

California Marine Life Protection Act Initiative

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To: MLPA South Coast Regional Stakeholder Group
From: MLPA Facilitation Team: Scott McCreary and Rebecca Tuden, CONCUR Inc. and Eric Poncelet, Kearns and West
Subject: Process Guidelines for Developing Final (Round 3) Marine Protected Area (MPA) Proposals
Date: July 31, 2009

This memorandum outlines a process to implement BRTF guidance that helps ensure productive and efficient deliberations and will result in a range of MPA proposals for BRTF consideration.

At its June 4, 2009 meeting, the BRTF discussed process guidelines for the SCRSG's Round 3 deliberations. The BRTF unanimously recommended that any process design achieve the following goals:

- emphasize results of SAT analysis and evaluation;
- allow for a balanced array of proposals to emerge;
- reward existing and future good-faith negotiations and true cross-interest support across interest groups;
- give safe harbor for SCRSG members to pursue creative new options and combinations, including drawing from all proposals that have been considered in the SCRSG process; and
- commit to holding all SCRSG members accountable for observing ground rules as adopted by the SCRSG and remove any member that continues to violate the established ground rule after a written warning.

This memo also incorporates recent discussions with MLPA South Coast Regional Stakeholder Group (SCRSG) members and the findings of the online survey of the SCRSG members. In total, 60 SCRSG members responded to a query on their preferences for starting points for Round 3 deliberations.

These process guidelines were presented to the BRTF at its July 28-29, 2009 meeting and received the support of the BRTF members.

Process Guidelines for Developing Final SCRSG (Round 3) MPA Proposals

These guidelines address the following topics: 1) MPA proposals to use as a starting point (referred to as Round 3 platforms); 2) guiding directions for Round 3 workgroups; 3) assignments to Round 3 workgroups; 4) work group ground rules and decision-making process; 5) development of Round 3 proposals; and 6) reporting back to the SCRSG.

1. MPA Proposal as Starting Point for Respective Work Groups (Round 3 platforms)

- a. Staff is establishing three new work groups. Each workgroup is assigned a Round 2 proposal as the starting point (or platform) for their Round 3 deliberations. Providing each work group with a starting platform helps to provide a common focus on geographies and makes the dialogue for newly formed groups more efficient. Based on the Round 2 deliberations and evaluations and the results of our survey, the new work groups are directed to begin their work in Round 3 using the following proposal platforms:
 - Work group 1: Topaz
 - Work group 2: External A
 - Work group 3: Lapis 1
- b. Consistent with the BRTF direction, SCRSG members are encouraged to draw on all MPA ideas generated to date to develop creative new solutions for their Round 3 proposals. The Round 2 proposals are to be used as platforms and, with the evaluations, are intended to help guide the initial discussion and direction of each work group.

2. Guiding Principles for Round 3 Workgroup Direction

- a. Each Round 3 work group will meet SAT guidelines, where possible, and strive to achieve cross-interest support within the SCRSG and conform to the California Department of Fish and Game's (DFG) feasibility guidelines. Recall the BRTF's guidance that these elements are the foundation of all MPA proposals.
- b. In reviewing the evaluations from the MLPA Master Plan Science Advisory Team (SAT) alongside the survey responses from SCRSG members, it is clear that the proposals submitted for Round 2 each approached balancing the multiple MPA planning considerations in a different way. As a result, some MPA proposals were more successful in meeting different aspects of the BRTF's guidance for MPA proposal design. Recognizing the respective strengths of each Round 2 draft MPA proposal and the desire to provide a safe harbor for SCRSG members, each Round 3 work group is directed to maintain the particular strengths of each Round 2 MPA proposal and improve the proposal in other aspects. The direction for each work group is as follows:
 - All work groups: Directed to meet SAT guidelines, where possible, and improve their conformance to DFG feasibility criteria and garner cross-interest support.
 - Work group 1 direction: Continue to achieve a high level of cross-interest support and improve achievement of SAT guidelines.
 - Work group 2 direction: Continue to seek efficiency of MPA design and improve achievement of SAT guidelines.
 - Work group 3 direction: Continue to address SAT guidelines and strive to achieve *preferred* SAT guidelines.
- c. In specific instances where work groups are finding it difficult to balance the multiple considerations in MPA designs, I-Team staff will remind work group members of the direction for their proposal.

