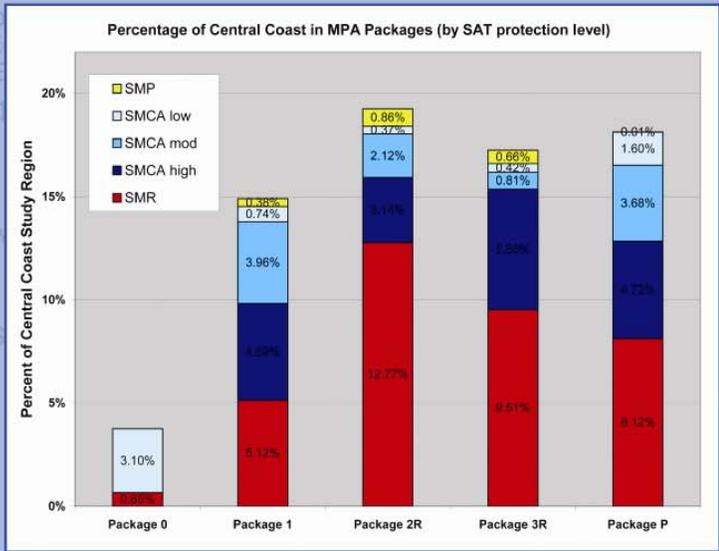


REPORT ON LESSONS LEARNED FROM THE MARINE LIFE PROTECTION ACT INITIATIVE
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Executive Summary

California is a recognized leader in efforts to effectively manage and protect ocean resources. A key management shift over the past decade has been to emphasize protection of marine ecosystems over individual species. The Marine Life Protection Act (“MLPA”), enacted in 1999 with significant support from the environmental community, takes this approach.

The MLPA vests authority for creation and implementation of a Marine Life Protection Program (“MLPP”) with the Fish and Game Commission (“Commission”) and the Department of Fish and Game (“Department”). The Department made two attempts from 2000-2003 to implement the MLPA (MLPA 1 and MLPA 2). Both fell short of producing a MLPP or MPA networks along California’s 1,100 miles of coast. A separate Channel Islands effort resulted in a Commission vote to establish MPAs, but the process generated significant lingering controversy and is not typically characterized as a success.

Governor Arnold Schwarzenegger took office in November 2003 during a period of political ferment and severe budget shortfalls. His platform included a commitment to ocean protection, and the new Secretary for Resources, Mike Chrisman, began working with representatives from the Resources Legacy Fund Foundation (“RLFF”), a private philanthropic group, and Ryan Brodrick, the new Director of the Department, to implement the MLPA using a public-private model. Extended negotiations during early 2004 resulted in a groundbreaking Memorandum of Understanding for a Marine Life Protection Action Initiative (the “MOU” and the “Initiative”).

The key elements of the MOU were:

- Private funding and contracting through the RLFF rather than through state mechanisms
- Focus on an area of the central coast as a pilot
- Creation of a Central Coast Regional Stakeholder Group (“CCRS”) to develop alternative networks of MPAs
- Creation of a Blue Ribbon Task Force of distinguished people experienced in public policy but not directly associated with MLPA or MPA issues, whose task was to oversee the CCRS effort and deliver alternatives to the Department and Commission for a decision
- Professional staff to support the BRTF and maintain a tight project focus
- Use of a Master Plan Science Advisory Team that would not design MPAs but rather support alternative development
- Creation of a Master Plan Framework to support development of the MLPP in phases
- Ambitious deadlines that include delivering a draft Framework to the Commission by May 2005 and a proposal for alternative networks of MPAs by March 2006, and
- A partnership among the Signatories: the Resources Agency, the Department, and RLFF

Finding 1. There is no question that the Initiative has been significantly more successful than earlier efforts to implement the MLPA, even before a decision by the Commission. This report is intended to identify “lessons learned” from the Initiative, in part to assist in decision making about one or more future study areas. There are three additional findings:

Finding 2. The Initiative processes and the BRTF recommendations provided a sufficient foundation for decision-making by the Commission.

Finding 3. The key elements of the Initiative functioned effectively in the central coast process overall, even with the questions and caveats to be anticipated in such a complex endeavor.

Finding 4. There is no conclusive reason at this time why the basic structure and approach of the Initiative cannot be replicated for the next study area. There are a number of issues and open questions, including:

- *the availability of private funding*
- *the challenge of retaining and recruiting high-quality contract staff, BRTF members, and SAT members in light of the demands imposed by the Initiative*
- *the availability of key Department staff to focus intensively on the next area*
- *the extent to which key stakeholders, particularly consumptive interests, will endorse the Initiative model following the Commission's ultimate decision for the central coast. The CCRSG Report provides further insight on this question.*

RECOMMENDATIONS

- 1. The basic Initiative structure -- a BRTF with contract Staff, RSG, SAT, and effective Departmental involvement – is the best option for the next study area, with limited modifications based on lessons learned.**
- 2. The State of California should negotiate a new Memorandum of Understanding with the Resources Legacy Fund Foundation or other entities to ensure adequate funding for future study areas as well as for implementation of Commission decisions about MPAs along the central coast.**
 - a. The Resources Agency and Department should open discussions with the RLLF and other private entities about funding for management of MPA networks.**
 - b. The RLFF and all private funders must work with the other Signatories, BRTF, and Staff to ensure separation and clear boundaries.**
 - c. The Signatories should consider whether other funders, or non-profit entities, might become part of the public-private partnership.**
- 3. The Department of Fish and Game should have the same roles and responsibilities in the next study area but should participate more proactively in the regional stakeholder process and should focus a substantial portion of its new resources on implementation of the Commission's decisions to establish MPA networks along the central coast.**
 - a. With respect to a RSG in the next study area, the Department should engage more directly with regional stakeholders as they develop packages of proposed MPA networks.**

Expanded Summary of Key Findings

Did the Initiative processes and BRTF recommendations provide a reasonable foundation for decision making by the Commission?

The BRTF forwarded three alternative packages to the Department, designated 1, 2R, and 3R, with the last recommended as the preferred alternative. Package 1 was a direct product of the CCRSG process, developed by fishing and other consumptive interests. Package 2R was a BRTF revision of a package developed by non-consumptive interests in the CCRSG. Package 3R also was a BRTF revision of a CCRSG package, in this case prepared originally by a mixed group that was trying to find a consensus position late in the CCRSG process. All of the packages forwarded to the Department represented a significant improvement over California's existing set of *ad hoc* MPAs along the central coast, which were addressed in the Initiative as Package 0.

The three packages bracketed a politically feasible range of policy choices for a final decision by the Commission. The Department's preferred alternative, Package P, falls within this range. It is based on Package 3R and reflects proposed solutions to enforcement and other issues that were not resolved to the Department's satisfaction by either the CCRSG or BRTF.

The alternatives all appear to meet the requirements of the MLPA. They are all the result of a robust stakeholder process, and all have been evaluated by the SAT according to the Framework's Guidelines. They are all supported by extensive documentation. The differences among them reflect different policy and political choices, particularly between consumptive and non-consumptive interests. The Commission could vote to adopt Package 1 if its judgment suggests an outcome most favorable to consumptive interests. Package 2R offers the highest overall level of protection. Packages 3R and P offer different responses to the tradeoffs between consumptive and non-consumptive uses, with Package P perhaps offering greater enforceability and Package 3R having been developed in a public setting.

There is controversy associated with two aspects of these alternatives: the extent to which they meet the MLPA's requirement for the use of "best readily available science," and their treatment of socio-economic information. In summary:

Science. The MLPA requires use of the *best readily available science* in developing the master plan that guides decisions about MPAs. It also requires use of "the most up-to-date science" for MPA design guidelines. Fishing interests consistently criticized the SAT process and the Initiative's alternatives by pointing out a perceived imbalance on the SAT between marine ecologists and fisheries scientists. This imbalance, and the SAT's alleged failure to utilize mathematical models preferred by fisheries scientists, represents a failure to meet the MLPA's science standards according to this critique.

It is accurate to say that marine ecologists were more heavily represented on the SAT than fisheries biologists on a purely numerical basis. But at least four scientists on the SAT did have acknowledged, significant fisheries science expertise – such as work on distribution, abundance, and movements of harvested marine fisheries; habitat-specific stock assessments; and modeling the population dynamics

of harvested species. One had done this work for the Pacific Fishery Management Council. It is also true that the hypotheses and tools used by marine ecologists formed the basis for the Framework and significantly influenced design and evaluation of the various alternatives, but this body of information includes published fishery models about MPAs according to several SAT members.

There is persistent conflict associated with the policy of establishing networks of MPAs and the science that is driving their design and evaluation. Part of this conflict involves the use of MPAs to support fisheries. The critique offered by consumptive interests is an extension of this larger debate that has been underway for at least a decade involving marine ecologists and fisheries scientists. The critique also is part of a larger policy challenge facing California: the integration of MPAs into overall coastal management. The SAT was charged with assisting the design of MPA networks, not with integrating MPAs into California fishery policy. The BRTF was informed of the different viewpoints during its deliberations. The BRTF also was aware of the consistent political opposition of consumptive interests to creation of new MPAs.

