board**
- 12. Ellen Faurot-Daniels, Oil Spill Supervisor, California Coastal Commission**
- 13. Ray Fields, President, The Abalone Farm**
- 14. Kaitilin Gaffney, Central Coast Program Manager, The Ocean Conservancy**
- 15. Neil Guglielmo, Member, Board of Directors, California Wetfish Producers Association**
- 16. Tom Hafer, President, South-Central Nearshore Trap Organization**
- 17. Bob Hather, Member, Board of Directors, Central Coast Fisheries Conservation Coalition**
- 18. Gordon Hensley, Executive Director, San Luis Obispo Coastkeeper**
- 19. Bob Humphrey, Director of Marine Resources, Central California Council of Diving Clubs
(alternate for Dave Edlund)**
- 20. Carol Jones, Co-owner, Tom's Sportfishing (alternate for Tom Mattusch)**
- 21. Michelle Knight, Vice President and Owner, Adventures by the Sea**
- 22. Kris Lindstrom, President, K. P. Lindstrom, Inc.**
- 23. Ron Massengill, recreational fisherman and conservationist**
- 24. Tom Mattusch, Owner, Hulicat Sportfishing**
- 25. Huff McGonigal, Environmental Policy Specialist, Monterey Bay National Marine Sanctuary
(alternate for Holly Price)**
- 26. Linda G. McIntyre, General Manager and Harbormaster, Moss Landing Harbor District
(alternate for Steve Scheiblaue)**
- 27. Josh Mendenhall, Moss Landing Manager, Monterey Bay Kayaks (alternate for Michelle Knight)**
- 28. Marla Morrissey, Conservation Chair, Marine Interest Group of San Luis Obispo County**
- 29. Thomas J. Moylan, Marine Sciences Pier Facility Manager, California Polytechnic University,
San Luis Obispo (alternate for Don Canestro)**

30. Darby Neil, Owner, Virg's Landing Sportfishing
31. Jeremiah O'Brien, President, Morro Bay Commercial Fishermen's Organization
32. Trudi O'Brien, Secretary, Morro Bay Commercial Fishermen's Organization (alternate for Jeremiah O'Brien)
33. Michael Osmond, Senior Project Officer, World Wildlife Fund (alternate for Robin Robinson)
34. Dr. John S. Pearce, Professor Emeritus, University of California at Santa Cruz
35. Holly Price, Resource Protection Coordinator, Monterey Bay National Marine Sanctuary
36. David Pritchett, Principal Wetland Scientist, Fixing Streams Habitats Technical Assistance Program (alternate for Marla Morrissey)
37. Milos Radakovich, coastal naturalist and educator
38. Glenn Richardson, Attorney Advisor, Vandenberg Air Force Base (alternate for Walter Schobel)
39. Mike Ricketts, President, Monterey Fishermen's Marketing Association
40. Robin V. Robinson, artistic community
41. Jesus Ruiz, California State Coordinator, National YMCA SCUBA Program
42. Eric Russell, Executive Director, Aquatic Protection Agency (alternate for Kris Lindstrom)
43. Gary Russell, Owner, Pacific Abalone Farms (alternate for Art Seavey)
44. Mark St. Angelo, YMCA diver (alternate for Jesus Ruiz)
45. Steve Scheiblaue, Harbormaster, City of Monterey
46. Walter Schobel, Flight Chief, Airspace and Offshore Management Flight, Vandenberg Air Force Base
47. Art Seavey, Partner, Monterey Abalone Company
48. Marc Shargel, Sea Life Photographer, Lumigenic Media (alternate for John Wolfe)
49. Steve Shimek, Executive Director, The Otter Project (alternate for D'Anne Albers)
50. Erin Simmons, Pacific Ecosystems Manager, The Ocean Conservancy (alternate for Kaitilin Gaffney)
51. Ben Sleeter, MLPA Advisor, Board of Directors, Coastside Fishing Club (alternate for Howard Egan)
52. Mike Stiller, President, Santa Cruz Commercial Fishermen's Association (alternate for Mike Ricketts)
53. Bill Ward, Director, Port San Luis Commercial Fishermen's Association (alternate for Tom Capen)
54. Jim Webb, President, Cambria Fishing Club (alternate for Bob Hather)
55. Dr. Steve Webster, Educator (alternate for Dr. John Pearce)
56. John Wolfe, Advanced Assessment Team Volunteer Diver, Reef Environmental Education Foundation

Appendix B: Interviews and Focus Groups³⁰

Package 1 Stakeholders

Lead Interviews:

Steve Scheiblauber, Harbormaster, City of Monterey
Howard Egan, Sanctuary Affairs Coordinator, Recreational Fishing Alliance

Package 1 Focus Groups

Rick Algert, Harbor Director, City of Morro Bay

Eric Endersby, Diving Representative, Recreational Fishing Alliance Advisory Board
Tom Hafer, President, South-Central Nearshore Trap Organization
Robert Hather, Member, Board of Directors, Central Coast Fisheries Conservation Coalition
Jeremiah O'Brien, President, Morro Bay Commercial Fishermen's Organization
Art Seavey, Partner, Monterey Abalone Company

Package 2 Stakeholders

Lead Interviews:

Kaitilin Gaffney, Central Coast Program Manager, The Ocean Conservancy
Steve Shimek, Executive Director, The Otter Project (alternate for D'Anne Albers)

Package 2 Focus Groups

Marla Morrissey, Conservation Chair, Marine Interest Group of San Luis Obispo County
Don Canestro, Reserve Director, Ken Norris Rancho Marino Reserve, UC Santa Barbara
Gordon Hensley, San Luis Obispo Coastkeepers
Ron Massengill, recreational fisherman and conservationist
Robin Robinson, artist community
John Wolfe, Advanced Assessment Team Volunteer Diver, Reef Environmental Educ..Foundation
D'Anne Albers, Executive Director, Friends of the Sea Otter

Package 3 Stakeholders

Lead Interviews:

John Pearse, Professor Emeritus, University of California at Santa Cruz
Michelle Knight, Vice President and Owner, Adventures by the Sea

Package 3 Focus Group

Ellen Faurot-Daniels, Oil Spill Supervisor, California Coastal Commission
Holly Price, Resource Protection Coordinator, Monterey Bay National Marine Sanctuary
Jim Webb, President, Cambria Fishing Club (alternate for Bob Hather)

Department of Fish and Game Focus Group

John Ugoretz
Paul Reilly
Paulo Serpa
Tony Warrington
Doug Huckins

Science Advisory Team Focus Group

Mark Carr, Department of Ecology and Evolutionary Biology, University of California, Santa Cruz
Rick Starr, University Extension, California Sea Grant Program
Mary Yoklavich, Southwest Fisheries Science Center, NOAA Fisheries
Dean Wendt, Center for Coastal Marine Science, California Polytechnic State University, San Luis Obispo

³⁰ Many, but not all, of these interviews and focus groups were conducted jointly with Mike Harty.

Blue Ribbon Task Force Interviews

Phil Isenberg, Chair, Isenberg and O'Haren

Doug Wheeler, Environmental Practice Group, Hogan & Hartson, LLP.(Washington DC)

Susan Golding, President and CEO, The Golding Group

Meg Caldwell, Director, Environmental & Natural Resources Law & Policy Program, Stanford Law School

Cathy Reheis-Boyd, Chief Operating Officer and Chief of Staff, Western States Petroleum Association (WSPA).

Statewide Interest Group (SIG) Focus Group

Zeke Grader, Pacific Coast Federation of Fishermen's Associates

Joel Greenberg, Recreational Fishing Alliance

Pam Heatherington, Marine Interests Group of San Luis Obispo

Dr. James Liu, United Pier and Shore Anglers of California

Tom Raftican, United Anglers of Southern California

Jesus Ruiz, YMCA SCUBA Program

Linda Sheehan, California Coastkeeper Alliance

Bill Janes, Commercial Fisherman

MLPA Initiative Team and Consultants/Facilitators

I-Team Focus Group

Amy Boone, Policy Analyst, MLPA Initiative

Rita Bunzel, Operations and Communications Manager, MLPA Initiative

Michael DeLapa, Central Coast Project Manager, MLPA Initiative

Evan Fox

Mary Gleason, Principal Planner, Central Coast Project, MLPA Initiative

John Kirlin, Executive Director, MLPA Initiative

Melissa Miller-Henson, Operations and Communications Manager, MLPA Initiative

Facilitators Focus Group

Scott McCreary, CONCUR

Eric Poncelet, CONCUR

Consultant Interviews

Don Maruska, Don Maruska and Company, Inc.

Kirk Strum, Strum and Associates

California Resource Agency Interviews

Secretary Mike Chrisman

Brian Baird, Assistant Secretary for Ocean and Coastal Policy

Other Interviews

Karen Garrison, NRDC

Appendix C: Online Survey Respondents

Don Canestro* Reserve Director, Ken Norris Rancho Marino Reserve, UC Santa Barbara
Dave Edlund, Chair of Skindiving, Central California Council of Diving Clubs
Kaitilin Gaffney*, Central Coast Program Manager, The Ocean Conservancy
Tom Hafer* President, South-Central Nearshore Trap Organization
Bob Hather*, Member, Board of Directors, Central Coast Fisheries Conservation Coalition
Gordon Hensley*, Executive Director, San Luis Obispo Coastkeeper
Bob Humphrey, Dir. of Marine Resources, Central CA Council of Diving Clubs (alternate)
Carol Jones, Co-owner, Tom's Sportfishing (alternate)
Michelle Knight*, Vice President and Owner, Adventures by the Sea
Kris Lindstrom, President, K. P. Lindstrom, Inc.
Ron Massengill*, recreational fisherman and conservationist
Tom Mattusch, Owner, Hulicat Sportfishing
Linda G. McIntyre, Gen. Manager & Harbormaster, Moss Landing Harbor District (alternate)
Marla Morrissey*, Conservation Chair, Marine Interest Group of San Luis Obispo County
Jeremiah O'Brien*, President, Morro Bay Commercial Fishermen's Organization
Trudi O'Brien, Secretary, Morro Bay Commercial Fishermen's Organization (alternate)
Dr. John S. Pearse*, Professor Emeritus, University of California at Santa Cruz
Robin V. Robinson* artistic community
Gary Russell, Owner, Pacific Abalone Farms (alternate)
Steve Scheiblaue*, Harbormaster, City of Monterey
Art Seavey*, Partner, Monterey Abalone Company
Marc Shargel, Sea Life Photographer, Lumigenic Media (alternate)
Steve Shimek*, Executive Director, The Otter Project (alternate)
Ben Sleeter, MLPA Advisor, Board of Directors, Coastside Fishing Club (alternate)
Jim Webb*, President, Cambria Fishing Club (alternate)

*** Also participated in interviews or focus groups.**

Appendix D: Statistics from Online Survey

Statistics From CA MLPA Survey																		
Raab Associates, Ltd.																		
		Responses (raw, percentage):										Standard		Total				
Questio	Topic	Scale	1	2	3	4	5	6	Scale	Average	Deviation	Response						
5	CCRSO Composition	Poorly Balanced	3	12%	5	2%	8	32%	5	20%	2	8%	2	8%	Well Balanced	3.16	1.40	25
6	CCRSO Size	Too Small	1	4%	0	0%	9	36%	7	28%	2	8%	6	24%	Too Large	4.08	1.35	25
7A	Groundrules	Very Unhelpful	1	4%	2	8%	3	12%	4	17%	6	25%	8	33%	Very Helpful	4.50	1.50	24
7B	Regional Goals	Very Unhelpful	2	8%	4	17%	5	21%	2	8%	8	33%	3	12%	Very Helpful	3.79	1.59	24
7C	Regional Objectives	Very Unhelpful	3	12%	5	21%	4	17%	3	12%	6	25%	3	12%	Very Helpful	3.54	1.67	24
7D	Regional Profile	Very Unhelpful	2	8%	4	17%	3	12%	5	21%	6	25%	4	17%	Very Helpful	3.88	1.60	24
7E	Individual MPAs	Very Unhelpful	2	8%	1	4%	4	17%	8	33%	3	12%	6	25%	Very Helpful	4.13	1.51	24
7F	Draft Packages	Very Unhelpful	2	8%	1	4%	3	12%	3	12%	10	42%	5	21%	Very Helpful	4.38	1.50	24
7G	Revised Draft Packages	Very Unhelpful	3	12%	1	4%	3	12%	4	17%	8	33%	5	21%	Very Helpful	4.17	1.63	24
9	Technical Information	Very Unhelpful	3	12%	3	12%	4	17%	3	12%	4	17%	7	29%	Very Helpful	3.96	1.81	24
10	CCRSO Timeframe	Too Short	7	28%	4	16%	10	40%	3	12%	0	0%	1	4%	Too Long	2.52	1.26	25
11	Level of Satisfaction Before BRTF Consideration	Very Unsatisfied	4	17%	1	4%	6	25%	8	33%	3	12%	2	8%	Very Satisfied	3.46	1.47	24
12	Level of Satisfaction With BRTF Recommendations	Very Unsatisfied	7	29%	4	17%	3	12%	5	21%	3	12%	2	8%	Very Satisfied	2.96	1.71	24
13	Clarity of BRTF Role	Very Unclear	6	25%	6	25%	4	17%	1	4%	3	12%	4	17%	Very Clear	3.04	1.85	24
14	Clarity of DFG Role	Very Unclear	3	12%	8	33%	4	17%	3	12%	0	0%	6	25%	Very Clear	3.29	1.81	24
15	Overall Satisfaction	Very Unsatisfied	7	29%	2	8%	3	12%	8	33%	4	17%	0	0%	Very Satisfied	3.00	1.53	24
16	Satisfaction Dependence on Final Fish & Game Decision	Very Dependent	9	38%	5	21%	2	8%	1	4%	3	12%	4	17%	Not at all Dependent	2.83	1.97	24

Appendix E: Multiple vs. Single Package Comments from Online Survey



8. I understood that the primary objective of the CCRSG process was to attempt to develop:	
1.	Ideally a single consensus package, realistically multiple packages that would be evaluated by the SAT, with the BRTF forwarding a preferred package.
2.	take develop off of your sentence and then I can finish it. That was the whole problem from the beginning. Everyone had this idea that that they are all gods and the keeper of the sea and we were to DEVELOP something. We were to discuss and anticipate what some MPAs would do to alleviate some of the problems we are having with the oceans (which by the way does not ALL stem out to fishing practices), we were to discuss the effectiveness of the areas already reserves and the like.
3.	Of course it was to create multiple packages, but the BRTF did not even know this until the process was at its very climax. John Kirilin tired to educate them (it was almost laughable watching him try) and they were so slow, it was almost impossible to get them to understand. They kept yelling at mainly the fishermen stakeholders that we would not reach consensus, but the process was never designed for only a consensus outcome. Consensus was always impossible.
4.	Although the law and the framework are clear that multiple packages were the goal of the process, the early stages of the RSG focused on the value of trying to come to some level of agreement. This made the goal a bit more ambiguous than the documents suggest.
5.	This is not either or. We were to create multiple packages AND try to build consensus around a single.
6.	Although alternative(s) plural, were discussed....the group drifted between packages from groups to a 'consensus' package. Both objectives were entertained at some times. I think there was a given about diverse packages, but hope for consensus, particularly a rushed pk.3 at the end (the compromise package), but okay, 2 had already been a compromise with regard to fishing impact considerations.
7.	multiple (alternative) packages is correct. I'm surprised that this needs a question, because it is so clearly stated in the Act and the MPF that our task to develop alternative MPA networks.
8.	Provide stakeholder input in implementing the goals of the MLPA.
9.	The answer to this question is, I don't know. I don't think that was clearly stated. It seemed that consensus was desirable but not explicitly stated as a goal.
10.	A single consensus package within our stakeholder group and there were at least two clear divisions in the "group" thus two packages, not three, four or more.
11.	To develop multiple packages and then to vote on them to identify the one package the most stakeholders agreed on.





Appendix F: Online Survey Questions and Responses

SurveyMonkey.com • The easiest way to create online surveys.






1. Your Name:		
Total Respondents		25
(skipped this question)		1




2. Your Email:		
Total Respondents		25
(skipped this question)		1

3. 1. I was a member of the CCRSG as a:			
		Response Percent	Response Total
Primary representative		64%	16
Alternate representative		36%	9
Total Respondents			25
(skipped this question)			1

4. 2. There were 7 two-day CCRSG plenary sessions. I attended at least portions of:			
		Response Percent	Response Total
0 None		0%	0
1		0%	0
2		0%	0
3		8%	2
4		12%	3
5		0%	0
6		36%	9
7 All		44%	11
Total Respondents			25
(skipped this question)			1

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5. 3. The following category best captures my affiliation:			
		Response Percent	Response Total
consumptive user (i.e., commercial and recreational fisherman, consumptive diver)		48%	12
non-consumptive user (non-consumptive kayaker or- diver, marine educator)		8%	2
public agency		4%	1
conservation group		16%	4
Other (please specify)		24%	6
Total Respondents			25
(skipped this question)			1

6. 4. My primary geographic area of use and interest along the central coast is:			
		Response Percent	Response Total
north of Point Sur		36%	9
south of Point Sur		16%	4
entire central coast		48%	12
Total Respondents			25
(skipped this question)			1

7. 5. Overall, I felt that the composition of stakeholder interests represented on the CCRSG was:							
	1 (Poorly Balanced)	2	3	4	5	6 (Well Balanced)	Response Average
Answer	12% (3)	20% (5)	32% (8)	20% (5)	8% (2)	8% (2)	3.16
Total Respondents							25
(skipped this question)							1




8. 5b. What would have made it more balanced?	
Total Respondents	19
(skipped this question)	7

9. 6. I felt that the overall group size of the CCRSG (i.e., number of primaries and alternates) was:							
	1 (Too Small)	2	3	4	5	6 (Too Large)	Response Average
Answer	4% (1)	0% (0)	36% (9)	28% (7)	8% (2)	24% (6)	4.08
Total Respondents							25
(skipped this question)							1

10. 6b. What would have been a better size?	
Total Respondents	18
(skipped this question)	8

11. 7. How helpful did you feel the following work products were in completing the overall work of the CCRSG?							
	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Response Total
Groundrules	4% (1)	8% (2)	12% (3)	17% (4)	25% (6)	33% (8)	24
Regional Goals	8% (2)	17% (4)	21% (5)	8% (2)	33% (8)	12% (3)	24
Regional Objectives/Design Consideratons	12% (3)	21% (5)	17% (4)	12% (3)	25% (6)	12% (3)	24
Regional Profile	8% (2)	17% (4)	12% (3)	21% (5)	25% (6)	17% (4)	24
Individual MPAs	8% (2)	4% (1)	17% (4)	33% (8)	12% (3)	25% (6)	24
Draft Packages	8% (2)	4% (1)	12% (3)	12% (3)	42% (10)	21% (5)	24
Revised Draft Packages	12% (3)	4% (1)	12% (3)	17% (4)	33% (8)	21% (5)	24
Total Respondents							24
(skipped this question)							2

12. 7b. What, if anything, would you recommend doing differently?	
Total Respondents	18
(skipped this question)	8

13. 8. I understood that the primary objective of the CCRSG process was to attempt to develop:			
		Response Percent	Response Total
Multiple packages of MPAs.		29.2%	7
A single consensus package of MPAs.		25%	6
Other (please specify)		45.8%	11
Total Respondents			24
(skipped this question)			2

14. 9. I felt that the technical information and analysis provided by the MLPA Initiative staff, the Department of Fish and Game, and the Master Plan Science Advisory Team during the course of the CCRSG process as we worked on forming packages of MPAs was							
	1 (Very Unhelpful)	2	3	4	5	6 (Very Helpful)	Response Average
Answer	12% (3)	12% (3)	17% (4)	12% (3)	17% (4)	29% (7)	3.96
Total Respondents							24
(skipped this question)							2

15. 9b. What, if anything, would you recommend to improve technical information and analysis?	
Total Respondents	21
(skipped this question)	5

16. 10. I felt that the length of time for the entire CCRSG process (approximately seven months from our first plenary meeting in June 2005 to our last plenary meeting in December 2005) was:							
	1 (Too Short)	2	3	4	5	6 (Too Long)	Response Average
Answer:	28% (7)	16% (4)	40% (10)	12% (3)	0% (0)	4% (1)	2.52
Total Respondents							25
(skipped this question)							1

17. 10b. What, if any, would have been a better timeframe in which to complete the work of the CCRSG?	
Total Respondents	20
(skipped this question)	6

18. 11. My overall level of satisfaction with the CCRSG process to develop MPA packages, before those packages were considered by the BRTF, can best be characterized as:							
	1 (Very Unsatisfied)	2	3	4	5	6 (Very Satisfied)	Response Average
Answer:	17% (4)	4% (1)	25% (6)	33% (8)	12% (3)	8% (2)	3.46
Total Respondents							24
(skipped this question)							2

19. 11b. What, if anything, would have made you more satisfied with the CCRSG package development process?	
Total Respondents	18
(skipped this question)	8

20. 12. How satisfied are you with the Blue Ribbon Task Force's final recommendations to the Department of Fish and Game?							
	1 (Very Unsatisfied)	2	3	4	5	6 (Very Satisfied)	Response Average
Answer:	29% (7)	17% (4)	12% (3)	21% (5)	12% (3)	8% (2)	2.96
Total Respondents							24
(skipped this question)							2

21. 12b. What would have made you more satisfied?	
Total Respondents	20
(skipped this question)	6

22. 13. Thinking back to the outset of the CCRSG process, how clear was your understanding of the way in which the Blue Ribbon Task Force was going to review and then make recommendations to the Department of Fish and Game on the MPA packages developed initially by stakeholders?

	1 (Very Unclear)	2	3	4	5	6 (Very Clear)	Response Average
Answer:	25% (6)	25% (6)	17% (4)	4% (1)	12% (3)	17% (4)	3.04
Total Respondents							24
(skipped this question)							2

23. 13b. What, if anything, would have made it clearer?

Total Respondents	13
(skipped this question)	13

24. 14. Thinking back to the outset of the CCRSG process, how clear was your understanding of the way in which the Department of Fish and Game staff was going to review and then make recommendations to the Fish and Game Commission on the MPA packages developed initially by stakeholders?

	1 (Very Unclear)	2	3	4	5	6 (Very Clear)	Response Average
Answer:	12% (3)	33% (8)	17% (4)	12% (3)	0% (0)	25% (6)	3.29
Total Respondents							24
(skipped this question)							2

25. 14b. What, if anything, would have made it clearer?




Total Respondents	14
(skipped this question)	12

26. 15. Recognizing that the Fish and Game Commission has not yet received the Department of Fish and Game's recommendations nor made a final decision about MPAs along the central coast, how satisfied are you with the overall process to develop MPA packages?							
	1 (Very Unsatisfied)	2	3	4	5	6 (Very Satisfied)	Response Average
Answer:	29% (7)	8% (2)	12% (3)	33% (8)	17% (4)	0% (0)	3.00
Total Respondents							24
(skipped this question)							2




27. 15b. What changes would have improved your overall satisfaction?	
Total Respondents	17
(skipped this question)	9

28. 16. To what degree is your overall level of satisfaction with the central coast effort dependent on the final outcome at the Fish and Game Commission?							
	1 (Very Dependent)	2	3	4	5	6 (Not at all Dependent)	Response Average
Answer:	38% (9)	21% (5)	8% (2)	4% (1)	12% (3)	17% (4)	2.83
Total Respondents							24
(skipped this question)							2

29. 16b. What would need to happen at the Fish and Game Commission to improve your overall satisfaction with the Central Coast process?	
Total Respondents	22
(skipped this question)	4

30. Please list 3 things you would suggest doing similarly in subsequent processes:			
		Response Percent	Response Total
1		100%	18
2		88.9%	16
3		61.1%	11
Total Respondents			18
(skipped this question)			8

31. Provide additional similar things or comments:	
Total Respondents	8
(skipped this question)	18

32. Please list 3 things you would do differently			
		Response Percent	Response Total
1		100%	18
2		94.4%	17
3		88.9%	16
Total Respondents			18
(skipped this question)			8

33. Provide additional different things or comments:	
Total Respondents	10
(skipped this question)	16

34. 18. Please provide any additional comments you would like to share with the evaluators	
Total Respondents	14
(skipped this question)	12

Marine Life Protection Act Initiative Central Coast Project



FACILITATOR'S REPORT

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Executive Summary

This report reviews our experience as the primary facilitators of the Central Coast Project Regional Stakeholder Group (CCRSG) convened as part of the Marine Life Protection Act (MLPA) Initiative. It covers work conducted with the CCRSG from May 2005 through December 2005, as well as follow-up work conducted through the spring of 2006.

The report is organized chronologically. In it, we recap the approach we brought to the project, the results achieved, and key lessons learned. We also include commentary on specific process challenges faced and our strategies for addressing them. We finish with key recommendations for process modifications. Our focus is on issues of greatest interest to the designers of future Marine Protected Area (MPA) designation processes.

This report is intended very much as a first person narrative; we anticipate that it will be complemented by other reports prepared as part of the MLPA Initiative Lessons Learned Project.

Key Elements of the MLPA Initiative Process and Challenges Faced

This project had several distinct features relative to our other experience mediating and facilitating collaborative efforts to address complex environmental policy issues. First, the MLPA Initiative Central Coast Project came on the heels of two previous efforts to implement the MLPA that had not been successfully realized. As such, many of the stakeholders entered the process with preconceived notions of how the project would operate. Second, the CCRSG process was operating under a relatively short seven-month time frame that presented informational, logistical, and time-management challenges to stakeholders and support staff alike. Third, much of the technical information to support the CCRSG's deliberations (e.g., the regional profile, assessment of existing MPAs, socioeconomic analysis, GIS-based decision support tool, and the methodology for evaluating MPAs and MPA networks) was being developed concurrent to the CCRSG process. This required flexibility and nimbleness on the part of all.

Lastly, several of the key process design decisions had been made before CONCUR entered the project. These were specified either by the enabling legislation (the MLPA), the MLPA Master Plan Framework (MPF), the memorandum of understanding developed for the principal parties, or administrative policy decisions. These included decisions regarding CCRSG recruitment, composition, and group size; the charge that the CCRSG produce a suite of alternative MPA packages rather than a single consensus MPA package proposal; and the roles and relationships between the CCRSG and other bodies in the MLPA Initiative process, including the MLPA Blue Ribbon Task Force (BRTF), the Master Plan Science Advisory Team (SAT), the California Department of Fish and Game (DFG), and the California Fish and Game Commission (Commission). Some proved to be quite challenging. For example, some of the CCRSG members came into the deliberations expecting not mutual gains bargaining but "battles" to be won or lost. Additionally, the transition between the CCRSG and BRTF processes was not well defined. This led to confusion over how the

alternative MPA packages developed by the CCRSG might evolve once they entered the domain of the BRTF.

Key Process Decisions

Several key process choices significantly influenced the CCRSG process.

