

Stakeholder Assessment Memorandum

Date: May 21, 2007

To: North Central Coast Regional Stakeholder Group Members

From: Scott McCreary and Eric Poncelet, CONCUR, Inc.

Re: Stakeholder Assessment Memorandum, NCCRSG Process

This Stakeholder Assessment Memorandum presents our summary findings from interviews we conducted a broad cross-section of MLPA North Central Coast Regional Stakeholder Group (NCCRSG) nominees. We conducted over 30 interviews, including interviews with 22 primary members and 8 alternate members. Nearly all of the interviews were conducted by phone. The list of questions used to guide the interviews is attached in Appendix 1.

These interviews and this Memorandum represent a key part of our preparation to facilitate the NCCRSG process.

Several overarching findings emerged from the interviews:

- Stakeholders are taking a keen interest in the Marine Life Protection Act (MLPA) Initiative north central coast process. The stakeholders interviewed want MLPA implementation to take into account the broad diversity of stakeholder interests and perspectives in the north central coast study region.
- Stakeholders have considerable local knowledge and experience and are willing to bring this to the process.
- In general, stakeholders are optimistic that the NCCRSG could propose a set of marine protected areas (MPA) that satisfies multiple stakeholder interests. This optimism was attributed to several sources, including experience gained from the MLPA central coast process, the particular nature of resource use on the north central coast, and a stakeholder community that has worked well together in the past.
- A significant number of stakeholders interviewed welcome the opportunity to build consensus around a broadly supported alternative MPA proposal. Many stakeholders consider a consensus outcome to be in the best interest of the entire NCCRSG, although a few respondents cautioned that achieving consensus might be difficult if stakeholders insist on adhering to fixed positions. In our view, this finding may have implications for the incentives the MLPA Blue Ribbon Task Force (BRTF) may be able to offer the NCCRSG to converge around a broadly accepted proposal.

This memorandum is organized into three main sections. Section A summarizes the interests expressed by the stakeholders. Section B summarizes key views on the project, including and potential challenges to overcome and keys to success. Section C focuses on preparation needs, including process design recommendations, key information needs, and suggested ground rules.

A. Stakeholder Interests

In the interviews, respondents expressed a wide variety of interests with regard to the MLPA and the marine resources of the MLPA Initiative North Central Coast Study Region. Most of the respondents expressed multiple interests, demonstrating the complex patterns of resource use in the area.

1. Shared interests

Several of the interests expressed were shared across all of the stakeholder perspectives. These included interests in healthy ocean ecosystems; sustainable use of marine resources; policy making informed by sound science, accurate information, and diverse stakeholder perspectives; sustainable coastal communities, and a transparent stakeholder process viewed as legitimate by all.

2. Hopes regarding the NCCRSB process

Respondents expressed a variety of other hopes regarding the NCCRSB process. These included desires for:

- MPA decisions that represent a “balance” among stakeholder interests, especially between conservation and socioeconomic needs
- A well-informed stakeholder process where stakeholders views are heard and considered, including the views of stakeholders outside of the NCCRSB
- Well-informed, well-funded, and implementable approaches to enforcement and adaptive management
- Robust public outreach throughout the MLPA Initiative process
- Considerable weight to be given by the BRTF and the California Fish and Game Commission to the recommendations of the NCCRSB, especially if these recommendations are broad supported within the NCCRSB.

B. Views on the Project – Potential Challenges and Keys to Success

Respondents acknowledged the complexity of issues facing the MLPA Initiative’s north central coast process as well as the multiple competing interests involved. Respondents identified the following key challenges to the process along with several keys to success.

1. Issues likely to confront the NCCRSB — addressing user “hot spots” and characterizing socioeconomic impacts

Respondents identified a number of key issues viewed as likely to arise in the NCCRSB process. The most commonly identified issues concerned:

- Pinpointing and addressing user “hot spots.” Most of the respondents predicted that disagreements would arise within the group over the protection of specific areas of high ecological, economic, and recreational value (e.g., Duxbury area, Colorado Reef, Farallones Islands, Point Reyes area). Respondents cautioned that some stakeholders might assume entrenched positions regarding these particular areas, due to fears of a loss of livelihood or concerns that critical habitat may not be protected.

- Achieving a balance between ecosystem protection and anticipating and responding to socioeconomic impacts. Many respondents believed that the NCCRSB must work hard to find an appropriate balance between conservation, biodiversity, and ecosystem protection goals and the potential for negative socioeconomic impacts.

Additional issues expected to arise included concerns over: public access, coastal development, safety concerns for fishermen, marine mammal issues (e.g., protecting haul out areas, avoiding incidental take), pollution runoff, sustaining local fishing communities, protecting particular fish stocks and species of concern, oyster farm leases, and the role of “no take” areas in implementing the MLPA.