The Department of Fish and Game commissioned two external peer reviews of the SAT's work through Oregon Sea Grant and California Sea Grant. These evaluations praised SAT work. Here is a quote from one peer reviewer: "In general, the Science Advisory Team should be commended for their ability to search out the *best available science* and apply it to the specific problem of designing an MPA network. The last few years have seen an intense focus on estimating larval dispersion distances, and the Advisory Team has done an excellent job of applying this research to the problem at hand." [*emphasis supplied*]

In contrast, the California Fisheries Coalition organized a separate "peer review" by three highly regarded fisheries management scientists, two of whom had been invited to serve on the SAT but had declined to do so. Their report flatly asserts that "[t]he best readily available science is the use of quantitative models." It criticizes the SAT for failing to use such models, and argues that the results from the authors' models undermines the SAT's central hypothesis (larval transport), Guidelines, and evaluation of MPA packages. The review claims this resulted in distorted and unsound advice to the BRTF about alternative networks of MPAs proposed by the CCRSG. The SAT prepared a detailed response to this review.

A reasonable conclusion would be that (1) there are clear disagreements about what constitutes best available scientific information and how to use that information to design MPA networks, (2) the SAT based its work on hypotheses and data endorsed by marine ecologists and this included consideration of various fisheries models, (3) the SAT's work meets the standard of "best available scientific information" according to the external peer review, and (4) the BRTF made an informed policy choice to move ahead in the face of scientific conflict in order to implement the MLPA.

The Initiative was a policy making process, not a scientific one. This distinction is critical. In the first, failed effort by DFG to implement the MLPA, scientists "drew lines on a map" to identify possible MPAs. In contrast, the Initiative process gave regional stakeholders and the BRTF the responsibility for designing alternative MPA networks with guidance and evaluation from the SAT, although there are different views about the BRTF's ultimate role. The SAT's obligation was to support open and constructive scientific debate *insofar as it contributed to the Initiative's goals*, namely developing plausible alternatives of MPA networks for consideration by the Commission.

This included ensuring that relevant viewpoints were effectively represented while also maintaining focus and not being consumed with an ongoing scientific disagreement.

It is likely that the tools used to design and evaluate MPAs will improve over time, and may ultimately involve mathematical models like those used in traditional fisheries science. One member of the SAT who is developing such tools has been funded by the Initiative to continue his work. Future study areas will benefit from continued robust scientific investigation and debate. While it will be helpful if the competing scientific camps can find ways to work jointly to support marine management in the future, the approach to “best available scientific information” is not a significant shortcoming in the Initiative process.

Socio-economics. A second criticism of the alternatives, again raised by fishing and other consumptive interests, is the treatment of potential socio-economic impacts associated with creation of MPA networks. The MLPA refers to economics in several places but does not include it explicitly in the six statutory goals described above. There are significant difficulties associated with gathering, applying, and analyzing data at an appropriate spatial scale to be relevant to MPA network design, and data about the benefits associated with MPA networks is not readily available.

The Initiative contracted with Ecotrust and Dr. Astrid Scholz (a SAT member) for an analysis of the relative effects of proposed MPA packages on commercial and recreational fisheries along the central coast. Ecotrust’s product was a “worst-case” analysis, and specifically was not an environmental impact analysis and did not address behavioral responses, i.e., redirected fishing effort, due to a lack of data. The analysis was made available fairly late in the CCRSG process of designing MPA alternatives under constraints that limited its value. Nevertheless, impacts on consumptive users were a factor in MPA package design and evaluation. There was no equivalent effort to analyze potential benefits associated with MPA creation.

An external review of the Ecotrust analysis pointed out the limitations of the approach but was generally supportive of it as a rough measure of the upper bound of relative impacts among various MPA alternatives. The report concludes that “if the goal is to assess the upper bound of impacts from MPAs by utilizing the knowledge of fishermen through survey methods, then the current methodology designed by Ecotrust serves as a good start.” The CFC also prepared a critique.

In summary, the Initiative attempted to incorporate socio-economics into MPA design. There are diverse perspectives on the results. This effort resulted in significant learning that should influence decision making about future study areas. Based on these factors and its secondary role in the language of the MLPA, the approach followed by the Initiative does not change the overall evaluation of the BRTF’s recommendations. The CCRSG Report provides additional perspectives on the treatment of socio-economic information.

Finding 2: The Initiative processes and the BRTF recommendations provided a sufficient foundation for deliberation and decision-making by the Commission.

Did the key elements of the Initiative work on the Central Coast?

This question addresses the effectiveness of the four major elements in the Initiative process – the

BRTF, the SAT, Initiative staff, and the public-private partnership that provided financial support for these new elements – as well as the Department’s role in the Initiative. (The CCRSG process is examined in detail in the CCRSG Report and is not addressed here.) The focus of this section is on satisfaction, perceptions about how each element worked, new kinds of knowledge contributed by the Initiative, and each element’s overall contribution to the Initiative.

Most interviewees reported that they felt the basic Initiative process worked fairly well—with some reservations and exceptions explained below. This group included senior management at the Resources Agency and Department. Department staff with day-to-day responsibility had a number of issues but also reported overall satisfaction. Consumptive users generally reported dissatisfaction with the BRTF and SAT. A number of people were holding back from a final judgment of the Initiative, waiting to see how the Commission will respond to the BRTF and Department recommendations.

BRTF. All BRTF members were interviewed for the report and described general satisfaction with the Initiative. One significant concern was how their work products, particularly their preferred alternative, would be treated by the Department and the Commission.

The BRTF was seen as generally effective in generating a set of plausible, high-resolution policy alternatives for consideration by the Department and Commission. The general comfort of BRTF members with public policy decision making allowed them to be comfortable and “make the system work.” The Chair was viewed as playing a particularly valuable role in controlling meetings and generally ensuring no leadership vacuum developed. Along with this general satisfaction there is consistent dissatisfaction among stakeholders, the SAT, and Department with the BRTF’s treatment of the three stakeholder packages at its March 14-15, 2006 meeting. In particular, the BRTF’s decision to modify two of the packages prior to forwarding them to the Department caused significant negative reactions.

The dissatisfaction of fishing and other consumptive interests is an exception to the general level of satisfaction described above. Most fishing interests criticized the BRTF’s makeup and actions, although not their commitment and effort. One important finding from the interviews is that the tactics and strategy employed by consumptive interests were perceived negatively by several BRTF members and ultimately limited their initial sensitivity to consumptive needs and willingness to seek responsive solutions.

The inability of the BRTF to reach consensus on a preferred alternative received significant attention during interviews. This outcome may affect the willingness of the Department and Commission to consider its recommendations. BRTF members offered a range of views about the reasons for disagreement, including lack of time for private discussions and being asked to digest too much information too fast at the March 14-15, 2006 meeting. BRTF members also expressed different views about whether consensus could have been achieved.

SAT. BRTF members agreed unanimously that they felt the SAT fulfilled its charge of supporting the BRTF, despite the challenging circumstances. The Department also appears generally satisfied with the SAT, although there are exceptions for specific issues. Stakeholder views about the SAT are addressed in the CCRSG Report. Satisfaction levels of SAT members differ according to several

factors, but also are consistent on some points. Half of the SAT's members were interviewed [11], so all conclusions must be qualified. Those SAT members who worked extensively on the Framework and on the Evaluation sub-team are generally satisfied with their work, and several are eager to move on to the next study area. Here are key issues that emerged from interviews:

- The SAT structure, procedures, and deliverables were not clear at the beginning of the Initiative, and this led to perceptions of confusion and wasted time. At least one original SAT member left the group because of these factors.
- There was inadequate planning for SAT needs, and this hindered the SAT's ability to work.
- The SAT experienced conflicts over management and leadership styles, personalities, and role expectations that involved the Department and Staff.
- The SAT lacked sufficient time to do its work.
- The lack of compensation for SAT members had an uneven impact depending on individual employment and funding arrangements. It was a significant factor for some SAT members who contributed hundreds of hours of time.

There were a number of issues related to the different roles of SAT members, as follows:

- Two SAT members were contractors to the Initiative. This caused some problems related to analysis of their deliverables.
- At least two SAT members received contracts to perform additional work as a result of their involvement with the Initiative. There were diverse views about this among SAT members.
- One SAT member receives funding as a Pew Marine Conservation Fellow to support MPA research. There were a range of views about whether this presented a real or perceived conflict of interest.

The SAT contributed extensively to the pool of available knowledge about designing MPAs. One contribution is the Framework (now incorporated into the draft Master Plan) which is available to everyone. The Guidelines for Evaluation of MPA Networks are a particularly valuable element of the Framework and are available for use in future study areas. There are analytical tools for applying the Evaluation Guidelines, including spreadsheets that translate GIS habitat values into graphic representations. The SAT's Guidelines and their application to the CCRSG alternatives have been subjected to external peer review, with largely positive results. This information also is available for future study areas. Finally, the SAT prepared discrete "units" for educating the BRTF about MPAs, and this curriculum also is an asset for the future.

Initiative Staff. The Initiative was a new way of doing business and operated on a very tight timetable. Its staff had to design much of the process at the same time they were doing the work. The current version of the Framework, which describes the process for designing MPA networks in significant detail, did not exist in August 2004. Nevertheless, the professional staff (including the Executive Director) was largely able to meet the deadlines in the MOU and support development of alternative MPA networks delivered to the Department by the BRTF. The keys to these outcomes were:

1. Flexibility to create and adapt processes, hire personnel, and contract with experts
2. Shared responsibility among DFG, the BRTF, and the Executive Director and staff

3. A mutual commitment to success
4. High-quality, highly motivated people, i.e., good hiring
5. Singularity of purpose
6. A disciplined focus on Initiative goals
7. An ability to avoid being painted as partisan

Public-Private Partnership. A public-private partnership inevitably challenges people to accommodate differences around values and expectations; project complexity and ambition magnify these challenges and increase the importance of finding solutions. This accommodation was essential for the Initiative, particularly because key people had no prior working relationship. Interviews suggest that overall these relationships were positive, with some acknowledged exceptions.

