

Key Outcomes Memorandum

Date: June 19, 2009

To: Members, MLPA South Coast Regional Stakeholder Group

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

Re: Key Outcomes Memorandum – May 21, 2009 SCRSG Meeting

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

Executive Summary – Key Outcomes

On May 21, 2009, the Marine Life Protection Act (MLPA) South Coast Regional Stakeholder Group (SCRSG) participated in its sixth meeting in Santa Ana, following 1 ½ days of work sessions.

Key outcomes from the meeting are as follows:

- SCRSG members received a summary of key guidance from the MLPA Blue Ribbon Task Force's (BRTF's) motions on pending military closures and military use areas, and how such areas should be treated in Round 2 marine protected area (MPA) proposal development.
- I-Team staff provided a summary of the revised external MPA proposals, and the authors of the proposals described any changes made to their proposals in response to the BRTF guidance on military use areas.
- Based on the BRTF's guidance to forward no more than six proposals for Round 2 evaluation, the I-Team staff reviewed the voting structure that would be used to select MPA proposals to advance for evaluation: Any gem group that could produce a single converged proposal would automatically have it moved forward for evaluation. Any gem group that could not agree to a single proposal would have their proposals put into a pool with the external proposals, and a vote would be taken from all SCRSG members.
- SCRSG members, in each of the three work groups, "Lapis," "Opal" and "Topaz," completed their Round 2 draft MPA proposals. Each gems group pursued its own proposal development process. The gems groups presented these proposals to the full SCRSG for review and discussion. Opal and Topaz each submitted a single, draft MPA proposal to be automatically moved forward for evaluation, and the Lapis workgroup submitted two proposals (Lapis 1 and Lapis 2).
- Based on the BRTF's guidance to forward no more than six proposals for Round 2 evaluation, the I-Team staff conducted a vote to select four (4) proposals from among five remaining proposals including: the three external proposals (External A, External B and External C) and the two non-converged Lapis proposals (Lapis 1 and Lapis 2). All 64

SCRSG members (including those not present at the meeting) were given the opportunity to vote and all participated. The aim was to produce a full set of six proposals; thus procedures for the vote required SCRSG to vote for four of the five proposals in order for the ballot to be counted. I-Team staff collected one ballot from each SCRSG member present and committed to contacting the absent SCRSG members over the next few days to obtain their vote. The vote results were released on May 27, 2009 and are included as an attachment to this KOM.

I. Meeting Objectives, Participants and Materials

On May 21, 2009, the SCRSG participated in a meeting in Santa Ana. This Key Outcomes Memorandum summarizes the meeting's main results. The May 21 meeting followed SCRSG work sessions that took place on May 19-20 which included deliberations within the work groups and an evening public comment session.

A. Objectives:

The primary objectives of the meeting were to:

- Receive updates on the MLPA Master Plan Science Advisory Team (SAT), MLPA BRTF, and public education and outreach.
- Receive informational presentations on revised external marine protected areas MPA proposals.
- Present and discuss each SCRSG work group's draft MPA proposal for consideration in Round 2 review and evaluations.
- Select no more than six draft MPA proposals for Round 2 evaluations.

B. Participants:

56 SCRSG members (primary and alternates) participated in the meeting.

MLPA SAT member Steve Murray attended portions of the meeting.

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

C. Materials:

Meeting materials may be found on the MLPA website at http://www.dfg.ca.gov/mlpa/meeting_052109.asp

II. Key Outcomes

A. Welcome and Introductions & Updates

Melissa Miller-Henson of the MLPA Initiative, provided a summary of the key guidance from the BRTF for how the military use areas in the south coast study region should be considered in the SCRSG's design of MPA proposals for Round 2. Per the direction of the BRTF, the following guidance was provided on pending military closures and military use areas:

- Area G at San Clemente Island must be included as a military closure in all MPA proposals and will be considered within SAT evaluations as contributing to the ecological goals of an MPA network;
- Wilson Cove at San Clemente Island and Area Alpha at San Nicolas Island may be included as a military closure in any MPA proposal at the discretion of the SCRSG and, if included, will be considered within SAT evaluations as contributing to the goals of an MPA network;
- MPAs or special closures at Begg Rock or on the mainland military use areas may be proposed in any MPA proposal at the discretion of the SCRSG;
- Other MPAs or special closures at San Clemente Island or San Nicolas Island are not allowed.