2. Finding a constructive way to address marine policy issues that could intersect with implementation of the MLPA

Many respondents raised the concern that some marine policy issues affecting ecosystem management fall outside the strict purview of the MLPA and are therefore difficult to address in this process. Yet, several respondents noted that such issues may have a bearing on successful implementation of MPAs. The most frequently mentioned issues included:

- Addressing the impacts of non-point source runoff and other water quality concerns. Several respondents suggested that pollution runoff may have a significant impact on ecosystem protection.
- Finding a fair way to account for the impact of existing fishery regulations as the impacts of new MPAs are considered. These respondents noted that the commercial and recreational fisheries are both currently highly regulated, and that the contribution of these regulations toward achieving the goals of the MLPA should be acknowledged and addressed.

3. Clarifying the role and charge of the NCCRSB within the MLPA Initiative process

In the interviews, we asked respondents to describe their views on the primary role of the NCCRSB in the MLPA Initiative process. Respondents most commonly understood the NCCRSB as bringing local knowledge to the process, providing a voice and representation for local interests, and sharing local concerns. Several respondents described the NCCRSB as “ground-truthing” the data to be used. Others described it as a “conduit” to bring and receive information from broader stakeholder constituencies.

Some respondents also described the NCCRSB’s role in developing multiple alternative MPA proposals. However, this essential element of the NCCRSB’s role was less clear to many respondents. As well, many respondents did not have a clear understanding as to how the NCCRSB would work with other key bodies in the MLPA Initiative, such as the MLPA Master Plan Science Advisory Team (SAT) and Blue Ribbon Task Force (BRTF), to accomplish its charge.

We recognize that for some, the MLPA is new and represents a fairly complex policy setting. Still, we emphasize that creating greater clarity about the process a key need. Conversely, if confusion around the precise roles and responsibilities of the NCCRSB and how it will contribute to the final product persists, this will pose a barrier if not clarified at the onset of the process.

Additionally, a few respondents appear to understand the aims of the MLPA as primarily focusing on fishery management. A few also raised concerns about the demonstrated effectiveness of MPAs along the California coast. Other respondents pointed out that debating the effectiveness of MPAs along the CA coast or as a fishery management tool is not the charge of the NCCRSB.

4. MLPA Master Plan Science Advisory Team role and composition

A large majority of the respondents highlighted the important role to be played by the SAT in informing NCCRSB deliberations, especially with regard to guidance on MPA size and spacing and replication. Several of these respondents were concerned that the SAT be perceived as objective and unbiased. In particular, some wanted to ensure that scientists with a strong fisheries management focus be recruited to the SAT, including perhaps some scientists who might be considered “MPA skeptics.”

5. MLPA implementation and accountability

Several stakeholders noted that successful implementation of the MLPA requires adequate enforcement and implementation of an adaptive management plan. These respondents were concerned that funding might not be available to ensure successful implementation.

6. Public outreach

Many respondents spoke of the importance of better informing the public of the MLPA and the MLPA Initiative’s north central coast process. Several pointed out that much misinformation still exists, such as the belief that the MLPA will lead to the closure of all state waters. Others suggested that MLPA Initiative and California Department of Fish and Game (DFG) staff take steps to conduct broader public outreach at strategic points throughout the north central coast process.

7. Building trust in the MLPA Initiative process

In their reflections on the lessons learned from past MLPA implementation efforts, many respondents noted that several sources of mistrust or skepticism about the process still exist for many stakeholders. Our interviews uncovered several sources of concern, some of which may hinge on misunderstandings or on the need for the MLPA Initiative to be more clear and explicit about its intent as the planning process proceeds.

We also note that while some respondents expressed one or more specific concerns, many also praised the effort to draw lessons learned from the central coast study region and appreciated hearing that the Initiative takes stakeholder concerns seriously and is working to address them.

Some of this skepticism may be systemic in resource management and have its source in historical mistrust between resource users and state and federal resource management agencies regarding the fairness and wisdom of past resource management decisions.

Other sources of skepticism may be more specific to the MLPA Initiative. Several respondents expressed skepticism, for example, over the funding sources in the MLPA Initiative and whether these might impose an implicit set of preferences on the north

central coast study region. An even more prevalent concern involved the perceived breach of process commitments that arose when the BRTF made late changes to stakeholder MPA proposals in the central coast process.

Still another often-cited area of skepticism arose from concerns regarding Ecotrust's past methodology for assessing socioeconomic impacts for commercial fisheries and concerns that some respondents "gamed the system" by misreporting data. A corollary concern was that some confidential information was inadvertently shared and that the analysis was both too late to be useful and not specific enough in identifying high value areas. (We note that in devising the project approach for the north central coast study region, Ecotrust has worked to address these concerns, and we took the time to summarize these changes in our discussions with some of the interviewees.)