The Initiative would not have been possible with substantial philanthropic funding through the MOU's public-private arrangements. No dissenting views about the significance of this contribution emerged during interviews. The Initiative was notable in its level of financial resources, stakeholder engagement, quality of work products, accessibility to the public, and project focus. Many people rated the Initiative highly compared with other public processes, and some called it the best they had seen. It is not unreasonable to link significant new state funding for FY 2007 with the accomplishments made possible by private contributions.

The source of private funds was constantly criticized by fishing and other consumptive interests. The basic concern is that the private funders are advocates for certain environmental values, and that these values inevitably will exert undue influence over policy outcomes in the Initiative. The Signatories appear to have structured the partnership to promote *separation*, an arms-length relationship, from the BRTF and ultimate decision makers, and to emphasize transparency and openness.

The partnership relied heavily on highly qualified contract staff at an executive and senior management level. Compensation for these staff was underestimated and likely will remain high for the next study area.

Financial oversight occurred on several fronts. The RLFF addressed fiduciary obligations to funders through its board and staff. The BRTF and Executive Director provided oversight of the Initiative budget, and this information was available to the public. The Executive Director and Staff worked directly with RLFF on contracting matters. Overall, despite the lack of a model, this set of relationships appears to have worked reasonably well. One issue for the future is the extent of the Executive Director's authority to enter into and modify contracts.

The Department's Role. The Department played a significant role in the achievements of the Initiative. The Marine Region team provided technical expertise, management skills, and a reliable if muted voice about policy positions.

The Initiative was based on a fundamental restructuring of the Department's role in implementing the MLPA. This balance was tested at various points, including the Department's decision to develop Package P as its preferred alternative. The Department identified five reasons why this was necessary, but there is an important question whether robust engagement as a stakeholder with the

CCRSB might have allowed other stakeholders to address some of the Department's needs in the various MPA alternative packages.

One critical question will be the lessons the Department takes from the Initiative, and how it will utilize its new budget authority. There may be interest in "undoing" the restructuring of roles reflected in the MOU by expanding Departmental authority in future study areas. This approach could include limiting (or eliminating) the BRTF, and even assuming control over contracting and hiring of consultants. Such steps would not be consistent with the Department's resources and staffing capacity at this time, and likely would reduce the overall value of the stakeholder process.

Finding 3: The key elements of the Initiative functioned effectively in the central coast process overall, even with the questions and caveats to be anticipated in such a complex endeavor.

Can the Initiative be replicated?

The question of replicating the Initiative is receiving significant attention at this time. There are reports of initial planning and decision making for the next study area, and the Legislature and Administration appear to have agreed on appropriations for this purpose. If a private-public partnership is to be continued, the time appears ripe to begin discussions about a second MOU or similar vehicle. Apart from the Initiative, the potential for future public-private partnerships is relevant for California. One veteran of California government sees this approach as "the wave of the future," because citizens want more government to deal with environmental issues but are unwilling to pay through increased taxes. A summary review of key factors follows.

Financial Support. Private funding for the Initiative through December 2006 is planned at \$7.4 million. The potential for future private funding, either for the next study area or for implementing a Commission decision, is unknown. There clearly is potential public funding, as demonstrated by the increase for MLPA implementation in FY 2007. Whether this will extend into the future is not known. In any event, the mix of public-private funding for the future likely would change, but interviews suggest that public funding alone will not be sufficient to support completion of the Master Plan for the entire coast and implementation.

Political Support. The Schwarzenegger Administration has actively supported the public-private partnership for MLPA implementation to date. There is no sign of this changing in the short term.

Structure. It appears the basic structure of the Initiative could be replicated for the next study area, assuming financial and political support.

Departmental Resources. A small group of Marine Region staff played key roles in the Initiative (and also brought the experience of the Channel Islands, MLPA 1 and MLPA 2). Nevertheless, the Initiative taxed the Department's internal resources, staff capacity, and systems. The Department has not recovered from several years of significant budget cuts. New budget authority will not immediately replenish shortages in personnel, skills, and experience. Moreover, the Department must work within the rigid state personnel system, which does not promote the qualities that were so essential to the Initiative. Nor does the state contracting system offer the type of flexibility that served the Initiative. These issues were acknowledged during interviews with Department staff.

Human Costs. The Initiative accomplished its objectives at high personal costs to stakeholders, BRTF and Department staff, consultants, SAT members, and the BRTF members. The number of meetings and related time commitments had a direct impact on anyone who faced a choice about working or participating in the Initiative. For those engaged in fishing, this often entailed a direct loss of income. Other stakeholders used personal vacation time, or left their businesses to attend Initiative meetings. Ultimately there are undeniable personal disincentives to participate in another Initiative, particularly if it carries the same human costs linked to workload, timeline, and pressure. The influence of these disincentives will vary with individual situations. There also will be significant value if experience and knowledge gained during the Initiative can be carried into the next study area.

Differences in Future Study Areas. Interviews suggest that customization and flexibility will be important characteristics in designing approaches to future study areas. No one has endorsed a cookie cutter approach using only one shape, for several reasons. First, there will be significant differences in the natural characteristics of each study area, e.g., types and distribution of habitat, natural features, and species, to name only a few. The amount of information available for future study areas will also be a factor. The central coast was selected for the Initiative in part because there was a reasonable amount of data about key natural features already available. There also will be different user dynamics. As one example, interviews indicate that there is “less room and more users” along the Southern California coast, and “less room for error.” There likely will, however, be continuity among some stakeholders, and some veteran advocates who “sat out” the central coast process. Both factors will be significant.

Legal Issues. In many respects the Initiative appears to be *sui generis*. In particular, there is no clear precedent for a privately funded natural resource planning effort on this scale that will result in public rulemaking. This means that rules about how to structure roles, responsibilities, and relationships within the Initiative were created along the way, and that participants in the Initiative were constantly asked to innovate and live with uncertainty in this effort to “get it right.” It also means that the legal implications of this partnership model are open to question and likely to be tested by interests opposed to the MLPA or the current approach to its implementation. One lawsuit has already been filed. A CEQA challenge to the Commission’s decision would not be a surprise. Whether litigation will affect efforts to replicate the Initiative cannot be reliably predicted in this report.

Leadership. The MOU identifies leadership as an important characteristic for the Initiative. Interviews consistently cite the leadership provided by individuals and groups as an essential element in achieving the MOU’s objectives as well as other results. The Initiative was staffed by a group of strong personalities who devised ways to work with one another effectively and to inspire others. This is true for the BRTF, the Staff, and Department. Leadership on the SAT ultimately appears to have rested with the small group of scientists who did a huge amount of work to support MPA network design and evaluation. Leadership also manifested itself within the CCRSG, which also featured numerous strong personalities. [See CCRSG Report] The potential to replicate the Initiative will depend significantly on leadership from these same positions.

Finding 4: There is no conclusive reason at this time why the basic structure and approach of the Initiative cannot be replicated for the next study area. There are a number of open questions, such as the availability of private funding and the challenge of retaining and recruiting high-quality contract staff, BRTF members, and SAT members in light of the demands imposed by the Initiative. There

also are questions about the availability of key Department staff to focus intensively on the next area. One final question is the extent to which key stakeholders, particularly consumptive interests, will endorse the Initiative process. This will be influenced by the Commission's ultimate decision for the central coast. The CCRSG Report provides further insight on this question.

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I. INTRODUCTION

California's state government was in turmoil as 2004 began. Voters had recalled Governor Gray Davis in October 2003, and the legislative and executive branches in Sacramento were coping with significant, unexpected changes caused by the election of Governor Arnold Schwarzenegger, who took office in November. The State was in the throes of a massive budget deficit, and state agencies were slashing spending and losing personnel.

For the California Department of Fish and Game ("DFG" or "Department") and the California Resources Agency, the challenges of January 2004 were compounded by the demise of a second attempt to implement the Marine Life Protection Act ("MLPA"). The MLPA was a 1999 effort by the State Legislature to protect ocean resources by establishing a network of marine protected areas ("MPAs"). DFG and the Fish and Game Commission ("Commission") were directed to implement the MLPA, although they were provided no additional funding to do so by the Legislature.

DFG had tried twice, using two different approaches, to develop proposed networks of MPAs using a mix of sound science and stakeholder input, including local knowledge. Both efforts were seen as failures, for different reasons. There was strong opposition from fishing interests to the concept of creating MPAs along California's coast where consumptive uses such as commercial and sport fishing would be limited or barred. Representatives of these interests reacted strongly, and with suspicion, when initial concepts for MPAs developed by a volunteer MLPA science team assembled by the Department were presented for public input in 2001. There were scientific disputes that spilled into the policy debate. And the challenges of conducting a planning exercise for the entire 1,100 mile length of California's coastline were significant.