- **Robust staff support.** From our perspective, the project conveners assembled an exceptional group of MLPA Initiative staff members (the I-Team) to support the Central Coast Project. The I-Team was characterized by robust policy, technical, process, and administrative expertise, outstanding commitment to the objectives of the initiative, and a “can do” attitude. CONCUR was an integral member of the I-Team and worked closely with all of the other members. The I-Team operated in a remarkably integrated fashion, manifested by weekly strategic planning teleconferences, monthly CCRSG preparatory meetings, a dynamic document review process which included all I-Team members, and the use of a list-serve in which all I-Team members were copied on nearly all transmittals. While the effort to stay on top of the many I-Team activities was significant, we found the quality and responsiveness of I-Team work to play a major role in the success of the CCRSG process.
- **Informative stakeholder assessment.** In the weeks before convening the first CCRSG meeting, we conducted a stakeholder assessment that included nearly all of the primary CCRSG members. We found CCRSG members to be very willing to talk and appreciative of the in-person introduction, the chance to learn more about the process, and the opportunity to air their potential concerns. Key concerns included a caution about possible stakeholder tactics that might be used to slow or derail the project, confusion over the role of the CCRSG relative to the BRTF, the SAT, and the Commission, and concerns that the timeline for the CCRSG process was overly ambitious. We relied on the assessment throughout the CCRSG process to inform process and planning decisions.
- **Responsive ground rules adopted and enforced.** The process of creating and adopting process ground rules was particularly important in the Central Coast Project. We used the ground rules to address CCRSG member concerns, such as media contact and decision rules. We also placed a premium on successfully adopting the ground rules at the first CCRSG meeting (which we did), and we were active in enforcing the ground rules, at times engaging the assistance of I-Team members or the stakeholders themselves.
- **Ongoing strategic planning.** The Central Coast Project was characterized by significant levels of I-Team strategic planning. Over the course of the project, we also developed the process of crafting detailed “game plans” for future meetings that, in a very detailed fashion, laid out the goals, sequence of events, and I-Team roles for individual meetings, as well as contingency plans for responding to stumbling blocks that might arise.

- **Targeted use of straw voting to track levels of support and bases for objection.** To assist CCRSG development of regional goals and objectives, and to support CCRSG development and assessment of MPA packages, we established several detailed straw voting processes. We relied on both oral votes and paper ballots and crafted questions to elicit CCRSG views, preferences, and concerns. We found these straw-voting processes to play a critical part in sustaining momentum and building agreement in the CCRSG deliberations.

Key Recommendations for Process Modifications

From our perspective, the CCRSG process was characterized by significant investments of time, energy, creativity, and good will on the part of the CCRSG members, the I-Team, the SAT, and the BRTF. On the whole, the CCRSG accomplished the goals it set for itself at the beginning of the process. Nevertheless, we can envision several alternate choices in process architecture and individual process choices that may lead to the more efficient production of work products. Many of these recommendations are made possible by the work products and tools developed in the Central Coast Project. Key recommendations are as follows:

1. Conduct an initial round of stakeholder interviews well in advance of convening the next regional stakeholder group (RSG). Use the results of the interviews to inform the recruitment of RSG members, the pacing of work products, and the nature of upfront analytic work. Then, conduct a second, targeted round of stakeholder interviews with appointed primary RSG members who were not interviewed in the first round.
2. Place upfront emphasis on recruiting individuals committed to use a mutual gains bargaining approach, and bringing a regional (and not just local) perspective to the task of MPA package creation. At a minimum, this means a commitment to building integrative solutions. At best, it means working hard to come up with a single consensus recommendation.
3. Provide more explicit incentives and a clearer expectation for stakeholders to converge on an agreed-upon package, with the expectation that they will come up with multiple MPA packages and then rank them as a step toward converging on a single package. It is not an unreasonable expectation that the stakeholder group could come to support a single package that most successfully integrates the interests of multiple stakeholder groups. Several structural adjustments and incentives could make this more likely. Perhaps the most important would be a commitment that a consensus RSG MPA package, informed by robust DFG input, would very likely be the DFG preferred alternative that would be forwarded to the Commission for decision. This in turn would probably entail DFG staff to be more active negotiating participants in the RSG.
4. Establish a crisp and comprehensive terms of reference for the SAT. Address issues such as disciplinary coverage, dealing with real and apparent conflicts of

interest, methods of deliberation, and nature of the interface with the RSG and the BRTF.

5. Provide timely access to solid biological and socioeconomic data, and introduce the rationale and logic of the MPA evaluative criteria much earlier in the process.
6. Consider the merits of spacing RSG meetings at 6-week intervals to allow more extensive interim analytical work and work team meetings.
7. Structure main RSG meetings largely as plenary meetings, and convene them in alternating parts of the region to accommodate different stakeholders. Convene interim work team meetings in particular subregions to focus on subregion-specific issues and concerns.
8. Ensure that the GIS-based decision support tool, or its analog, is fully functional and available in advance of convening the first work session on MPA delineation.
9. Provide stakeholders with a clearer blueprint of the look/feel of the final work product.
10. Streamline the creation of regional objectives to better reflect their actual role in the delineation of MPA packages (we found them to play much less of a role than SAT guidance on MPA size, spacing, and habitat representation). Future regional objectives could conceivably effectively build off of the central coast objectives.
11. Increase support for stakeholder caucusing within and across interest groups (both in meetings and during interim work sessions).
12. Structure meeting agendas to provide greater opportunities for robust dialogue and exchange of information and views between the RSG and the SAT.
13. Clarify early in the process the BRTF's role relative to the RSG's alternative MPA packages and the BRTF charge to select a preferred alternative. Consider bounding the role of the BRTF with regard to MPA package development to reviewing and offering comments on RSG-derived packages, and identifying a preferred alternative without hybridizing or amending RSG packages.
14. Adjust the schedule and process design so that the full RSG is still intact when the BRTF reviews candidate alternatives.
15. Continue to derive lessons learned, and "go to school" on this and later regional processes. Explicitly document process choices, results, and the apparent causes of success or shortcoming, and continue refining the approach.

FACILITATOR'S REPORT

I. Introduction

This report reviews our experience as the primary facilitators of the Central Coast Regional Stakeholder Group (CCRSG) under the Marine Life Protection Act (MLPA) Initiative. It covers work conducted with the CCRSG from May 2005 through December 2005, as well as follow up work conducted through the spring of 2006. In this document, we aim to recap the approach we brought to the project as well as the results achieved. We include commentary on the strategies we used and the challenges we faced. We also focus our attention on those topics we believe to be of greatest interest to the designers and implementers of future MPA designation processes. This report is intended very much as a first person narrative; we anticipate that it will be complemented by other reports prepared as part of the MLPA Initiative Lessons Learned Project.

We also want to observe that much of our work as facilitators was closely coordinated with and indeed integral to the broader efforts of the MLPA Initiative-Team (I-Team). See Appendix A for a list of I-Team members. Many of our process choices, once the CCRSG effort got underway, were developed with the I-Team; conversely, CONCUR filled an important strategic planning role for the I-Team in addition to our in-meeting facilitation. Our narrative tries to capture this dynamic. In particular, we worked very closely with MLPA Project Director Michael DeLapa and Executive Director John Kirlin, conferring on almost a daily basis. We conferred almost as frequently with Senior Planner Mary Gleason, DFG MLPA Coordinator John Ugoretz, Strategic Planning Consultant Don Maruska, and Central Coast Outreach Coordinator Kirk Sturm.

This account of events and observations presented here is the responsibility of CONCUR. (Note: We did discuss some of these themes in a “lessons learned” meeting with the full I-Team and in our interview with process evaluators Jonathan Raab and Michael Harty. We have elected to include here selected observations from our I-Team colleagues.)

Three overarching considerations guided our work. First, we stressed that our stance in the project was that of a neutral, nonpartisan. We were not invested in any particular substantive outcome. Rather, we were focused on developing work products consistent with the guidance of the MLPA and the MLPA Master Plan Framework (MPF). Second, we worked hard to be guardians of a process that was viewed as fair, transparent, and accountable. Third, we were committed to working with other members of the I-Team to help the CCRSG to meet the aggressive seven-month timeline stepped out for its work products. We also brought a strong sensibility (and academic background) in marine policy and marine resources management to this work. This enabled us to pay close attention to both the substantive science and policy issues under discussion to ensure that the CCRSG's deliberations were well informed, understandable, and relevant to the policy charge.

Organization of This Report

This report is organized into eight sections:

- I. Introduction (this section)
- II. Preparation – Stakeholder Assessment
- III. Initial Process Design – Structure and Organization
- IV. Early Work Products and Process Decisions
- V. Joint Fact-Finding and Science Advising
- VI. Regional Goals, Objectives and Design Considerations
- VII. Development of MPAs and Alternate MPA Networks
- VIII. Reflections on Overall Results and Outcomes

Also included here are eight appendices:

- A. List of I-Team members
- B. Interview Instrument for Stakeholder Assessment
- C. Stakeholder Assessment Memorandum
- D. Summary of Key Process Choices and Results Achieved
- E. Adopted Ground Rules
- F. Game Plan Documents
- G. Adopted Regional Objectives
- H. Comparison of Key Challenges Faced in the Channel Islands Marine Reserve Working Group and Approach Used in Facilitating the CCRSG

II. Preparation – Stakeholder Assessment

A. Approach

A core element of CONCUR's method of practice is to conduct an upfront assessment of stakeholders before we begin to convene and facilitate a multi-interest group of stakeholders. Stakeholder assessments are built around a series of interviews, ideally conducted in person. They are aimed at exploring the interests parties bring to the table, issues they find salient, concerns about the process, important information about past professional relationships with other stakeholders, and other advice they care to offer. Although CONCUR was brought on board only one month before the first scheduled CCRSG meeting (under contract with Marine Life Protection Act Initiative on May 1, 2005; first meeting on June 8-9, 2005), we recommended that we undertake in-person interviews. Our I-Team colleagues agreed.

We strive to follow a consistent procedure in carrying out stakeholder assessments. We treat the specific comments in the interviews as confidential, and we summarize the results in a synthesis memorandum that sums up our findings but does not attribute quotes to individuals. We work from a preliminary set of interview questions but give ourselves the flexibility to pose follow-up questions, or to address the questions in a slightly different order, to enable a natural flow of conversation. (The list of interview questions used in the CCRSG effort is shown in Appendix B). We then draft a report outlining our key findings, maintaining confidentiality, and share it with the stakeholders.

In bringing this method to the Central Coast project, we were able to implement most of the elements of our approach, although the timeline was a bit more accelerated than we might have preferred. We arranged our time to begin our discussions in the south, beginning in Morro Bay, proceeding to Cambria, and then working our way up the coast to Monterey and Santa Cruz. We also took steps to include Outreach Coordinator Kirk Sturm in the southern interviews, as Kirk had a collegial prior relationship with several of the CCRSG members. This had the additional benefit of giving us a chance to begin building our intra-team relationships. Overall, we found the effort extremely worthwhile and informative.

We interviewed thirty-one primary members of the CCRSG. Twenty of the interviews were conducted in person; the rest were conducted by telephone. We did not interview alternate members. Our interviews ranged from 40 minutes to two hours in length, with most running a bit over an hour. In general, we found CCRSG members to be very willing to talk and appreciative of the in-person introduction, the chance to learn more about the process, and the opportunity to air their potential concerns. We were also struck by the significant number of questions and concerns appointed members had about the CCRSG and its relationship to the MLPA Master Plan Science Advisory Team (SAT) and MLPA Blue Ribbon Task Force (BRTF).

We summarized our findings in an 8-page assessment memorandum (Appendix C). Upon re-reading it, we see that the document was a very valuable guide as we entered the process. Without a doubt, the assessment helped us as facilitators and other

members of the I-Team anticipate and respond to many (though not all) of the challenges that later arose in the CCRSG process. Key examples are described in the section below.

B. Key Findings of Stakeholder Assessment

Finding: Participation.

Several appointees cautioned us to watch for tactics that could slow or derail the process. These could include: a tendency to “wordsmith” obsessively; inclinations to revisit the text of the MLPA or the MPF; tendencies to request more information to cause delay; confrontational, oppositional styles of engagement; entrenched positions; and supporting litigation as a means to block implementation of the results of the Initiative. Respondents urged the facilitation team to exercise strong direction and guidance of meetings to avoid these tactics and instead help the full group to sustain its momentum.

Comment: We took this advice very seriously, as did other members of the I-Team. In particular, we re-directed questions that raised issues about the MLPA itself or the BRTF to be addressed by Executive Director John Kirlin and, in some cases, BRTF Chair Phil Issenberg.

Finding: Intended Goals of MLPA and Roles of Respective Participating Groups.

Many respondents expressed confusion or lack of clarity over the role of the CCRSG relative to the SAT, the BRTF, DFG, and the Fish and Game Commission. Some of these respondents were also concerned about the relationship between the CCRSG and the MPF. Still others were confused about the role and selection of alternates. Nearly all of the respondents requested that the MLPA Initiative staff provide additional role clarification along these lines.

Comment: The questions posed in the interviews helped the I-Team anticipate potentially confusing aspects of the process design as well as occasional “pushback.” Some of the questions of respective roles of the respective groups raised in these findings remained salient throughout the CCRSG process. Although the role of the SAT became clearer as members presented briefings and evaluated draft packages, the ultimate role of the BRTF did not come into clear focus until early 2006.

Finding: Schedule and timeline.

Nearly all respondents noted that the timeline was ambitious. Many expressed the concern that the CCRSG would not have enough time to complete its stated goals. Several of these same participants, however, also acknowledged that the compressed time frame might also be an asset by serving to focus people's attention. Others expressed the view that the aggressive timeline may be just what the process needs. Some of these respondents recommended developing a clear work plan with steps and milestones well laid out and revisiting this work plan periodically.

Comment: At the first CCRSG meeting, we did present a work plan with detailed milestones. The question of the aggressive timeline came up as one of the concerns and periodically throughout the process. In the end, the pacing was at times an asset and at other times a hindrance.

III. Initial Process Design – Structure and Organization

A. Background

“Process design” refers to establishing: the structure, format, and sequence of meetings in a collaborative effort; the extent of fact-finding; the respective roles of policy-level decision makers, stakeholders, advisors, scientists and technical experts; and the broad outlines of the work products the actors in a collaborative process are asked to generate.

Usually, when CONCUR enters a collaborative process as a facilitator or mediator, we have a substantial role in the design of the process, based in part on a critical up-front stakeholder assessment step. In the Central Coast Project, the assessment was vital in helping establish relationships with stakeholders, anticipate issues, and plan strategically, but it was not so central in overall process design.

In this instance, substantial amounts of the process had already been designed. Certain elements of the process design were specified in the enabling legislation, the MLPA. Other elements of the “project design architecture” were further established by the memorandum of understanding (MOU) or the MPF. These were supplemented as well by decisions made by senior I-Team leadership, the BRTF, and managerial staff of DFG before CONCUR came on board.

Among the key process decisions made prior to CONCUR’s involvement in the project were:

1. CCRSG recruitment, composition, and group size.
2. The charge that the CCRSG produce a suite of alternative MPA packages rather than a single consensus MPA proposal.
3. The CCRSG is not the final decision-making body. The CCRSG (along with the SAT) is serving in an advisory capacity to the BRTF, which is, in turn, serving in an advisory capacity to CDFG and the Commission. The Commission is the ultimate decision-maker.
4. The MLPA calls for the use of the “best readily available science” in designing and managing MPAs (recognizing that the MLPA has a timeline, and awaiting additional research results is not a practical option).
5. The CCRSG meetings would be structured to include a combination of plenary and north/south breakout meetings.

We agreed, upon being retained by the executive director of the MLPA Initiative, that we would have the opportunity for frequent strategic planning discussions to take stock of process steps and make recommendations for revisions. In fact, this review and taking stock activity was exceptionally inclusive (of I-Team members) and robust in the Central Coast Project.

B. Process Structure and Organization

1. Convening Organizations

Most collaborative processes on complex public policy issues are initiated by a convening organization. Such a convenor calls parties together, articulates the charge, provides resources, and often receives the work product or transmits it on to a decision-making agency. Sometimes, the convening organization is a single public agency. In other cases, it is a consortium of key agencies and interest groups. In still other cases, it is a consortium of agency staff and private contractors. In the MLPA Initiative, CDFG staff, together with MLPA Initiative staff (collectively known as the “I-Team”), constituted the “convening organization” for the purposes of the CCRSG.

2. I-Team Operation

From our perspective, the project conveners assembled an exceptional group of MLPA Initiative staff members (the I-Team) to support the Central Coast Project. Composed of approximately 15 members, the I-Team was characterized by robust policy, technical, process, and administrative expertise, outstanding commitment to the objectives of the initiative, and a “can do” attitude. The I-Team operated in a highly integrated fashion, manifested by weekly strategic planning teleconferences, monthly CCRSG preparatory meetings, a dynamic document review process which included all I-Team members, and the use of a list server in which all I-Team members were copied on most transmittals. For I-Team members, there was an almost constant need to process information, weigh the relative importance of particular pieces of information, and choose whether or not to engage.

We found that the quality and responsiveness of I-Team work played a major role in the success of the CCRSG process.

3. CCRSG Recruitment, Composition and Group Size

The CCRSG included 32 primary members and 24 alternates. Members were recruited using an application process managed by the CDFG and MLPA Initiative staff. I-Team staff described the size of the CCRSG as a balance between robust stakeholder representation and process manageability.

Given the timing of our engagement by the initiative, CONCUR did not participate in either the establishment of the application or the applicant review and appointment process.

DFG staff and key members of the I-Team reviewed the CCRSG applications. Key considerations in the recruitment process included recruiting individuals knowledgeable about specific regional areas and who were viewed as capable representatives of commercial and recreational fishing communities,

conservation organizations, divers, ocean-related recreational businesses, governmental agencies, or research/education institutions. An overarching goal was to achieve diversity with respect to perspectives, expertise, interests, geographic distribution, and experience with past MLPA processes. Another goal was to achieve balanced representation among consumptive and non-consumptive resource users. Additional selection criteria included availability, ability to work collaboratively with other stakeholders, and access to a broad communications network.

One challenge faced was whether to specifically recruit for people with broad familiarity in the region, or alternatively, to seat representatives whose main concern is a very localized fishing spot or dive site.¹

Appointments were made jointly by the director of the CDFG and the chair of the BRTF. This appointment method strikes us as appropriate; it signals the seriousness of the process and importance of the task.

Many alternates regularly participated in the CCRSG meetings, as did several SAT members, the full I-Team, and a BRTF representative. As such, we were effectively facilitating a plenary group of about 60-70 people. Even with the plenary deliberations focused on the primary, this runs to the high-end of the size of stakeholder groups we have facilitated.

Upon reflection, we see a number of alternate choices that might have been made in convening the stakeholder group. Often, we find that there is a tradeoff between detailed local knowledge and the need to provide advice across a broader region. Accordingly, one choice would have been to give more weight to the ability to bring knowledge of the broad region, and to de-emphasize concern about a single localized area. Another choice would have been to recruit members of local communities who were not closely aligned with a specific fishing or conservation interest. Additionally, the I-Team could have asked for a more overt commitment to take the needs of other stakeholders and the greater region into account.

4. Configuring the CCRSG: A Unified CCRSG or Split North/South Groups?

One aspect of the process design that was a bit up in the air as we began the CCRSG process was the prospect of alternating and/or splitting meetings between northern and southern portions of the study areas. One early concept had been to essentially convene two replicates of each meeting, with the same core presentations, but then move toward detailed discussions of resource values and user needs in the respective north/south “subregions”. (Note: this was an early use of the term “subregion”; later we used “subregion” to mean one

¹ The I-Team heard pervasive concerns from the Pacific Grove-based Tide Pool Coalition—which applied to be a member of the CCRSG and was not selected—that not enough local representatives were included.

of seven geographic areas configured to display mapped information; see comment below). One driver for this arrangement was to tap and take advantage of local knowledge. A second was to keep the number of CCRSG members attending the meetings reasonably small. A third motivation was to help bring the dialogue to the local community that would benefit from and be impacted by MPAs, while a fourth was to reduce travel time for CCRSG members. As CCRSG members were being recruited, they were apparently told that this model would be used.

When CONCUR was brought on board, we believed the impetus for subregional meetings to be important, but initially recommended that this concept be reconsidered. We had three main factors in mind: (1) the charge was to create a package of MPAs for an entire study region, not two halves of a study region; (2) building MPA packages inherently requires tradeoffs, which are best made over the entire study area; and (3) some CCRSG members (especially those from the Monterey Bay National Marine Sanctuary and broad-scale environmental groups) would almost certainly want to attend both meetings, and so could be perceived to be stacking the deck a bit. We also noted that our experience with other large-scale natural resource issues (e.g. defining methods for water conservation in California agriculture) typically pull people from many diverse geographic regions.

Based on this discussion, the I-Team developed a hybrid concept. We began the CCRSG process with the understanding that we would initiate the effort in full plenary, meeting alternately in the northern and southern parts of the region. Then, by about the 3rd meeting the process would shift to a structure with alternating north and south meetings, each composed of about half of the CCRSG, to focus on subregion-specific issues. The group would then reconvene in plenary for its final two or so meetings to discuss MPA packages. It soon became apparent to I-Team members that the benefits of meeting in plenary outweighed the benefits of splitting the CCRSG into north/south groupings. We settled on a final meeting structure consisting of seven plenary meetings that alternated between northern and southern venues. We supplemented this by convening interim work team meetings either in the northern or southern parts of the region to address subregion-specific issues related to the development of regional goals and objectives, individual MPAs, and MPA packages.

**Comment on the Coining and Consistent Use of
Nomenclature: “Subregional Approach”**

We used the term “subregional” in two ways in the CCRSG process. In one usage, it referred to two halves of our study region: the “South” centered around Morro Bay and the “North” centered around Monterey. The second usage referred to slicing the study region into seven approximately equal portions to facilitate consistent display of mapped information.

(comment continued)

There was substantial discussion among the I-Team regarding the merits of using the subregional mapping approach to display information. Some felt that the subregion is a manageable scale for maps. Our senior environmental planner noted: “Subregions were simply more manageable on a map and for discussion. It was never considered necessary to have MPAs in each one.” Others expressed the concern that the subregional approach may have artificially driven the SAT analysis. Still others commented that the multiple use of the term subregional was confusing to stakeholders. One noted: “Stakeholders might have wondered how they relate to the north and south subregions or bioregions.”

5. Meeting Frequency

In our experience facilitating multistakeholder processes on complex issues, we find that scheduling plenary meetings on about a monthly basis offers several advantages. It enables stakeholders to remain focused, it provides predictability, and it still allows a reasonable amount of time for interim work by stakeholder work teams and technical staff.

In the CCRSG process, the stakeholder group met on a monthly basis. The interim periods were typically characterized by work team meetings and significant document preparation.

Given the overall timeline of the Central Coast Project, we found the monthly intervals to be appropriate. It is fairly obvious that convening more frequent meetings would have been infeasible from a logistics and staff energy standpoint. As it was, planning for and meeting monthly intervals became a kind of sprint.

For CCRSG members, as was the case for I-Team members, there was an almost constant need to process information and to assess whether and how best to engage in any particular issue or task.

If we were designing a new process from scratch, we might suggest a slightly longer interval between meetings—perhaps six weeks. This would allow for more interim analytical work; it would also allow for a more relaxed pace for interim work team meetings and caucuses.

Comment on the Effort Invested by CCRSG Members:

Overall, the effort invested by CCRSG members was very substantial. It included a minimum of two full days per month, and very likely much more to review materials or confer with colleagues.

Over the course of the seven meeting sequence, we saw a wide variation in the effort invested by individual CCRSG members. Some appeared to be working close to full time on the effort. Some of these were being compensated by their organizations, while others were not. We estimate that all told, the CCRSG collectively invested hundreds of hours of un-compensated volunteer time. We note that dedicated and tech-minded individuals like this might not be always available, especially from the fishing community.

We also note that this project used an approach typical of public policy collaborative processes. That is, stakeholder participants were compensated by the MLPA Initiative for their travel and expenses but not for their time.

IV. Early Work Products and Process Decisions

Our work with the CCRSG was characterized by numerous process decisions. Some of these were made in advance of the meetings, in regularly scheduled I-Team strategic planning discussions. Others were made during the CCRSG meetings, many in real time. Appendix D contains a summary of many of these process decisions. The sections below focus on several of these in particular: establishing ground rules, articulating policy “side boards” to guide the CCRSG discussion, and sequencing key work products. We also explore below the potential value of building in training in negotiation and mutual gains bargaining.

A. Ground Rules: Establishment, Adoption, and Enforcement

CONCUR’s approach to facilitation of multi-stakeholder processes rests on setting and enforcing ground rules. We approach the ground rules as a key foundational piece of work. In our view, ground rules establish a set of expectations and commitments that stakeholders make to each other in a collaborative process.

We used our experience in 40 other major multi-stakeholder efforts, advice received from I-Team staff, and suggestions put forward by our CCRSG members in the up-front interviews to craft draft ground rules. As part of the assessment interviews, we explicitly asked what ground rules CCRSG members would recommend. CCRSG members suggested about a dozen ideas in all, many of which were focused on two topics in particular: media contact, and decision rules.

1. Key Elements of the Ground Rules

Key ground rules involved the following topics:

a. Representation.

We proposed a ground rule stating that CCRSG members will commit to keeping their constituents informed and reporting back relevant feedback to the CCRSG.

b. Participation.

We proposed a ground rule stating that CCRSG discussions will focus on primary members at the CCRSG meetings. Facilitators may call on alternates at their discretion. Alternates can participate in work teams, but primary consideration is given to primary members.

c. Cooperation with SAT.

We proposed a ground rule stating that CCRSG members will work cooperatively with the SAT in the development of options and work products.

d. Media contact.

The media ground rule was interesting and challenging in several respects.

About half of the stakeholder assessment respondents commented on the need for a ground rule governing media contact. Several offered caution, describing accounts of past collaborative processes that had run into difficulties when participants began misrepresenting the process or each other's interests in the press.

Building on the assessment results, our overarching goal in crafting a media ground rule was to avoid two common pitfalls that can accompany media contact: (1) negotiating through the press; (2) broadcasting very tentative proposals before stakeholders have sufficient time to deliberate and consider these draft policy options. We considered a couple of options that varied in "stringency" relative to contact with the media. One option was to ask stakeholders to refrain from speaking to the media about the CCRSG process until the work was completed. A second option was to acknowledge that contact with media may be a part of the routine process of briefing constituents and ask CCRSG members to avoid prejudging final decisions or characterizing the interests or positions of others.

Drawing on the most common recommendation from the stakeholder interviews, we decided, as an I-Team, to propose the more stringent version. We anticipated, however, that we might get pushback on the original ground rule and perhaps find it impossible to enforce. This is indeed what happened, but we were also prepared to drop back to a more moderate ground rule.

The revised media ground rule stated:

- "In general, media contact regarding the project will be handled by MLPA staff.
- CCRSG members recognize the need to maintain a balance between providing timely information to constituents and making statements to the media that could undermine the success of the MLPA process. Appropriate topics for CCRSG members to address in speaking to the media include their own group's interests or where the CCRSG is in the MLPA process. CCRSG members agree to avoid: a) making statements to constituents or the media that may prejudice the project's outcome, b) speaking on behalf of another group's point of view or characterizing their motives, or c) stating positions on preliminary proposals while they are still in development or refinement by the CCRSG.
- CCRSG members are encouraged to refer requests for additional contacts to MLPA staff or the CCRSG contact list. If needed, the CCRSG may convene a multi-interest media subcommittee to work with MLPA staff to develop briefings for the media.
- In briefing constituents, CCRSG members are encouraged to rely primarily on the Key Outcomes Memoranda produced for the meetings."

The CCRSG adopted the revised ground rule.

e. Decision rule.

Another challenging ground rule dealt with the decision rule for adopting or otherwise concluding work on key CCRSG work products. Based on the advice of I-Team colleagues, the charge to produce multiple packages, and the oft-repeated guidance from our stakeholder interviews, we opted NOT to propose a definition of consensus that required *unanimity* of all CCRSG members. At the same time, it was apparent that a simple majoritarian decision rule would not be appropriate. Stakeholders noted here that a decision rule emphasizing “consensus seeking” could help address concerns about a lack of exact numerical parity among interest groups.

