

California Marine Life Protection Act Initiative
Operating Principles for the MLPA Master Plan Science Advisory Team
Adopted June 26, 2007 and Amended September 9, 2008

In implementing the mandates of the Marine Life Protection Act (MLPA), the ultimate goal of the MLPA Master Plan Science Advisory Team (SAT) is to assist the California Department of Fish and Game (DFG) and MLPA Blue Ribbon Task Force (BRTF) in developing scientifically sound policy recommendations on behalf of the people of California. In meeting this goal, it is the responsibility of the SAT to inform and help educate the California Fish and Game Commission (F&GC), DFG, BRTF, MLPA South Coast Regional Stakeholder Group (RSG), and the interested public. Additionally, the SAT has a specific role in analyzing marine protected area (MPA) proposals and providing feedback to established stakeholder groups and the BRTF during the development of alternative MPA proposals.

The F&GC, in implementing the MLPA, makes decisions based upon three considerations: what is known (information), what is desired (values), and what can be done (alternatives).

Of the three decision considerations, the first is the clear purview of the SAT, to provide information that is scientifically sound. Information provided by the SAT should be based on the best readily available science and able to stand the test of scientific peer review. The SAT also has a role in the third decision consideration by providing scientific analyses of the proposed alternatives but has no role in value-based decision considerations. The SAT will be proactive in providing scientific information and scientific analyses of alternative proposals that will help guide the DFG and BRTF's recommendations and the F&GC's decisions.

The Charge to the SAT

The role of the SAT is to prepare and convey impartial assessments and syntheses of information to assist and advise the RSG, BRTF, and F&GC in developing alternative MPA proposals.

Appointed members of the SAT are asked to focus their involvement in the MLPA initiative on the stated charge. Individual members of the SAT will not be asked or allowed to advocate for specific MPA proposals, nor for preferences of individual user groups; SAT members are asked to work in the service of implementing the MLPA Initiative as a whole.

Accordingly, it is not the role of the SAT to advocate on issues of policy or value, i.e. what the people of California want in terms of managing marine resources. Consistent with this charge, the SAT will not develop its own MPA proposals, but will support the MLPA process by providing scientific information and playing a role in reviewing and evaluating the scientific efficacy of proposed MPA designs. SAT members will also play a key role in helping the stakeholders and decision-makers in their understanding of the ecological aspects of the region.

The MLPA requires that the master plan for MPAs be based on sound scientific guidelines. The SAT's responsibility is to provide the best readily available scientific information to inform the MLPA process. This may be accomplished by reviewing, editing, and interpreting information prepared by MLPA and DFG staff for the SAT or SAT sub-teams. The SAT (as a

whole and in the form of any sub-teams) will clearly describe the basis for any recommendations.

In carrying out its duties, the SAT may synthesize multiple factual inputs from published papers, reports and studies, and available field data, and develop and apply scientific models. The SAT will apply best professional judgment to identify and address uncertainties in the available scientific information. Tools used by the SAT may include, but are not limited to, peer-reviewed scientific publications; state-of-science reports; technological assessments; scientific modeling; weight-of-evidence analyses; meta-analyses; and health, safety, or ecological risk assessments.

Evaluating MPA Proposals

The SAT and sub-teams of the SAT will support the MLPA process by making available scientific information, which may be compiled with assistance from staff, and playing a key role in scientifically evaluating MPA proposals. A sub-team of the SAT will assist a regional stakeholder group in developing alternative MPA proposals by providing information, and evaluating proposed MPA designs, but will not generate its own MPA proposals.

The SAT will evaluate proposals for MPAs using a set of adopted and publicly available criteria and evaluation tools. The criteria will be focused on the technical ability of proposals to meet the goals and objectives of the MLPA and the master plan for MPAs, along with individual MPA objectives established by the regional stakeholder group and adopted by the BRTF. The SAT evaluation may recommend potential revisions to proposals to enable them to better achieve the stated scientific goals and objectives of the MLPA.

