

## **Charge and Draft Ground Rules**

### **MLPA North Coast Regional Stakeholder Group**

*(Adopted on February 9, 2010)*

This document outlines the charge and operating ground rules for the Marine Life Protection Act (MLPA) North Coast Regional Stakeholder Group (NCRSG). The ground rules have been informed by confidential interviews conducted with a cross section of the nominees for the NCRSG (including nearly all of the appointed north coast members), ground rules used in previous MLPA study regions, and Kearns & West's professional experience. These ground rules are intended to foster and reinforce constructive interaction and deliberation among NCRSG members. The ground rules emphasize clear communication, trust building, respect for divergent views, creative thinking, collaborative problem solving, the pursuit of mutual gains, and the importance of having a "safe haven" for deliberation. The NCRSG may decide to reconsider and revise these ground rules if they appear not to be serving the NCRSG process.

## **I. CHARGE AND RESPONSIBILITIES OF THE NCRSG**

### **A. NCRSG Charge**

The charge of the NCRSG includes the following tasks:

- Consider the extent to which the existing marine protected areas (MPAs) in the north coast study region meet the goals of the MLPA
- Work with fellow NCRSG members to develop alternative proposals for MPAs within the north coast study region by September 2010 that meet the goals of the MLPA, for consideration by the MLPA Blue Ribbon Task Force (BRTF)
- Contribute local knowledge to the MPA planning process
- Reach out to and involve broader constituent groups

### **B. Responsibilities**

- **NCRSG recruitment and selection.** NCRSG members have been appointed by the chair of the BRTF and the director of the California Department of Fish and Game (DFG). Taken together, appointments were made to achieve a diversity of stakeholder perspectives, expertise, and geography. NCRSG members were appointed based on their match with, and commitment to fulfilling, the following selection criteria:
  - Able to bring first hand knowledge and perspective to bear on the marine resources of the MLPA North Coast Study Region
  - Able to balance a regional perspective with localized knowledge
  - Willing to express fundamental interests (as opposed to fixed positions) and to clearly convey the interests of one or more important constituent groups
  - Capable of working collaboratively, seeking to integrate the interests of a broad range of constituencies
  - Able to access and use an effective communication network to reach constituents not attending the public meetings
  - Committed to completing all aspects of the charge of the NCRSG

- **Checking back with constituencies.** NCRSG members have been recruited based upon their ability to ably represent the views of one or more important constituencies. NCRSG members commit to making themselves available to communicate with interested constituents, keeping their constituencies informed of the NCRSG's efforts, and reporting relevant feedback to the NCRSG. In reporting back, NCRSG members will strive to integrate the views of their constituency rather than resorting to a "lowest common denominator" approach. In checking back with their constituencies, NCRSG members will seek to avoid prejudging preliminary proposals still in development by the NCRSG.
- **Identifying and considering alternative MPA proposals**
  - **Iterative process.** The MLPA North Coast Project has been structured to allow time for developing and deliberating on multiple, alternative MPA proposals. This process will be an iterative one, with time allocated for evaluation by the MLPA Master Plan Science Advisory Team (SAT), DFG, California Department of Parks and Recreation (State Parks), and MLPA Initiative staff, as well as review by the BRTF and the public.
  - **External MPA arrays proposed by community groups.** NCRSG members will build on the external proposed MPA arrays prepared by community groups in the months preceding the NCRSG process and learn from the evaluation results. NCRSG members will continue to communicate and coordinate with members of the external array community groups as NCRSG members develop their own draft and final MPA proposals.
  - **MPA proposals.** NCRSG members will contribute their own MPA ideas, build off of designs and concepts from other NCRSG members, incorporate MPA designs from external MPA arrays, and consider suggestions and new ideas from community members and other interested members of the public.
  - **Preliminary proposals.** Preliminary MPA proposals developed by NCRSG members should be regarded as tentative and not subject to broad distribution until the proposals have been presented to the full NCRSG.

## II. GROUND RULES

### A. Participation and Collaboration

- **Active, full participation.** Every NCRSG member is responsible for communicating his/her perspectives and interests on the issues under consideration. Voicing these perspectives is essential to achieving meaningful dialogue. Everyone will participate; no one will dominate.
- **Focused participation.** NCRSG members will come to the meetings prepared and will focus their discussions on the topics at hand. Everyone will help keep the meetings on track.
  - **Cell phone/PDA courtesy.** While participating in meetings, NCRSG members will refrain from cell phone use, emailing, and text messaging, except during breaks. Cell phones and other electronic communications devices will be turned off or set to "silent" mode.