To help frame these choices, we reminded the CCRSG of their advice-giving role (reminding them that the Commission has the final decision making role). The ground rule on CCRSG decision rules states:

“In their advice-giving role, CCRSG members will strive to reach a high level of consensus in developing and advancing alternative proposals for MPAs. However, it is not the intent here to accord CCRSG members a de facto veto on substantive issues, but rather strive for an expression of proposals that earn broad support across CCRSG members’ interests. The objection of a few CCRSG members will not be grounds to impede movement.”

For two key work products—the ground rules and regional goals and objectives—we did strive for and achieve unanimity.

To track progress toward building broad-based agreement, we used straw votes. We also contemplated, early on, that we would use straw votes to test the sense of the group and to make interim process decisions.

That adopted text states:

“CCRSG members recognize the need to make simple process agreements to move the effort forward. CCRSG facilitators will use straw votes to track progress and help the group move forward in an efficient fashion.”

f. Multi-interest Work Teams.

CONCUR’s model of practice typically includes specific steps to foster cross-interest group work in both plenary sessions and smaller work groups.

Although not contemplated specifically in either the MPF or the communications that preceded appointment of the stakeholder group members, we chose to make the expectation for cross-interest work groups explicit. The ground rules state:

“DFG and MLPA Initiative staff expect that cross-interest work teams will be an essential way to develop constructive, integrative work products between and during CCRSG meetings. The aim of such work teams is to encourage multi-interest options and work products rather than work products put forward by a single bloc or interest group.”

Clearly, stating an expectation in a ground rule can have a beneficial effect.

Over the course of the CCRSG process, we convened over a half-dozen work team meetings. Some took place by teleconference, while others were in person. In-person meetings were convened in Monterey, for the northern stakeholders, or Morro Bay, for the southern stakeholders. Examples of work team tasks included producing recommendations for regional goals and objectives, and clarifying and narrowing the range of candidate MPAs.

We found the work team meetings to be valuable in several ways. First, they were important opportunities for stakeholders to clarify interests and brainstorm ideas. Second, we used them to advance work in between plenary meetings. For instance, we convened a work team to develop recommendations for eleven draft regional objectives that the CCRSG was not able to address during its August meeting. The work team produced broadly-supported recommendations for nine of these objectives plus multiple options for the last two. Third, the work team meetings provided key opportunities for stakeholders to share emerging questions and concerns with the ongoing process. The work team meetings stimulated a number of critical process modifications and innovations, including the conceptualization of “design considerations” and “implementation considerations” to accompany the regional goals and objectives, and the development of a “To Be Determined (TBD) Bin” to address outstanding issues of concern (e.g., water quality, marine mammals, safety).

Work teams were less successful, though, in creating integrated proposals to address “hot spot” issues. It had been our aspiration to use small work teams composed of key interested stakeholders to address user conflicts in high use areas. We found that getting work team members to converge around a single preferred option in these cases was quite difficult. The work teams were more comfortable producing a range of options to be considered by the full CCRSG.

2. Adoption of Ground rules at the First CCRSG Meeting

Based in part on advice from I-Team staff, and also based our experience in other similar projects, we viewed adoption of ground rules at the first CCRSG meeting as an absolutely essential step in running an effective CCRSG. It generated momentum for the Initiative. It also demonstrated our seriousness and skill as facilitators in guiding the (relatively large) CCRSG in the project.

The process we used to secure adoption of ground rules included introducing the expectation of the ground rules as a June meeting work product, introducing the purpose of ground rules as an essential first commitment the parties could make to the process and each other, and reviewing some of the most salient findings of the stakeholder interviews relative to ground rules. Then, we took questions and provided an interval of time for CCRSG members to propose revisions to the ground rules. We chose not to get into a word-by-word text review in plenary. Rather, we took the comments offline and worked with our I-Team colleagues to revise the text to respond to CCRSG comments. Then, on Day Two, we brought back the revised ground rules, walked through the revisions, and then asked for a show of hands for adoption. All CCRSG members raised their hands, signaling assent, marking the first agreement of the Central Coast Project. The Adopted Ground Rules are attached as Appendix E.

3. Enforcement of Ground Rules

We saw enforcement of ground rules as an essential step in upholding the seriousness of the process. We were very mindful of the need to deal with ground rule infractions and problems. We also recognized that not all of them could be dealt with in real time at the meetings. Often issues would be resolved offline.

CONCUR was the “front line” enforcement voice in plenary meetings of the CCRSG. Particularly after the somewhat difficult 2nd and 3rd meetings of the CCRSG process, we enlisted John Kirlin in specific offline outreach to CCRSG members who had “crossed the line.” Informal conversations with stakeholders also turned out to be an effective way in which MLPA staff let them know that the ground rules were to be taken seriously.

Case Example—Enforcement of Media Contact Ground Rule

Shortly, after the June 2005 meeting, a sportsman’s organization, the Western Outdoor News, characterized our media ground rule as a “gag order” in one of their newsletters. The author was reporting, based on the webcast, the text of the draft ground rule—one that was not in fact adopted by the CCRSG.

To set the record straight, we convened a multi-interest media work team to develop a clarifying response. Part of the reason we went to this effort was to demonstrate that the I-Team and the project put great weight on accurate reporting. We also wanted to reinforce our serious commitment to the ground rules as a whole.

B. Articulating Policy “Side Boards” to Guide the CCRSG Discussion

It was evident from our initial interviews that many CCRSG members had questions about the relationship between the MLPA Initiative and other ongoing developments in fisheries regulation and marine policy. Some members of the CCRSG, in the early meetings, seemed inclined to debate or re-interpret the MLPA, the MPF, the rockfish closure, or other recent expressions of DFG policy.

At some level, this concern was understandable and arguably justified. MPA designation for the whole central coast is, after all, a big topic. Absent another forum for deliberation, it is not surprising that the CCRSG would be the focus for such discussion.

From the I-Team’s standpoint, though, extensive discussion and second guessing of the MPF and was at least counterproductive and at worst a stalling tactic incompatible with our aggressive timeline.

The I-Team scheduled time early in the process to establish sideboards regarding the CCRSG’s role relative to the MLPA. When additional questions continued to arise regarding the CCRSG’s relationship to other policies and regulations, it became apparent that a more deliberate and authoritative approach was needed. The I-Team developed the strategy of preparing memoranda that set forth statements of existing policy. In some cases, these were drafted by policy analysts on the I-Team; in other cases, they were drafted by senior attorneys in the CDFG.

The basic point here is that, from the beginning, we recognized and deployed the capability of accurately interpreting, reporting, and using policy guidance to help shape the deliberations and propel them towards a conclusion.

C. Sequence of Key Work Products

As noted above, some of the most important process decisions were in regard to the question of the sequence of work products. At the first CCRSG meeting in June 2005, the I-Team clearly articulated the sequence of CCRSG work products:

- Regional goals and objectives
- Regional profile (for the study region)
- Profile of existing MPAs (including a gap analysis)
- MPAs (including goals/objectives of individual MPAs)
- Alternative MPA packages

The I-Team also described supplemental tasks, which would be more staff or consultant driven. These included:

- Analysis of socioeconomic impacts
- Monitoring and evaluation plan
- Enforcement plan
- Adaptive management strategy

D. Potential Value of Building in Training in Negotiation and Mutual Gains Bargaining

The task of building packages of potential MPAs is at some point a negotiation-based process, requiring offering proposals, give and take, making tradeoffs, and reaching small agreements. It was evident that CCRSG members brought a range of experience and personal style to their deliberations. In our view, there is an important negotiation-based component to this work that would benefit greatly from some shared understandings in mutual gains bargaining, the difference between interests and positions, distinctions between zero sum and integrative bargaining, making tradeoffs, ranking preferences, and caucusing with colleagues.

When CONCUR entered the process, it was clear to us that we were already on a very accelerated schedule, and there was no readily obvious block of time that might have been allocated to training in negotiation.

Absent a shared set of understandings to use mutual gains bargaining, and given the stakes involved and the array of cautions we had heard, it was not surprising that some CCRSG members resorted to very positional behavior. In particular, it was not surprising to us as facilitators to see the CCRSG members treat very small word choices as “battles” to be won or lost rather than as opportunities to seek and find common ground.

Some negotiators overtly brought an almost struggle-based conception of negotiation to the CCRSG deliberations, which put great weight on numerical parity between consumptive and non-consumptive representatives and approaching the straw votes as “battles.” In our view, this was highly counterproductive and should be avoided in future study regions by framing the work to be done as an opportunity for mutual gains bargaining.

It is also possible, as one of our I-Team colleagues has suggested, that formal negotiation training might have generated substantial push back. We nevertheless think that a more explicit effort to explain and reinforce mutual gains bargaining, right from the beginning of the recruitment process, would have been beneficial. While the concepts of principled negotiation and mutual gains bargaining may seem abstract at first, framing the incentives to come closer to agreement after the handoff to a BRTF policy level group would be an important component to build into future study regions.

V. JOINT FACT-FINDING AND SCIENCE ADVISING

The Central Coast Project was an intrinsically science-intensive enterprise. Each one of the core tasks -- identifying critical resources to be protected, delineating potential MPAs, taking stock of socioeconomic impacts, evaluating consistency with the MLPA and MPF, and the crafting of a coherent recommendation for packages of MPAs -- all call out for extensive amounts of “best readily available” information, made available in a timely way. This must be complemented with a strong effort to clearly convey and translate information into readily understandable forms and to be as transparent as possible about the key working assumptions and analytical methodologies used.

In many marine resource issues, there is a pervasive tendency for parties with different interests to bring “their” information to bear, often falling into a pattern we might call “advocacy science” or “adversary science.” It is not uncommon for one group of interests to recruit experts to support their position and perhaps attack the logic or methods of experts aligned with other interests.

An alternative formulation is the approach known as “joint fact-finding,” which rests fundamentally on a commitment to share and pool information, and make it readily accessible to participating stakeholders. A core concept in joint fact-finding is to foster a direct dialogue between scientists and other key stakeholders on scientific matters in question, to elevate the shared understanding of a problem, and to inform development of wise public policy. Other core elements of joint fact-finding including working with parties to frame the expertise needed to support policy discussions, framing questions for deliberation, receiving briefings on the results, ensuring clear “translation” of findings into a form understandable to lay people, and jointly discussing policy implications with scientific experts.

We bring a frame of joint fact-finding to our work as facilitators and find this frame useful to summarize and comment on the CCRSG process. In our view, the Central Coast project had many attributes of a joint fact-finding process. There were also a few junctures where adversary science cropped up. At the same time, there are some elements—such as crafting a clear and detailed Terms of Reference—that might have been given more attention.

This section of the report discusses important jointly-created work products, the recruitment and composition of the SAT, and the relationship between the SAT and the CCRSG. We also comment on the use of decision support tools and offer other comments on the integration of science advising in public policy.

A. Key Joint Fact-Finding Analyses

Joint fact-finding efforts in the Central Coast Project took a variety of forms. Key products of joint fact-finding efforts included the following:

1. Regional Profile

From a stakeholder process standpoint, completion of the Regional Profile made several important contributions to the overall Central Coast project. First, assembling the Regional Profile was a task that oriented CCRSG members to the technical aspects of the issues involved. Second, it presented an opportunity (but not one fully used) to tap local knowledge. In this respect, it probably fell short. Third, it reinforced the concept of using best readily available information, and it modeled the development of credible work products on a very timely basis.

While these are also virtues in the spirit of joint fact-finding, we suggest that it would be worth looking for ways to front load aspects of the Regional Profile preparation. For example, a first cut draft could be prepared in advance of the next RSG's first meeting and distributed with the strong message that it is only a first cut and needs substantial review by stakeholders before it is ready for to be used as a foundational tool.

Comment on Opportunity for Co-Developing Information

From our perspective, the CCRSG process would have benefited from additional opportunities for stakeholders to participate actively in joint fact-finding through the co-development of information. The Regional Profile is an example of a work product that might have benefited from more thorough stakeholder engagement.

As it was, the Regional Profile was primarily an I-Team-prepared synthesis. It certainly benefited from CCRSG review of draft versions, but the extent of stakeholder contributions was fairly limited. Stakeholders would like to have descriptive information on the study region presented and discussed, even though this information is also in the Regional Profile. We needed more of a group "fact-finding" effort during stakeholder meetings, rather than just soliciting comments on the Profile. Once the Profile was completed, we did not get the sense that it was read or used extensively.

The I-Team's Senior Planner (Mary Gleason) suggested that another pathway for co-developing information might have been to conduct a subregional "virtual" tour of study area-- spending time looking at and getting input on the GIS data more systematically as a plenary or breakout group effort during a stakeholder meeting. Such an effort would be educational for stakeholders and a good way to get additional qualitative information mapped. Of course, such a step requires considerable time and data resources.

(comment continued)

For the Regional Profile and other analytical building blocks of regional projects, there need to be good sideboards (about purpose and content) and a sound explanation for why we are completing each item. Future Regional Profiles would be an opportunity to introduce the subregional scale, which would then be used later in delineation of MPAs and packages.

Our view is that there is both strong educational value and building of legitimacy that occurs as stakeholders co-invent the synthesis of the best readily available information.

2. Socioeconomic Analysis Function: Ecotrust Analysis

The Central Coast project included an early commitment to evaluate the potential socioeconomic impact of MPAs and to give this information considerable weight as candidate packages of MPAs were being formulated.

One aspect of this analysis was a methodology carried out by the organization Ecotrust, which has considerable experience in forecasting possible socioeconomic impacts of potential fishery regulation. The intent of the analysis was to directly engage Central Coast commercial fishermen in identifying areas of greatest value, to aggregate this data in a fashion that would protect confidentiality, and to provide a synthesis in mapped format in time and at a scale useful to inform the delineation of candidate MPAs. A core element of the methodology was to give fishermen themselves the opportunities to identify the most important fishing grounds. In this, it was reasoned, MPAs could be configured to avoid the most valuable fishing grounds. The intent was for the Ecotrust analysis to become available in advance of, or at least concurrent with, the effort to map candidate MPAs.

Based on reports and comments we heard from CCRSG members, it appears that the Ecotrust analysis faced several challenges in its design or execution, which may have undermined its perceived credibility and utility in the Central Coast process. (Here, we stress that our comments are from the vantage point of deliberative process; we are not making observations or critiques on the methodology.) We heard at the first meeting in June 2005 that even the name “Ecotrust” was suspect in the eyes of some fishermen. The seating of an Ecotrust senior staff as a member on the SAT also raised concerns about potential “conflict of interest”, or at least role confusion.

Results from the Ecotrust interviews and analyses were not available to the CCRSG until the November meeting. Because of confidentiality concerns, only aggregated analyses were made available. All of these challenges undermined what could have been a very promising and innovative method, and in the end the Ecotrust data was only marginally accepted and had only limited use in the

process during CCRSG meetings. The Ecotrust analyses of maximum potential impacts on commercial fisheries were presented to the BRTF in evaluations of proposed packages of MPAs. The data are also being used by another contractor in the analyses of potential economic impacts of packages for the CEQA analyses.

3. Use of the Marine Protected Areas Decision Support Tool

The Marine Protected Areas Decision Support Tool (MPA-DST) was developed by IM Systems Group, Inc. in collaboration with MLPA Initiative staff, National MPA Center staff, MBNMS staff, and Marine Science Institute / UCSB staff. With this web-based decision support tool, users can view all (non-confidential) data layers, draw candidate MPA boundaries, assemble groups of candidate MPAs into packages, analyze data layers underlying candidate MPAs, and create reports on the amount of habitat or other features captured in candidate MPAs based on these analyses. Candidate MPAs could be “published” and shared with group members or kept private. The data layers in this tool included all of the habitat layers (hard and soft bottom by depth zone, canyons, kelp, eelgrass, estuaries, shoreline types, etc.), biodiversity hotspots for fish and seabirds, existing MPAs and fishery closure areas, and selected socioeconomic information.

The intent of the MPA-DST was to make available to CCRSG members a tool that could use to delineate a candidate MPA relative to known coordinates expressed in latitude and longitude and to quantify the extent of resources protected in that MPA and the proportion of habitat type protected. Each CCRSG member was provided with his/her own individual account. The I-Team developed both a tutorial and provided multiple GIS staff at CCRSG meetings so that CCRSG members could become conversant or facile with the tool.

The MPA-DST was still under development during the CCRSG process, and its operation generally proved to be too slow to use in a fast-paced work group setting during stakeholder meetings. It typically required about five minutes to identify, delineate, and save a candidate MPA, but this was significantly slower than the conversation used to specify each one. So, there was a fair amount of “waiting around for the tool to work.” However, at least a dozen stakeholders, and especially the package leads, used the tool extensively on their own time to generate the candidate MPA packages. The tool has since been refined to be much faster and should be more useful in a group setting in the next study region.

In addition to the decision support tool, stakeholders could interact with all of the same data layers on an Internet Mapping Service (IMS) site hosted at UCSB (www.marinemap.org/mlpa) that did not require as much technical expertise. The IMS site allowed users to access, view, query, and print maps of data layers using their internet browsers but did not have the functionality of the MPA-DST.

While the MPA-DST tool and the GIS staff support on this project were very good, our observation is that still better tools for viewing and analyzing the data, made available earlier in the process, might have aided the development of packages and the search for convergence. As well, such GIS-based tools require robust staffing. It remains to be seen whether more stakeholders will utilize these tool if it were made available earlier in the MPA delineation process.

B. Role of the SAT

While CONCUR was not directly involved in structuring, recruiting, or managing the SAT, we do have several observations and reflections on their work from our vantage point as CCRSG facilitators.

Given the science-intensive nature of the project, we see the role of the SAT as essential and ideally integral to the work of the CCRSG. We noted that much of the flow of fact-finding and scientific advice in this process was framed as the SAT giving advice to the CCRSG. This was true as the SAT offered briefings, reviewed the Regional Profile, developed a list of species likely to benefit from MPAs, and reviewed draft and revised versions of the candidate MPA packages.

In our view, the relationship between the SAT and the CCRSG evolved over the course of the seven-meeting CCRSG process, and it was shaped both by the method of engagement of individual SAT members, their briefings, their responses to questions, and their analysis of candidate MPA packages. The relationship continued to evolve through the ensuing BRTF meetings in early 2006.

In our initial stakeholder interviews, we posted specific questions to the CCRSG members about their perception of the SAT. As this excerpt from our Stakeholder Assessment shows, two different concerns were expressed at the outset:

- First, several participants questioned whether input from science advisors was being so constrained as to limit the meaningful contributions of scientific information to the MLPA process. One suggested, "Maybe there's been an over-adjustment from the push back that DFG got when it rolled out draft maps in Round 1 of the MLPA process". Many participants also expressed confusion as to the role of the SAT Sub-Team supporting the CCRSG effort. Many of the respondents supported the strategy of convening work teams composed of a mix of CCRSG and SAT members as a way of bolstering direct interaction among the stakeholders and science advisors.
- Second, many respondents (including a majority of the fishing representatives interviewed) expressed concerns that, on the whole, the SAT is not yet perceived as sufficiently objective. Among the concerns expressed were that some members of the SAT are overly inclined to view MPAs favorably as a central management tool (for reasons of professional advancement or an inclination towards environmental advocacy). Others observed that MPA "skeptics" and those with a strong grasp of socio-economic issues are underrepresented on the

SAT. A few of these respondents suggested that lack of stipends may be a factor contributing to a potentially skewed distribution of SAT participation. Some recommended making funds available to support the participation of other scientists, perhaps in a peer review role. Several of the respondents cautioned, however, that the CCRSG process avoid becoming a battleground between opposing scientists. To address this concern, several respondents recommended inviting presentations from scientists who have different perspectives from current SAT members.

Both sets of concerns arose again in the CCRSG deliberations, and we took steps to address both of them. With respect to the level of involvement of the SAT, we sent a signal of their active engagement by specifically seating 2-4 SAT members at the table at every CCRSG meeting. SAT members also contributed actively in several ways during the plenary CCRSG meetings. They provided updates on the status of SAT work products (such as the list of species of concern), they offered comments on the SAT perspective during the deliberations on regional goals and objectives, they developed and refined a methodology to help evaluate packages relative to the MLPA and Master Plan Framework, and they commented on the strengths and weaknesses of packages at several junctures.

SAT members also interacted actively with the CCRSG by providing concise briefings on their respective research specialties, and showing how this research informs the design of MPAs. In general, these presentations were informative and well received. At our August 2005 meeting, we ran late with our deliberations on goals and objectives and pushed the presentations into the dinner hour. This was not effective, as our CCRSG members were fatigued from the day's meeting. We found daytime presentations to be more effective.

The I-Team also took several steps to build the credibility of the SAT. The I-Team extended (and in some cases re-extended) invitations to scientists viewed positively by fishing interests to participate more actively in the project, either as SAT members or supplementary reviewers. None of these individuals joined the process in a formal capacity. Instead, several provided support to fishing community representatives as they developed candidate MPA packages. Additionally, we convened meetings between SAT members and stakeholders to review draft packages. This dialogue was direct and transparent, and it was greatly appreciated by CCRSG members.

Perhaps the most intensive dialogue between the CCRSG members (mainly package leads) and the SAT occurred after the full CCRSG concluded its work in December 2005. In particular, the I-Team created opportunities for the SAT to work directly with package proponents in December 2005 and January 2006 as packages were being refined. Additionally, at both the January and March BRTF meetings, there was a brief dialogue between the SAT evaluation team and the package proponents. From our facilitator perspective, it seemed that four SAT members--Mary Yoklavich, Mark Carr, Rick Starr, and Steve Gaines--carried the bulk of the evaluative work. Through their availability, style of engagement, and hard work, these main four individuals appeared to earn "capital" with the CCRSG and the fishing communities. They were very

approachable; they were not accused of advocating. They attracted relatively little criticism and responded in professional and even-handed manner to questions about their methods or analysis, and other criticisms that arose.

In hindsight, it is possible to envision that we could have designed agenda items to create an opportunity for a more robust dialogue between the SAT and CCRSG. We may want to look at this closely for future study regions. Additionally, as our I-Team colleagues have remarked, there has been a considerable investment in data gathering and synthesis in the Central Coast project that could leverage future MLPA Initiative efforts. While additional education will need to happen for BRTF and CCRSG in next process, a significant body of scientific information has been generated. The next step is to lock it in, review it, and see how it can be used in next process.

Comment on the Recruitment, Charge and Composition of the SAT

As we reflect on the Central Coast project along with other similar efforts, we suggest that more careful attention might have been given to specifying the recruitment of and charge to the SAT.

We often use the tool of a “Terms of Reference” (TOR) document to spell out selection criteria, the breadth and depth of needed expertise, the method of recruitment, and expectation of neutrality. Typically, a TOR also elaborates on the specific questions or the broad themes that will be addressed.

A TOR document can be a complement to a set of ground rules in that it also typically addresses expectations for objectivity. Such a TOR would also codify expectations for the role of experts relative to invention of options vs. evaluation options invented by stakeholders. A TOR document also typically includes guidelines for dealing with real and perceived conflicts of interests, which may include disclosure of current research, grant funding, and past work as an expert witness or expert reviewer on behalf of a particular stakeholder group. (Of course, there is not one “correct answer” as to how essential it is for all SAT members to be completely arm’s length from Central Coast issues; this is something that needs to be worked out in the TOR.)

From our wider work in the marine resource domain, we acknowledge that differing approaches exist to marine resource management—some more informed by fisheries science perspective, and others more influenced by ecosystem and conservation biology perspective. In the Central Coast project, we are aware that the project conveners made a concerted effort to recruit fishery scientists to the SAT, but that several nominees declined only to become involved in other ways. For example, one of our I-Team colleagues noted that one fisheries scientist declined a nomination (perhaps due to time constraints), but then worked as a consultant to the fishermen in developing their package of MPAs.

(comment continued)

Two fisheries scientists also declined invitations to serve on the SAT but subsequently served as experts in a critique of the SAT work commissioned by fishing interests (While the document's title characterized it as a "peer review", we note that the effort falls short of a classic "arm's length" peer review. If conducted in a joint fact finding mode, then peer reviewers would be tasked to work in concert with the full group of stakeholders, and would not be commissioned by or affiliated with a specific stakeholder group.² Again, it is possible that a TOR that called out the desired disciplines, the appointment method, and the charge might have created a slightly stronger incentive for fisheries scientists to work directly alongside other SAT members and craft a unified approach, rather weighing in later with a competing set of findings and recommendations.

On the whole, we did not perceive the SAT as having an advocacy bent, although there were times when interactions between CCRSG and SAT members had an advocacy flavor. We noted, for example, that some stakeholders consistently questioned the SAT methodology or findings, often drawing on the research or views of non-SAT scientists to make their points. They also suggested that the SAT was "changing the rules" as it developed its guidelines or was engaged in intentional or accidental "mission creep" in its evaluation of packages. Here again, it is possible that establishing and enforcing a clear TOR for the SAT might have helped bound stakeholder engagement with the SAT.

Comment on the Transparency of SAT Deliberations

In the CCRSG process, the question arose as to the extent to which SAT deliberations should be entirely transparent to stakeholders. On one hand, it is important for SAT members to have the opportunity to deliberate only amongst themselves, especially in processes such as the Central Coast project where the information is complex and the timeline for generating scientific guidance is condensed. On the other hand, active dialogue between stakeholders and scientists is very much in the spirit of the joint fact-finding concept. As one of our I-Team colleagues noted, "Arguing between the stakeholders and scientists was actually educational, and the stakeholders found mistakes in SAT analysis. It gave the feeling to the stakeholders that they had the ability to touch the data".

² Hilborn, Ray, Richard Parrish and Carl Walters (2006). "Peer Review: California Marine Life Protection Act (MLPA) Science Advice and MPA Network Proposals." Commissioned by the California Fisheries Coalition. May 25, 2006.

(comment continued)

Our experience in convening a dozen other independent scientific review panels is that a mix of public deliberations and panel caucuses is probably optimal. The logic of the panel caucuses is not to “make decisions in private”; rather, it is to allow the panelists time to brainstorm, to formulate and refine ideas, and begin to figure how to convey their findings in a coherent, understandable fashion.

Comment on the Effectiveness of SAT Presentations and the Integration of Scientific/Technical Analysis and Policy Deliberations

As we noted in the introduction to this section, clear presentation of scientific findings and their implications is one of the core elements of a joint fact-finding approach. Presentations and briefings of the SAT to the BRTF and the CCRSG were a major focus for this kind of discussion. Our informal conversations with BRTF and CCRSG members suggested that they sometimes felt that the briefings it received from the SAT were a bit opaque, or, in some cases, even unintelligible.

We specifically recommended conducting dry run rehearsals of SAT presentations in advance of BRTF or CCRSG meetings, in which I-Team members were able to serve as a sounding board. This approach was used prior to the January and especially the March 2006 BRTF meeting. The net effect was to stabilize the presentation, hone the message, and help SAT members convey the most important points. In our view, briefings to BRTF improved over time but rehearsal/dry run practice presentations should be hard-wired into the process.

VI. Regional Goals, Objectives and Design Considerations

A. CCRSG Deliberations on Regional Goals, Objectives, and Design & Implementation Considerations

1. Key Challenges

Our working expectation on the part of both the Project Manager and Facilitators was that CCRSG members would see negotiating the text on regional goals and objectives as a logical and moderately important stepping stone on the path to MPA delineation. In fact, it proved to be a critical early challenge of the Central Coast project—even more than delineation of MPAs.