Environmental and conservation groups were the moving force behind the MLPA, and their supporters in the Legislature subjected DFG to regular criticism at public hearings about the lack of progress on implementing the MLPA. DFG was losing resources in the Marine Region, and outside the Department some people perceived a lack of motivation—fairly or not—to make the MLPA work. The State was out of money: a headline in the Sacramento Bee on January 14, 2004 summarized the problem: *Calif. Budget woes stall plan for coastal marine reserves*. By January 2004, DFG management had decided to end the effort and prepared a detailed letter to participants explaining its decision to "place the process on permanent hold." The letter described a test for embarking on any further effort to implement the statute: "We will only continue the MLPA implementation process when we are able to adequately support a comprehensive, scientifically based, constituent involvement process."

There also were hints in January 2004 of a possible solution: a public-private partnership to complete the process. Secretary for Resources Mike Chrisman, a former Commission member, acknowledged the possibility of adding private contributions to the mix, and a spokesman for The Ocean Conservancy endorsed this approach, along with a scaled-back vision: "We do the Volkswagen version instead of the Cadillac version." There was no obvious model for such a partnership by the State, particularly on a controversial ocean policy initiative, and there were serious questions about DFG's capacity to assume full responsibility for a third effort based on previous outcomes. But DFG and MLPA advocates had learned, sometimes painfully, about what would be needed to get a proposal to the Commission, and those lessons were available to serve as a foundation for a third

effort that eventually was designated the MLPA Initiative (“Initiative”).

Just over two years later, in March 2006, the Initiative’s Blue Ribbon Task Force (“BRTF”) voted to forward three alternative packages of MPA networks for a pilot region, including a preferred alternative, to the Department for consideration and ultimately to the Commission for a decision. These alternative packages focused on a study area along California’s central coast and reflected extensive stakeholder input and scientific evaluation, beyond the levels achieved in prior MLPA efforts. Each package provided a significantly higher level of protection for marine ecosystems than California’s existing system of small MPAs that had been created over decades in an unplanned and *ad hoc* manner. Despite their opposition to MPAs, a coalition of fishing interests had participated in the Initiative’s Central Coast Regional Stakeholder Group (“CCRSG”) and developed one of the packages that were forwarded to the Commission. There had been a significant “convergence” among the alternative MPA packages as they were developed and refined, although consensus within the CCRSG on a single package remained elusive and was not a required outcome. The BRTF’s members ultimately were not able to agree on a preferred alternative, voting 5-2 at the March 15, 2006 meeting (and by subsequent e-mail). Three months later, in June 2006, DFG forwarded its own preferred alternative to the Commission that was based on the BRTF’s preferred alternative, citing its statutory role under the MLPA and the need to address enforcement and other issues. DFG forwarded a draft Master Plan to the Commission in July 2006.

Focus and Organization of this Report

This report presents an initial evaluation of the groundbreaking Initiative process through June 2006. The focus is a broad one that generally excludes the CCRSG. A separate report that focuses on the CCRSG is being prepared concurrently by Raab Associates (the “CCRSG Report”).

The report is organized to provide background on the MLPA and DFG’s efforts to implement it, a description of the Initiative, evaluation of the Initiative based on three different sets of questions and criteria, and recommendations for future study areas. The core evaluation questions are:

- Did the Initiative provide a reasonable foundation for a decision by the Commission?
- Is the Initiative an acceptable and defensible process?
- Can the Initiative be replicated?

Note: On August 15, 2006, the Commission took action to create a MPA network along the central coast. The implications of this decision and the dynamics of the process have important implications for the Initiative and future study areas. This step occurred following completion of interviews for this report. While the report cannot fully address these implications it offers some limited, preliminary observations.

Methodology

This report relies on information gathered from a variety of sources, including:

1. *Confidential interviews with people involved in the Initiative: BRTF members, agency decision makers and staff, scientists, and stakeholders, conducted either individually or in group format.* These personal perspectives were essential to explaining “what happened,” and

to analyzing the effectiveness of the Initiative's critical responses and innovations. They also provided reaction tied closely in time to the culmination of the Initiative process and the Commission's deliberations. Most interviews were held in person. A standard set of questions formed the foundation for each interview within a defined group, such as the BRTF or SAT, with significant customization to address specific experience, perspective, and knowledge. Under ground rules for the interviews the authors promised confidentiality based on non-attribution of content. This report honors that commitment. The report relies on qualitative characterizations of responses rather than statistical measures.¹ A complete list of people interviewed for the report is attached as Appendix B.

2. *Follow up questions via telephone* as the report was developed to ensure accuracy.
3. *Personal observation* of the BRTF meeting March 14-15, 2006, and the joint BRTF-Commission meeting May 25, 2006;
4. *Review of documents* available on the Initiative web site;
5. *Review of documents* recommended or provided by stakeholders, such as Sea Grant peer reviews and critiques prepared by the California Fisheries Coalition;
6. *Review of other sources* on the Internet, such as the U.S. Oceans Commission web pages;
7. *The experience and professional judgment of the authors.*

Authors

This report has been prepared collaboratively by J. Michael Harty, Harty Conflict Consulting and Mediation (www.hartyconflictconsulting.com), and DeWitt John, Thomas F. Shannon Director of Environmental Studies, Bowdoin College (<http://academic.bowdoin.edu/faculty/D/djohn/>). A draft of the report was reviewed by John J. Kirlin, Executive Director of the Initiative, Phil Isenberg, Chair of the BRTF, and some Initiative and DFG staff, for factual accuracy, clarity, and consistency. The final report is solely the product of the evaluator-authors, prepared under contracts with the Resources Legacy Fund Foundation.

¹ The CCRSG Report includes results of a confidential, standardized, online survey.

II. THE MARINE LIFE PROTECTION ACT

Evaluation of the Initiative requires familiarity with key elements of California's Marine Life Protection Act, enacted in 1999.² Some familiarity with the history of its enactment, including other ocean initiatives in California, is also useful. The MLPA Master Plan Framework offers a useful primer on this history in Section I.³ Careful reading of background reports such as *California's Ocean Resources: An Agenda for the Future (1997)* makes clear that the MLPA is one step in a decades-long effort by the State of California to protect ocean resources and support resource users. Not surprisingly, there are areas of tension among legislative goals as well as unanswered questions.

MLPA Summary

The MLPA is consistently described in interviews as a piece of environmental and conservation legislation drafted largely by advocacy groups and eventually carried by their supporters in the Legislature. Fishing interests were opposed to the MLPA and succeeded in inserting some of their own language, but the bill as passed was generally seen as a "victory" for one set of interests. Passage of the MLPA did not end disputes over the need for increased ocean protection, and these disputes have delayed efforts to implement the statute.⁴ The opposition of fishing and other consumptive interests to MPAs contrasts with the results of polling inside and outside California over the past decade: there appears to be strong public support for setting aside areas of ocean near the coast as sanctuaries where consumptive and other uses are regulated.⁵

The *purpose* of the MLPA is to reexamine and redesign the State's MPA system to increase its coherence and its effectiveness at protecting marine life, habitat, and ecosystems. MPAs are discrete geographic marine or estuarine areas seaward of the mean high tide line or mouth of a coastal river that are primarily intended to protect or conserve marine life and habitat. California law provides for three types of MPAs: state marine reserves, state marine parks, and state marine conservation areas.⁶ Each has a different purpose and different levels of restrictions on activities within their boundaries. One key difference involves restrictions on fishing: there is no fishing in state marine reserves, commercial fishing is prohibited in state marine parks, and selected forms of commercial and/or recreational fishing may be prohibited in state marine conservation areas. Public controversy over MPA designations tends to focus on limitations imposed on commercial or recreational fishing (or both). Controversy also arises between recreational divers (who do not "take" fish) and other divers who fish.

The MLPA directs the Commission to adopt a Marine Life Protection Program ("MLPP") to improve

² The statute is codified at Fish and Game Code §2850-2863.

³ The Framework is available on the Web at: <http://www.dfg.ca.gov/MRD/mlpa/pdfs/mpf082205.pdf>

⁴ The MLPA's finding that "MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries" has done little to suppress this basic conflict.

⁵ See, e.g., Review of Existing Research for the Ocean Project, February 1999, prepared by Belden, Russonello & Stewart and American Viewpoint, indicating support from 85% of those polled in June 1996. The Public Policy Institute of California [PPIC] has polled Californians on this subject at least twice, in 2003 and 2006, with similar results. See, e.g., PPIC California Statewide Survey, February 2006, available at http://www.ppic.org/content/pubs/survey/S_206MBS.pdf.

⁶ Framework pp. 50-52, citing Marine Managed Areas Improvement Act.

the design and management of the MPA system. The MLPP has six goals:

1. To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
2. To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
3. To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
4. To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
5. To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
6. To ensure that the state's MPAs are designed and managed, to the extent possible, as a network.⁷

The MLPP is required by statute to include these five elements:

1. An improved marine life reserve component consistent with the guidelines in subdivision (c) of Section 2857.
2. Specific identified objectives, and management and enforcement measures, for all MPAs in the system.
3. Provisions for monitoring, research, an evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the system meets the goals stated in this chapter.
4. Provisions for educating the public about MPAs, and for administering and enforcing MPAs in a manner that encourages public participation.
5. A process for the establishment, modification, or abolishment of existing MPAs or new MPAs established pursuant to this program, that involves interested parties, consistent with paragraph (7) of subdivision (b) of Section 7050, and that facilitates the designation of MPAs consistent with the master plan adopted pursuant to Section 2855.⁸

The MLPA also directs the Commission to adopt a master plan to guide the MLPP and decisions about siting new MPAs and modifying existing MPAs. The master plan is to be based on the "best readily available science." The Department is directed to prepare the master plan, using a master plan team composed of:

- DFG staff, the Department of Parks and Recreation, and the State Water Resources Control Board
- Five to seven scientists (with one having expertise in the "economics and culture of California coastal communities")
- One member having direct expertise with ocean habitat and sea life in California marine waters.