- **Respectful interaction.** NCRSG members will respect each other's personal integrity, divergent viewpoints, values and legitimacy of interests. NCRSG members will listen courteously while others are speaking. Only one person will speak at a time. NCRSG members will refrain from using deliberate misinformation, any personal attacks or stereotyping.
- **Integration and creative thinking.** In developing, reviewing and revising work products, NCRSG members 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. NCRSG members will attempt to reframe contentious issues and offer creative solutions to enable constructive dialogue. Where NCRSG members do not support a specific solution or proposal, they are encouraged to offer their own solution
- **Satisfy mutual interests.** NCRSG members will work to satisfy not only their own interests but also those of other NCRSG members. NCRSG members are encouraged to be clear about their own interests and to recognize the important distinction between underlying interests and fixed positions.

## B. Commitment to the Process

- **Good faith effort.** NCRSG members will make a good faith effort to achieve the goals of the project within the identified schedule.
- **Meeting attendance.** All NCRSG members will make every effort to attend all of the NCRSG meetings. Meetings will start on time. NCRSG members will not have designated alternates. NCRSG members who know that they will be absent, late, or have to leave early will inform MLPA Initiative staff in advance and coordinate with other NCRSG members to ensure that their ideas are brought to the table and that they are informed regarding NCRSG deliberations and decisions made. After a missed meeting, NCRSG members will work to get up to speed to keep the project from "backsliding."
- **Come prepared.** NCRSG members will review meeting materials in advance of the meetings and come prepared to address the meeting objectives. If specific "homework" is assigned, NCRSG members are expected to have the homework completed by the start of the meeting.
- **Commitment to ground rules.** NCRSG members commit to adhere to these ground rules, as a set of mutual obligations. NCRSG members are encouraged to help uphold and enforce these ground rules. If an NCRSG member consistently deviates from these ground rules, that member may be replaced by another person upon confirmation by the chair of the BRTF and the director of DFGF. Prior to an NCRSG member being dismissed, the NCRSG member will meet with the facilitation team and the MLPA Initiative executive director to discuss the reasons for the dismissal. Flagrant personal attacks or repeated violations of the ground rules may be cause for immediate removal.

## C. NCRSG Meeting Formats and Work Groups

- **Public meetings.** Some NCRSG meetings will be formal, public meetings (also known as "plenary" meetings). These meetings will be simultaneously webcast. Audio and video archives of the meetings will be available on the MLPA website a few days after each

meeting and distributed to select local locations. These meetings will include formal public comment periods (see also section I below).

- **Work sessions.** Some NCRSG meetings will be informal work sessions. The purpose of work sessions is to provide NCRSG members with focused, face-to-face opportunities to pursue their charge of developing alternative MPA proposals. NCRSG work sessions are not formal public meetings; they will not be webcast. Work sessions are open to the public, who may participate as observers, but there will not be opportunities for formal public comment. For reasons of creating a “safe space” for NCRSG members to explore possible MPA ideas, videotaping and taking pictures at work sessions will not be permitted.
- **Cross-interest work groups.** MLPA Initiative staff may elect to form NCRSG cross-interest work groups to develop constructive, integrative work products during and between NCRSG plenary meetings and work sessions. The aim of such work groups is to encourage integrative options and work products rather than work products put forward by a single bloc or interest group.

#### D. Decision Making Process

- **NCRSG decision making.** Formal decision items before the NCRSG will be presented verbally and/or in writing, and NCRSG members will be allowed sufficient time to consider them. NCRSG members will be invited to indicate whether they support, or not, an item under discussion. Support, here, is defined as “can live with”.
  - **Level of support.** To help inform decision making, the MLPA Initiative facilitators may invite NCRSG members to indicate their “level of support” for a particular decision item. Different levels of support include: general support (“I like it”), qualified support (“I have some issues with it, but I can live with it”), and fundamental disagreement (“I don’t like it and cannot live with it”).
- **Strive for broad based support for proposals.** NCRSG members will strive to achieve a high level of agreement in developing and advancing alternative proposals for MPAs. The intent here is to strive for MPA proposals that earn broad-based, cross-interest support from NCRSG members. The NCRSG is not intended to function as a representative voting body.
- **Use of “straw polls”.** NCRSG members recognize the need to make simple process agreements to move the effort forward. A straw poll is a method used for surveying a group on a particular issue and typically involves asking each group member to indicate a preference on a particular issue.
  - MLPA Initiative facilitators may use “straw polls” to develop a sense of the group’s views, track progress, and help the group arrive at short-term decisions to propel the process forward in an efficient fashion. Straw polls should be considered interim results.
  - The facilitation team, I-Team staff or an NCRSG member can request a straw poll.
  - MLPA Initiative facilitators will check in with the group to confirm the appropriateness of conducting the straw poll. Straw polls will be preceded by adequate NCRSG deliberation.