Upon reflection, we attribute this challenge to three sources. First, the recruitment of stakeholders (discussed above) did not make it sufficiently clear that they were to work as integrative negotiators rather than positional advocates. (It was clear from many informal and formal comments that at least some CCRSG members equated “positional” behavior—stubbornly repeating a preference over and over—with “good” negotiating”. This stands in contrast to a mutual gains approach to negotiation, in which parties at the table negotiate hard on behalf of their interest, but also work hard to integrate the views of other stakeholders.)

Second, because the guidelines for delineating MPAs were still in development, CCRSG members used the goals and objectives discussion as a “stalking horse” for the (much later) delineation of MPAs. An example involved the contentious discussions over Goal 3, Objective 1—a Regional Objective focused on siting MPAs proximate to population centers, areas of traditional non-consumptive recreational use, and recreational/educational/study opportunities (e.g., dive sites, fishing harbors, and research facilities). In our view, certain stakeholders were trying to advantage or disadvantage the likelihood of particular MPAs in the user-heavy Monterey Bay area via the phrasing of this Regional Objective. The intensity with which CCRSG members argued for specific wording was a bit of a surprise, though in fact it mirrors some of our other projects in which contending groups of stakeholders first chance to “negotiate” is over broad and high minded mission statements or objectives.

Third, the relative weight of socioeconomic considerations was not yet “revealed,” but the goals and objectives was one place they could find expression as a prime consideration.

At both our June and July 2005 meetings, the I-Team went to some lengths to stress the importance of establishing goals and objectives up front. We invited Charlie Wahle (National MPA Center) to present on the manual “How is Your MPA Doing”, and we stressed that the CCRSG had a rare opportunity to

establish objectives first, rather than delineating lines on maps and then retrofitting a rationale.

In retrospect, this focus on objectives may have contributed to delays in focusing on what became the real work of the CCRSG—developing packages of MPAs that satisfied the Act and the SAT guidelines.

2. Challenges Seeking Agreement at the August 2005 CCRSG Meetings

In hindsight, it appears that the I-Team made a few tactical errors in teeing up the discussion on regional objectives at our August 2005 meeting. First, as the I-Team framed the draft objectives document, in our eagerness to gain adoption, we titled it “Staff Recommendation.” As the I-Team and CCRSG had not fully settled in our respective roles, this framing was interpreted by some CCRSG members as evidence of an overly “staff driven” process. Second, it may have been apparent from the informal brainstorming session on Day Two of the July meeting and a subsequent interim work team teleconference in late July that there was quite a bit of divisiveness over certain specific draft objectives. Our facilitation team did not immediately recognize the breadth and intensity of these divergent views and perhaps assumed that the adoption of regional objectives would proceed in a straightforward manner. Third, at the August 2005 meeting, we worked very hard to frame wording choices, but time again found that underlying interests needed more time to be expressed and reconciled. Small logistical challenges also complicated the situation. As the draft text of the regional objectives had been recently revised, we did not have hard copy for CCRSG members and initially asked stakeholders to work from text projected via PowerPoint. This generated major push back, so we called a time out to make copies of key documents. (This was a learning we carried forward to all future meetings).

As the August meeting neared its end, it was apparent that we had sweated hard, but made only moderate progress. To help build on the momentum generated, the I-Team caucused and decided to put the following question to the CCRSG: “On balance, in the aggregate, do CCRSG members agree that the draft provisional regional objectives are approaching a reasonable first cut?” The CCRSG agreed with this general portrayal of the group’s accomplishments. Several members, in side conversations, also expressed the view that the discussions, though arduous, were useful and revealing.

3. Key Learnings from the August 2005 Meeting

In retrospect, many parts of the difficult August meeting were productive.

During the meeting, participants made the important distinction between regional objectives and other considerations to be taken into account in the design of MPAs (“design considerations”). Initiative staff pointed out that the MPF specifically calls out the creation of such design considerations, and CCRSG

members agreed that design considerations were important components of MPA proposals. The CCRSG also had a productive and successful discussion on the question of the relative weight that objectives and design considerations would receive in evaluation of MPA packages by the BRTF. The CCRSG later made an additional distinction between design considerations and “implementation considerations”—i.e., considerations arising after the design of MPAs, during the implementation phase. These distinctions between regional goals, objectives, and design and implementation considerations were critical to achieving agreement on this part of the central coast process.

In our debriefing after the August meeting, CONCUR and other I-Team members identified a whole series of strategies to help improve the effectiveness of the agreement-seeking process. These included: framing memos from the Executive Director reminding the CCRSG of their charge and timeline; more active flip-charting of comments; more frequent strategic use of straw votes; the use of written straw ballots; and, when striving for agreement, retaining the possibility of referring selected closely split issues to the SAT or BRTF. We also identified the need to deploy members of the I-Team as a tighter, more unified team as we worked to facilitate agreement on the regional objectives.

To make this approach operational, we agreed on the vehicle of a drafting an I-Team process “game plan” -- a document that would spell out the strategies for working through each agenda item and the role of each I-Team member. Some of these were quite detailed. The game plan for the September CCRSG meeting, for instance, spelled out the sequence and timing for preparing, conducting, and tallying straw votes (a copy of this game plan is included as Appendix F). It also identified possible fallback strategies in the event certain items needed more time.

These game plans became a valuable tool to focus discussion and crystallize a unified approach, particularly among the Project Manager, Executive Director, facilitators and co-facilitators, and other I-Team colleagues.

4. Responses to Challenges: Strategies for the September 2005 CCRSG Meeting

We approached the September 2005 meeting with a much clearer game plan, as well as a considerable sense of urgency. The I-Team saw that the CCRSG needed to move soon to delineate individual MPAs and packages of MPAs. We were also aware that, as an I-Team, we needed to present a crisp, well-organized approach to the work. Our advice to the full I-Team was that we would probably want to use several tools in concert to increase the likelihood that the regional objectives were fully ratified at the September meeting.

Based on our experiences from the August 2005 CCRSG meeting and a subsequent work team meeting, we anticipated that the adoption of regional objectives would be challenging. Our strategy rested on three ideas: (1) setting

the context clearly by reinforcing the charge to the CCRSG; (2) using a variety of straw voting methods, including taking breaks if needed to compose straw ballots; and (3) allocating blocks of time within the formal flow of the agenda to allow I-Team staff to compose and tally straw ballots.

In more detail, the steps we took focused on reinforcing the charge to the CCRSG were as follows:

1. Provided a robust review of the CCRSG's overarching goals and main products as well as the anticipated process for completing the CCRSG's work (i.e., how to get to the finish line). Prepared and displayed "display boards" in the meeting room containing this information.
2. Presented a memo from the Chair of the BRTF reminding the CCRSG of their charge and project timeline, and specifying what would happen if the CCRSG was not able to complete its work on time (i.e., staff would review the CCRSG's work and continue the task of assembling recommendations to be brought to the BRTF for consideration). In other words, reminded CCRSG of their BATNA ("Best Alternative To Negotiated Agreement").
3. Formalized the concept of "design considerations" and "implementation considerations" and presented these in a memorandum from staff to the CCRSG. Explained how design/implementation considerations related to regional goals and objectives and how they would be used in the evaluation of MPAs. Invited CCRSG members to develop design/implementation considerations in conjunction with regional goals and objectives.
4. Created a "To Be Determined (TBD) Bin" process for tracking and addressing outstanding issues. This process included specific steps by which key issues would be recorded, evaluated and addressed, and responded to in the Central Coast project. These typically concerned issues viewed as important but not necessarily central to the objectives of the CCRSG. Initiative staff also prepared its recommendations regarding how to address such TBD issues as water quality, top end predators, safety, Pismo clams, and desalination plants.
5. Reinforced the notion that the regional objectives were provisional.
6. Established the protocol that in cases where support over possible objectives and design/implementation considerations was closely split, we would report the results and defer final decision to the BRTF.

We also made some fairly specific operational plans to use several alternate formulations of verbal and written straw ballots, to help gauge CCRSG member support for individual "provisional regional objectives and design/implementation considerations," as well as the entire package. We planned to use specific techniques for individual objectives to ensure that regional objectives would be ratified at the September meeting, recognizing that we lost some time in August. We used written straw ballots in part to avert scripted bloc voting. Key formulations included:

- To help gauge support for individual objectives and design/implementation considerations that had been developed by the work team, facilitators generally used the phrasing “Who cannot live with this text?”
- For three highly contested regional objectives, we composed a written straw ballot and asked participants to rank the options under each objective in order of preference. This produced a distribution of “points,” which were then reported back to the group.
- To adopt the suite of objectives and design/implementation considerations, facilitators asked CCRSG members whether they could “support the entire package”.

We also recognized that while caucusing among CCRSG members was valuable and important, our goal of building integrative agreements would be undermined by what we came to call “scripted block voting,” in which one caucus would strategically rank only one option as acceptable. We took care to craft some of our straw votes specifically to cause multiple options to be expressed. We accomplished this through straw vote-specific ground rules, such as requiring that CCRSG members rank order at least three options, with no more than one being deemed unacceptable.

All of these strategies were employed with an eye toward gaining closure on the CCRSG package of regional objectives and design considerations.

Key September CCRSG Meeting Outcomes

During the September meeting, CCRSG members discussed, revised, and unanimously adopted a package for provisional “Regional Goals, Objectives and Design and Implementation Considerations” (Appendix G). Initiative staff committed to present this package to the Blue Ribbon Task Force (BRTF) at its September meeting.

Two key issues emerged from the CCRSG’s deliberations that were not resolved during the September meeting. The CCRSG remained closely split on the issues of: how best to address socioeconomic considerations (i.e., as a regional objective or as a design consideration), and whether to include larval retention areas as a habitat type. We proposed, and the CCRSG agreed, to have staff present these issues to the BRTF at its September meeting for review and guidance. We found the use of the BRTF in this way to be a very effective way of overcoming impasses at the level of the CCRSG. CCRSG members were generally receptive to the guidance of the BRTF.

B. Utility of Negotiating Agreement on Regional Goals and Objectives

In our I-Team debrief of the CCRSG process, several I-Team colleagues observed that the discussion of regional goals and objectives produced a lot of conflict. The goals and objectives were one place where the tension between biological and socioeconomic criteria was played out. Our colleagues also noted that the creation of goals and

objectives created the expectation that these criteria would drive the process when in fact they did not; size and spacing guidelines and representativeness of habitat concerns carried far more weight in the SAT evaluation. It was the general impression of the I-Team that, in the future, less time should be devoted to goals and objectives (as they are now better understood), and the stakeholders need to get to MPA line-drawing sooner.

To this commentary, we would add several key benefits that emerged from the discussion on regional goals and objectives. First, this discussion revealed some potential conflicts over specific geographic areas. The extent of positional bargaining we encountered was a very useful catalyst for us to hone our approach. In our debriefing after the August meeting, we identified about a dozen steps we could take as a team, and we hit upon the tool of drafting a detailed game plan. Second, the process of defining goals and objectives provided stakeholders with an important opportunity to express fundamental interests. Third, the success in achieving agreement on the regional goals and objectives (arduous as it was) provided the CCRSG with significant confidence and momentum as they approached the next step of delineating MPAs and MPA packages.

C. Use of a Single Text Document

The tool of a single text document is both a process and a product. As a process, the challenge we give to collaborative negotiators is to come up with a unified statement that accurately represents and integrates the interests of the full range of parties around the table. As a product, a single text documents sums up the results of a deliberation, and ideally reports the reaching of an agreement after a period of give and take by all parties. In contrast to the competing briefs or testimony that shape many public policy proposals, a single text document presents just one version of facts and recommendations.

The regional goals, objectives, and design considerations document was the one instance in the CCRSG process where we worked through iterative versions of what we call a single text document. An initial draft was produced out of a CCRSG brainstorming session. This was then reviewed and revised over the course of three work team sessions and two plenary meetings. For some regional objectives, work teams brainstormed as many as four alternate formulations of text. These were winnowed and consolidated at the plenary CCRSG table using a mix of discussion, entertaining proposals and counter-proposals, and framing straw votes.

VII. Development of MPAs and Alternative MPA Networks

A major goal of the Central Coast Project was to develop one or more alternative packages of potential MPAs for consideration by the BRTF. The Master Plan Framework specified a multi-step process that took place over the course of 3+ meetings. Key overarching steps included:

- 1) Evaluate existing MPAs
- 2) Brainstorm and develop an inventory for potential new MPAs
- 3) Evaluate and consolidate the brainstormed MPAs
- 4) Build on this inventory to develop alternative region-wide MPA packages

We worked with the I-Team to develop detailed game plans for each of the October, November, and December meetings.

A. CCRSG Meetings -- Process Strategies and Results

1. Building Momentum at the September CCRSG Meeting

To build momentum for the October CCRSG meeting, and to provide CCRSG members with the opportunity to begin addressing more tangible issues, we convened breakout sessions on Day 2 of the September meeting to allow CCRSG members to provide both their own first hand knowledge and their preliminary assessments of existing MPAs. We broke out the CCRSG by North/South to encourage members to provide their expertise. To guide this process, initiative staff presented a draft evaluation of existing central coast MPAs, including an evaluation of the amount of representative and unique habitats of the Central Coast in existing MPAs and an assessment of the extent to which existing MPAs meet the adopted regional goals, objectives, and design and implementation criteria. CCRSG members provided preliminary feedback on the MPAs based on this analysis.

2. October CCRSG Meeting – Process Strategies and Outcomes

The focus of the October meeting was on producing an inventory of MPAs. We created the term “MPA concepts” to clarify their preliminary status. We also invented the terminology “candidate MPA packages” to avoid the use of the term “proposal.” This would help clarify that the candidate MPA packages were not yet formal proposals.

The game plan for the October meeting focused on providing CCRSG members with an opportunity to brainstorm individual MPAs before moving on to assembling MPA packages. We organized CCRSG members into two north and two south breakout groups to build an inventory of possible MPAs, and we organized each breakout group to include a cross-section of interests. We structured the discussions so primary and alternate members could participate equally, and we did this in the spirit of “inventing without committing.” We also

invited participants to provide preliminary comment/feedback on the brainstormed MPA concepts.

To support this MPA inventing process, we took several additional steps as well:

- We arranged for I-Team members to provide training in the use of the MPA Decision Support Tool (GIS mapping tool).
- We encouraged CCRSG members to become adept so they could use the tool without the assistance of MLPA staff.
- Initiative staff presented a draft evaluation and habitat gap analysis of existing Central Coast MPAs.
- We also used a range of facilitation approaches (soft vs. more directive) in the north/south break out groups. We ended up switching the assignment of facilitators by groups on Day 2 to ensure that the groups completed their assigned tasks.
- Consistent with the process articulated earlier, the BRTF had established a process by which MPA packages could be developed outside the CCRSG. We indicated that the CCRSG would be asked to take these into consideration as part of their deliberations.

We established a follow-up step to take place during weeks following the October CCRSG meeting. We convened interim CCRSG work sessions in both the Monterey and Morro Bay areas for the CCRSG members to confirm the accuracy of the initial candidate MPA concepts and to discuss opportunities for modifying and consolidating these concepts (with an emphasis on developing MPA concepts with cross-interest group support).

We also encouraged CCRSG members during the interim period to begin thinking about candidate MPA packages. We encouraged creation of both interest-based and cross-interest packages.

Comment on the Tone and Results of the October CCRSG Meeting

We began the CCRSG October meeting deliberations with a session on evaluating existing MPAs. Initiative staff presented a draft framework for evaluating existing central coast MPAs. Our senior environmental planner noted that the I-Team's assessment of existing MPAs was rushed in preparation, and she ventured that it was "probably one of the less useful work products". In hindsight, a better approach might have been to sequence the work so that the SAT evaluation framework was completed, which would then be logically applied first to existing MPAs. The process might have also benefited from more clear and detailed guidance about designating MPA boundaries from the perspectives of management and enforcement.
(comment continued)

As it turned out, the tone of the breakout sessions varied dramatically between the north and the south. Many CCRSG participants—particularly consumptive users from the southern part of the region—felt it was important to spend additional time reviewing existing MPAs before concluding that new MPAs were needed. Several of the participants from the south also appeared to have been less prepared to focus closely on the tasks of evaluating existing MPAs and delineating new ones, due to other time commitments immediately preceding the CCRSG meeting. Though we did not observe the breakout session in the south closely (it was facilitated by Don Maruska and Kirk Sturm), our sense is that the group almost needed a sort of “warm up” before talking about MPAs in earnest.

Many of the stakeholders in the north, on the other hand, were veterans of prior discussions of MPA designation or related issues in the context of the Monterey Bay Marine Sanctuary and were fairly ready to engage the questions. A notable exception here concerned discussions on particular MPAs involving the allocation of consumptive and nonconsumptive diving, shore and skiff fishing, and other recreational uses from the Monterey Breakwater to Carmel Bay. Continuing a pattern begun in the negotiations on regional goals and objectives, the discussions on MPAs in these areas were highly contentious.

The Day Two discussion at the October meeting was more productive; the break out sessions gained traction and CCRSG members began to identify and discuss potential locations for MPAs. We took the time in these sessions to use the GIS mapping tool, display maps of the study area, and literally code the vertices of the candidate MPAs in close to real time. We invited proponents of each MPA to give the MPA a name and recorded it as a file in the IMSG tool for later use and reference.

At this early stage, some CCRSG members from the south mentioned that the “status quo” of the current array of MPAs—perhaps with the deletion of one the small Pismo Clam State Marine Conservation Areas and with addition of the Vandenberg closed area as an MPA—was a good outline of their preferred alternative.³ On the whole, it was CCRSG members from the

³ The Department of Defense initially took the stance that no MPAs would be allowed in the Vandenberg closed area but did express a willingness to open a dialogue with the California Secretary for Resources to discuss this further.

(comment continued)

environmental community who were the primary inventors of new MPAs.

There was valuable give and take in these small group meetings, particularly on Day Two, but it was apparent that much of the action would move to offline caucuses. This was true for two reasons: the incomplete availability of the MPA Decision Support Tool, and the need for CCRSG members to confer with colleagues who were not at the table, particularly in the fishing and conservation communities.

3. November CCRSG Meeting – Process Strategies and Outcomes

As noted above, we planned for intensive caucusing and work team activity after the October 2005 meeting so that we would enter the November meeting with packages of MPAs and not just a set of disconnected individual MPAs. During several interim work sessions, CCRSG members first refined and narrowed the inventory of MPA concepts. In follow-up informal meetings, CCRSG members prepared initial draft MPA packages. The I-Team offered extensive technical, scientific, and facilitation support for these discussions. We also encouraged package proponents to touch base with broader constituents between meetings to inform the creation and revisions of packages.

The primary focus of the November CCRSG meeting was on discussing the initial candidate MPA packages. During the meeting, CCRSG members presented and discussed candidate MPA packages. Initially, two packages were introduced: one by commercial and recreational fishing interests (Package 1), and the other primarily by conservation interests (Package 2). CCRSG members discussed these in plenary. Then, we provided a caucusing opportunity for the proponents of the individual packages to discuss possible modifications to the packages based on the plenary discussions.

During the November meeting, a group of unaligned CCRSG members began developing a “hybrid” candidate package (Package 3) built on elements of the two initial packages. The I-Team supported this development by making technical staff available to load the MPAs into the Decision Support Tool.

To help ensure effective discussions, we took the following additional process steps:

- We provided supporting background and technical information to support CCRSG deliberations.
 - MLPA Initiative staff distributed the updated Evaluation of Existing Central Coast MPAs.

- Ecotrust presented an overview of its research methods and results. Maps containing key microblock information were made available to the CCRSG.
- Initiative staff provided an overview of the “external” candidate MPA package proposals (i.e., those produced by stakeholders outside of the CCRSG process), assessing the sufficiency of each proposal in meeting the terms of the MLPA Initiative Master Plan Framework (MPF).
- Due to the multiple resource-use interests on the Monterey Peninsula, we suggested that initial packages not get too hung up initially on addressing MPAs for this area.
- We opted not to encourage inclusion of the “Initial Draft Concept” or “Revised Draft Concept” in the CCRSG’s deliberations unless requested by CCRSG members. (Note: the Initial Draft Concept was a proposal for a statewide MPA network developed largely by the original MLPA Master Plan Team of scientists as part of the initial effort to implement the MLPA. After significant pushback from stakeholders, DFG conducted a series of public workshops to solicit stakeholder feedback on the Initial Draft Concept. The Revised Draft Concept was the outcome of this process, although it was never formally completed nor made public.) However, one CCRSG member did request the IDC for the central coast be considered as a viable alternative.
- We scheduled interest-based caucusing opportunities during the meeting to revise/improve the candidate MPA packages per feedback received during plenary discussions.
- We encouraged the creation of new candidate MPA packages that sought to integrate the other packages and build on apparent areas of agreement.
- We created evening activities (e.g., dinner plans with semi-private rooms) conducive to continued caucusing.
- We asked the BRTF member in attendance to encourage convergence among the alternative MPA packages. (Note: the BRTF members in attendance were commonly invited to convey key messages to the CCRSG (in a way that carried the weight of the BRTF).)

Comment on Key Outcomes of the November CCRSG Meeting

As noted above, CCRSG members initially presented two candidate MPA packages—one developed primarily by commercial and recreational fishing interests, and the other created largely by conservation interests. A cross-interest group of CCRSG members also met before the October meeting to explore prospects for developing a cross-interest package. Despite their intentions, this group was not able to produce an initial candidate MPA package that they could all support. This turned out to be somewhat indicative of the difficulties stakeholders would have in converging their alternative MPA packages.

(comment continued)

Package 3, developed during the November meeting, did represent a convergence of sorts and was responsive to our encouragement of new “integrative” packages.

The proponents of Package 3 were predominantly representatives of public agencies, educational institutions, recreation-based businesses, resource consultants, or the community at large. A recreational fisher was also a member of the Package 3 “team”. They were not strongly aligned with either consumptive fishing or conservation interests. While “non-aligned”, they could not be said to represent a broad cross-interest effort to come to agreement, as they were fairly light on both fisher and conservation members. Rather, this group was focused pragmatically on highlighting and building on emerging areas of convergence from Packages 1 and 2.

4. December CCRSG Meeting – Process Strategies and Outcomes

Significant interim work session efforts took place between the November and December meetings to refine the three main candidate MPA packages. The goals of the December meeting were to discuss and further refine the revised packages and to assess the relative extent of CCRSG support for each one.

We designed the agenda for the December meeting to include a mix of package presentations, plenary discussion, and caucusing to consider potential revisions. To help focus the discussion on the candidate packages, we presented the results of recent SAT and BRTF deliberations. In particular, we highlighted the BRTF’s request that the CCRSG narrow the number of candidate MPA packages and converge on the MPA networks being proposed. We also presented on the areas of convergence between the candidate packages so CCRSG members could more readily see where they were close and where they were not.

One of the packages (Package 2) had also bifurcated somewhat around options for the Monterey Bay-Pacific Grove portion of study area. We facilitated a Package 2-specific breakout group to produce a unified Package 2 recommendation.

Straw Voting

To support the CCRSG assessment of the packages, we established a straw voting process (voting by primary members only, but including alternates if primary members were absent) that built on earlier CCRSG straw voting efforts. We structured the straw voting with several objectives in mind:

- Winnowing the number of packages (including external MPA packages) to a more manageable number, to respond to this specific request from the BRTF

- Creating the opportunity for CCRSG members to express relative preferences
- Providing the opportunity for CCRSG members to reflect on potential revisions that could make specific packages more acceptable

To implement this approach, we organized multiple (3) rounds of straw voting over a two-day period and built flexibility into the meeting schedule to ensure that the voting would be completed by the end of the meeting. We used paper “ballots” to ensure that the content of the straw votes was clear. We enlisted broad I-Team support to gather, tally, and post results of the straw voting.

The purpose of the *first round* (Day 1) was to *winnow* the number of packages. We asked participants to indicate their single-most preferred package. We established a threshold prior to the vote that packages needed to receive at least 3 votes (approximately 10% of the CCRSG primary members) to move to the next round. The results of the voting were as follows:

Package	Received more 3 or more votes
CCRSG package #1	yes
CCRSG package #2	yes
CCRSG package #2b*	yes
CCRSG package #3	yes
CCRSG package #4**	no
External package A	no
External package B	no
External package C	no

Five CCRSG members were absent or chose to abstain on this straw voting round.

*Package 2b included an alternative MPA configuration in the Monterey area relative to Package 2.

**Package 4 was the “Initial Draft Concept” developed during the 2001 MLPA process.

The purpose of the *second round* (Day 1) was to *rank* the remaining packages (1=first choice, 2=second choice, etc.) as a means of encouraging further convergence and informing future possible revision. We required that CCRSG members rank *all* of the packages, as a way of forcing them to array their preferences. We also invited participants to identify one (but no more than one) package as “unacceptable” to further clarify their ranking. We tallied the straw votes and then presented the number of first choice, second choice, etc. votes as well as the number of “unacceptable votes” received by each package. The results of the voting were as follows:

Package	Rank 1	Rank 2	Rank 3	Rank 4	Number of Unacceptable Rankings
CCRSB package #1	13	2	1	11	9
CCRSB package #2	5	6	14	2	2
CCRSB package #2b	4	5	4	14	12
CCRSB package #3	5	14	8	0	0

Five CCRSG members were absent or chose to abstain on this straw voting round. Package 2b included an alternative MPA configuration for the Monterey Bay area relative to Package 2.

Following presentation of the round 2 voting results, we provided CCRSG members with extended caucusing time to meet both across and within interest groups to discuss possible refinements and look for ways of narrowing areas of divergence.

The purpose of the *third round* (Day 2) was three-fold: 1) to *rank* the packages in terms of preference (1=first choice, 2=second choice, etc.); 2) to *score* the packages in terms of level of acceptability (A=acceptable, B=needs minor changes, C=needs moderate changes, D=needs major changes); and 3) to provide CCRSG members with the opportunity for each package that was not their preference to *identify critical changes* that would make it more acceptable. By the time this round of straw voting occurred, Package 2 proponents had consolidated their proposal into a single unified package.

The quantitative results of round 3 are as follows:

Package	Rank 1	Rank 2	Rank 3	No. of A's	No. of B's	No. of C's	No. of D's
Package 1	15	2	10	12	4	1	10
Package 2	10	1	16	9	1	3	14
Package 3	2	24	1	2	4	15	6

Five CCRSG members were absent or chose to abstain on this straw voting round.

Staff committed to compile the comments made regarding improvements to specific MPAs and forward these to CCRSG members within the next 2 days in order to inform further refinement of packages by the package leads.

Meeting Results and Next Steps

Broadly speaking, CCRSG members responded to BRTF requests to winnow and evaluate candidate MPA packages. Specifically, the CCRSG winnowed the number of packages under their active consideration from 8 packages to 3.

CCRSG members successfully ranked the candidate MPA packages and listed specific revisions to improve those packages that were not their preferred ones. CCRSG members continued the process of seeking to increase the areas of convergence and decrease areas of divergence among remaining packages.

The final request we made of CCRSG members was for each of the three packages to identify package "point persons" (consisting of 2 person teams) for continuing correspondences and consultations. We provided guidance on how to complete the candidate MPA packages, including the development of objectives for individual MPAs, by the December 15, 2005 deadline. We also provided a briefing on the final steps in the Central Coast process, including an overview of SAT evaluation steps, upcoming BRTF meetings, the timing of the CDFG's decision on a preferred alternative, the anticipated timing of the Commission's action. We reminded CCRSG members that the BRTF meetings were public forums, and that the BRTF looked forward to hearing from both package leads and other CCRSG members as they carried out their deliberations in January and March.