Team members are to have expertise in marine life protection; be knowledgeable about the use of protected areas as a marine ecosystem management tool; and be familiar with California's underwater ecosystems, biology and habitat requirements of major species groups, and water quality and related

⁷ FGC §2853(b)

⁸ FGC § 2853(c)

issues.⁹

Input to the master plan is required from participants in fisheries, marine conservationists, marine scientists, and other interested parties. DFG and the team are to “take into account” relevant information from local communities.

The MLPA specifies the contents of the master plan in some detail. One requirement is “recommended alternative networks of MPAs, including marine life reserves in each biogeographical region.” The statute does not define the term “alternative networks of MPAs.” A second requirement is “a preferred siting alternative for a network of MPAs.” There are specific design requirements for the preferred siting alternative, including goals and objectives for each MPA that comprises the network. Other master plan requirements include recommendations for monitoring, research and evaluation in selected areas of the preferred alternative, management and enforcement measures, and funding sources to ensure all MPA management activities are carried out.¹⁰

The MLPA directs DFG to convene “siting workshops” in each biogeographical region “to review the alternatives for MPA networks and to provide advice on a preferred siting alternative. The department and team shall develop a preferred siting alternative that incorporates information and views provided by people who live in the area and other interested parties, including economic information, to the extent possible while maintaining consistency” with MLPA goals.¹¹

DFG is directed to submit a draft master plan to the Commission by January 1, 2005. The Commission is directed to adopt a final master plan and MLPP by December 1, 2005 *and implement the program, to the extent funds are available*. Prior to adoption of a master plan the Commission is directed to receive and act on petitions to add, delete, or modify MPAs.¹²

Finally, the statute provides no dedicated funding.

Implementing the MLPA

DFG tried three times between 1996 and 2004 to establish MPAs through collaborative processes based on significant stakeholder input. The following is a summary of the key influences from each project.

⁹ FGC §2855(b)(3)

¹⁰ The MLPA does not provide for a master plan framework, or for phasing of the master plan.

¹¹ FGC §2857(a).

¹² Interviews suggest the legislative decision to locate ultimate MLPA authority with the Commission was a political compromise, in part the result of a lack of options. One possibility that reportedly was rejected was the Department of Parks and Recreation. A substantial part of the Commission’s activity has involved regulation of hunting and fishing, and it is not generally perceived as an ally by environmental advocacy groups. The Commission has traditionally had a species, rather than an ecosystem, focus, but legislative mandates are forcing an important shift. Under the Marine Life Management Act passed in 1998 the Commission is required to take an ecosystem approach to coastal fisheries management. An example is the Near Shore Fishery Management Plan.

http://www.dfg.ca.gov/mrd/nfmp/section1_summary.html. As discussed later in this report, however, the dynamics of the Commission’s recent decision making process on MPAs for the central coast indicate this shift is not complete. The Ocean Protection Council established under the Ocean Protection Act of 2004 recently has become a focus of attention for MLPA implementation through the budget process. The OPC’s recently completed Strategic Plan identifies MLPA implementation as a goal. See http://resources.ca.gov/copc/strategic_plan.html.

In 1999, prior to passage of the MLPA, a group of recreational anglers (the Channel Islands Marine Resources Restoration Committee) and the Channel Islands National Marine Park asked the Commission to establish a network of state marine reserves in the Park.¹³ Operating under existing law, the Department and Commission initiated a process to review this request.¹⁴ Key elements of the Channel Islands MPA project included:

- This was a joint effort of DFG and the Channel Islands National Marine Sanctuary.
- There was a substantial stakeholder role through a facilitated Marine Reserve Working Group, or MRWG, that had 17 original members appointed by the Sanctuary Advisory Council and was co-chaired by DFG and the Sanctuary. Representatives included commercial fishing, recreational fishing and diving interests, non-consumptive interests, and the larger public.
- The MRWG members committed significant amounts of time to seeking an agreement, from July 1999 to May 2001. Some of these members would also be involved in subsequent efforts to implement the MLPA.
- The decision rule for the CI stakeholder group was consensus, and there was no clear fallback.
- The MRWG was able to use only one type of MPA: state marine reserves that allow “no take.” After the MRWG disbanded a second type of MPA, state marine conservation area, was added to the proposal that eventually was voted on by the Commission.
- Based on a variety of sources it appears that representatives for recreational fishing interests blocked a unanimous agreement and caused a “failure” to reach consensus. This reportedly was the result of a refusal to engage collaboratively within the stakeholder group.
- The Science Panel and Socioeconomic Team did not ever review a final product from the MRWG, but did provide input on various options. The Science Panel provided an ecological framework and design criteria for networks of marine reserves.
- The Sanctuary Manager and DFG’s Marine Region Manager jointly developed a proposed MPA alternative based on the results of the MRWG effort and presented it to the Commission.
- The Commission process reportedly was highly political, characterized by intense lobbying, and the final vote in October 2002 reflected the influence of then-Governor Davis. While the final vote was 2-1 in favor of creating the MPAs, two members of the Commission who had been expected to vote against the proposal did not attend the key meeting.
- The MPAs adopted by the Commission are a mix of [nine] state marine reserves (no take) and [two] state marine conservation areas with different restrictions on fishing.¹⁵

Once the MLPA was enacted in 1999 DFG took a literal approach in its first effort at implementation [“MLPA 1”].¹⁶ Beginning in January 2001 DFG formed a Master Plan Team that created Initial Draft Concepts [“IDCs”] for alternative networks of MPAs for the entire 1,100 miles of California’s coast and used a regional approach to engage the public. DFG conducted nine public meetings statewide to present the IDCs and seek public input in July 2001. DFG did not preview the concepts in smaller

¹³ The primary documents for information about the CI project are: (1) Davis, Gary E., “Science and Society: Marine Reserve Design for the California Channel Islands,” *Conservation Biology*, Vol. 19, No. 6, pp. 1745-1751 (2005), and (2) Facilitator’s Report Regarding the Channel Islands National Marine Sanctuary Working Group, May 23, 2001.

¹⁴ Formal legislative approval of the MLPA occurred during the Channel Islands process.

¹⁵ According to one source the adopted design did not meet the Science Team’s recommended size guidelines for fishery and biodiversity goals. Davis, p. 1749.

¹⁶ The differences between MLPA 1 and the Channel Islands process, which was underway during MLPA 1, are notable. See Appendix A to this report.

meetings with stakeholders but did send out an initial mailing requesting ideas and preferences about potential MPAs to more than 7,000 potential stakeholders. According to interviews there was strong negative reaction from fishing interests at the July 2001 public meetings—the most heavily attended in DFG’s history—and this reaction set the tone for the rest of the public process. DFG responded by arranging approximately 60 small meetings with individuals or groups, representing single constituencies, around the State to explain the IDCs and solicit constructive input. These meetings also provided an opportunity to gather advice about future public input processes. The Master Plan Team modified the IDCs based on public feedback, but this revised set of proposed MPAs was never formally completed or released publicly. Key elements of MLPA 1 include:

- MLPA 1 was essentially a DFG-designed and managed effort, without any additional appropriations or contract staff. DFG elected to use a “public meeting” format with formal comment. DFG staff, while highly knowledgeable about fisheries issues, lacked significant experience or training relevant to the procedural and management challenges associated with a project of this scale and sensitivity.
- DFG staff in the Marine Region assumed MLPA 1 implementation responsibilities without additional positions, funding, or other resources.
- The IDCs were “lines on a map” based on the best available MPA science, and were intended by the Master Plan Team only as a concept to generate input from fishermen and other stakeholders with local knowledge. This is not how they were received.
- According to interviews the process was perceived by stakeholders, particularly fishing interests, as being “controlled by scientists.”

DFG reorganized their approach based on feedback from MLPA 1 and launched a second effort [“MLPA 2”] in January 2002. This effort was designed with seven regional working groups and relied on assistance from a highly regarded private sector mediation organization.¹⁷ Scientists from the same Master Plan Team were assigned to support each stakeholder group. DFG secured over \$1 million in funding from a variety of sources to support the effort. After each stakeholder group held three initial meetings, however, MLPA 2 gradually lost momentum and effectively came to a halt by December 2003. The immediate causes were a lack of funding to pay for facilitation and loss of DFG staff positions in the Marine Region (*see* Table 1).

Key elements of MLPA 2 include:

- MLPA 2 maintained a statewide scope
- There was significant continuity from Channel Islands, MLPA 1, and MLPA 2 within DFG, for the Master Plan Team, and key stakeholders including fishing interests
- The costs and logistical challenges of establishing and continuing seven stakeholder groups simultaneously were significant but not fully acknowledged up front
- The Master Plan Team did not produce or evaluate proposals for alternative networks of MPAs and the regional working groups did not begin this part of the process
- The regional working groups did not proceed at the same pace and had mixed results. Moreover, some statewide MPA issues were not susceptible of resolution at a regional scale.