- MLPA Initiative facilitators will record the intent and outcomes of each straw poll taken.
- Straw polls will not be used to strengthen the position or standing of any one user group over another.
- While straw polling can be a useful tool to track progress toward agreement, the facilitation team will ensure that the use of straw polling does not result in the disenfranchisement of particular interests or constituencies.

## E. Cooperation with the BRTF and SAT

- **Briefings to BRTF.** The BRTF is expected to provide policy guidance to the NCRSG on each iterative round of MPA proposals. NCRSG members will have an opportunity to present focused briefings on the progress of MPA proposal development to the BRTF.
- **Cooperation and coordination with SAT.** A designated subset of SAT members (SAT sub-team to the NCRSG) will attend and support NCRSG meetings. The SAT and the SAT sub-team will assist the NCRSG by reviewing draft documents, addressing scientific issues and questions raised by the NCRSG, and helping to frame and refer policy challenges to the BRTF. At the end of each formal/plenary NCRSG meeting, MLPA Initiative staff will summarize the science questions raised at the meeting and work with the SAT and the SAT sub-team to provide responses in a timely fashion. At their discretion, MLPA Initiative and DFG staff may plan for joint meetings or work sessions of the SAT or SAT sub-team and the NCRSG.

## F. Information Sharing and Joint Fact-Finding

- **Information gathering and sharing.** MLPA Initiative, DFG, and State Parks staff intend to create multiple opportunities for data sharing and joint fact-finding within the NCRSG. Joint fact-finding refers to a process where stakeholders are able to provide their knowledge and identify information sources, needs, and questions for analysis; deliberations of scientific advisors are transparent; data are pooled to support better informed recommendations; and a serious effort is made to identify and narrow sources of scientific disagreement. NCRSG members 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 MPAs. This information may include a mix of peer-reviewed studies, other scientific studies, field notes from researchers, and first hand knowledge from resource users. Accordingly, NCRSG members are encouraged to contribute their own first hand knowledge to support the work of the NCRSG.
- **Best readily available information.** NCRSG members recognize that the MLPA North Coast Project relies on using the best readily available information. Tentative information will be treated as such. Development of MPA arrays will not be delayed in order to fill any perceived data gaps.
- **Confidentiality issues.** NCRSG members, I-Team staff, and SAT and BRTF members will refrain from sharing specific information outside of the NCRSG that was explicitly provided in confidence by other NCRSG members. This includes information on traditional uses by California tribes and tribal communities, and confidential fishing data.

- **Handling apparently conflicting data or analysis.** In the event that two or more data sets or interpretations appear to conflict, NCRSG members will work collaboratively with members of the SAT sub-team and support staff to narrow or clarify the basis of disagreement. The BRTF may also offer policy guidance on how to address and resolve disagreements over data or analysis.

## G. Media Contact

- **Webcast.** NCRSG 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, and copies will be distributed to local locations.
- **MLPA media contacts.** Media contacts regarding the project from a “big picture” perspective will be handled by MLPA Initiative and DFG staff. First contacts should go to Annie Reisewitz, MLPA Initiative Media Relations Liaison at 858-228-0526, or Kirsten Mcintyre, DFG Communications Manager at 916-322-8988.
- **NCRSG media contact.** On occasion, reporters may contact individual NCRSG members for comment about a particular issue. Members who are contacted by the media will speak only on behalf of their group or constituency. After commenting, the stakeholder will provide the media entity with contact information for the MLPA Initiative communications staff person and request that the media entity contact that person for further information.
- **Representation to media.** NCRSG 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 Initiative. NCRSG members agree to avoid: a) making statements to the media that may prejudice the project’s outcome, b) representing another group’s point of view or characterizing others’ motives, or c) stating positions on preliminary proposals while they are still being developed or refined by work teams or the NCRSG.
- **Media subcommittee.** NCRSG members will refer requests for additional contacts to MLPA Initiative and DFG staff listed above or the NCRSG contact list. If needed, the NCRSG may convene a multi-interest media subcommittee to work with MLPA Initiative and DFG staff to develop briefings for the media.
- **Use of key outcomes memoranda.** In briefing constituents, NCRSG members are encouraged to rely primarily on key outcomes memoranda to be produced for the meetings.