The designation of "point persons" proved to be critical, as these individuals took on responsibility for revising the packages in response to ongoing SAT and BRTF review and evaluation.

We ended the meeting by concluding the work of the CCRSG as a formal body. We also planned time for the Executive Director and the Project Manager to express their thanks to the CCRSG for their hard work and for the CCRSG members to reflect on their efforts and accomplishments.

B. Commentary on Creation of MPA Packages

1. Support for MPA Package Development

A great deal of effort on the part of CCRSG members, I-Team staff, and SAT members was invested in the process of delineating candidate MPAs. In retrospect, many of the technical elements required to support the MPA package delineation process were being developed at the same time as the MPA packages themselves. This approach illustrates the "just in time" nature of the Central Coast Project. The process would have benefited had these elements been prepared in advance. Examples include:

- The MPA Decision Support Tool was being brought on line concurrent with MPA development. Early CCRSG efforts to use the tool were cumbersome and frustrating, even with I-Team support.
- Due to coordination challenges with DFG enforcement staff, the I-Team developed its guidance on MPA boundary designation after CCRSG members had begun developing its MPA inventory. This guidance included a preference for straight lines, preferably running north-south and east-west, to facilitate enforcement and monitoring. This preference

created difficulties for stakeholders who were creatively striving to address multiple interests by drawing curved or diagonal MPA boundaries in high use-value areas.

- SAT guidance on MPA size and spacing and habitat representation, as well as a ranking system of level of protection with proposed State Marine Conservation Areas, were also being developed concurrent with the delineation of MPA packages. This guidance evolved over the course of the CCRSG deliberations, causing some CCRSG members to complain about the difficulty of hitting a moving target.

2. Use of Interim Work Sessions and Discussions

Our process for developing MPA packages relied heavily on the use of interim work sessions. Initiative staff convened many of these. They typically involved a broad cross-section of CCRSG members and were focused on forwarding the development of MPA packages through cross-interest dialogue. We found these meetings to be productive for brainstorming or as a way of addressing issues raised but not settled from the plenary meetings. We found these interim work sessions to be less effective as a means for resolving “hot-spot” issues where stakeholders had entrenched positions (in these cases, we typically had to raise these issues to the level of the BRTF to achieve resolution).

Other more informal interim work sessions were convened by CCRSG members themselves. These concentrated on the proponents of particular packages and tended to involve stakeholders from within interest groups (e.g., fishing interests, conservation interests).

An extraordinary number of one-on-one discussions among CCRSG members also took place between meetings. This is where much of the cross-interest dialogue took place. These discussions typically involved proponents of one package reaching out to other CCRSG members to explore ways of incorporating their interests into the existing packages.

3. Development and Evolution Among Three Main Candidate MPA Packages

Three main MPA packages were developed over the course of the CCRSG process. Package 1 was developed by a consortium of fishing and consumptive diver interests, including both commercial and recreational fishers. Package 2 was developed by a consortium of conservation interests. Both Packages 1 and 2 evolved through extensive consultation with both their “core” stakeholder communities and through cross-interest consultations with other fishing and conservation stakeholders. Package 3 was initially developed at the November meeting as a compilation of areas of convergence between Packages 1 and 2. It included some initial concepts to bridge the gap in areas of divergence.

The proponents of packages continued to revise them through the end of the CCRSG process in December. Then, two complete additional iterations were informed by SAT and BRTF commentary.

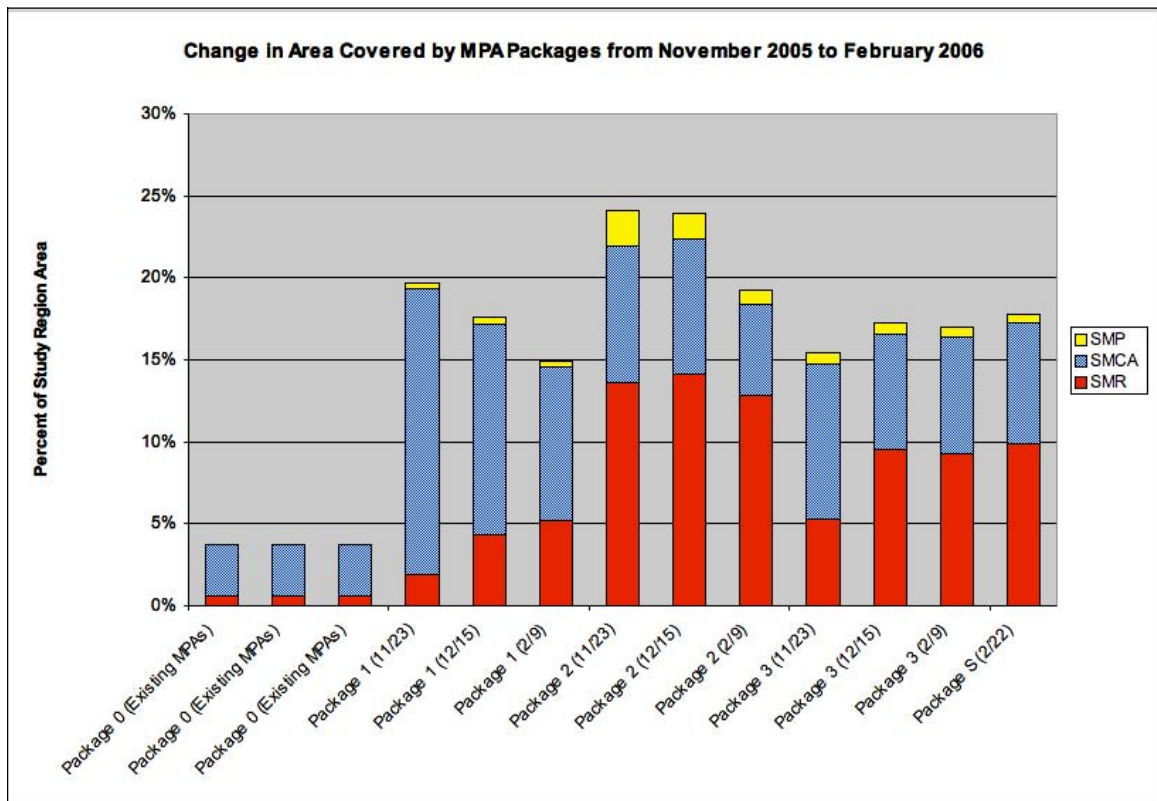
The net effect—as described in the text and illustrated in the tables and figures below—is towards a partial convergence in both the geographic areas designated as MPAs and the relative percentage of the Central Coast region with a high level of resource protection.

The Package 1 proposal decreased in area and number of MPAs but increased in protection level during the iterative process. Package 1 proponents made the most significant changes to their package to increase protection and better meet SAT guidelines after the January 2006 SAT evaluation of the December 15th version. The changes involved adjustments to size, spacing and protection levels of MPAs

The Package 2 proposal evolved through a reduction in the area and number of MPAs and small decreases in protection level. The most significant changes to MPAs in Package 2 were made after the January 2006 BRTF meeting where proponents received guidance to try to reduce potential fisheries impacts. Package 2 had two alternate versions moving along in parallel up until the very end of the stakeholder process; one version had more area in State Marine Reserve (SMR) designation in the popular non-consumptive dive sites along Monterey waterfront and the Carmel Pinnacles areas than the other.

Package 3 changed less (in numbers and area of MPAs) over time than Packages 1 and 2 and was consistently ranked intermediately between Packages 1 and 2 in the SAT evaluation.

Version Date	Package 1	Package 2	Package 3
Nov. 23, 2005	36 MPAs 19.7% of total area (1.9% in SMR)	37 MPAs 24.1% of total area (13.6% in SMR)	32 MPAs 15.4% of total area (5.3% in SMR)
Dec. 15, 2005	33 MPAs (20 high protection) 17.6% in total area (4.3% in SMR; 7.8% high protection)	32 MPAs (24 high protection) 23.9% in total area (14.1% in SMR; 16.8% high protection)	31 MPAs (22 high protection) 17.2% in total area (9.5% in SMR; 13.3% high protection)
Feb. 9, 2006	29 MPAs (20 high protection) 14.9% in total area (5.2% in SMR; 9.9% in high protection)	29 MPAs (22 high protection) 19.2% of total area (12.9% in SMR; 15.9% in high protection)	30 MPAs (20 in high protection) 17.0% in total area (9.3% in SMR; 12.2% in high protection)



All of the packages, in their final iteration, had identified roughly the same geographies as important for the network component, but their proposed MPA boundary designs differed at least slightly in almost every specific geographic area. The highest degree of convergence in MPA designs was for the intertidal SMRs proposed along the Ano Nuevo and Sandhill Bluffs shorelines and the estuarine SMRs in the areas of Elkhorn Slough, Moro Cojo Slough, and Morro Bay. All of the packages identified the need for high protection MPAs at major headlands such as Ano Nuevo, Point Lobos, Point Sur, Piedras Blancas, Point Buchon, and the Purissima to Pt. Arguello area. All of the packages proposed a state marine park off of Cambria, with differing boundaries. All of the packages proposed high protection MPAs in central Monterey Bay in deep rock and submarine canyon habitat, with differing boundaries or regulations. All of the packages proposed different zoning schemes for contiguous MPAs around the Monterey peninsula. These packages differed in their appeal to various user groups based on proposed allowable uses.

In regards to existing MPAs, all of the packages proposed elimination of 4 existing invertebrate State Marine Conservation Areas (SMCAs) in the Morro Bay to Pismo Beach area. All of the packages proposed either retaining or expanding Elkhorn Slough SMR, Big Creek SMR, Hopkins SMR, Pacific Grove SMCA (Packages 2 and 3 also proposed increasing the degree of protection in part of the area), and Carmel Bay SMCA. All of the packages proposed a significant

expansion of Point Lobos SMR. Some of the packages proposed elimination of Julia Pfeiffer Burns SCMA.

Comment on the Candidate MPA Package Development Process

Given that the Central Coast study region was the focus of a pilot process, neither the I-Team nor the CCRSG had the benefit of “seeing the process run” from the CCRSG to the BRTF, to the CDFG staff, and ultimately to the Commission. This created both benefits and risks. The benefit is that we had opportunity to innovate on both the process design and analytical methodology fronts.

The risk is that the process presented the opportunity for a series of lobbying interventions or off-line negotiations, and there may have been a disincentive to push as hard as possible for a fully integrative solution. Our co-facilitator, Don Maruska, noted that the overall MLPA process, as designed, created an opportunity for stakeholders to have multiple “bites of the apple”—i.e., via the CCRSG, the BRTF, and the Commission. This resulted in behavior by the stakeholders in which they may have withheld, for strategic reasons, a set of concessions or tradeoffs that might have brought out a higher degree of convergence.

The BRTF did signal at the CCRSG meetings and via more formal statements at the BRTF level that they would strongly prefer the CCRSG to converge around one package, or at least to narrow their differences and agree on some MPAs in the Central Coast region. What was not so clear was precisely what kinds of action the BRTF might take absent a CCRSG consensus recommendation. As a result, neither the I-Team nor the CCRSG could gauge with certainty how much weight the BRTF would give to any particular package, whether they would “pick a winner” or “craft a hybrid,” how much the CDFG staff would modify the packages in composing its recommendation, and, finally, how the Commission would weight CCRSG and BRTF advice, respectively.

It may not have been apparent to the CCRSG that the BRTF would direct staff to prepare a new package, or that BRTF members would themselves tinker with individual packages or invent its own hybrid package (in fact, the I-Team did not know this either).

A corollary point about the “later bites of the apple” is that if CCRSG members know they can craft a package but then must hand it off to an uncertain future with the BRTF and the Commission, they might have a greater incentive to converge around a single package. In other words, it could be stressed to the stakeholders that, “if you create a package you can all ‘live with,’ it will most likely be chosen.” That is, “everybody’s second choice” would be a robust package, from the standpoint of both integration of interests and broad political acceptability.

4. SAT Guidance and the Articulation of a “Solution Space” – A Comparison with the Channel Islands Process

One element of the MLPA process that bears contrasting with the previous Channel Islands MPA effort is the type of guidance provided by scientific advisors. (A side-by-side comparison of some of the process challenges encountered in each effort is presented in Appendix H.) As reported by Helvey (2004)⁴, the Channel Islands process was shaped in part by an early guideline suggested by the Science Advisory Panel (SAP) that at least 30% and possibly 50% of each habitat in each of three zones be established in the sanctuary. Helvey notes that “the derivation of the 30-50% range was not disclosed.” He comments, “Considering that science is a process based on rigorous methodologies and empirically justifiable outcomes, the 30-50% recommendation appeared more as a statement of policy” (p. 181).

Additionally, in the Channel Islands process, the Marine Reserve Working Group (MRWG) was constrained by Sanctuary Advisory Council (SAC) guidance restricting available management tools to “no take” reserves. “Limited take” reserves (e.g., state marine conservation areas, or state marine parks) were not an available tool, unlike in the MLPA Initiative. Helvey traces this choice back to an initial proposal of the Channel Islands Marine Resource Restoration Committee to the Fish and Game Commission. He points out that this approach remained unchanged as instructions were passed from the Commission through the SAC and ultimately to the MRWG. He also notes that some MPA proponents during the MRWG effort expressed the view that anything less than complete fishing closures is inadequate for achieving the biodiversity goal.

More broadly, this type of guidance can have an important impact on the “solution space” that develops over the course of a negotiation. In our view, there is value in pointing out when negotiators, through the draft packages they develop, are starting to converge around a solution space.

Part of the process of defining a solution space comes from early “sideboards” placed by convenors of a dialogue. In the MLPA Initiative, the major sideboards included the geographic boundary, the guidance to produce multiple packages, and the guidance to implement the MLPA and the MPF.

At the same time, these sideboards were, in a way, less restrictive than those of the Channel Islands Process. While the MLPA process did have important sideboards, it had neither the 30 to 50% goal nor the limitation of using “no take” reserves as the only management tool. This effectively created a much larger solution space for the CCRSG participants.

⁴ Helvey, Mark (2004). “Seeking Consensus on Designing Marine Protected Areas: Keeping the Fishing Community Engaged.” *Coastal Management*, 32:173-190.

We anticipate that for the MLPA process, the three CCRSG-developed packages forwarded to the DFG and Commission from the BRTF established the conceptual boundaries within which the Commission will make its decision.

We believe there is value in finding ways to be more explicit about the existence of an emerging solution space. One way would be to try to map the convergence of the packages. One approach would be to compare the metric of “percent of areas in high protection MPAs” across packages. Indeed, the comparison of package summaries as histograms with distinctions in levels of protection emerged as a comparison device over the course of the MPA package development process. It allowed CCRSG and BRTF members to see trends across packages. Though developing agreed-upon metrics can be challenging, such a diagram showed convergence of packages over time in the CCRSG case.

C. Transition Between CCRSG Process and BRTF Deliberations

Continuing Refinements to MPA Packages at BRTF Meetings

After the December 2005 CCRSG meeting, the focus for discussion on the evolving MPA packages shifted to the BRTF arena. Several key events occurred during this phase that had important implications for the CCRSG.

First, at the January 2006 BRTF meeting, the CCRSG package leads presented and discussed the three revised MPA packages. BRTF members noted that significant differences still existed among the three packages. They advised Package 1 proponents to better address the SAT guidelines, and they told Package 2 and 3 proponents to better address potential socioeconomic impacts to fisheries. Moreover, several BRTF members, in pressing for greater convergence, did not seem to recall that the CCRSG’s charge had been to develop multiple packages. Consequently, the BRTF requested that Initiative staff attempt to integrate the three packages in a new “Package S.”

This surprised many and raised the fear for some CCRSG members that the process was overly staff driven. This was a concern that we heard often in our stakeholder assessment and one that the I-Team worked diligently to address throughout the CCRSG process. At the March BRTF meeting, it was noted that Package S appeared to have relatively little support. This seemed to assuage some of the stakeholder concerns.

Second, at the March 2006 meeting, while in the process of assembling a comprehensive motion, BRTF members suggested their own revisions to some of the MPA packages. In particular, they directed Initiative staff to work closely with proponents of Package 3 to produce a hybrid Package 3R. They also proposed amendments around the Monterey breakwater and Carmel Bay in Package 2, producing Package 2R. Package 1 was unchanged.

This guidance from the BRTF was no doubt an effort to bring additional clarity to the packages. The revisions, and the manner in which they were initiated, however, took some CCRSG members by surprise. It was not apparent to stakeholders beforehand that the BRTF might make such a request. Moreover, due to time constraints at the March meeting, this BRTF guidance was informed by relatively little deliberations on the packages themselves.

Third, in addition to presenting their packages at the March 2006 BRTF meeting, several CCRSG members actively lobbied the BRTF members at different junctures over the course of the meeting. This constituted another point of influence on the part of the CCRSG that was not clearly formulated at the beginning of the project. It is debatable whether this behavior was in keeping with the spirit of the CCRSG's ground rules, as we did not craft any specific ground rules to guide the conversation between the CCRSG and the BRTF. But, since the CCRSG process was finished, management of this conduct now fell under the purview of the BRTF's own procedural rules. This was more the province of the BRTF chair.

Comment on Linkage Between CCRSG and BRTF Deliberations

The transition from the CCRSG to the BRTF was not as smooth as it could have been. In hindsight, it would have been helpful to specify more clearly and earlier in the CCRSG process exactly how the BRTF would weigh in on the MPA packages it received from the CCRSG. This detail might have been spelled out in the MPF, or, alternatively, in the I-Team's report of next steps in the process at the November and December 2005 CCRSG meetings. In particular, we could have created a clearer roadmap of the intended process to get from three (or multiple) CCRSG-produced packages to the development of a DFG preferred alternative package. Part of this roadmap would signal the CCRSG members as to what kind of weight their package would carry, whether the BRTF would modify it, and how they would participate in the BRTF process.

We also believe that the BRTF's decision to modify some of the CCRSG MPA packages had a detrimental impact on the perceived legitimacy of the process. At the June 2005 kick-off CCRSG meeting, the I-Team described the BRTF's role regarding MPA package development to include evaluating alternative MPA proposals (against the MLPA's standards and other relevant laws) and forwarding them to the CDFG. The I-Team described the DFG's role to include forwarding the alternative MPA proposals, as well as the DFG's own preferred alternative, to the Commission for decision. This was consistent with the roles outlined in the Master Plan Framework.

(comment continued)

This likely led to an expectation on the part of CCRSG members that their alternative MPA packages would be carried forward largely or wholly intact not just to the BRTF but also to the Commission as well. While creating hybrid options may be an example of a policy level body exercising its discretion, our sense is that it may have been perceived by some CCRSG members as an act of bad faith, leading to a loss of CCRSG ownership over their work products and a blow to the perceived legitimacy of the Central Coast project.

VIII. Final Reflections on Overall Results and Outcomes

A. Potential Concepts for Process Redesign, and Implications for Future Study Regions

From our perspective, the CCRSG process was characterized by significant investments of time, energy, creativity, and good will effort on the part of the CCRSG members, Initiative Staff, the SAT, and the BRTF. On the whole, the CCRSG accomplished the goals it set for itself at the beginning of the process. The CCRSG adopted ground rules at the first meeting, and on balance, stayed on task throughout the process. The CCRSG developed consensus regional goals, objectives, and design and implementation considerations, as well as individual objectives for proposed MPAs. More importantly, the CCRSG forwarded to the BRTF a suite of three alternative MPA packages and took part in evaluating externally-developed packages in a deliberate fashion. All of the internally-developed packages, after additional rounds of SAT review and refinements, eventually met the minimum MPA design guidelines set by the SAT.

This project was also unique in several respects, such as the degree to which I-Team members consistently produced high quality technical reports, invested concerted effort in strategic planning, addressed challenges comprehensively, and improvised aggressively in real time. All of these attributes contributed significantly to the success of the project. In our experience, this is a rare combination for a public policy initiative.

We can envision several alternate choices in process architecture and individual process choices that may produce a more broadly supported set of alternatives. We can also envision ways to structure the process to be somewhat more efficient and produce an equally well-informed outcome with possibly a less heroic level of effort on the part of the convening team and facilitators.

Key recommendations for modifying the process are as follows. We would welcome the opportunity to review these with the other Lessons Learned consultants, the I-Team, the SAT, and interested stakeholders as the Central Coast Project continues and the MLPA Initiative process for the next region ramps up. As well, we would be pleased to present our finding to the BRTF.

Key Recommendations for Process Modifications

1. Conduct an initial round of stakeholder interviews well in advance of convening the next RSG. Use the results of the interviews to inform the recruitment of RSG members, the pacing of work products, and the nature of upfront analytic work. Then, conduct a second, targeted round of stakeholder interviews with appointed primary RSG members who were not interviewed in the first round.
2. Place upfront emphasis on recruiting individuals committed to use a mutual gains bargaining approach, and bringing a regional (and not just local) perspective to the task of MPA package creation. At a minimum, this means a commitment to building

integrative solutions. At best, it means working hard to come up with a single consensus recommendation.⁵

3. Provide more explicit incentives and a clearer expectation for stakeholders to converge on an agreed-upon package, with the expectation that they will come up with multiple packages and then rank them as a step toward converging on a single package. It is not an unreasonable expectation that the stakeholder group could come to support a single package that most successfully integrates the interests of multiple stakeholder groups. Several structural adjustments and incentives could make this more likely. Perhaps the most important would be a commitment that a consensus RSG MPA package, informed by robust DFG input, would very likely be the DFG preferred alternative that would be forwarded to the Commission for decision. This in turn would probably entail DFG staff to be more active negotiating participants in the RSG.
4. Establish a crisp and comprehensive Terms of Reference for the Science Advisory Team. Address issues such as disciplinary coverage, dealing with real and apparent conflicts of interest, methods of deliberation, and nature of the interface with the RSG and the BRTF.
5. Look for ways to streamline the sequencing of work products relative to stakeholder group deliberations. In particular, provide timely access to solid habitat and socioeconomic data, and introduce the rationale and logic of the MPA evaluative criteria much earlier in the process. For example, a draft Regional Profile could be built by staff in advance of the first meeting. A provisional outline of regional objectives could also be built from the Central Coast project. I-Team colleagues suggested that, in hindsight, they could have imagined 3 months of preparation work before the CCRSG convened. Ideally, the value and acceptability of these upfront steps should be informed by the stakeholder assessment interviews.
6. Consider the merits of spacing RSG meetings at 6-week intervals to allow more extensive interim analytical work and work team meetings and caucuses. Strike a balance between a slightly more relaxed pace and the attention-getting “just in time” staff analysis, but build in a time buffer.
7. Structure main RSG meetings largely as plenary meetings, and convene them in alternating parts of the region to accommodate different stakeholders. Convene interim work team meetings in particular subregions to focus on subregion-specific issues and concerns.

⁵ It has been observed by some of our colleagues that building unanimous agreement on marine resource issues is very difficult. While we agree with this sentiment, we have seen that unanimous consensus is possible given the proper incentives, statutory guidance, aggressive negotiation of a single-text agreement, and a well-enforced deadline. CONCUR recently facilitated an Take Reduction Team under the Marine Mammal Protection Act that resulted in unanimous agreement on a Take Reduction Plan to reduce the incidental bycatch of pilot whales and Risso’s dolphins by the Atlantic pelagic longline fishery. While the statutory context is different, it may be worth looking at similarities and differences of the two projects.

8. Ensure that the MPA Decision Support Tool, or its analog, is fully functional and available in advance of convening the first work session on MPA delineation. Ensure that supporting GIS map layers are updated, complete, and accessible.
9. Provide stakeholders with a clearer blueprint of the look and feel of the final work product. (Note: we specifically proposed this step very early on in the CCRSG process, but it seemed to be too daunting a task to complete. And, there were many aspects of the process design and analytical methodology that evolved over the course of the project.)
10. Streamline the creation of regional objectives. In the CCRSG process, the regional objectives ended up playing less of a role in MPA package design than SAT guidance on MPA size, spacing, and habitat representation (although regional objectives still played a role in the development of a monitoring and evaluation program). This step could be significantly streamlined by starting with a good first cut of regional objectives (i.e., not brainstorming them from scratch) and clarifying for stakeholders the role that the regional objectives will play in MPA package delineation.
11. Increase support for stakeholder caucusing within and across interest groups (both in meetings and during interim work sessions). The facilitation of the Package 1 proponents in November was reportedly helpful in bringing the caucus to agreement. But, at the same time, we should look for ways to reinforce the expectation that cross-interest work teams will produce single recommendations for consideration in plenary.
12. Structure meeting agendas to provide greater opportunities for robust dialogue and exchange of information and views between the RSG and the SAT.
13. Clarify early in the process the BRTF's role relative to the RSG's alternative MPA packages and the BRTF charge to select a preferred alternative. Consider bounding the role of the BRTF with regard to MPA package development to reviewing and offering comments on RSG-derived packages, and identifying a preferred alternative without hybridizing or amending RSG packages.
14. Adjust the schedule and process design so that the full RSG is still intact when the BRTF reviews candidate alternatives.
15. Continue to derive lessons learned, and "go to school" on this and later regional processes. Explicitly document process choices, results, and the apparent causes of success or shortcoming, and continue refining the approach.

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15. McCreary, Scott, John Gamman, and Bennett Brooks (2001). "Refining and Testing Joint Fact-Finding for Environmental Dispute Resolution: Ten Years of Success." *Mediation Quarterly*, vol. 18, no. 4.

Appendix A – Key I-Team Members

MLPA Initiative

John Kirlin, Executive Director

Michael DeLapa, Central Coast Project Manager

Michael Weber, Senior Project Manager

Melissa Miller-Henson, Operations & Communications Manager

Francine Edralin, Administrative Assistant to Executive Director

Rita Bunzel, Central Coast Regional Operations/Communications Manager

Amy Boone, Policy Analyst

Mary Gleason, Principal Marine Resources Planner, The Nature Conservancy

Evan Fox - Assistant Planner

Department of Fish and Game

Mr. John Ugoretz, Nearshore Ecosystem Coordinator/Central Region Manager

Mr. Paul Reilly, Senior Marine Biologist: Central region coordinator

Mr. Chris Ball, Research Analyst I

Ms. Maura Leos, Office Technician

Mr. Paulo Serpa, Contracted GIS Staff

Consultants

Don Maruska, Strategic Planning Consultant, Don Maruska and Company, Inc.

Kirk Sturm, Outreach Specialist, Sturm and Associates

Facilitation Services

Scott McCreary, CONCUR, Inc.

Eric Poncelet, CONCUR, Inc.

Appendix B – Interview Instrument for Stakeholder Assessment

Your Background:

1. In brief, please tell us a little about your professional background and your current position and responsibilities.
2. What has been your involvement to date in discussions related to the establishment of Marine Protected Areas (MPAs) under the MLPA?

Your View of the MLPA Initiative and Your Interests:

3. In your view, what is the MLPA Initiative trying to achieve, and what is the role of the CCRSG?
4. What are your organization's interests in the MLPA and the establishment of an improved network of MPAs for the central coast?

Learning from Past Efforts:

5. Were you involved in past efforts to recommend a network of Marine Protected Areas? In your view, what worked in these efforts, and what could have been done better?

Useful Approaches:

6. What are the keys to success for the CCRSG and the project more generally?
 - [Probe] What would help you contribute most productively to the CCRSG?
 - [Probe] Do you know of past similar stakeholder collaborative efforts that might serve as helpful models for this project? What key elements of these past efforts made them successful?
 - [Probe] What opportunities are there to integrate the diverse stakeholder interests involved in the development of a proposal for effective networks of MPAs as required by the MLPA?