8. Keys to success

In their discussions of potential challenges and barriers, respondents recommended several key ways to help ensure the success of the NCCRSR process. These included:

- Appointed NCCRSR members and other participating stakeholders must be willing to work toward achieving the goals of the MLPA.
- The process must be informed by sound science and accurate information.
- NCCRSR members need to represent or otherwise ensure consideration of all of the key interests and perspectives in the north central coast study region.
- Stakeholders need to feel that they are being listened to and that their concerns are being seriously considered.
- Stakeholders must be willing to "compromise" (we prefer to frame this as "seek mutual gains") and look beyond their own interests. They need to "keep an open mind" and be "compassionate to others' views".
- Stakeholders must search for solutions that "balance" multiple stakeholder interests.

Other suggested keys to success appear in the section on "process recommendations" below.

C. Preparation Needs

1. Process recommendations

As part of their suggestions for ensuring success, respondents made the following recommendations regarding NCCRSR process design:

- Clarify the process and process roles at the onset of the project.
 - Clearly describe the MLPA Initiative process, the roles and responsibilities of the NCCRSR, and how the RSG is expected to work with other bodies within the initiative (e.g., BRTF, SAT, DFG) to contribute to the final product.
 - Clarify the role of the state and federal agencies participating in the process (i.e., their status as stakeholders in the process, how they will express preferences).
- Stay focused on the core charge of the NCCRSR. Establish meeting agendas and goals, and stick to them.
- Provide opportunities for NCCRSR members to clearly articulate their interests and perspectives to the rest of the group.

- Ensure sufficient time for the NCCRSB to deliberate on candidate MPA proposals. Provide sufficient opportunities and time for face-to-face dialogue between the NCCRSB and the SAT and between the NCCRSB and the BRTF.
- Create opportunities both within and outside of the main meetings for NCCRSB members to work toward consensus. A majority of respondents suggested that stakeholder interests might best be served if the NCCRSB is able to reach consensus around a broadly supported alternative MPA proposal.
- Conduct public workshops at strategic times throughout the NCCRSB process. Give special attention to the alternative MPA proposals being developed.
- Provide policy guidance on key issues, such as how existing “leases” will be treated (e.g., oyster leases), or how economic interests are to be weighted relative to other interests (e.g., ecosystem).
- Establish a process for setting aside particular issues to be addressed at a later time.

2. Information needs

Respondents strongly supported the development of a comprehensive and accurate regional profile for the north central coast study region. Respondents appreciated the chance to comment on and contribute to the evolving draft document. Respondents also identified information needs key to supporting NCCRSB deliberations. These include (in no particular order):

- Habitat maps, including maps of sensitive habitat
- Oceanographic information (e.g., topography, currents)
- Fish stock information for all fisheries. Baseline data on target species, population densities, catch data. Where possible, include information on trends.
- Status of species, including species of concern
- Patterns of resource use, mapped spatially
- Larval transport information for different species (especially species of concern)
- Public access points
- Socioeconomic information for commercial fishing, recreational fishing, non-consumptive uses, and multiplier effects and impacts on coastal communities
- List and description of existing state and federal rules and regulations with direct implications for MLPA implementation (e.g., state and federal fishery management rules, water quality regulations)
- Size and spacing guidance for MPAs
- Analysis of existing MPAs in the north central coast study region, and a gaps analysis of what is needed to meet the goals of the MLPA
- Sources of land-based pollution
- Coastal development and land ownership patterns (public vs. private)
- Possible impacts of global warming and implications for MPA designation

Respondents recommended that this supporting information and the GIS-based decision support tool be made available in a timely manner, as early in the RSG process as possible. Respondents also requested that steps be taken to ensure that the information is as accurate as possible and that any limitations on the quality of the data be clearly articulated.

3. Ground rules

In the interviews, we explained to respondents that we would be drafting ground rules for the north central coast process. We invited specific proposed ground rules, noting that we would take account of interviewee suggests as well as our professional experience in crafting the draft ground rules.

Respondents suggested several potential ground rules to help guide the work of the NCCRSB. Several also emphasized the importance of enforcing the ground rules. A few recommended that the basic rules apply to both NCCRSB members and MLPA Initiative and DFG support staff.

a. Safe space for dialogue

The most commonly suggested ground rules were focused on creating a “safe space” for dialogue. Here, respondents recommended the following ground rules:

- Be respectful and civil to others and considerate to the group; avoid personal attacks.
- Everyone gets to speak; no one should dominate. One person speaks at a time. Speakers should stay on point.
- Listen to others and be open to others’ interests, views, and ideas.
- Keep emotions in check

b. Interacting with broader constituencies and the media

Respondents emphasized the importance of having clear ground rules to guide both the process for checking back with broader constituencies as well as interactions with the media. Suggested ground rules here included:

- Apply good judgment when checking back with broader constituencies. Avoid disseminating preliminary or tentative information on potential MPA proposals. Wait until ideas and preliminary proposals are sufficiently developed.
- When dealing with the media, NCCRSB members should represent their own interests and should avoid representing the views or characterizing the motives of others. NCCRSB members should also avoid prejudging preliminary or tentative ideas or proposals in the media before they are well considered by the NCCRSB. A few respondents suggested it would be best to have a unified message coming from the NCCRSB, and that this should be coordinated through DFG or MLPA Initiative staff.

c. Building agreement

Respondents also suggested a suite of ground rules intended to help build agreement:

- Establish clear decision-making rules. To ensure good buy-in, aim for support of proposals that exceeds a simple 50% plus one majority rule. Strive for broad consensus. Find a way, as well, to express dissenting views. Recognize that compromise is needed.
- Avoid fixed positions.

- Focus on the problem, not the people
- Focus on facts, not speculation

d. Other ground rules

Additional recommendations for ground rules included:

- Commit to achieving the charge of the NCCRSB and to working with other NCCRSB members in good faith, both within and outside of the regular meetings.
- NCCRSB members should consider the impacts of their process suggestions on the momentum of the process before making them.
- NCCRSB members should avail themselves to each other and their broader constituencies both during meetings (e.g., during breaks) and in between meetings.
- Clarify the formation and responsibilities of working groups.
- Clarify how information will be disseminated via the Internet.
- NCCRSB members should represent the views of broader stakeholder constituencies, not just themselves.
- Include opportunities for public comment during NCCRSB meetings. The public should also adhere to clearly defined ground rules, such as being respectful and considerate.
- Start and end the meetings on time.
- Stick to the agenda and work to achieve meeting goals.
- Ensure that NCCRSB members should come to meetings prepared.
- Turn cell phones off during meetings.
- The facilitation team should prepare meeting summaries to help drive the process forward toward achieving the NCCRSB's charge.

Overall, these suggestions coalesce around a reasonable series of guidelines that build on the work of the central coast, mesh well with CONCUR prior practice, and can be readily incorporated in the proposed Ground Rules for the NCCRSB.

APPENDIX 1

Stakeholder Interview Questions¹

Your Background:

1. In brief, please tell us a little about your professional background and any position or responsibilities relative to the MLPA NCC Project. Did you participate in the outreach workshops?

Your Interests:

2. What are your [organization's] interests in the NCC project?

Lessons Learned from Past Efforts:

3. Were you involved in past efforts to implement the MLPA or similar efforts? In your view, what worked well in these efforts, and what could have been done better?

Issues to Be Addressed:

4. In your view, what are the substantive issues to that will need to be addressed for the RSG to accomplish its charge?
5. What are the key challenges or barriers facing the project?
6. [Preamble] The RSG is expected to work closely with several other bodies to support the implementation of the MLPA. Other key bodies include: the blue ribbon task force, the science advisory team, the Fish and Game Commission, California Department of Fish and Game staff, and MLPA-Initiative staff.
 - a. In your view, what is the role of the RSG in the MLPA?
 - b. Do you have questions or concerns with the RSG's relationship with other MLPA Initiative bodies?

Process Design and Preparation Needs:

7. *RSG Recruitment.* Several selection criteria have been established to guide RSG recruitment. [Review these.] Please comment on the match between the qualities you would bring and the selection criteria.

[Probe] We are especially concerned to recruit an RSG where members are able to balance regional needs, and where members work in a collaborative fashion with representatives who have other interests.

8. *Representation.* A list of nominated RSG representatives is posted on the MLPA-Initiative website. Do you have any comments on any of the nominees and their match with the selection criteria?
9. *Participation and scheduling.* [Preamble] The first RSG meeting is scheduled to take place in San Rafael on May 22-23 (2-day meeting). Future two-day meetings will be scheduled to occur on average every 6 weeks. Meetings may take place in both northern and southern parts of the NCC region. Locations are still being determined. Between these meetings there may also be conference calls, work teams or workshops.

¹ We were flexible in applying this instrument; we sought to pose all the questions to all respondents, but adopted a conversational style in the interviews.

- a. If appointed, do you anticipate being able to attend all of these meetings?
 - b. Have you identified a prospective alternate? Would you willing to commit to work closely with your alternate to ensure continuity of representation of your interests? How do you envision coordinating with him/her?
10. *Information needs.* As you may know, a detailed Regional Profile is being prepared. What specific information would be helpful to support the RSG's deliberations?
11. *Ground Rules.* When facilitating collaborative groups, we typically put forward draft ground rules to guide the meeting in an effective and efficient manner. Ground rules 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

12. 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).