¹⁷ DFG reportedly committed to the seven-group approach prior to hiring outside process design assistance.

III. DESCRIPTION OF THE MLPA INITIATIVE

The Initiative began almost as soon as Governor Schwarzenegger's new Secretary for Resources, Mike Chrisman, took control of the agency.¹⁸ Chrisman was familiar with MPA issues as a former member of the Commission, and had been the lone vote against the Channel Islands MPA. Chrisman appointed Ryan Broddrick, a DFG veteran with extensive enforcement background, as DFG Director. There was extensive media coverage in January 2004 of DFG's decision to halt MLPA 2 that focused on the lack of funds. Coverage was generally-though not entirely-supportive of implementing MPAs and highlighted the potential for using private funding to achieve MLPA goals. Here are some examples:

"No-fish plan high and dry; Environment: Opponents of the creation of preserves find the project's budget related stall encouraging news." *DailyBreeze.com*, October 27, 2003

"State's cash woes stall preserve plan; Project to set up protected marine areas along coast now seeks private donors." *Sacramento Bee*, January 24, 2004

"There's private money to save fish: hook it." *MercuryNews.com*, January 22, 2004

The private funding concept was advocated by representatives of environmental and conservation organizations. A former Resources Agency Undersecretary, Michael Mantell, was at the center of the effort through his law firm, the Resources Law Group, and the Resources Legacy Fund and Resources Legacy Fund Foundation ("RLFF").¹⁹ The Schwarzenegger Administration made a decision to support MLPA implementation through a public-private partnership. After high-level negotiations among RLFF, the Resources Agency, and DFG that lasted almost six months, the three organizations signed a ground-breaking Memorandum of Understanding for the California Marine Life Protection Act Initiative on August 27, 2004 (the "MOU").

The Memorandum of Understanding for the MLPA Initiative

Along with an overall goal of helping to implement the MLPA, the MOU identifies the following objectives for the Initiative:

- A. Submit the Department's draft Master Plan Framework to the Commission by May 2005;
- B. Prepare a comprehensive strategy for long-term funding of planning, management and enforcement of marine protected areas by December 2005;
- C. Submit the Department's draft proposal for alternative networks of MPAs for a select area within the central coast to the Commission by March 2006;
- D. Develop recommendations for coordinating the management of marine protected areas with the federal government by November 2006; and
- E. Secure agreement and commitment among State agencies with marine protected area

¹⁸ In fact, a private funding concept was developed and discussed during 2003 with Governor Davis' team, but the recall election interrupted this effort and delayed action until 2004.

¹⁹ RLFF is a "separate 501(c)(3) non-profit organization that supports and performs essential services for the benefit of the Resources Legacy Fund in promoting land conservation and environmental protection. As a supporting organization to RLF, RLFF shares the same mission to: Conserve or restore natural landscapes, marine systems, and preserve wild lands; promote and facilitate well-planned community growth; and preserve prime farmlands threatened by sprawl. <http://www.resourceslegacyfund.org/rlff/rlff.html>

responsibilities by November 2006 to complete statewide implementation of the Master Plan by 2011.

The following are key provisions of the MOU:

Create the Master Plan Framework tool. The MOU shifts emphasis from a Master Plan to creation of a Master Plan Framework that will serve as an organizing tool for preparing the Master Plan “in phases.” It states that “[b]ased on its prior and ongoing efforts to prepare a draft Master Plan, the Department has determined that it will be most effective to prepare the Master Plan in phases.”

Focus on the central coast, not the entire state. MLPA 1 and 2 had taken on the task of implementing the MLPA for the entire California coast. The MOU focuses generally on “an area along the central coast” but leaves the precise boundaries of the study area to be decided as part of the project. According to interviews this choice reflects a number of factors, including the level of available information, good relationships with resource users in the area, and consistency with the geographic requirements of one of the principal private donors supporting the Initiative.²⁰

Establish a substantial, reliable private sector funding commitment. Under the MOA, the RLFF commits to provide most of the funding for the Initiative through philanthropic investments, along with some administrative support and oversight. The total amount is not specified in the MOU. The funds are for staff and consultants for the BRTF, reasonable expenses of the BRTF and SAT, and up to \$750,000 for specified DFG personnel over the short term while DFG develops its own funding.

Create the Blue Ribbon Task Force. The MOU establishes a volunteer Blue Ribbon Task Force to oversee preparation of the Framework and the proposal for alternative networks of MPAs along the central coast. There is no mention of such a body in the MLPA. The BRTF is not a final decision maker, but rather is advisory to the Department and Commission.

Preserve an independent role for DFG. DFG retains final responsibility to “independently review and make any amendments or modifications to the [BRTF’s] draft documents that it determines appropriate” before sending them to the Commission.

Provide for BRTF contract staff and outside consultants. The MOU recognizes that the BRTF will require its own staff, apart from DFG, and provides for hiring through RLFF. It also provides for hiring outside consultants for a variety of purposes.

Direct an expanded Science Team to advise and assist the BRTF. The MOU expands the size of the master plan team by up to eight additional scientists, re-naming it the Master Plan Science Advisory Team. The SAT will “advise and assist the BRTF and its staff” in preparing the Framework and

²⁰ The David and Lucile Packard Foundation funds a California Coastal and Marine Initiative, which “focuses grant making and low-interest loans primarily on the Central Coast and its marine environment in order to create tangible, enduring, and significant impacts in the region that can serve as a springboard for broader state and national policy and programs. In addition, the Initiative supports complementary activities at a state level to promote policy reforms important to conservation of coastal resources and, in particular, to secure creation of a statewide network of marine reserves.” http://www.resourceslegacyfund.org/programs/prg_ccmi.html

proposed alternative networks of MPAs by providing scientific and technical support. The DFG Director is authorized to appoint the SAT in consultation with the BRTF Chair.

Emphasize transparency. The MOU emphasizes the importance of transparency and openness to the public in decision making. This includes the BRTF and SAT convening in publicly noticed, open meetings, opportunities for stakeholder and public input, and publicly available work products.

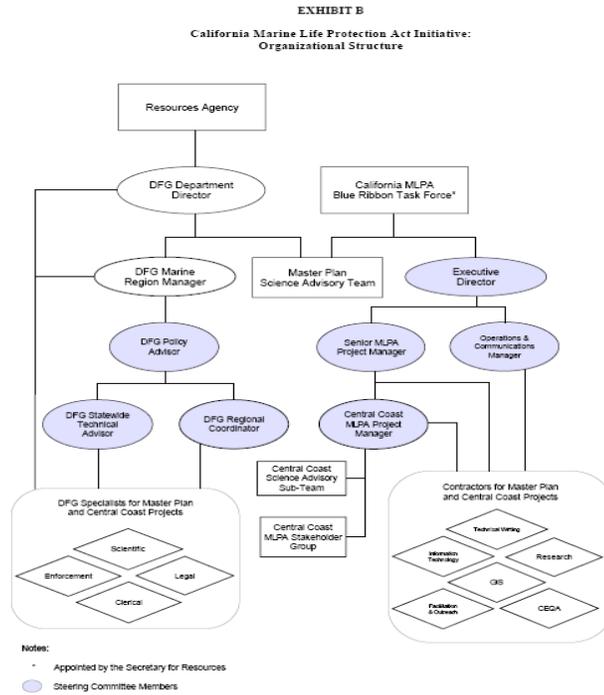
Create a clear and ambitious timeline. The MOU commits the parties to submit the draft Framework to the Commission by May 2005, just nine months after signing. Ten months later, by March 2006, BRTF must submit its recommendations for alternative networks of MPAs to the Department. This deadline is 15 months later than the MLPA's original statutory deadline for DFG to submit its draft master plan.

Emphasize long-term funding of planning, management, and enforcement. The MOU directs the BRTF to address the MLPA's requirements for implementation.

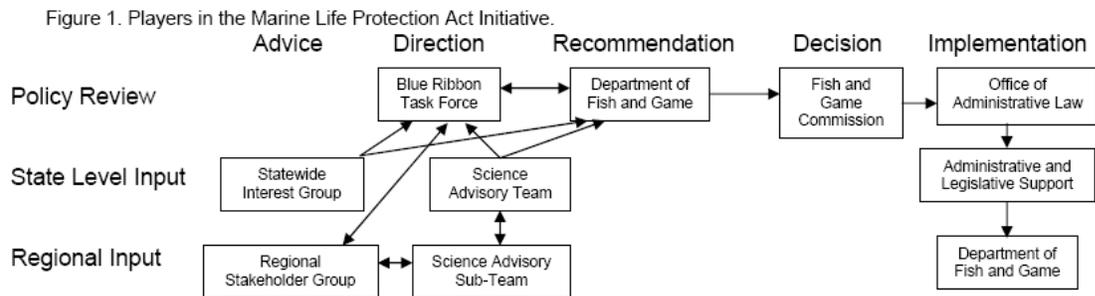
Link to the Ocean Resources Management Program. The MOU explicitly brings the Initiative under the umbrella of California's Ocean Resources Management Program and its authorizing legislation.²¹ The Resources Agency is described as fulfilling its obligations under the Program through "a mix of government, private sector, and public-private partnership arrangements."

²¹ Public Resources Code §36000 *et seq.*

Exhibit B to the MOU is a diagram of the proposed structure for the Initiative.