It was noted that the upcoming BRTF meeting on June 4, 2009, will include a discussion of south coast water quality issues and fisheries management issues.

Evan Fox, principal planner for the MLPA Initiative summarized the recent SAT guidance and documents on a variety of topics including: levels of protection, evaluation methods, water quality considerations, and analysis of military use areas.

Kelly Sayce, MLPA Initiative education and outreach coordinator, described the outreach activities underway in the study region including a series of open houses planned for the Round 2 proposals for the south coast study region expected in late June and early July 2009. Kelly also asked for any comments or feedback on the re-vamped MLPA website.

B. Status of Draft MPA Proposals for Round 2

Evan Fox summarized the revised external MPA proposals submitted for Round 2. These included: External Proposal A (Fishermen's Information Network), External Proposal B (United Anglers of Southern California) and External Proposal C (Santa Barbara Channelkeeper and Santa Monica Baykeeper). Authors were given the opportunity to note whether any changes were to be made in their MPA design in response to the BRTF's recent guidance on pending military closure and use areas.

Joe Exline, External Proposal A, indicated that no revisions had been made in the Round 2 MPA proposal.

Steven Fukuto noted that changes in External Proposal B included: removing the proposed MPA at area "Alpha" on San Nicolas Island and adding a state marine reserve (SMR) at Begg Rock. On the mainland, an SMR at Sunset Cliffs was added to adjoin the Ocean Beach State Marine Conservation Area (SMCA). At Catalina Island, an Isthmus SMCA was added to compliment the Catalina Marine Science Center SMR. Lastly, "surface gear" limitations are added for the SMCAs at Palos Verdes and Del Mar.

Changes noted to External Proposal C were to include military closure areas "Alpha" on San Nicolas Island and Area "G" on San Clemente Island. All MPAs at San Nicolas and San Clemente Island were removed in response to the BRTF's guidance that there be no MPA closures at these islands. All proposed MPAs on the mainland were retained without

modification. The SMRs on Catalina Island were modified to better protect key habitats, accommodate pelagic fisheries and provide access to harbors.

The SCRSG meeting recessed and SCRSG members continued in work sessions to develop MPA proposals for Round 2.

C. SCRSG Reflections on Round 2 Draft MPA Proposals

Upon reconvening in the afternoon, each of the three work groups, Lapis, Opal and Topaz, presented the draft Round 2 MPA proposals that had emerged from their work groups and noted the key geographies in the study region where SCRSG members had struggled with balancing the science guidelines and incorporating multiple interests.

In Topaz and Opal, this work group deliberation process involved several rounds of developing options and testing the relative support for the options with straw voting. In Lapis, the gems group worked in smaller sub-geography work groups for much of the session. Both Opal and Topaz submitted a single draft MPA proposal. A co-lead from Topaz noted that a variety of options had been deliberated and that, in many areas, reasonably broad based support had been achieved. A co-lead from Opal noted that all members had worked very hard but there was a concern that the submitted Round 2 proposal may not have balanced all interests in the work group.

The Lapis work group produced broad-based agreement in some geographies but did not converge on a single proposal for the entire study region. Thus, the Lapis group submitted two proposals, Lapis 1 and Lapis 2. The two Lapis proposals differed in their MPA design in three key geographies: La Jolla/Pt Loma area; Orange County; and the Pt. Dume to Palos Verdes area. At the end of the work session, MLPA staff explored the potential convergence of Lapis 2 with External Proposal A, but the authors of the internal and external proposals did not reach agreement on this merger.