## H. NCRSG Communication

- **Creation and use of list servers.** The I-Team will create list servers to support the development and refinement of draft MPA proposals. The focus of the list servers will be to support work on individual MPAs or full MPA proposals. The intent of list servers is not to serve as a more general communication function about other marine resource issues.
- **Effective communication.** NCRSG members acknowledge the importance of communicating with other NCRSG members regarding MPA proposal development, including communications outside of formal NCRSG meetings. NCRSG members commit to bring concerns about adherence to the ground rules, MPA proposals, or other process

matters to the facilitation team rather than expressing such concerns in a manner that undermines the respect of any individuals or the process.

## I. Public Comment

- **Public comment at NCRSG meetings.** Designated times at NCRSG meetings will be agendized for public comment. Efforts will be made to schedule public comment at consistent time slots and keyed to important NCRSG work product discussions, and to be held at the time agendized. At all other times of the meeting, comments and discussion will be only among NCRSG members, SAT sub-team members, and MLPA Initiative, DFG, and State Parks staff.
- **Key purpose of verbal public comment.** Verbal public comment provides an important opportunity for the broader public to inform NCRSG deliberations on MPA proposal development. As such, to the extent possible, public comments will be directed toward the work effort, products, or process of the NCRSG. Comments on subjects external to the MLPA should be directed to other forums.
- **Other opportunities.** Members of the public are encouraged to convey their comments to relevant colleagues who serve as NCRSG members. Members of the public are also encouraged to submit comments in writing (preferably via email to [MLPAComments@resources.ca.gov](mailto:MLPAComments@resources.ca.gov)). Written comments will be distributed to NCRSG members electronically on a regular basis.

**Speaking time.** Comment cards will be counted and, at the discretion of staff or the chair, the time allocated to each speaker will be based on the total available time and the number of individuals wishing to speak. Additional guidelines for providing public comment will be made available to the public before and during each meeting.

- **MLPA response.** Other than clarifying misinformation, MLPA Initiative staff and NCRSG members will not directly respond to the public during public comment periods.
- **NCRSG public comment opportunities during meetings.** NCRSG members may provide public comment at MLPA Initiative meetings (e.g., SAT, BRTF), except where NCRSG members are formal participants (e.g., NCRSG meetings, NCRSG/BRTF joint meetings).

## J. Role of Facilitation Team

- **Neutral facilitators.** The NCRSG facilitation team is non-partisan; the facilitators have no stake in any particular set of alternative MPA proposals and will not act as advocates for particular outcomes. The facilitators will strive to ensure that all NCRSG members clearly articulate their respective interests and to assist members to complete their charge in a well-informed, respectful, and timely fashion.
- **Foster alternatives with mutual benefit.** The facilitation team will seek to foster approaches to meeting management, and to the identification and consideration of alternative MPA proposals, which maximize joint gains and mutual benefit.
- **Efficient use of time.** The facilitators will strive to structure and manage meetings and discussion so as to make efficient use of NCRSG members' time. This includes providing

materials in advance of meetings, keeping the discussion focused, and monitoring discussions so that no individual or idea dominates.

- **Facilitators' discretion.** The facilitation team will use its discretion in guiding meetings and may propose agenda adjustments. The facilitation team may also use straw voting to track a range of preferences on emerging issues and gauge the level of support for alternative options.
- **Key outcomes memoranda.** The NCRSG facilitation team will prepare key outcomes memoranda to summarize the main results of the NCRSG meetings. These key outcomes memoranda will summarize key decisions made, issues discussed, and the next steps identified for moving the project forward and does not strive to serve as a meeting transcript. The facilitators will strive to prepare key outcomes memoranda within 10 days of the meetings.

#### **K. Role of Other MLPA Initiative Staff**

- **Neutral planning support.** MLPA Initiative staff, including independent contractors, is non-partisan; MLPA Initiative staff has no stake in any particular set of alternative MPA proposals nor will advocate for a particular proposal. MLPA Initiative staff's primary role is to provide neutral process support and best readily available information to the MPA planning process.