Guidelines for SAT Regional Sub-team Members

SAT regional sub-team members will work directly with the stakeholder group in the MLPA South Coast Study Region. SAT sub-team members will be encouraged to actively participate in stakeholder group meetings and at least one SAT sub-team member must be present at all stakeholder group meetings. The role of SAT sub-team members at these meetings is to provide expert advice and information; respond to questions or relay questions to the full SAT if additional information is needed; and to assist the RSG in developing proposals. SAT sub-team members will have a seat at the meeting table for RSG meetings and participate directly in joint fact finding and providing presentations to the group, but will not participate in RSG decision-making.

Requests for Information

Individual SAT members may receive multiple requests for information from both the general public and RSG. Requests for information will largely be restricted to the RSG, BRTF or SAT meetings and through the MLPA public comments email address. SAT members should try to best relay the views of the SAT as a whole in responding to information requests and, if providing personal opinions, make it clear that they are doing so.

Sub-teams of the SAT may gather information and develop preliminary recommendations for the full SAT to consider. Work products of SAT sub-teams and information used within sub-teams will not be distributed outside the sub-team until they are made available at SAT meetings and through the MLPA website. Formal responses from the SAT will be reviewed and approved by the entire SAT.

During RSG meetings, SAT sub-team members or support staff shall document scientific questions raised by RSG members and the public. When appropriate, some questions may be answered directly by SAT members following the guideline in the above paragraph. A group including the SAT chair(s), DFG staff, MLPA Initiative staff, SAT sub-team members and support staff, and others will review and prioritize questions based on their relevance to the MLPA process and the availability of scientific data. Questions will be responded to as time allows in order of relative priority. DFG staff, MLPA Initiative staff, SAT sub-team members, or SAT support staff will take the lead in responding to appropriate questions and may call on additional expertise within or outside the SAT. SAT responses will be reviewed by the entire SAT at SAT meetings and approved responses will be presented at subsequent RSG meetings and be posted to the MLPA website.

The SAT chair(s), selected members of the SAT, DFG staff, or MLPA Initiative staff will present SAT responses to the BRTF or the RSG as appropriate.

SAT Interactions with MLPA Initiative Staff

DFG and MLPA Initiative staff has been assigned to assist the SAT in fulfilling its role. The SAT chair(s) and SAT members may contact the DFG's SAT member or policy advisor and the BRTF's executive director when direction is needed.

DFG or initiative staff will provide the SAT with clear requests for input and information that have been developed by the BRTF, RSG, or the public. Staff will provide updates at SAT meetings including summaries of public comments. By acting as liaisons between the SAT and other parties participating in the MLPA Initiative, staff will help facilitate the flow of information.

Staff will not speak for the SAT unless specifically requested. Whenever possible, the SAT will provide its own representatives to deliver information to the F&GC, BRTF and to other appropriate groups.

SAT Interactions with the F&GC, BRTF, and RSG

It is important for the SAT to speak with a clear voice, albeit not necessarily a single one. On matters of science, the SAT will make clear, unambiguous recommendations to the F&GC, BRTF, and RSG. Whenever possible the SAT will agree to specific messages and recommendations, as a group and with unanimity, to deliver to the F&GC or BRTF. If multiple, scientifically-supported, choices are available the SAT will clearly describe these choices in a manner that allows the F&GC, BRTF, or RSG to best incorporate the scientific findings into the decision-making process. This process is intended ensure that the ideas of all SAT members are appropriately captured in recommendations and messages transferred from the SAT.

When providing commentary, individual SAT members will clearly state when they are expressing a view that is their own, and that may not be consistent with the SAT as a whole. The SAT can empower members to speak on its behalf.

The Role of the SAT Chair(s)

The role of the SAT chair(s) and any SAT-designated advisory members is to facilitate the SAT's role in the MLPA process by providing leadership at SAT meetings, organizing SAT agendas, serving as spokespersons for the SAT at various meetings, and coordinating SAT activities. SAT sub-team members will be selected to fulfill identified tasks and are viewed as working subsets of the SAT. In this capacity the chair(s) and any SAT-designated sub-team members serve all members of the SAT.