During the meeting, as well as during the work sessions, SCRSG members expressed a series of concerns with the work group process. Key concerns included:

- Some SCRSG members had not always followed the ground rules;
- Late night public comment sessions had fatigued negotiations;
- Straw voting caused some interests to feel marginalized or may have disadvantaged minority interests;
- SCRSG members might not have given enough weight to socioeconomic consequences of potential closures;
- Some SCRSG members did not have an incentive to converge; and
- Some SCRSG members had not been flexible in considering alternatives in the internal work groups but, instead, were intent on supporting the MPA design offered in External Proposal A.

Based on prior guidance from the BRTF to forward no more than six proposals for Round 2 evaluation, the facilitation team described the selection process the SCRSG members would use to identify which draft MPA proposals would move forward. As discussed at previous

meetings, gem groups that were able to create a single proposal would be automatically advanced for evaluation. As such, the Opal and the Topaz MPA proposals, which had reached agreement on a single proposal, were automatically forwarded for evaluation.

The three external proposals (External Proposals A, B and C) along with the two proposals from Lapis (Lapis 1 and 2) were put into a pool and each SCRSG member was instructed to participate in a voting process and select the top four (4) proposals they recommended move forward for Round 2 evaluation. The draft MPA proposals receiving the most votes would be forwarded for evaluation.

I-Team staff distributed ballots to each SCRSG member and collected them upon completion. I-Team staff committed to having all SCRSG members contribute to the vote and committed to personally contact the absent SCRSG members to obtain their vote (*Note: All 64 SCRSG members did submit a ballot*). Upon collecting the votes from all SCRSG members, the I-Team staff committed to release the results of the vote in a memo to the SCRSG (estimated to be released on May 26, 2009). The results of the vote are included as an attachment to this KOM.

D. Questions and Clarifications

Throughout the meeting, SCRSG members posed a range of clarifying questions and provided comments regarding the process, science, and policy aspects of the guidelines and informational presentations. I-Team staff responded to many questions during the meeting and will provide responses to the remaining policy and science questions that were not fully answered at the meeting. Key comments and questions from SCRSG members that were noted during the meeting include the following:

1. Would a reserve with 1.14 miles of kelp be considered to meet the SAT guidelines?
2. Can a backbone of MPA shapes include high level of protection SMCAs, along with very high SMRs, and still satisfy the BRTF guidance?
3. If we put an MPA off a mainland military area (such as Camp Pendleton, for example), will the military oppose it? What would be the process for addressing that opposition?
4. How were minimums derived for habitat representation?

III. Next Steps

A. The I-Team committed to:

1. Contact SCRSG members not present at the meeting and record their vote on draft MPA proposals to move forward for Round 2 evaluations;
2. Transmit results of vote and decision on MPA proposals to be evaluated in Round 2;
3. Develop a summary of next steps for clarifying the Round 3 proposal development process;
4. Prepare responses to outstanding process, policy and science questions raised by SCRSG members;
5. Prepare Round 2 draft MPA proposals for SAT evaluations; and
6. Conduct DFG, State Parks, and staff Round 2 analyses.

B. Objectives for Next SCRSG Meeting, on August 4-5, 2009

The SCRSG will meet on August 4-5, 2009, to receive informational presentations on the review and evaluations of the Round 2 proposals. Evaluations of the Round 2 proposals will be provided by the SAT, State Parks, DFG, and the I-Team. The BRTF, in its review, may provide guidance on framing the proposals to be used as platforms for further negotiations in Round 3 of the MPA design process. The BRTF may also give guidance on potential merging of similar Round 2 proposals for Round 3.

Attachment: Results from SCRSG Vote on Round 2 Proposals Moving Forward for Evaluation

ATTACHMENT A

Vote tally from May 21, 2009 MLPA South Coast Regional Stakeholder Group Meeting

(Note: All 64 SCRSG members participated in the voting)

Opal and Topaz reached a unified proposal and will automatically move forward for evaluation in Round 2.

Lapis 1 = 63

Lapis 2 = 61

External A = 64

External B = 39

External C = 29