The decision making structure proposed for the Initiative can be seen in Figure 1 from the Framework, Page 13:



Note: input is solicited from the interested public and stakeholders at each step, until adoption of regulations by the Commission.

MLPA Initiative Process and Products

Overview

The MOU was signed in August 2004. Over the course of the next 18 months, from September 2004 through March 2006, the Initiative engaged hundreds of people, over thousands of hours, in person, via telephone, and remotely over the Internet, in the effort to “get it right” for a section of California’s coast and develop a potential model for the future. DFG conducted a series of “focus

groups” with stakeholders to introduce the Initiative and obtain feedback about the proposed design and potential issues. Early contact with stakeholders on a statewide level occurred through a Statewide Interests Group, known as the SIG, which was convened by telephone. The SIG provided input to the BRTF as the SAT and CCRSG were being established, as well as on other threshold issues. The BRTF held its initial meeting in October 2004 and met 13 times; the SAT was enlarged and met as a full group 13 times and countless times in sub-teams; and the Regional Stakeholder Group met 10 times as a full group. Individual stakeholders met as caucuses and across lines outside larger meetings. The Initiative Staff tasked with supporting the BRTF set a pace unheard of inside state government with a commitment to meet the deadlines in the MOU. DFG played a critical role in providing continuity, staff, project management and technical expertise.

Draft Master Plan Framework

After the BRTF agreed on a specific study area for the central coast in April 2005,²² the Initiative passed its first MOU milestone when the Commission adopted a draft Master Plan Framework document in August 2005. The Framework includes SAT guidance on MPA network design in Section 3 (p. 37).

Recommendation on Alternative MPA Networks

The Initiative passed another MOU milestone in March 2006 when the BRTF voted to forward to the Department three modified versions of MPA network packages developed through the CCRSG process (Packages 1, 2R, and 3R), including a preferred alternative (3R).

Long-term Financing Strategy

The BRTF forwarded to Secretary Chrisman a proposed long-term strategy for funding the MLPA dated February 15, 2006, hitting another MOU milestone.

DFG Alternative

DFG developed its own preferred alternative for the Commission, Package P, based on the BRTF’s recommended Package 3R. This alternative was delivered to the Commission on June 22, 2006. DFG’s press release announcing Package P quotes Director Broddrick: “The task force and stakeholders did a Herculean job giving the department some well-crafted proposals for consideration. While reviewing them to ensure we could create enforceable boundaries, reduce potential disruption to fishing activities, improve recreational opportunities and meet the scientific goals of the MPA, we needed to make some adjustments. The result of our input is package P.”²³

Draft Master Plan

DFG also delivered a draft Master Plan for Marine Protected Areas to the Commission on July 21, 2006. The draft Master Plan builds on the Master Plan Framework created by the MOU and previously adopted by the Commission, and includes new elements.²⁴

The BRTF’s record to date suggests it will complete its remaining responsibilities under the MOU and its Charter (a plan for state and federal cooperation, and a plan to promote state agency

²² The BRTF reportedly was prepared to make this decision in February but lacked a quorum. *See* SAT Meeting Summary March 23, 2005

²³ DFG Press Release, June 23, 2006

²⁴ <http://www.dfg.ca.gov/mrd/mlpa/masterplan.html>

cooperation on MLPA implementation) by December 2006.

It is beyond the scope of this report to provide a comprehensive description of each step of the Initiative. The BRTF's April 28, 2006 transmittal to the Commission is a good starting point for a detailed process description, with six binders of information. The Framework is another useful source of detailed information, particularly for information about the SAT's work. For evaluation purposes, this report will focus primarily on four key aspects of the Initiative: the BRTF, the use of private funding and contracting, the use of project-focused management, and the SAT. The CCRSG Report provides a detailed examination of the CCRSG process that is intended to complement the scope of this report.

Innovation: The BRTF

Secretary Chrisman asked eight private citizens with no previous direct involvement in the MLPA effort to serve as volunteers on a California MLPA Blue Ribbon Task Force to the Resources Agency.²⁵ He described the BRTF as follows:

“This group represents a wide range of perspectives and is highly regarded for having good judgment. Their track record of results and breadth of experience in statewide and national policymaking is going to play a huge role in the success of this effort. This group has been assembled to look objectively at the history, the science related to marine protected areas, and the process to ensure it remains open, will be accessible and is considerate of all viewpoints.”

²⁵ Complete biographies of all BRTF members can be found online at: http://www.dfg.ca.gov/mrd/mlpa/brtf_bios.html

BRTF Members



Phillip Isenberg
Chair

- Isenberg/O'Haren, government relations
- Former CA Assembly member 14 yrs.
- Former Sacramento mayor



William W. Anderson,

- President and COO, Westrec Marinas
- Former Nat'l Park Service, worked on establishing GGNRA



Meg Caldwell

- Director, Environmental and Natural Resources Law and Policy Program, Stanford Law School since 1994
- California Coastal Commission



Susan Golding

- The Golding Group consulting
- Former San Diego mayor
- Senior Fellow, UCLA School of Public Policy



Ann D'Amato

- Chief of Staff, LA County DA
- Former LA deputy mayor



Cathy Reheis-Boyd

- COO and Chief of Staff, Western States Petroleum Ass'n
- Former Texaco, Inc. Environmental Coordinator
- Member, Interstate Oil and Gas Compact Comm'n



Dr. Jane G. Pisano

- President and Director, LA County Museum of Nat'l History
- Former USC Senior VP for External Relations
- Former Dean, USC School of Public Administration
- Former head, Los Angeles 2000



Douglas Wheeler

- Hogan & Hartson, LLP
- Former CA Resources Secretary
- Former Sierra Club Executive Director

The BRTF Charter cites these qualities:

- Distinguished, knowledgeable, and highly credible public leaders
- Intellect
- Vision
- Public policy experience
- Diversity of professional expertise
- Ability to get things done²⁶

²⁶ The BRTF Charter is available on the Web: <http://www.dfg.ca.gov/mrd/mlpa/brtf.html#charter>

BRTF members were selected because they were not viewed as partisan on the issue of MPAs. None of them was actively involved in MLPA 1 or 2. None of the members is a scientist, although all have dealt with science in the public arena. Several members had prior experience with ocean and coastal management issues.

According to its Charter, the BRTF has these responsibilities:

- Oversee development of a draft Master Plan Framework for DFG to present to the Commission
- Oversee a regional project to develop a proposal for alternative networks of marine protected areas . . . to present to the Commission
- Prepare a comprehensive strategy for long-term funding of MLPA implementation
- Develop recommendations for improved coordination with federal agencies involved in marine protected areas management
- Resolve policy disputes and provide direction in the face of uncertainty
- Meet the objectives of MLPA

Interviews indicate that the BRTF was based at least in part on a model of “decision boards” used in the private sector to support sound decision making. The former Chair of the SAT, Dr. Stephen Barrager, has used this model in private sector decision making, and his ideas reportedly were familiar to those designing the Initiative. As described by Dr. Barrager, decision boards are intended to achieve consensus in order to influence ultimate decision makers.

BRTF Deliberations

The BRTF met as a group 13 times, for multiple days, beginning in October 2004, during the period covered by this report. Members contributed hundreds of hours, and the Chair’s total may approach 1,000 hours because of his attendance at CCRSG meetings. All BRTF meetings were open to the public and were available as a Webcast. The meeting agendas and summaries reveal a joint effort to become educated about MLPA issues and address them directly.

The BRTF played a central role in orchestrating the work of the Initiative and in determining its outcome. It provided a critical forum for presentation of stakeholder views and consistently allowed stakeholder input. At the same time, BRTF members, and particularly the Chair, insisted on a respectful environment and consistently challenged stakeholders to be constructive.

Perhaps the most critical decision by the BRTF was forcing stakeholders to develop packages based on the SAT guidelines. This choice tied the elements of the Initiative together, ensuring that advocacy groups worked within the guidelines and parameters established by the SAT and that the groups participated actively in the regional stakeholder process, rather than designing their own packages based on other guidelines and using other processes.²⁷

According to interviews, BRTF members also worked individually to maximize the effectiveness of different stakeholders in the Initiative process.

Review of the BRTF’s work for this report indicates they reached the following decisions:

²⁷ Proposals to eliminate the BRTF role in the future, or limit it, and substitute the Department or Commission raise important questions about the likely quality of stakeholder proposals.

Central Coast study area: the MOU generally identifies a project along the central coast but doesn't provide details. The BRTF decided on the boundaries of a central coast study area from Pigeon Point in the north to Point Conception in the south at its April 11-12, 2005 meeting.

Draft Master Plan Framework to Commission (on schedule): The MOU provides for preparation of a draft Master Plan Framework (Recital G) and assigns oversight to the BRTF. Completing this task required extensive input from the SAT as well as attention from the BRTF.

Recommendation on Alternative packages of MPAs and Preferred Alternative (generally on schedule): The BRTF completed its deliberations at a March 14-15, 2006 meeting and forwarded its recommendations to the Department in a memorandum dated April 28, 2006, along with six binders of supporting information.