Issues to be Addressed:

7. In your view, what are the key challenges or barriers facing the project?
 - [Probe] What concerns do you have with the CCRSG's role and how it operates?
 - [Probe] Participants in the CCRSG represent a wide variety of stakeholder perspectives. CCRSG meetings will also be supported by MLPA and DFG staff as well as technical expertise in the form of a Science Advisory Regional Sub-Team.
 - Do you have any questions or concerns about the role of MLPA or DFG staff in this project or the credibility of the scientists in the mix?
 - What could we do to help clarify these respective roles?

Process Design and Preparation Needs:

8. *Representation.* You should have already received a list of the CCRSG representatives. The aim has been to produce a representative stakeholder body. What is your view on the representation?
9. *Meeting structure.* [Describe anticipated meeting schedule/locations and sub-group structure.] Are you comfortable with northern representatives attending the meetings focused on southern goals/profiles and southern representatives attending the meetings focused on northern goals/profiles?

10. *Participation and scheduling.* The first CCRSG is scheduled to take place in the Monterey Bay area on June 8-9 (1.5 day meeting). Future meeting dates are anticipated as follows [review draft schedule prepared by I-Team].
 - a. Do you anticipate being able to attend all of these meetings? Which are you likely to miss?
 - b. Are you willing to commit to work with your alternate to ensure continuity of representation of your interests? How do you envision coordinating with him/her?
11. *Building on past efforts.* [Describe past MLPA processes and outcomes—rounds 1 and 2.] Based on your knowledge of past MLPA efforts, what is the most appropriate way to build on past work regarding:
 - a. Development of regional goals
 - b. Development of regional profiles
 - c. Evaluation of existing MPAs
 - d. Recommendation of a network of MPAs
12. *Information needs.*
 - a. What specific information would be helpful to support these deliberations? Please recommend specific documents or presenters.
 - b. Are there key documents from past processes that would be particularly useful?
13. *Ground Rules.* When facilitating collaborative groups, we typically put forward draft ground rules that cover areas such as “Participation,” “Representation,” “Information Sharing,” and “Media Conduct.” What ground rules would you recommend including to help members work together effectively?

Other Comments, Questions, or Advice

14. Do you have any other questions, comments or advice for us? You are welcome to send us any additional thoughts by email (eric@concurinc.net).

Appendix C – Assessment Report

Stakeholder Assessment Memorandum

Date: June 6, 2005

To: Central Coast Regional Stakeholder Group Members

From: Scott McCreary and Eric Poncelet, CONCUR, Inc.

Re: Stakeholder Assessment Memorandum, CCRSG Process

This Stakeholder Assessment Memorandum presents our summary findings from interviews we conducted with thirty-one primary members of the Central Coast Regional Stakeholder Group (CCRSG).⁶ These interviews, and this Memorandum, represent a key part of our preparation to facilitate the CCRSG process.

Twenty of the interviews were conducted in person; the rest were conducted by telephone. Alternate members were not interviewed.

Our overarching finding is that appointees are taking the Marine Life Protection Act (MLPA) Initiative central coast effort very seriously, willing to commit the time, and taking steps to participate effectively. Nearly all appreciated having the opportunity to influence proposals for Marine Protected Areas (MPAs) in the Central Coast region. Many anticipated that the deliberations would be challenging, but most also see opportunities to find common ground.

This memorandum is organized into four main sections. Section A summarizes the interests expressed by the stakeholders. Section B summarizes key views on the project, highlighting potential challenges and keys to success. Section C synthesizes key information needs called out by the participants. Finally, section D summarizes advice from the CCRSG members to project staff to help prepare for the Central Coast project.

A. Stakeholder Interests

In the interviews, respondents expressed a wide variety of interests in relation to the MLPA and the MLPA Initiative's Central Coast Project. Many of the respondents also acknowledged that they had multiple interests at stake and thus did not feel comfortable being pigeonholed into a single interest category.

Many of the interests expressed were common across all of the stakeholder perspectives. One common interest was in ensuring the continued health of marine

⁶ This represents the complete set of CCRSG members appointed as of May 31, 2005.

resources along the Central Coast. Other commonly-held interests included: supporting sustainable fishing, conserving fragile habitat, designating Marine Protected Areas (MPAs) of sufficient size to enable assessment of meaningful results, accommodating recreational users, supporting continuation of fishing communities/culture, and ensuring that decisions are based on accurate information and built on strong scientific foundation.

Respondents also expressed a variety of hopes that they had regarding the CCRSG process. These included a desire to produce recommendations with strong, diverse stakeholder support; making rapid and sustained progress in the CCRSG meetings; and having an open, transparent, and fair stakeholder process characterized by mutual respect and acknowledgement of legitimacy of different interests at the table. Many expressed that hope that the CCRSG recommendations would be given considerable weight by the Blue Ribbon Task Force and the Fish and Game Commission and that political considerations expressed at the level of the Commission would not overturn CCRSG recommendations, particularly if they earned broad support at the CCRSG level.

B. Views on the Project – Potential Challenges and Keys to Success

1. RSG balance and composition.

Most participants found the composition of CCRSG to be reasonably well balanced and the CCRSG to be largely composed of people likely to participate in a constructive manner. However, there were some concerns expressed (see point 2). We heard a few comments from both consumptive and non-consumptive representatives that their interest group was underrepresented. This was more strongly expressed by non-consumptive representatives. Consumptive representatives pointed out some of the difficulties associated with consistent participation by fishermen, due to their need to out make a living rather than participating in meetings.

We also heard that certain key perspectives were potentially missing. Examples cited included those of: local governments that are home to fishing communities (mentioned most often), the Monterey aquarium, fishing interests out of Point Arguelo, an “old guy” with longstanding knowledge of fishing conditions, peer agencies with a stake in coastal management, hospitality industry/tourism, an older person from the south, and a “bird person”.

2. Participation.

Most of the respondents found the CCRSG to be composed of people likely to participate in a constructive, collaborative manner. Several cautioned us to watch for tactics that could slow or derail the process. These could include a tendency to wordsmith obsessively; inclinations to revisit the text of the MPA or the framework, tendencies to request more information to cause delay; confrontational, oppositional styles of engagement; entrenched positions; and supporting litigation as a means to block implementation of the results of the initiative. Respondents urged the facilitation team to exercise strong direction

and guidance of meetings to avoid these tactics and instead help the full group to sustain its momentum.

Most respondents indicated their intention to attend all of the monthly meetings. A few stated the need to send their alternates at least part of the time. In general, CCRSG members preferred a delayed starting time and early finish time for two-day meetings, as this provides some time to travel between the Morro Bay and Monterey areas. Many of the participants expressed a desire to schedule future meeting dates as soon as possible.

3. Science Team role and composition:

There are multiple concerns, expressed by a wide range of CCRSG members, about whether the role of the science teams has been sufficiently established. There are two main issues here.

- First, several participants questioned whether input from science advisors was being so constrained as to limit the meaningful contributions of scientific information to the MLPA process. One suggested, "Maybe there's been an over-adjustment from the push back that DFG got when it rolled out draft maps in Round 1". Many participants also expressed confusion as to the role of the Science Advisory Regional Sub-Team in the CCRSG effort. Many of the respondents supported the strategy of convening work teams composed of mix of CCRSG and science team members as a way of bolstering direct interaction among the stakeholders and science advisors.
- Second, many respondents (including a majority of the fishing representatives interviewed) expressed concerns that, on the whole, the Science Advisory Team (SAT) is not yet perceived as sufficiently objective. Among the concerns expressed were that some members of the SAT are overly inclined to view MPAs favorably as a central management tool (for reasons of professional advancement or an inclination towards environmental advocacy). Others observed that that "skeptics" and those with a strong grasp of socio-economic issues are underrepresented on the SAT. A few of these respondents suggested that lack of stipends may be a factor contributing to a potentially skewed distribution of SAT participation. Some of the CCRSG members recommended making funds available to support the participation of other scientists, perhaps in a peer review role. Several of the respondents cautioned, however, that the CCRSG process avoid becoming a battleground between opposing scientists. To address this concern, several respondents recommended inviting presentations from scientists who have different perspectives from current SAT members.

4. Project funding

Many respondents, including several of those representing the fishing community, expressed concern regarding both the funding source and funding mechanism for the MLPA Initiative. These participants viewed the Packard Foundation in particular as having a pro-conservation agenda that is sometimes

expressed as an “anti-fishing” orientation. Several of these participants described this as a “conflict of interest” and questioned the legitimacy of the process. Others recognized the potential conflict of interest but did not see this dynamic as unusual for a process that remained ultimately political. When asked how questions of the project’s legitimacy might be addressed, participants generally responded that the project would have to demonstrate itself as open, transparent, and inclusive of stakeholder input. As one stakeholder noted, the “proof will be in the pudding.” A few others agreed that checking in with concerned stakeholders at various steps in the process might also be helpful.

5. Schedule and timeline.

Nearly all respondents noted that the timeline is ambitious. Many expressed the concern that the CCRSG will not have enough time to complete its stated goals. Several of these same participants, however, also acknowledged that the compressed time frame may also be an asset by serving to focus people's attention. Others expressed the view that the aggressive timeline is just what the process needs. Some of these respondents recommended developing a clear work plan with steps and milestones well laid out, and revisiting this work plan periodically.

6. Taking account of concurrent initiatives.

There was wide recognition of the need to take account of (but not get bogged down in) concurrent policy initiatives and to ensure that the MLPA process does not duplicate or conflict with these. Key policy initiatives mentioned included:

- Monterey Bay National Marine Sanctuary and the Sanctuary's MPA process.
- California's stated commitment (in the Constitution and Coastal Act Policies) to maintain and expand public access to coast
- Local initiatives focused on resolving local use conflicts in Monterey (which involve city jurisdiction)
- Basin Plan regulations of water quality, including agricultural and urban runoff
- NOAA Fisheries (Sustainable Fisheries) effort on Central Coast—essential fish habitat initiative
- Existing fishery management regulations

Some respondents suggested that the MLPA initiative would be more embraced if seen as “integrating” multiple initiatives. Others cautioned that the MLPA not be used to solve problems (e.g., water quality, fishery management) that should better be addressed via other more appropriate policy/regulatory instruments.

7. Regional Stakeholder Group/Sub-group structure and operation

Participants expressed strong support for the decision to form a single stakeholder group composed of multiple interests and charged with assisting in the development of multiple MPA options for consideration by the Department of Fish and Game and the Fish and Game Commission. While a few respondents said that the size of the group might prove to be unwieldy, nearly all of them supported the sub-group structure as a means of increasing participation and

efficiency. Many said "Good idea" when we explained that the rationale that the assignment is to produce a suite of options for the full Central Coast region, with the potential to make valuable tradeoffs for the whole the region. A few participants suggested that during the north and south sub-group meetings, emphasis be placed on those stakeholders with the greatest knowledge of those respective areas.

Nevertheless, respondents expressed varying degrees of uncertainty regarding the extent of CCRSG's decision-making role. Some were also not clear on the role of the CCRSG in relation to the ultimate decision-making bodies. Others questioned the degree to which the CCRSG could frame its own issues or whether these had already been framed in a top-down fashion. Still others desired clarity on the decision rules by which the CCRSG would operate.

8. Intended goals of MLPA and roles of respective participating groups

Many participants were unclear as to the end goal and end product of the CCRSG and the MLPA process. Accordingly, CCRSG members articulated a wide range of views as to the intended goal of the MLPA Initiative. Some viewed it as focused on marine resource conservation, while others described it as oriented toward fishery management. Some saw the goal as involving the consolidation or reorganization of existing MPAs, while other saw it as involving the expansion of existing MPAs. Many of the fishers expressed the concern that the ultimate intent of the MLPA was to increase close fishery closures, which could put them out of business.

Respondents also expressed a wide range of views as to the need for and expected benefits of the MLPA Initiative. Some described the MLPA as imperative to ensure the protection of the State's marine resources, while others believed that no new MPAs were needed given the current health of many fisheries.

As well, many respondents expressed confusion or lack of clarity over the role of the CCRSG relative to the Science Sub-Team, the Blue Ribbon Task Force, and the Fish and Game Commission. Some of these respondents were also concerned about the relationship between the CCRSG and the Master Plan Framework. Still others were confused about the role and selection of alternates. Nearly all of the respondents requested that the MLPA Initiative staff provide additional role clarification along these lines.

9. Handling information developed in previous MLPA efforts

Many, although by no means all, of the participants were familiar with some of the information developed in earlier efforts to implement the MLPA. Respondents expressed divergent views as to how information produced in previous rounds of MPA activity should be folded into this Central Coast process. In particular, several respondents commented on the provisional draft maps that came out of from Round 1 (including the public workshops) of the MLPA process. In general, these people cautioned against "reintroducing" the DFG maps and

suggested instead that the maps be used as "reference." Others suggested simply making available the "rationale" or "criteria" that went into the preparation of the maps, but not the maps themselves.

Given the compressed schedule of the CCRSG process, many recommended that stakeholders be provided with something to react to. Several added that the process does not have the time to generate all of the science from scratch.

10. Anticipating potential areas of contention

Several stakeholders noted that one key area of disagreement within the CCRSG would likely focus on key locations along the Central Coast—in particular, the coastlines in Monterey and Carmel Bays. Participants referred to these as "hot spots" that could invite lengthy discussion. Some advised taking steps to place localized use conflict in the context of the broader Central Coast project.

11. Adaptive management for project implementation

More than half of the participants were concerned that the results of the MLPA process (and especially the designation of new MPAs) would get "locked in" to place without a robust opportunity to revisit and reopen these decisions. They advocated that the CCRSG's proposal to the Fish and Game Commission specify a process for enforcing, monitoring, and revising the recommended MPA networks. Some feared, however, that funding would not be available to support this later step.

12. Facilitation Team Expertise and Style.

Respondents generally expressed the view that it was useful to have facilitators with experience in marine resource issues and urged that we adopt an active, directive facilitation style to stay on track. One respondent observed, "It seemed like we spent two whole meetings just on ground rules last time." Several advised us to strike a balance between attending closely to process needs and ensuring that substantive topics are discussed thoroughly. Many others cautioned against allowing the process to become derailed due to a lack of focus on the goals of the CCRSG or stakeholder efforts to address issues external to the intended scope of the project (e.g., debating the merit of MPAs or the legitimacy of the Master Plan Framework).

On the whole, respondents offered the view that the up front interviews and face-to-face meetings with the facilitation team were a good idea.

C. Participants identified several information needs.

Participants identified a number of potential information needs. While there was some divergence as to whether all of these information sources are needed, in general, there was broad agreement that most of them would be valuable. As well, there was a strong desire expressed to receive this information or analytic tools as early in the process as possible. The information needs identified fell into the categories of technical information needs and process information needs as follows:

Technical information needs

- Description of existing types of MPAs
- Maps or other graphic tools of all MPAs, as well as "de facto MPAs" (e.g. the area off Vandenberg, rockfish conservation area), including rationale
- Status of performance of existing MPAs in California
- A concise summary of experience from other regions showing how MPAs perform (though some discounted the value of experience from tropical ecosystems)
- Status of species and habitat, including endangered species
- Location of spawning areas
- Maps or overlays showing fishing effort
- Maps of access points and haul out points
- Identification of pollution sources and anticipated pollutants of the future
- Socio-economic data for fishing
- Information on the benefit of "networks"
- Definition of terms: network, "replication" of MPAs, "best readily available science", conservation (vs. protection),

Process information needs

- Summary of existing regulations applying to the Central Coast region (NOAA Fisheries FMPs, Central Coast Basin Plan, etc.)
- Summary of existing collaborative efforts (and their goals) in the central coast region (e.g., Sanctuary, Marine Interest Group, etc.)
- A summary that clearly lays out the role of the various components of the project (e.g., role of DFG in the process, role of Science Advisory Sub-Team, intent of the MLPA, role/influence of funding institutions)
- A description of how Master Plan Framework was produced and approved.
- Participants also expressed general support for a decision support tool that allows simulation of alternate MPA boundaries and computation of areas and ratios included. Ideally, this tool would be linked to another tool that assesses economic impact of MPA boundaries.
- Brief history of past processes (rounds 1 and 2), to get everyone up to speed.
- Recap of changes in regulations, science, or biological status since Round 2 (e.g., new rockfish closure, fewer trawlers, new GIS data, changes in MPA science/findings)
- A clear description of the intended look and feel of final product from the Central Coast effort.

D. Meeting Preparation Needs – Ground Rules

When asked, respondents offered a wide variety of potential ground rules that they believed would be helpful in guiding the work of the CCRSG over the coming months. Many also emphasized the importance of enforcing ground rules. Key recommendations include the following:

- Media contact. About half of the respondents commented on the need for a ground rule governing media contact. Several offered caution, describing accounts of past collaborative processes that had run into difficulties when participants began misrepresenting the process or each other's interests in the press. Respondents discussed the following options: 1) deferring contact with the media until CCRSG makes its final recommendations (most widely mentioned), 2) preparation of jointly produced media contact, 3) stakeholders agree not to represent others in the media.
- Decision rule. Many of the respondents discussed the need to clearly establish how the CCRSG would make decisions. Importantly, most respondents did not want to be hamstrung by either Robert's Rules of Order (where all decisions are made by a simple majority) or an unyielding need to reach total unanimity. Most expressed a preference for a decision rule that emphasized consensus building, while noting that achieving complete unanimity on substantive work products might be unlikely. Some participants noted that a decision rule fostering consensus could help address concerns that some participants may have if the CCRSG lacks exact numerical parity among interest groups.
- Respondents recommended a ground rule to guide communication between stakeholders between meetings.

Other specific ground rules recommended by respondents included:

- Everyone will help keep the process on track.
- CCRSG participants will make efforts to represent their constituencies, keep them informed, and strive to ensure buy-in.
- Interaction will be positive and respectful. Personal attacks will be avoided.
- Participants will share and not withhold pertinent information.
- Participants will avoid sidebars during CCRSG deliberations (one person will speak at a time).
- Primary CCRSG members will keep their alternates briefed so the alternates can step in and keep the process moving forward in an effective fashion. This will help minimize "backsliding" during the meetings.
- Participants will disclose their interests (to avoid the pitfalls caused by hidden agendas).
- Facilitators will be prompt in their production of meeting summaries.
- Participants will focus on interests, not positions. Here, respondents recommended spending time differentiating positions from interests and highlighting our interest-based approach. The key concern was avoiding discussions grounded in a "win-lose" mentality.
- Participants will make a "good faith effort" and commitment to achieving the goals of the CCRSG
- Participants will strive to think creatively and be open-minded.
- Participants will do more than simply oppose the ideas or proposals made by others; they will also propose alternative solutions.
- Participants will avoid revisiting past decisions.

Overall, these suggestions coalesce around a reasonable series of guidelines that are incorporated in the proposed Ground Rules for the CCRSG.

Appendix D – Summary of CCRSG Key Process Decisions

Draft Summary: MLPA Central Coast Regional Stakeholder Group (CCRSG) Key Process Decisions

Event	Key Objectives	Key Process Decisions	Results
Master Plan Framework		<p>The adopted MLPA Initiative Master Plan Framework reflects a number of important process choices made before the CCRSG was convened. Several of these we chose to reiterate and emphasize at strategic times throughout the CCRSG process. Key among these were the following:</p> <ol style="list-style-type: none"> 1. The charge that the CCRSG produce a suite of alternative MPA packages rather than a single consensus MPA proposal. 2. The CCRSG is not the final decision making body. The CCRSG (along with the SAT) is serving in an advisory capacity to the BRTF, which is, in turn, serving in an advisory capacity to California Department of Fish and Game and the California Fish and Game Commission. The Fish and Game Commission is the ultimate decision maker. 3. The MLPA calls for the use of the “best readily available science” in designing and managing MPAs. 	<ol style="list-style-type: none"> 1. BRTF approved MPF in August 2005.
CCRSG Preparations and Recruitment		<ol style="list-style-type: none"> 1. Created an application for Regional Stakeholder Group membership. <ul style="list-style-type: none"> • Key application fields included: Coastal community/public-at-large, fishing-commercial, fishing-recreational, ports and harbors, conservation groups, recreational (non-consumptive), government/military, research/education. • Selection was based on an effort to achieve <i>diversity</i> of perspectives, expertise, interests/constituencies, geographic distribution, and experience with past MLPA processes, and <i>parity</i> across consumptive and non-consumptive resource users. • Other key selection criteria included availability, ability to work collaboratively with other stakeholders, and access to broad communications networks. 2. Made major effort to identify and recruit alternate members. 3. Developed provisional concept of alternating North and South meetings, with meetings conceptualized as replicates of each other (concept persisted into mid point of CCRSG process). 4. Adopted a standard protocol for reviewing CCRSG documents (e.g., CCRSG meeting agendas, technical reports, PowerPoint presentations, etc.) in which draft materials were circulated to the entire MLPA Initiative team (I-Team) for review and comment prior to finalization. This made use of the broad expertise and experience of I-Team members, although it did mean that I-Team members received lots of MLPA email. 	<ol style="list-style-type: none"> 1. CA Department of Fish and Game Director and BRTF Chair appointed 32 primary and 24 alternate CCRSG members.

Appendix D

		Note: Appointment of CCRSG members largely preceded recruitment of the facilitators. The facilitators were chosen by the MLPA Initiative Executive Director and appointed by DFG director	
Confidential Stakeholder Interviews	<ol style="list-style-type: none"> 1. Clarify key interests at stake 2. Identify key concerns 3. Better understand the issues to be resolved 4. Anticipate potential areas of agreement and disagreement 5. Explore key preparation needs 6. Begin establishing rapport with CCRSG members 7. Identify key information needs 	<ol style="list-style-type: none"> 1. Recommended and conducted confidential stakeholder interviews with all appointed primary CCRSG members. 2. Conducted as many in-person interviews as possible (approximately 20 out of 30) to build relationships, trust, and rapport. The rest were conducted by phone. 3. Developed interview questions that elicited information on: personal background/experience, views of the MLPA Initiative, stakeholder interests, key issues to be addressed, key lessons learned from past efforts (e.g., past MLPA efforts as well as the Channel Islands process), keys to success of the CCRSG and the project more broadly, and process design recommendations (e.g., regarding representation, meeting structure, participation and scheduling, building on past MLPA efforts, information needs, and ground rules). 4. Used the interview process to introduce the facilitation team and to pass on key information on the project (e.g., information on likely meeting schedule—meetings in both Monterey and Morro Bay areas, expectation of need for work teams to meet between plenary meetings to help generate draft work products) 5. Incorporated the findings of the stakeholder interview process into CCRSG process design, such as the development of ground rules (see description from first CCRSG meeting below), the design of kick-off meeting goals and materials (e.g., goal of coming to closure quickly on ground rules, meeting materials clarifying project goals and roles), the determination of key information needs, and even seating arrangements (i.e., who sits next to whom at the meetings). 6. Prepared and presented a Stakeholder Assessment Memorandum summarizing the results of our findings at the first CCRSG meeting. The Memorandum candidly discusses multiple concerns, including funding mechanism, composition of the Science Advisory Team (SAT), and concerns about individual members and their potential behavior 	<ol style="list-style-type: none"> 1. Stakeholder Assessment Memorandum presented to CCRSG at first meeting.

<p>June 8-9, 2006 CCRSg meeting</p>	<ol style="list-style-type: none"> 1. Introduce CCRSG members and project support staff 2. Review and adopt ground rules 3. Review project goals and work plan 4. Review key findings of stakeholder interviews 5. Review background information and information needs 6. Begin preparations for July CCRSG meeting 	<ol style="list-style-type: none"> 1. Discussed, revised, and adopted ground rules for the CCRSG. Key ground rules included: <ol style="list-style-type: none"> a. <i>Representation</i>. CCRSG members will commit to keeping their constituents informed and reporting back relevant feedback to the CCRSG. b. <i>Participation</i>. Discussions will focus on primary members at the CCRSG meetings. Facilitators may call on alternates at their discretion. Alternates can participate in work teams, but primary consideration is given to primary members. c. <i>Decision rule</i>. CCRSG will strive to achieve a high degree of consensus in their deliberations, but unanimity is not required to keep the process moving; facilitators will use “straw votes” to help the group arrive at short term decisions. d. <i>Cooperation with SAT</i>. CCRSG members will work cooperatively with SAT in the development of options and work products. e. <i>Media contact</i>. In media contact, CCRSG members will not make statements prejudging the outcome or speaking on behalf of others’ points of view; in general, media contact will be handled by MLPA staff. 2. Set and met goal of adopting process ground rules by end of first meeting. 3. Presented briefings on the project goals and roles to create clear sideboards for the project. [Note: these messages were strategically reiterated throughout the CCRSG process.] Key messages included: <ul style="list-style-type: none"> • The project is not focused on reevaluating the MLPA. • A key end product is a suite of alternative MPA packages, not a single consensus package. • Stakeholders will have multiple other opportunities to influence the process in addition to the CCRSG meetings, including public comment at the BRTF and Fish and Game Commission meetings. 4. Took the time to place the CCRSG process within its broader context. Key information briefings to the CCRSG included: <ul style="list-style-type: none"> • MLPA goals • Regulatory and policy contexts • List of existing MPAs • Status of data and data collection, both existing and planned (e.g., Draft Regional Profile) 5. Requested stakeholder comment on the development of technical/scientific documents (e.g., Regional Profile). Note: this was done to support the production of other technical documents throughout the CCRSG process (e.g., evaluation of existing MPAs) 6. Summarized results of stakeholder interviews to highlight and give voice to 	<ol style="list-style-type: none"> 1. Adopted ground rules for the RSG (see Attachment 1) 2. Presented briefings on project goals and roles 3. Formed three work teams to assist preparations for July RSG meeting. The focal areas for the work teams are as follows: <ol style="list-style-type: none"> 1) <i>Goals and objectives</i>. The primary purpose of this work team is to provide input to staff regarding the preparation of preliminary regional Goals and Objectives. The entire RSG will discuss the topic of regional Goals and Objectives at the July RSG meeting. 2) <i>Data presentation</i>. The primary purpose of this work team is to which information needs should be prepared as maps for RSG members. 3) <i>Information scoping</i>. The primary purpose of this work team is to determine the scope of remaining information needs (with a key focus on pending socioeconomic information) and a timeline for generating this information. This work team will evaluate the need for additional information needs against the specific goals of the project.
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Appendix D