- d. The BRTF also provided additional verbal guidance to the SCRSG at its July 28 – 29, 2009 meeting; this guidance is included in Attachment A.

3. SCRSG Members are Assigned to New Round 3 Work Groups

- a. *I-Team staff assigned each SCRSG member to one of the Round 3 work groups.* Drawing on experience in the previous rounds, the I-Team has organized the SCRSG members into new work groups for Round 3. These work groups are designed to enable successful development of Round 3 final MPA proposals and provide the opportunity for SCRSG members to have a safe harbor to pursue their interests and the interests of other SCRSG members. These work group assignments strive to accommodate each SCRSG member's expressed preferences for proposals to use as a starting point in Round 3, but may not meet individual preferences in every case.
- b. Please see Attachment B for a list of the work group assignments for Round 3 deliberations. These assignments are derived from four main sources of information:
- The stated preferences of individuals reported to the online survey of SCRSG members requesting their preference for a Round 2 MPA proposal to use as a starting point for Round 3 deliberations;
 - I-Team observations of SCRSG members' preferences for which considerations to emphasize in developing MPA proposals;
 - I-Team observations on the degree to which SCRSG members have engaged in good-faith negotiations; and
 - I-Team discussions with individual SCRSG members.
- c. *Select reassignments may be considered.* I-Team staff may reassign SCRSG members to other work groups to better achieve the considerations described above. Reassignment will be based on considerations for the size of the work groups, balancing key interests and geography, and a history of good-faith negotiation.
- d. *SCRSG members are expected to conduct their primary work within these assigned work groups.* Opportunity for discussion or dialogue with other work group members will be available during plenary sessions and encouraged between meetings. Work group members are expected to support the development of their group's Round 3 proposals although they may choose to support other Round 3 proposals as well.

4. Reinforcing Work Group Ground Rules and Decision-Making Process

- a. *Negotiating in good faith.* Consistent with the SCRSG's adopted ground rules, SCRSG members are expected to negotiate in good faith as evidenced by expressing their interests clearly, exploring options and offering or considering solutions that respond to multiple interests, and striving for a high level of broad-based agreement within their work groups. SCRSG members that show a pattern (2 or more times) of refusing to offer alternatives or to explore multiple interests may be asked to leave a work group. Facilitators and senior MLPA initiative staff will note when a stakeholder has not demonstrated good-faith negotiations.

- b. *Modeling respectful behavior.* Consistent with the SCRSG's adopted ground rules, SCRSG members are expected to respect divergent viewpoints and acknowledge the legitimacy of different interests. SCRSG are expected to listen courteously, refrain from personal attacks and refrain from denigrating the interests or proposals of fellow SCRSG members. SCRSG members that show a pattern (2 or more times) of failing to offer respectful behavior may be asked to leave the work group. Facilitators and senior MLPA Initiative staff will note when a stakeholder has not shown respectful behavior.
- c. *Considering complete proposals as linked geographies.* SCRSG members are asked to consider full MPA proposals as a complete network. Shifting a boundary or regulation in one area may have an implication in another part of the study region.
- d. *Developing and considering options for each geographic area.* Work group members are encouraged to work in small subgroups to develop solutions to challenging geographies and bring them back to the full work group. As they build their proposals, work group members will probably consider multiple options for MPA boundaries and regulations for each geographic area. Facilitation team staff will manage the discussion to allow time to revisit key geographies where a high level of broad-based agreement in support of a proposal has not been achieved. Facilitation team staff will encourage consideration of linked geographies to help increase the opportunities for joint gains. However, SCRSG members will make a good-faith attempt to suggest multiple alternatives to identify options that best achieve broad-based agreement. SCRSG members are also encouraged to borrow "good" ideas from other proposals.
- e. *Interim indications of support in specific geographies.* Work groups may use straw votes to gauge interim indication of support for alternative options for MPA proposals at specific geographies. Such straw votes on individual MPA geographies should be considered interim results. These straw votes will be used to inform the discussion of where broader support is needed and help to galvanize SCRSG members to identify additional alternatives that better address interests. While voting can be a useful tool to track progress toward agreement, the facilitation team staff will ensure that the use of straw voting does not result in the disenfranchisement of particular interests or constituencies. Facilitation team members will discuss the use of straw votes in each work team before using the tool.
- f. *Coming to "agreement" on individual MPA options.* Coming to agreement within work groups on individual MPA options is defined as "being able to live with" that option. It is not the intent to accord any one SCRSG members a *de facto* veto on MPA boundaries and regulations.
- g. *Coming to agreement on complete MPA proposals:* Individual work group members will be asked to express their level of support for their entire Round 3 proposal, acknowledging that the proposal will be a product of many interim agreements and choices. Staff will help recall the BRTF's guidance to meet SAT and DFG guidelines and to maintain cross-interest support.