The chair(s) or designated SAT members will attend all BRTF meetings. Other SAT members will be selected by the SAT to attend specific BRTF meetings as needed for presentation purposes. Efforts will be made to identify a subset of the SAT to serve in this capacity to achieve consistency in communicating with the BRTF. Alternate SAT members will be selected to attend BRTF meetings whenever the designated SAT members are unable to attend. The chair(s) or designated members of the SAT also will participate in the RSG process as members of SAT sub-teams.

Potential Conflicts of Interest for SAT Members

Members of the SAT bring to the process an extensive and wide range of scientific knowledge and skills, including experience working in regional environmental settings and with data, tools, and analytical methodologies of use to parties involved in implementing the MLPA. Therefore, it should be expected that SAT members will be candidates for receiving contracts or other funding from various sources, potentially including the DFG and MLPA Initiative, to perform work associated with the MLPA process. These award decisions are not within the purview of the SAT and do not imply SAT endorsement. Nevertheless, such awards can create a perceived conflict of interest. Hence, all contracts or grants to SAT members, in either their individual or representative capacity, that are provided by the MLPA Initiative or the DFG shall be fully disclosed by posting this information along with a statement of participating SAT members' qualifications on the MLPA website. Further, a SAT member who is a principal investigator or author of a proposal or contract shall abstain from reviewing such proposals or potential contracts, or evaluating the quality of the direct work products resulting from the execution of such proposals or contracts, if this work is associated with the MLPA process. Participation on the SAT, however, shall not prohibit any SAT member from competing for funds in support of the MLPA process.

Commitment to Transparency and Public Involvement

The 2004 memorandum of understanding establishing the MLPA Initiative and the SAT commits to a publicly transparent process. In furtherance of this commitment, the SAT shall publicly notice its meetings, provide agendas, and accept public comments, consistent with the requirements for statutorily-created bodies under the State Open Meetings Act. A guide to the act prepared by the California Attorney General is provided to each SAT member upon his or

her appointment to the SAT; members are expected to familiarize themselves with this guidance and to seek the advice of staff if any questions arise.

Ex Parte Communications

For the purposes of the SAT, "ex parte communication" means any oral or written communication between a member of the SAT and an interested person about a matter within the SAT's charge that does not occur in a public meeting or other official proceeding, or on the official record of the proceeding on the matter.

For purposes of this section, "a matter within the SAT's charge" means any action related to the evaluation of, or methods for evaluating, alternative marine protected area proposals under the Marine Life Protection Act.

All materials transmitted to SAT members should clearly indicate (e.g., on the cover page or envelope) that they have also been forwarded to staff; staff will ensure that such materials are made available to the public. Materials that do not show that copies have been provided to staff might not be accepted, opened or read by SAT members. In these cases, no ex parte communication has occurred.

A SAT member or any person, other than a staff member to the SAT who is acting in his or her official capacity, who intends to influence the decision of the SAT on a matter within the SAT's jurisdiction, shall not conduct an ex parte communication, unless the SAT member or the person who engages in the communication with the SAT member discloses that communication in one of the following ways:

- (1) The SAT member or the person fully discloses the communication and makes public the ex parte communication by providing a full report of the communication to the executive director and request in writing that it be placed in the SAT's official record.
- (2) If the communication occurs within seven days of the next SAT meeting, the SAT member or person fully discloses the communication to the SAT at that next meeting.

A standard disclosure form shall be adopted for reporting ex parte communications which shall include, but not be limited to, all of the following information:

- The date, time, and location of the communication.
- The identity of the person or persons initiating and the person or persons receiving the communication.
- A complete description of the content of the communication, including the complete text of any written material that was part of the communication.

The executive director shall place in the public record any report of an ex parte communication.

Communications shall cease to be ex parte communications when fully disclosed and placed in the SAT's official record.