		<p>key stakeholder interests and concerns (e.g., regarding such issues as funding, CCRSG balance and composition, timing of the process, facilitation style, and problems with previous MLPA processes)</p> <ol style="list-style-type: none"> 7. Provided a description and led a group discussion on the difference between “goals” and “objectives” to assist in future CCRSG development of Regional Goals and Objectives 8. Organized a breakout group activity inviting participants to discuss: a) how to define success in the project, b) their fears for the project, and c) things they could do to make the project a success. This gave CCRSG members another opportunity (in addition to the stakeholder interviews) to express key concerns and hopes). 9. Convened multiple work teams (composed of CCRSG members, SAT, and staff) to assist preparations for the July CCRSG meeting. The objectives for the three Work Team included: <ul style="list-style-type: none"> • Provide input toward draft Central Coast goals and objectives • Determine what information needs to be presented on maps • Determine the scope of the remaining data needs (with a key focus on socioeconomic information) 10. During meeting debrief, identified the need to articulate policy sideboards as an integral part of meeting preparation and to plan more carefully for public comment period to avert unplanned outbursts. 	
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July 7-8, 2006 CCRS meeting	<ol style="list-style-type: none"> 1. Review and provide targeted feedback toward refinement of draft Regional Profile 2. Review and adopt regional goals 3. Provide updates to CCRSG members on communication protocols and information development 4. Convene work sessions and begin preparations for August CCRSG meetings 	<ol style="list-style-type: none"> 1. Used draft goals developed by interim work team to stimulate CCRSG deliberations on Regional Goals. 2. Invited Dr. Charlie Wahle (National MPA Center) to present on the Center's guidebook for evaluating MPA management effectiveness, with a focus on the role and importance of goals, objectives, and indicators. 3. Established a public comment period to precede lunch on Day 1 for a logical breakpoint; agreed to poll members of public who wish to speak and allocate time among them. 4. Added new ground rules as needed (e.g., ground rule on public comment). 5. Established communications protocols by which CCRSG members would request and receive information: <ul style="list-style-type: none"> • Process for recording and responding to science questions (involving the SAT) • Protocol for making other information requests (e.g., data or other information) • Communications with work teams 6. Established a protocol for submitting alternative MPA proposals from non-CCRS members. 7. Convened a small work team to respond to an editorial that incorrectly characterized one of the CCRSG's ground rules. This represented an opportunity to model how ground rules would be implemented and enforced. 8. Used breakout sessions to kick off interim Work Team activities. 9. Convened two work teams to assist preparations for August meeting. Framed work team assignments as brainstorming; work teams were <u>not</u> tasked with producing unified recommendation for the plenary CCRSG. Work team objectives included: <ul style="list-style-type: none"> • Develop draft Regional Objectives • Scope out needed socioeconomic information 10. Framed adoption of Regional Objectives as a task where a high degree of consensus would be sought. 11. Decided to continue convening the CCRSG in plenary (i.e., and not break out into Regional North/South meetings) but to continue alternating meeting venues. 	<ol style="list-style-type: none"> 1. Reviewed and commented on draft Regional Profile 2. Reviewed and adopted regional goals 3. Reviewed and discussed several communications protocols, including an approach for recording and responding to science questions 4. Received briefing on guidance for evaluating MPA effectiveness 5. Heard public comment on the CCRSG process 6. Convened four work sessions on the topics of: draft regional objectives, data presentation needs for future meetings, socioeconomic information scoping, and gathering additional information on the topics of low and no priority fishing sites, kelp beds, and important dives sites for mapping.
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August 10-11, 2006 CCRSG meeting	<ol style="list-style-type: none"> 1. Review and discuss second draft of Regional Profile 2. Review, discuss, and adopt Regional Objectives 3. Review draft monitoring and evaluation report 4. Begin preparations for the September CCRSG meeting 	<ol style="list-style-type: none"> 1. Initiated discussion of Regional Objectives with draft objectives produced by a work team. Pressed hard for adoption of Regional Objectives at August meeting. Framed draft Regional Objectives as a “recommendation.” 2. Characterized the Regional Objectives as “provisional” to acknowledge that they still needed to be adopted by the BRTF (thus reminding CCRSG members of the link between CCRSG and BRTF work) 3. At the end of the meeting, took an informal straw vote to gauge the level of support for the evolving provisional Regional Objectives -- to build momentum toward later approval (Question asked: “Are they a reasonable first cut, recognizing that more work is still to be done?”) 4. Invited SAT members to present to CCRSG on important scientific topics (similar to presentations SAT members were making to the BRTF). Note: similar SAT presentations were made at several subsequent CCRSG meetings. 5. Convened additional work team meetings to follow up on specific draft Regional Goals requiring additional discussion. Framed work team assignments as brainstorming; Work Teams were <u>not</u> tasked with producing unified recommendation for the plenary CCRSG. 	<ol style="list-style-type: none"> 1. CCRSG received an update and commented on a second draft of Regional Profile. The update included a briefing on the progress of mapping. 2. CCRSG engaged in robust review and revision of draft provisional Regional Objectives. Participants reached substantial agreement on several specific objectives, which will be revisited in the context of the full package of objectives. Several additional issues remain to be addressed. 3. CCRSG expressed the overall view that the draft provisional Regional Objectives are approaching a reasonable first cut, recognizing that more work is to be done. Further deliberation is scheduled for the September CCRSG meeting. 4. CCRSG received a briefing on the anticipated SAT and BRTF review of the draft Regional Profile and the draft provisional Regional Objectives. SAT review will occur on August 30; BRTF review will take place on September 28-29. 5. Science Advisory Team members made presentations to the CCRSG on the topics of: 1) ecosystems and ecosystems services, 2) marine habitats, and 3) the use of economic data in the design of MPAs. 6. CCRSG received a briefing on preliminary efforts to develop an MLPA monitoring and evaluation plan.
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Appendix D

			<div>7. CCRSG received a briefing on the progress of the socioeconomic work team.</div> <div>8. CCRSG unanimously adopted a ground rule governing public comment.</div>
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<p>September 7-8, 2006 CCRSG meeting</p>	<ol style="list-style-type: none"> 1. Review process for completing CCRSG work 2. Begin addressing outstanding issues of concern with a “TBD Bin” approach 3. Review, discuss, revise, and adopt provisional Regional Objectives 4. Begin evaluation of existing MPAs 5. Provide update on final Regional Profile 	<ol style="list-style-type: none"> 7. Provided a robust review of the CCRSG’s overarching goals and main products as well as the anticipated process for completing the CCRSG’s work (i.e., how to get to the finish line). Prepared and displayed “display boards” in the meeting room containing this information. 8. Presented a memo from the Chair of the BRTF reminding the CCRSG of their charge and project timeline, and specifying what would happen if the CCRSG was not able to complete its work on time (i.e., staff would review the CCRSG’s work and continue the task of assembling recommendations to be brought to the BRTF for consideration). In other words, reminded CCRSG of their BATNA. 9. Introduced the concepts of “design considerations” and “implementation considerations” and presented these in a memorandum from staff to the CCRSG. Explained how design/implementation considerations would be used in the evaluation of MPAs. Invited CCRSG members to develop design/implementation considerations in conjunction with Regional Goals and Objectives. 10. Created a “To be Determined (TBD) Bin” process for tracking and addressing outstanding issues. This process included specific steps by which key issues would be recorded, evaluated and addressed, and responded to in the Central Coast project. The issues typically concerned issues viewed as important but not necessarily central to the objectives of the CCRSG. 11. Used alternate formulations of verbal and written straw ballots, to help gauge CCRSG member support for individual “Provisional Regional Objectives and Design/Implementation Considerations,” as well as the entire package. Planned use of specific techniques for individual Objectives to ensure that Regional Objectives would be ratified at the September meeting, recognizing that we lost some time in August. Used written straw ballots in part to avert scripted bloc voting. Key formulations included: <ul style="list-style-type: none"> • To help gauge support for individual objectives and design/implementation considerations that had been developed by the work team, facilitators generally used the phrasing “Who cannot live with this text?” • For three highly contested objectives, facilitators composed a written straw ballot and asked participants to rank the options under each objective in order of preference. This produced a distribution of “points,” which were then reported back to the group. • To adopt the suite of objectives and design/implementation considerations, facilitators asked CCRSG members whether they could “support the entire package”. 	<ol style="list-style-type: none"> 1. Initiative staff reviewed for the CCRSG the process for completing CCRSG work. 2. Initiative staff presented guidance on the relationship between regional objectives, design considerations, and implementation considerations. Staff will present this approach to the BRTF in late September. 3. Initiative staff presented an approach for dealing with “TBD bin” issues. Staff also presented its recommendations regarding how to address such TBD issues as water quality, top end predators, safety, Pismo clams, and desalination plants. 4. CCRSG members discussed, revised, and unanimously adopted a package for provisional regional goals, objectives and design and implementation considerations. MLPA Initiative staff will present this package to the Blue Ribbon Task Force (BRTF) at its September meeting and request BRTF review and guidance. 5. Staff will present a staff recommendation and also request guidance on two key issues resulting from the CCRSG deliberations on the package: socioeconomic considerations, and the inclusion of larval retention areas as a habitat type. 6. Several new issues were added to the TBD bin, including the appropriate level for assessing MPA networks, the appropriate level for replicating marine
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Appendix D

		<p>12. In cases where support over possible objectives and design/implementation considerations was split, deferred final decision to the BRTF.</p> <p>13. Built flexibility into the meeting schedule to ensure that the voting would be completed by the end of the meeting.</p> <p>14. To build momentum for the next meeting, and to provide CCRSG members with the opportunity to begin addressing more tangible issues, convened breakout sessions to allow CCRSG members to provide preliminary feedback on existing MPAs. Broke out the CCRSG by North/South to encourage members to provide their expertise [Note: It was a strategic choice to keep the group together in plenary until after the regional goals/objectives had been decided and the group had turned its attention to actual MPAs.]</p>	<p>habitats, and funding assurances.</p> <p>7. Initiative staff provided an update on spatial data layers and a decision support tool.</p> <p>8. Initiative staff presented a draft framework containing criteria for evaluating existing central coast MPAs. Stakeholders provided preliminary feedback.</p> <p>9. Participants split into northern and southern central coast breakout groups and provided both information and preliminary assessments of existing MPAs. Evaluation of existing MPAs will be a major topic of discussion at the October CCRSG meeting.</p>
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October 5-6, 2006 CCRSG meeting	<ol style="list-style-type: none"> 1. Receive report back from the BRTF on key guidance 2. Demonstrate MPA decision support tool (MPA-DST) 3. Provide an overview of the process approach for evaluating and proposing MPAs 4. Review the preliminary evaluation and habitat gap analysis of existing MPAs 5. Begin producing an inventory of candidate MPA concepts, including initial evaluation and critique 	<ol style="list-style-type: none"> 1. Provided training in the use of the decision support tool (GIS mapping tool). Encouraged CCRSG members to become adept so they could use the tool without the assistance of MLPA staff. 2. Invited the general public to propose MPA packages. Indicated that the CCRSG would be asked to take these into consideration as part of their deliberations. 3. Organized the development of candidate MPA packages into a multi-step process intended to encourage brainstorming first before CCRSG members began assembling MPA packages: <ul style="list-style-type: none"> • Step 1 (to occur at the October CCRSG meeting): CCRSG members organize into North/South breakout groups to build an inventory of possible MPA concepts. Primaries and alternates participate equally. This was to be done in the spirit of “inventing without committing.” Participants are also invited to provide preliminary comment/feedback. • Step 2 (to occur at interim Work Sessions in the weeks following the October CCRSG meeting): CCRSG members to confirm accuracy of the initial candidate MPA concepts and to discuss opportunities for modifying and consolidating these concepts (with an emphasis on developing MPA concepts with cross-interest group support). • Step 3 (to occur in advance of November CCRSG meeting): CCRSG members to begin assembling proposed packages of candidate MPA concepts. We encouraged creation of both interest-based and cross-interest packages. 4. Used a range of facilitation approaches (soft vs. more directive) in the North/South break out groups (step 1 above); switched assignment of facilitators by groups on Day 2 to ensure that the groups completed their assigned tasks. 5. Titled the first set of MPA packages “candidate MPA packages” to avoid the use of the term “proposal.” This would help clarify that the candidate MPA packages were not yet formal proposals. 	<ol style="list-style-type: none"> 1. MLPA Initiative staff distributed copies of the updated regional profile (v.3.0). 2. Initiative staff briefed the CCRSG on the results of the September BRTF meeting. 3. Master Plan Science Advisory Team (SAT) members conducted three informational presentations. 4. Department of Fish and Game staff updated the CCRSG on current work on groundfish hotspots. 5. Initiative staff provided an overview and demonstration of the MPA-DST 6. Initiative staff presented a draft evaluation and habitat gap analysis of existing central coast MPAs. 7. CCRSG members began building an inventory of candidate MPA concepts. <ol style="list-style-type: none"> a. CCRSG members initiated discussions on refining existing MPAs. b. CCRSG members initiated development of new candidate MPA concepts and provided initial commentary, critique, and refinement. 8. Initiative staff outlined next steps in developing candidate MPA concepts.
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<p>November 9-10, 2006 CCRSG meeting</p>	<ol style="list-style-type: none"> 1. Present and discuss initial candidate MPA packages 2. Provide CCRSG members with opportunities to caucus and refine or create new candidate MPA packages 3. Outline the CCRSG's presentation to the BRTF on candidate MPA packages 4. Plan next steps for the December CCRSG meeting. 	<ol style="list-style-type: none"> 1. Due to the multiple resource use interests existing in the Monterey Peninsula area, encouraged that initial packages not get too hung up initially on addressing MPAs for this area. 2. Opted not to encourage inclusion of the "Initial Draft Concept" or "Revised Draft Concept" in the CCRSG's deliberations unless requested by CCRSG members. [Note: the Initial Draft Concept was a proposal for a statewide MPA network developed largely by DFG staff and scientific experts as part of the initial effort to implement the MLPA. After significant pushback from stakeholders, DFG conducted a series of public workshops to solicit stakeholder feedback on the Initial Draft Concept. The Revised Draft Concept was the outcome of this process, although it was never made public.] 3. Scheduled interest-based caucusing opportunities to revise/improve the candidate MPA packages per feedback received from the entire group. Encouraged during this period the creation of new candidate MPA packages that sought to integrate the other packages and build on apparent areas of agreement. 4. Created evening activities (e.g., dinner plans with semi-private rooms) conducive to continued caucusing. 5. Offered extensive technical, scientific, and facilitation support to sponsors of individual candidate MPA packages so they could continue to revise/refine their packages between meetings. 6. Encouraged package proponents to touch base with broader constituents between meetings to inform further revisions of packages. 7. Asked the BRTF member in attendance to encourage convergence among the alternative MPA packages. [Note: the BRTF members in attendance were commonly invited to convey key messages to the CCRSG (in a way that carried the weight of the BRTF). 	<ol style="list-style-type: none"> 1. CCRSG members presented and discussed candidate MPA packages. Initially, two packages were introduced: one by commercial and recreational fishing interests, and the other by conservation interests. 2. CCRSG deliberations on candidate MPA packages was supported by a series of staff documents and analyses: <ol style="list-style-type: none"> a. MLPA Initiative staff distributed the updated Evaluation of Existing Central Coast MPAs (dated November 4, 2005). b. Ecotrust presented an overview of its research methods and results. Maps containing key microblock information were made available to the CCRSG. c. Initiative staff provided an overview of the "external" candidate MPA package proposals, assessing the sufficiency of each proposal in meeting the terms of the MLPA Initiative Master Plan Framework (MPF). 3. CCRSG members caucused to discuss possible modifications to the initial candidate MPA packages. Confirming these changes will require further checking back with stakeholder constituencies. 4. A group of CCRSG members began developing a hybrid candidate package built on emerging areas of convergence
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Appendix D

			<p>between the two initial internal packages.</p> <p>5. CCRSG members discussed preparing for upcoming MLPA Initiative Science Advisory Team (SAT), BRTF, and CCRSG meetings.</p>
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December 6-7, 2006 CCRSG meeting	<ol style="list-style-type: none"> 1. Report on SAT guidance, BRTF review, and staff analysis on candidate MPA packages 2. Invite presentation and discussion on revised candidate MPA packages 3. Assess CCRSG support for respective candidate MPA packages 4. Outline presentation for January BRTF meeting 5. Conclude plenary CCRSG work with thanks and appreciation 	<ol style="list-style-type: none"> 1. Presented results of SAT and BRTF deliberations as key guidance for CCRSG members. 2. Presented on the areas of convergence between the candidate packages so CCRSG members could more readily see where they were close and where they were not. 3. Facilitated Package 2-specific breakout group to produce a unified Package 2 recommendation on Monterey Bay-Pacific Grove portion of study area. 4. Conducted straw voting (using written ballots) for the primary purposes of: <ul style="list-style-type: none"> • Winnowing the number of packages (including external MPA packages) to a more manageable number. • Creating the opportunity for CCRSG members to express relative preferences. • Providing the opportunity for CCRSG members to reflect on potential revisions that could make specific packages more acceptable. 5. Organized multiple (3) rounds of straw voting and built flexibility into the meeting schedule to ensure that the voting would be completed by the end of the meeting: <ul style="list-style-type: none"> • Round 1 (Day 1): Purpose was to winnow the number of packages. Participants were asked to indicate their single-most preferred package. Facilitators established a threshold prior to the vote that packages needed to receive at least 3 votes (approximately 10% of the CCRSG primary members) to move to the next round. • Round 2 (Day 1): Purpose was to rank the remaining packages (1=first choice, 2=second choice, etc.) as a means of encouraging further convergence and informing future possible revision. Participants were also invited to identify packages as “unacceptable” to further clarify the ranking. Facilitators presented the number of first choice, second choice, etc. votes as well as the number of “unacceptables” received by each package. Following presentation of the round 2 voting results, CCRSG members were provided with extended caucusing time to meet both across and within interest groups to discuss possible refinements and look for ways of narrowing areas of divergence. • Round 3 (Day 2): Purpose was to: <ol style="list-style-type: none"> a) rank the packages in terms of preference (1=first choice, 2=second choice, etc.) b) score the packages in terms of level of acceptability (A=acceptable, B=needs minor changes, C=needs moderate changes, D=needs major changes) c) provide CCRSG members with the opportunity for each package 	<ol style="list-style-type: none"> 1. CCRSG members responded to BRTF request to winnow and evaluate candidate MPA packages. Specifically, the CCRSG winnowed the number of packages under their active consideration from 8 packages to 3. 2. CCRSG members ranked the candidate MPA packages and listed specific revisions to improve those packages that were not their preferred ones. 3. CCRSG members continued the process of seeking to increase the areas of convergence and decrease areas of divergence among remaining packages. 4. CCRSG members identified “point persons” for each of the three active candidate MPA packages to assist future coordination and consultation between stakeholders and staff. 5. CCRSG members received guidance from Initiative staff on how to complete their candidate MPA packages, including the development of objectives for individual MPAs, by the December 15, 2005 deadline. 6. CCRSG members received a briefing on next steps in the Central Coast process. 7. The CCRSG concluded its work as a formal body.
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Appendix D

		<p>that was not their preference to identify critical changes that would make it more acceptable.</p> <ol style="list-style-type: none">6. Enlisted broad I-Team support to gather, tally, and post results of straw ballots.7. Provided guidance from the perspective of regulators. [Note: guidance from the enforcement perspective was also provided during the work sessions prior to the November CCRSG meeting.]8. Designated “point persons” (consisting of 2 persons) from among each of the package sponsors for continuing correspondences and consultations.9. Concluded the work of the CCRSG as a formal body.	
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Appendix E – Adopted Ground Rules

Final Ground Rules

Central Coast Regional Stakeholder Group

(Adopted by the CCRSG on June 9, 2005; revised on August 10, 2005)

The following ground rules have been informed by confidential interviews conducted with the primary Central Coast Regional Stakeholder Group (CCRSG) members as well as CONCUR's professional experience. These ground rules are intended to foster and reinforce constructive interaction and deliberation among CCRSG members. They emphasize clear communication, respect for divergent views, creative thinking, collaborative problem solving, trust building, and the pursuit of mutual gains. The CCRSG may decide to reconsider and revise these ground rules if they appear not to be serving the CCRSG process.

Representation

- **RSG recruitment and selection.** CCRSG members have been selected by the director of the California Department of Fish and Game (DFG) and the chair of the Marine Life Protection Act (MLPA) Initiative Blue Ribbon Task Force. CCRSG members were selected based on professional expertise or experience, diversity of perspectives, geographic location, communication network, capability to work with diverse viewpoints, and commitment to successfully completing the central coast process by March 2006.
- **Checking back with constituencies.** CCRSG members have been recruited based upon their ability to ably represent the views of an important constituency. CCRSG members commit to keeping their constituencies informed of the CCRSG's efforts and to reporting relevant feedback to the CCRSG. In reporting back, CCRSG members will strive to integrate the views of their constituency rather than resorting to a "lowest common denominator" portrayal.
- **Seating of primary participants.** During CCRSG meetings, the following primary participants will be seated at the table: primary CCRSG members, BRTF members, Central Coast Science Sub-Team members, lead MLPA Initiative and DFG staff, and project facilitators. CCRSG alternates, other support staff, and members of the public will be seated nearby.

Participation and Collaboration

- **Primary and alternate CCRSG members.**
 - Primary CCRSG members will make every effort to attend all of the CCRSG meetings. Alternate members are also strongly encouraged to attend all meetings.

- Primary CCRSG members will work with their alternates to ensure that they are up to speed on CCRSG deliberations. This will enable alternates to step in effectively as needed and keep the project from “backsliding.” Primary and alternate members are encouraged to confer in advance of the meetings or during meeting breaks.
- Discussion at CCRSG meetings will principally involve primary CCRSG members, SAT members, and staff. Primary members may call upon their alternates to address issues outside of their areas of expertise. At their discretion, meeting facilitators may call upon alternate members.
- **Active, focused participation.** Every participant is responsible for communicating his/her perspectives and interests on the issues under consideration. Voicing these perspectives is essential to enable meaningful dialogue. Everyone will participate; no one will dominate. Only one person will speak at a time. Everyone will help stay on track.
- **Respectful interaction.** Participants will respect each other’s personal integrity, values and legitimacy of interests. This includes avoiding personal attacks and stereotyping.
- **Integration and creative thinking.** In developing, reviewing and revising work products, participants will strive to be open-minded and to integrate each other’s ideas, perspectives and interests. Disagreements will be regarded as problems to be solved rather than battles to be won. Participants will attempt to reframe contentious issues and offer creative solutions to enable constructive dialogue.
- **Mutual gains approach.** Participants will work to satisfy not only their own interests but also those of other CCRSG members. Participants are encouraged to be clear about their own interests and to recognize the important distinction between underlying interests and fixed positions.
- **Commitment to ground rules.** As a set of mutual obligations, CCRSG members will commit to adhere to these ground rules once they are ratified. CCRSG members are encouraged to help uphold and enforce these ground rules. If a CCRSG member consistently deviates from these ground rules, that member may be replaced by another person upon confirmation by the director of the California Department of Fish and Game and the Blue Ribbon Task Force chair.

Commitment to process

- Participants will make a good faith effort to achieving the goals of the project on the schedule proposed.

- Participants will review meeting materials in advance of the meetings and come prepared to address the meeting objectives.
- Meetings will start on time. Participants who know that they will be absent, late, or have to leave early will inform project staff in advance and coordinate with their alternates as needed.

Identifying and Valuing Alternatives

- CCRSG members will strive to identify and value alternative MPA proposals. They will be open to proposals from others in the CCRSG or from outside the CCRSG. The valuation process will assess, using best readily available science and information, how each alternative satisfies the goals and objectives established for the MLPA Central Coast Project. The result of this process will allow the Blue Ribbon Task Force, the Department of Fish and Game, and the Fish and Game Commission to understand how the alternatives identified will satisfy the Marine Life Protection Act.
- The CCRSG facilitation team will seek to foster an approach to meeting management and to the identification and valuing of alternative MPA proposals that maximizes joint gains and mutual benefit, and also optimizes efficiency.

CCRSG Decision Rules

- CCRSG members recognize the need to make simple process agreements to move the effort forward. CCRSG facilitators will use “straw votes” to track progress and help the group arrive at short-term decisions to propel the process forward in an efficient fashion.
- In their advice-giving role, CCRSG members will strive to achieve a high level of consensus in developing and advancing alternative proposals for MPAs. However, it is not the intent here to accord CCRSG members a “de facto” veto on substantive issues, but rather to strive for an expression of proposals that earn broad support across CCRSG members’ interests. The objection of a few CCRSG members will not be grounds to impede movement.

Cooperation with Central Coast Science Advisory Sub-Team (Science Sub-Team)

- CCRSG members will work cooperatively with the Science Sub-Team in the development of options and work products. The Science Sub-Team will assist by reviewing supporting and draft documents, addressing scientific issues and information provided by the CCRSG, and framing and referring policy challenges to the task force.

Multi-interest Work Teams

- DFG and MLPA Initiative staffs expect that cross-interest group work teams will be an essential way to develop constructive, integrative work products during and between CCRSG meetings. The aim of such work teams is to encourage multi-interest options and work products rather than work products put forward by a single bloc or interest group. It is anticipated that work teams will meet primarily by teleconference.
- Work teams will be composed to include appropriate expertise and balance of interests. To the extent possible, work teams will be composed of primary representatives. When a primary representative is unavailable or lacks suitable expertise, an alternate representative may be selected to serve.

Media Contact

- CCRSG meetings are public and will be simultaneously webcast. Audio and video archives of the meetings will be available on the MLPA website a few days after each meeting
- In general, media contact regarding the project will be handled by MLPA staff.
- CCRSG members recognize the need to maintain a balance between providing timely information to constituents and making statements to the media that could undermine the success of the MLPA process. Appropriate topics for CCRSG members to address in speaking to the media include their own group's interests or where the CCRSG is in the MLPA process. CCRSG members agree to avoid: a) making statements to constituents or the media that may prejudice the project's outcome, b) speaking on behalf of another group's point of view or characterizing their motives, or c) stating positions on preliminary proposals while they are still in development or refinement by the CCRSG.
- CCRSG members are encouraged to refer requests for additional contacts to MLPA staff or the CCRSG contact list. If needed, the CCRSG may convene a multi-interest media subcommittee to work with MLPA staff to develop briefings for the media.
- In briefing constituents, CCRSG members are encouraged to rely primarily on the Key Outcomes Memoranda produced for the meetings.

Public Comment

- Designated times at CCRSG meetings will be agendized for public comment. Efforts will be made to hold public comment at consistent time slots and keyed to important CCRSG work product discussions. At all other times of the meeting, comments and discussion will be only among CCRSG members and alternates, Science Sub-Team members, and MLPA Initiative staff.

- To the extent possible, public comments will be directed toward the work effort, products, or process of the CCRSG.
- Members of the public are encouraged to convey their comments to relevant colleagues who serve as CCRSG members or alternates. Members of the public are also encouraged to submit comments in writing (via email to CCRSGcomments@resources.ca.gov). Written comments will be distributed to CCRSG members.
- Public comments will be limited to up to 3 minutes per individual speaker. The CCRSG facilitation team will exercise flexibility in allocation of speaking time depending on the number of comments.

Information Sharing and Joint Fact Finding

- CCRSG members recognize that the MLPA Central Coast Project depends on using the best readily available information.
- Participants are encouraged to be as specific as possible in identifying types of information they believe will support the development of work products, including alternative proposals for marine protected areas. CCRSG members commit to share, and not withhold, relevant information. Tentative information will be treated as such.
- In the event two or more data sets or interpretations appear to conflict, participants will work collaboratively with members of the Science Sub-Team to narrow or clarify the basis of disagreement.

Role of Facilitation Team

- The CCRSG facilitation team is non-partisan and will not act as an advocate for particular outcomes. The facilitators will strive to ensure that all CCRSG members clearly articulate their respective interests and to assist members to complete their work in a well-informed and efficient fashion.
- The CCRSG facilitation team will prepare Key Outcomes Memoranda to summarize the main results of the CCRSG meetings. These Key Outcomes Memoranda will not strive to serve as a transcript of the meetings; rather, they will endeavor to summarize key decisions made, issues discussed, and the next steps identified for moving the project forward. The facilitators will prepare draft and final Key Outcomes Memoranda within 7-10 days of the meetings.

Appendix F: September and October Game Plan Documents

September Proposed Strategy—Adopting Provisional Regional Objectives

General strategy

Keys to success

- Addressing the regional objectives is predicated on successful discussion on:
 - TBD bin (where CCRSG is comfortable that these “other issues” will be satisfactorily dealt with elsewhere).
 - Design considerations – where CCRSG is comfortable that this is an adequate bin to move important issues that do not belong as goals/objectives.
- Provide good up-front briefings (status, recommendations, rationales) of individual objectives so as not to lose ground gained. Key message to CCRSG: let’s not backtrack.
- Reminder – the regional objectives are “provisional”; CCRSG can revisit, as appropriate.
- Use the phrase “drafting text”.
- Reinforce the need for integrative framing.