5. Development of Round 3 draft and final proposals will take place in a series of steps

- a. Each work group will have a dedicated time in work sessions to prepare complete Round 3 proposals. Work groups are encouraged to organize additional meetings, if needed, to assist with completion of Round 3 proposals.
- b. Each work group will have the opportunity to present a draft version of its Round 3 MPA proposal to the full SCRSG without interruption. SCRSG members will then be provided with the opportunity to ask questions, followed by suggestions for and discussion of potential revisions with the proposal authors.
- c. At the August 2009 meeting, work groups will have an opportunity to discuss and consider revising their platforms. Each work group may choose to convene additional work sessions to support completion of their MPA proposals. At the beginning of the September 2009 meeting, SCRSG members will present their working proposals in plenary to obtain additional feedback.
- d. At the end of the September 2009 meeting, each work group will present any revisions and its final Round 3 proposal to the full SCRSG.

6. Concluding the SCRSG process and reporting back to the BRTF

A joint SCRSG and BRTF meeting will be held in October 2009, where SCRSG members will be provided the opportunity to express authorship, support, and preference for the final SCRSG proposals to be forwarded to the BRTF. Individual SCRSG members are not required to indicate support for their work group's proposal; they may also choose to express support for more than one proposal.

ATTACHMENT A

Blue Ribbon Task Force Guidance to the MLPA South Coast Regional Stakeholder Group at its July 27 -28, 2009 Meeting

The Task Force's Charge. The charge of the task force is to meet the goals of the MLPA and to work to resolve policy disputes and provide direction in the face of uncertainty.

Meeting MLPA Goals. The science guidelines have been developed by the MLPA Master Plan Science Advisory Team specifically to achieve five of the six statutory goals of the MLPA. The California Department of Fish and Game's feasibility guidelines were specifically developed to meet the sixth statutory goal of the MLPA.

The task force's primary goal is that the SCRSG proposals achieve the science guidelines, where possible. Yesterday, in their presentations to the task force, science team members pointed out specific instances where it is not possible to meet the science guidelines in the south coast study region.

Other Considerations. We have heard a lot about the complexities of the southern California region. The MLPA also requires the task force to take into consideration socioeconomics and water quality. We value input from the SCRSG and public on these important issues.

Special Closures. The California Fish and Game Commission has provided direction that existing marine protected areas at the Northern Channel Islands should remain intact during this process. The task force does not intend to consider any new special closures in the south coast study region or changes to the existing special closures at the northern Channel Islands.

Anchoring. The SCRSG should avoid prohibitions or restrictions to anchoring in MPA's unless expressly recommended in order to achieve site-specific objectives. Requests have been made to assign a level of protection ("LOP") to anchoring in the MLPA South Coast Study Region. LOP's are assigned by the MLPA Master Plan Science Advisory Team for fishing activities. Since anchoring is not a form of fishing and is defined by a broad range of techniques and equipment, assigning an LOP is not consistent with MLPA practice.

ATTACHMENT B

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

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