Working through the regional objectives document

- Addressing existing design considerations: as these have already been discussed, we should not spend much time on them.
- Addressing draft regional objectives:
 - Address objectives goal-by-goal, and objective-by-objective within goals. Attempt to bundle and address groups of objectives where appropriate.
 - Objectives already discussed and voted on: Set expectation that we will not be inviting comments on these.
 - Objectives from goals 1 & 2 that have not received comments to date: We take this as a sign that the CCRSG supports these objectives. We will address them at the end of our discussions as part of a consent agenda.
 - Objectives from goals 3-6 that have not received comments to date: We take this as a sign that the CCRSG is generally comfortable with these objectives. We take brief comments on these. We attempt to bundle them for voting. If CCRSG has comments, vote on them individually.
 - Objectives with recommendations: we provide history of discussion and describe in detail the rationale behind the proposed recommendation. Where appropriate, we provide a staff recommendation. We invite brief comments, then take straw votes on these objectives individually. Note: we are not encouraging new configurations.
 - In cases where individuals propose new objectives, we indicate that these will be moved on to the BRTF with staff recommendations. We need proposals in writing by 9/14/05.
 - In cases where the CCRSG cannot broadly support a particular objective or design considerations, staff will forward the decision (along with specific options for consideration and a report on the process) to the BRTF.

General process suggestions

- Note on CCRSG comments: Ask CCRSG to focus their comments on devising proposed text that integrates multiple stakeholder interests.
- Straw votes: phrase as “is there anyone who can not live with this?” Assume anyone who does not respond supports the objective.
- Ballot voting: ask for ranked preferences.
- We need to remind CCRSG members (and reestablish the expectation) that complete unanimity is not required. Staff intends to pass on the complete set of CCRSG recommendations to the BRTF with an assessment of the support achieved for each individual objective/consideration and for the entire package (along with a report on the process).

General staff coordination

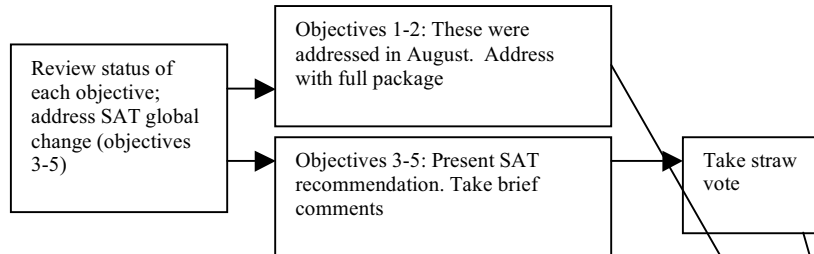
- SM/EP to take the lead in previewing the review process.
- EP to team with PR/JU in walking through the individual objectives.
- SM to mind the queue during discussions of individual objectives. EP to help track and to keep time.
- RB/MW to capture adopted text on a laptop and to prepare full draft package.
- Evan/KS/Carrie to tally votes from goal 3.
- DM to capture new proposed text, as appropriate, on flip charts.
- KS/MG to capture TBD bin ideas on a flip chart.
- As appropriate, staff to engage more proactively in proposing possible solutions.

General process/sequence for reviewing Regional Objectives

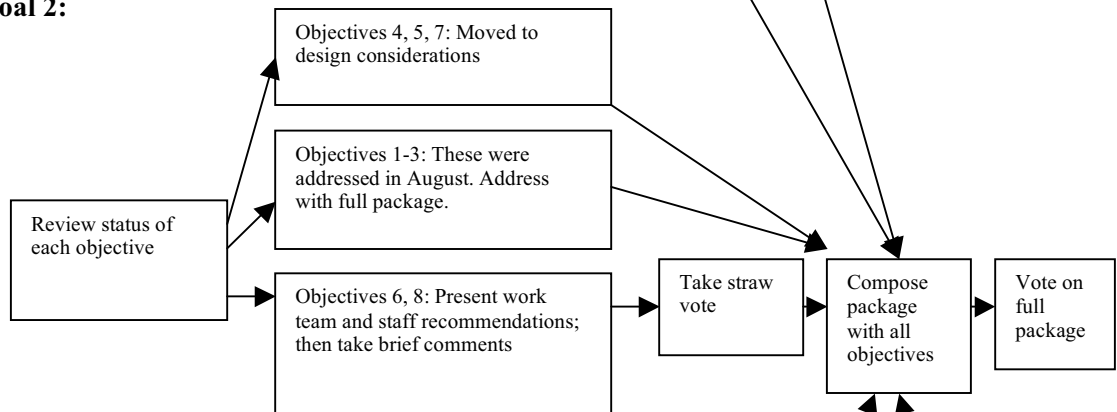
1. Provide overview of document; outline CCRSG review process
2. Move through 3 phase review process
 - Phase 1: Review goals 1-3
Take a break after discussion of goal 3 to prepare and print the ballot
 - Phase 2: CCRSG fills out ballot for goal 3 objectives; staff begins to tally votes
Begin review of goals 4-6
Once tallying is complete, present voting results to CCRSG
Continue review of goals 4-6
Take break (or do Updates/Briefings agenda item) to finalize and print out full objectives package
 - Phase 3: Distribute, review and vote on full package

Process for reviewing objectives goal by goal

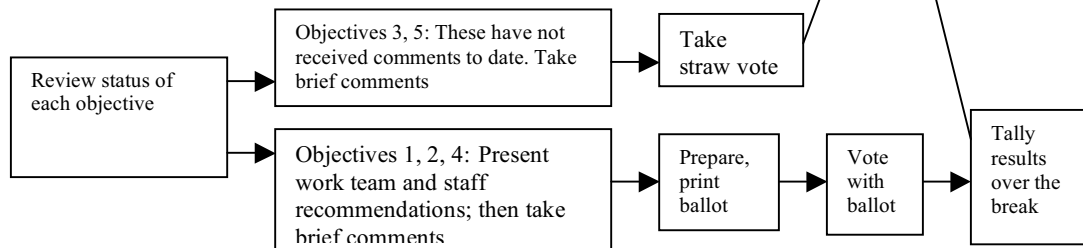
Goal 1:



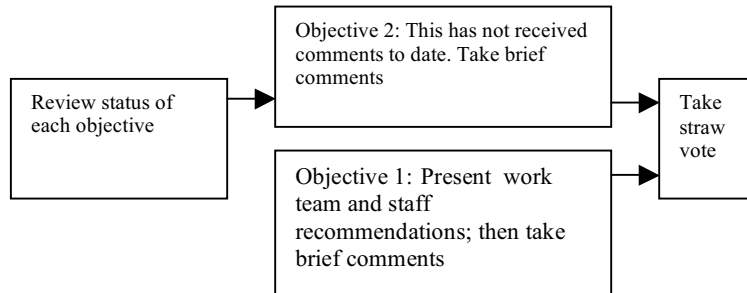
Goal 2:



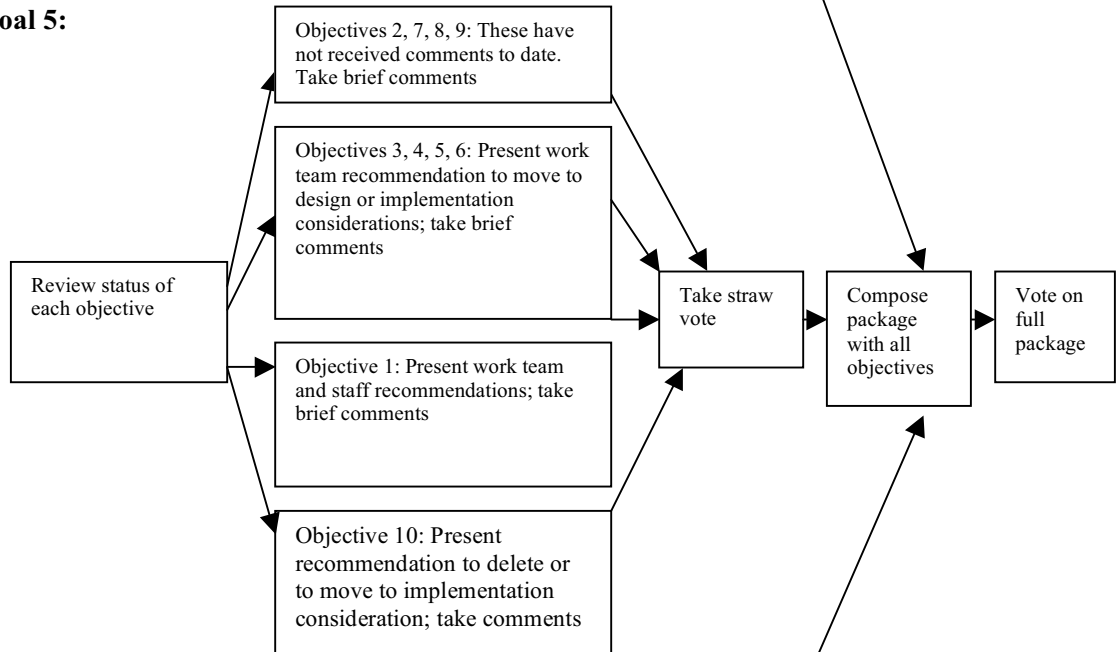
Goal 3



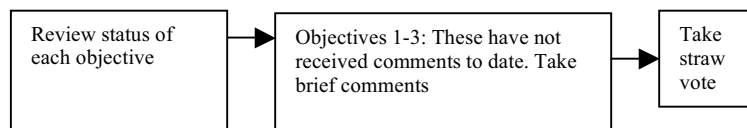
Goal 4:



Goal 5:



Goal 6:



Possible issues that will come up:

General: Some stakeholders may bring up new objectives that are not on the draft list

Goal 1: Objective 5: split support on inclusion of “structure, function”

Goal 2 Objective 4: Some stakeholders may shift positions on the issue of socioeconomic impacts as a design consideration, depending on how our earlier discussion on “equal weighting” proceeds.

Goal 3 Objectives 1, 2, 4: Some stakeholders may want to insert word “at” for #1. Others have been holding out on #1. Still may hold out on #4.

Goal 5 Objective 10: some stakeholders may want to delete this, while others will want to retain this as an implementation consideration. We may build agreement around the second of these two options.

Proposed timing for working through this agenda item:

Sequential Tasks	Time (minutes)
Provide overview of document and outline review process	25
Goal 1	15
Goal 2	30
Goal 3 discussion	50
Break -- prepare ballot	15
Goal 3: distribute ballots and vote on ballot	15
Goal 4	20 (tallying going on in parallel)
Goal 3: discuss results of voting	10
Goal 5	40
Goal 6	10
Prepare final package document	30 (during Briefings/Updates item)
Distribute final package and adopt	10
Extra time	30
Total time	300 (5.0 hours)

Appendix G – Adopted Regional Objectives
California Marine Life Protection Act Initiative
Central Coast Project
Adopted Provisional Regional Goals and Objectives Package
as approved by the MLPA Blue Ribbon Task Force
September 28, 2005

Design and Implementation Considerations

Introduction

The members of the Central Coast Regional Stakeholder Group (CCRSG) agree that Regional Goals, Objectives, and Design and Implementation Considerations are all very important in the development of an effective system of marine protected areas (MPAs) that have stakeholder support. Regional goals are statements of what the regional MPAs are ultimately trying to achieve (Pomeroy et al. 2004)⁷. The Regional goals are largely taken directly from the Marine Life Protection Act (MLPA) itself. Regional objectives are more specific measurable statements of what must be accomplished to attain a related goal (Pomeroy et al. 2004).

Design considerations are additional factors that may help fulfill provisions of the MLPA related to facilitating enforcement, encouraging public involvement, and incorporating socio-economic considerations, while meeting the act's goals and guidelines. Design considerations will be applied as the location, category (reserve, park or conservation area), size and other characteristics of potential MPAs are being developed (Kirlin Memo, 8/22/05). Design considerations are cross cutting (they apply to all MPAs) and are not necessarily measurable (Kirlin Memo, 8/22/05). MPA alternatives developed by the CCRSG should include analysis of how the proposal addresses both regional goals and objectives and design guidelines. (Kirlin Memo, 8/22/05).

Design Considerations

In developing regional goals and objectives for the central coast, the CCRSG identified several issues that should be considered in the design and evaluation of marine protected areas. Like the “Considerations in the Design of MPAs” that appears in the Master Plan Framework, these considerations may apply to all MPAs and MPA proposals regardless of the specific goals and objectives for that MPA. The design

⁷ Pomeroy R.S., J.E. Parks, and L.M. Watson. 2004. How is your MPA doing? A Guidebook of Natural and Social Indicators for Evaluating Marine Protected Area Management Effectiveness. IUCN, Gland, Switzerland and Cambridge, UK. xvi + 216 p. (Accessed 17 January 2004). <http://effectivempa.noaa.gov/guidebook/guidebook.html>.

considerations below will be incorporated with the provisional goals and objectives and provided to the Master Plan Science Advisory Team, the Blue Ribbon Task Force, and the California Fish and Game Commission. Design considerations with long-term monitoring components (such as socio-economic impacts) will be used in developing monitoring plans and to inform the adaptive management process.

1. In evaluating the siting of MPAs, considerations shall include the needs and interests of all users.
2. Recognize relevant portions of existing state and federal fishery management areas and regulations, to the extent possible, when designing new MPAs or modifying existing ones.
3. To the extent possible, site MPAs to prevent fishing effort shifts that would result in serial depletion.
4. When crafting MPA proposals, include considerations for design found in the Nearshore Fishery Management Plan⁸ and the draft Abalone Recovery and Management Plan.⁹
5. In developing MPA proposals, consider how existing state and federal programs address the goals and objectives of the MLPA and the central coast region as well as how these proposals may coordinate with other programs.
6. To the extent possible, site MPAs adjacent to terrestrial federal, state, county, or city parks, marine laboratories, or other "eyes on the water" to facilitate management, enforcement, and monitoring.

⁸Design considerations from Nearshore Fishery Management Plan:

1. Restrict take in any MPA [intended to meet the NFMP goals] so that the directed fishing or significant bycatch of the 19 NFMP species is prohibited.
2. Include some areas that have been productive fishing grounds for the 19 NFMP species in the past but are no longer heavily used by the fishery.
3. Include some areas known to enhance distribution or retain larvae of NFMP species
4. Consist of an area large enough to address biological characteristics such as movement patterns and home range. There is an expectation that some portion of NFMP stocks will spend the majority of their life cycle within the boundaries of the MPA.
5. Consist of areas that replicate various habitat types within each region including areas that exhibit representative productivity.

⁹Design considerations from draft Abalone and Recovery and Management Plan:

Proposed MPA sites should satisfy at least four of the following criteria.

1. Include within MPAs suitable rocky habitat containing abundant kelp and/or foliose algae
2. Insure presence of sufficient populations to facilitate reproduction.
3. Include within MPAs suitable nursery areas, in particular crustose coralline rock habitats in shallow waters that include microhabitats of moveable rock, rock crevices, urchin spine canopy, and kelp holdfasts.
4. Include within MPAs the protected lee of major headlands that may act as collection points for water and larvae.
5. Include MPAs large enough to include large numbers of abalone and for research regarding population dynamics.
6. Include MPAs that are accessible to researchers, enforcement personnel, and others with a legitimate interest in resource protection.

7. To the extent possible, site MPAs to facilitate use of volunteers to assist in monitoring and management.
8. To the extent possible, site MPAs to take advantage of existing long-term monitoring studies.
9. To the extent possible, design MPA boundaries that facilitate ease of public recognition and ease of enforcement.

Implementation Considerations

Implementation considerations arise after the design of MPAs as the California Department of Fish and Game and any other responsible agencies implement decisions of the California Fish and Game Commission and, if appropriate, the California Park and Recreation Commission, with funding from the Legislature or other sources.

1. Improve public outreach related to MPAs through the use of docents, improved signage, and production of an educational brochure for central coast MPAs.
2. When appropriate, phase the implementation of central coast MPAs to ensure their effective management, monitoring, and enforcement.
3. Ensure adequate funding for monitoring, management, and enforcement is available for implementing new MPAs. [In addition to approving this language, the BRTF also adopted three statements related to funding¹⁰]
4. Develop regional management and enforcement measures, including cooperative enforcement agreements, adaptive management, and jurisdictional maps, which can be effectively used, adopted statewide, and periodically reviewed.

Provisional Regional Objectives

Goal 1. To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.

1. Protect areas of high species diversity and maintain species diversity and abundance, consistent with natural fluctuations, of populations in representative habitats.

¹⁰ 1. The MLPA requires development of a plan of protected areas, while implementing the program of protected areas occurs as resources are available (Section 2855[a]).

2. The adopted MLPA Master Plan Framework includes a feasibility analysis of proposed MPAs contingent upon funds reasonably expected to be available during implementation (Activity 3.4)

3. A lack of funding for implementation does not preclude designing and adopting MPAs.

2. Protect areas with diverse habitat types in close proximity to each other.
3. Protect natural size and age structure and genetic diversity of populations in representative habitats.
4. Protect natural trophic structure and food webs in representative habitats.
5. Protect ecosystem structure, function, integrity and ecological processes to facilitate recovery of natural communities from disturbances both natural and human induced.

Goal 2. To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.

1. Help protect or rebuild populations of rare, threatened, endangered, depleted, or overfished species, where identified, and the habitats and ecosystem functions upon which they rely.
2. Protect larval sources and enhance reproductive capacity of species most likely to benefit from MPAs through retention of large, mature individuals.
3. Protect selected species and the habitats on which they depend while allowing the harvest of migratory, highly mobile, or other species where appropriate through the use of state marine conservation areas and state marine parks.

Goal 3. To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbances, and to manage these uses in a manner consistent with protecting biodiversity.

1. Ensure some MPAs are close to population centers and research and education institutions and include areas of traditional non-consumptive recreational use and are accessible for recreational, educational, and study opportunities.
2. To enhance the likelihood of scientifically valid studies, replicate appropriate MPA designations, habitats or control areas (including areas open to fishing) to the extent possible.
3. Develop collaborative scientific monitoring and research projects evaluating MPAs that link with classroom science curricula, volunteer dive programs, and fishermen of all ages, and identify participants.
4. Protect or enhance recreational experience by ensuring natural size and age structure of marine populations.

Goal 4. To protect marine natural heritage, including protection of representative and unique marine life habitats in central California waters, for their intrinsic value.

1. Include within MPAs the following habitat types: estuaries, heads of submarine canyons, and pinnacles.
2. Protect, and replicate to the extent possible, representatives of all marine habitats identified in the MLPA or the Master Plan Framework across a range of depths.

Goal 5. To ensure that central California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.

1. Minimize negative socio-economic impacts and optimize positive socio-economic impacts for all users, to the extent possible, and if consistent with the Marine Life Protection Act and its goals and guidelines.
2. For all MPAs in the region, develop objectives, a long-term monitoring plan that includes standardized biological and socioeconomic monitoring protocols, and a strategy for MPA evaluation, and ensure that each MPA objective is linked to one or more regional objectives.
3. To the extent possible, effectively use scientific guidelines in the Master Plan Framework.

Goal 6. To ensure that the central coast's MPAs are designed and managed, to the extent possible, as a component of a statewide network.

1. Develop a process for regional review and evaluation of implementation effectiveness that includes stakeholder involvement to determine if regional MPAs are an effective component of a statewide network.

Develop a mechanism to coordinate with future MLPA regional stakeholder groups in other regions to ensure that the statewide MPA network meets the goals of the MLPA.

**Appendix H – Comparison Between Challenges Noted in the
Channel Islands Marine Reserve Working Group (MRWG) Process by Helvey (2004)¹¹
and the Approach Used in CCRSG¹²**

Challenges in MRWG Process Noted by Helvey (2004)	Approach Used to Address Challenge in CCRSG:
<p>1. <i>Placing great weight on biodiversity goal relative to other goals.</i> The Science Advisory Panel (SAP) identified three biogeographical zones or regions to frame oceanographic variability operating within the Sanctuary. The implication was that the MRWG “was challenged to thrice replicate protection for various habitat types”.</p>	<p>MLPA goals were explicitly not weighted in importance relative to each other.</p> <p>There was a guideline in the Master Plan Framework to place a minimum of three replicates containing sufficient representation of each habitat type in the MPA network within each biogeographical region.</p>
<p>2. <i>Establishing ranges of the study area to be designated for habitat protection.</i> The SAP suggested at least 30% and possibly 50% of each habitat in each of three zones be established. Helvey notes that “the derivation of the 30-50% range was not disclosed.” He adds: “Considering that science is process based on rigorous methodologies and empirically justifiable outcomes, the 30-50% recommendation appeared more as a statement of policy.”</p>	<p>The SAT Evaluation explicitly avoided proposing a specific threshold percentage of habitat types to be protected but did convey the range reported in the literature.</p> <p>The SAT developed methodologies to help evaluate bracketed ranges of resources in MPAs.</p>
<p>3. <i>Not acknowledging the uncertainty of fishery benefits.</i> Helvey reports that the differences in scientific uncertainty between the benefits “inside” reserves (where the benefits on ecosystem protection is fairly well known) and “outside” of reserves (where the effect on fisheries management is not well know) were not acknowledged by the MRWG.</p>	<p>Discussion of this issue was more explicit in the CCRSG process. SAT members Mark Carr and Rick Starr made several presentations on the relationship of reserve size and anticipated fishery benefits, drawing on their research on larval dispersal distances for different marine organisms and on movements of marine species relative to MPAs.</p>

¹¹ Helvey, Mark (2004). “Seeking Consensus on Designing Marine Protected Areas: Keeping the Fishing Community Engaged.” *Coastal Management*, 32:173-190.

¹² We acknowledge that Helvey’s (2004) article on the Channel Islands process is one of several accounts of this effort. We selected it because it lent well to preparing a side-by-side comparison between the Channel Island and Central Coast projects.

<p>4. <i>Overlooking the expertise of fisheries scientists.</i> Helvey notes that expertise in stock assessment science and fishery management measures was missing. As such, the MRWG did not adequately take into account the benefits of existing fishery regulations. Nor did the MRWG adequately acknowledge that some of the migratory species listed on their list of “species of interest” may be more successfully managed with traditional methods rather than reserves.</p>	<p>While fisheries science expertise on the SAT was also light relative to that of ecology or conservation biology, the SAT also made a couple of presentations to the CCRSG on the linkage between MPAs and fisheries (e.g., on the topics of larval dispersal and movements of marine species relative to MPAs). Starting in the September meeting, MLPA Initiative staff also began providing the CCRSG with regular updates on relevant fishery management research, discussions, and measures (including, for example, efforts to explore the potential benefits of overlapping groundfish hotspots with MPAs)..</p> <p>Given that several fisheries scientists did their own “peer review” of the SAT evaluation, it appears there was room for improvement in this integration.</p>
<p>5. <i>Timing presentation of socioeconomic analysis.</i> A socioeconomic team was formed, but was late in getting started. It did not complete its analysis until six months after the SAP had unveiled its 30-50% recommendation. Delay made it hard to gain traction relative to continued refinement of mapped scenarios.</p>	<p>We faced some of these challenges in the Central Coast Project. As discussed, the Ecotrust analysis faced numbers of problems in execution and completion. Timeliness of completion was an issue, as the analysis only became available in November 2005. Additionally, confidentiality issues arose which prevented CCRSG members from obtaining access to discrete spatial data showing the locations of highly valued fishing grounds.</p>
<p>6. <i>Negotiating compromise.</i> Helvey identifies what he calls a “series of challenges to negotiating compromise.” He points out that the MRWG had intensely expressed views on maximum protection of habitat, and equally intense views about avoiding socioeconomic impact.</p>	<p>The CCRSG faced challenges in negotiating agreement on regional goals and objectives. Careful framing, distinguishing design and implementation considerations, strategic and aggressive use of straw votes, restating the charge, and referring key issues to the BRTF for guidance helped break the deadlock.</p>
<p>7. <i>Enforcing ground rules.</i> Helvey reports that ground rule enforcement was an issue. In particular, the facilitation team was inconsistent in enforcing one of the ground rules requiring dissenters to offer viable alternatives when disagreements surfaced.</p>	<p>We as facilitators, working with I Team colleagues, were quite aggressive and consistent in enforcing ground rules</p> <p>While we did not have a specific ground rule requiring</p>

	<p>dissenters to generate alternative options, we did constantly remind CCRSG members of the assignment to generate multiple options.</p>
<p>8. <i>Limiting management tools to “no take” reserves.</i> The MRWG was constrained by Sanctuary Advisory Council (SAC) guidance in recommending management tools other than complete no take reserves. Limited take MPAs were not an available tool (unlike in the MLPA Initiative). Helvey traces this choice back to an initial proposal of the Channel Islands Marine Resource Restoration Committee to the Commission. He notes “This approach remained unchanged as instructions were passed from the Commission through the SAC and ultimately to the MRWG.” “Certain opinions expressed by some MPA proponents during the MRWG effort suggest the existence of strong convictions that anything less than complete fishing closures are inadequate for achieving the biodiversity goal.”</p>	<p>The CCRSG was not constrained from recommending management tools other than complete no take reserves. The CCRSG also recommended state marine conservation areas (SMCAs) and state marine parks (SMPs).</p> <p>As CCRSG process proceeded, the SAT evaluation team devised a methodology to sort SMCAs into high, medium and low protection value. In this way, the SAT scaled these MPAs relative to the overall protection value of the proposed MPA network components..</p>
<p>9. <i>Deadlocking over reserve size.</i> Helvey notes “It is unfortunate that the deadlock over total reserve size was not recognized as an insurmountable obstacle early in the MWRG process.”</p>	<p>The Central Coast process did not prescribe a target for percentage of the region to be designated as MPAs, nor did it present establishment of such a target as an intended work product of the CCRSG process. Accordingly, this sort of deadlock did not arise in the Central Coast project.</p>
<p>10. <i>Integrating MPA designation with other fishery management tools.</i> Helvey also comments on the need to integrate MPA designation with other fishery management tools: “It may be unreasonable to expect fishermen to sacrifice excessively large areas when other fishery management measures are in place and the efficacy of marine reserves is poorly understood.”</p>	<p>The theme of “other fishery management regulation” came up time and again in the Central Coast project. Many CCRSG members pointed to the need to examine the combined effects of fishery regulations and MPAs. The need for stronger and tighter integration between MPA planning and other fishery regulation was also voiced by I-Team members and BRTF members alike.</p>
<p>11. <i>Engaging the broader fishing community.</i> Helvey also commented that the MRWG was challenged to find a way to effectively engage the broader fishing</p>	<p>In the Central Coast project, we did hear some concerns at the March 2006 BRTF meeting that some north coast squid</p>

<p>community. This was a significant oversight that manifested itself in significant last minute changes at the MRWG's final meeting, where the MRWG's agreement on the total reserve size decreased from 18% to 12%.</p>	<p>fishermen may have been inadvertently excluded, and that an overly robust interpretation of guidelines for enforcement purposes may have created some unintended spillover in the areas designated in Staff Package S.</p> <p>There is an important contrast to highlight, though, between the last meeting of the MRWG process, where fishing representatives dropped to back to a more conservative and de minimus position, and the trend we saw in the Central Coast project, which was toward convergence in the total area in MPAs in the respective packages offered, due in no small part to the guidance of the SAT evaluation subteam and the great weight placed on this guidance by the BRTF.</p>
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