The BRTF recommended three separate packages for MPA networks to the Department: 1, 2R, and 3R. Package 1 had been developed in the CCRSG by fishing and consumptive user interests. Package 2R was a revised version of a package developed in the CCRSG by environmental, conservation and non-consumptive interests. Package 3R was a revised version of a package created in the CCRSG by a mixed group that included a scientist, with the goal of trying to find a consensus proposal. The BRTF split its final vote on a preferred alternative 5-2 between packages 3R (3 votes in meeting, 2 later via e-mail) and 2R (2 votes). Package 1 did not receive any BRTF votes but was nevertheless forwarded to the Department.²⁸ The BRTF's approach to selecting a preferred alternative is discussed later in this report.

One BRTF member did not agree that Package 1 meets MPA goals.²⁹

In its April 28 memorandum the BRTF explains the process for developing Packages 1, 2R, and 3R and its recommendation of 3R as the preferred alternative. The memorandum refers to the charge in the BRTF charter to "oversee a regional project to develop a proposal for alternative networks of marine protected areas in an area along the central coast to present to the Commission by March 2006." The memorandum concludes: "This charge to the BRTF is now complete with our recommendation of three alternative packages of MPAs and one of those packages as the preferred alternative."

The memorandum makes no explicit claim that the recommended alternative or the other two packages satisfy the requirements of the MLPA. It presents representations of numbers of MPAs, total area of MPAs, and percentage of the study region covered by MPAs based on type of MPA and protection level, in tabular and graphic format, as follows:

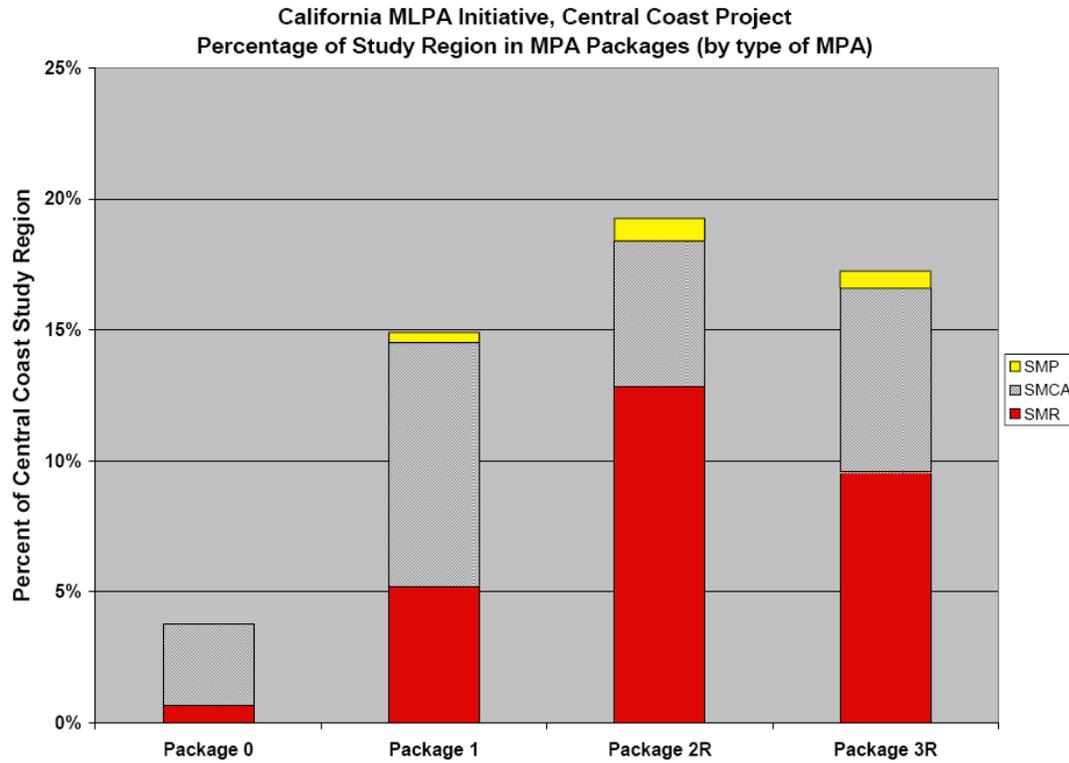
²⁸ Package 0 represents the existing set of MPAs.

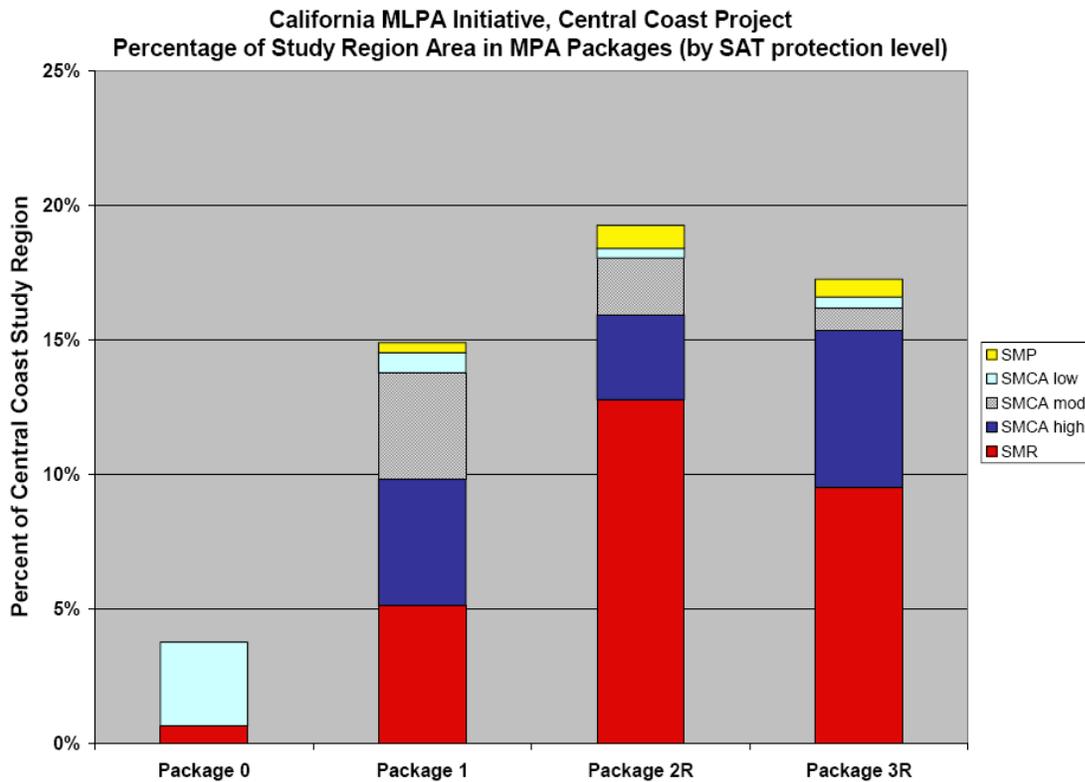
²⁹ See BRTF comments on individual packages, Attachment B to April 28, 2006 Transmittal memo.

Recommended Central Coast MPA Packages (March 15, 2006)

	Number of MPAs	Total Area of MPAs (mi ²)	Percentage of Study Region ¹
Existing MPAs	13	43.15 mi ²	3.75%
Package 1	29	171.33 mi ²	14.90%
Package 2R	30	221.45 mi ²	19.26%
Package 3R (preferred)	31	198.38 mi ²	17.25%

¹ The MLPA Central Coast Study Region encompasses 1150.1 square miles.





According to the SAT evaluation, each of the three packages forwarded to the Commission by the BRTF represents a substantial increase in protection over the existing set of state MPAs along the central coast. The SAT also advised the BRTF that each of the three packages considered at the March meeting satisfied size and spacing guidelines. The SAT did not rank or score the proposals relative to each other.

Long-term funding strategy for MLPA implementation: The BRTF forwarded a memorandum to the Secretary for Resources dated February 15, 2006 that urged making adequate funding of MLPA implementation a priority.³⁰ These recommendations are contained in the draft Master Plan’s Section 7 on funding.

In addition, the BRTF has overseen preparation of an estimate of the long-term costs to implement the MLPA. This effort relies on estimates of costs for similar programs such as the Monterey Bay National Marine Sanctuary. The cost model predicts average annual costs for the MLPA of \$8.3 million for FY 2005-6, increasing to a high of \$25.3 million in FY2010-11, the target for full implementation, and decreasing slightly to \$24.2 million in FY2014-15. These costs include the Channel Islands MPAs. This effort is intended as a “bounding” exercise and not as a precise prediction of costs.³¹

³⁰ Memorandum from BRTF to Mike Chrisman, Secretary, California Resources Agency, on “Long-term Funding for the Marine Life Protection Act,” February 15, 2006

³¹ “Estimated Long-Term Costs to Implement the California Marine Life Protection Act,” prepared by the California Marine Life Protection Act Initiative, April 20, 2006 draft.

Private Funding and Contracting

The MLPA provides no dedicated source of funding. Prior to the Initiative DFG had tried twice to implement the MLPA using existing funding sources. Neither effort succeeded, and the second effort, MLPA 2, was halted primarily due to funding issues. Budgeted costs for MLPA 2 were approximately \$1.4 million as of May 2003.³²

In the MOU the RLFF agrees to use its best efforts to “obtain, coordinate, and administer” philanthropic investments to fulfill the objectives of the MOU through December 2006. A separate Funding Description (not part of the MOU) is to describe the funds, and is to be updated periodically. The MOU states: “While private funding will support much of the costs of the Initiative, the work will be open and transparent.”³³

RLFF Commitments

RLFF agrees to provide funding for BRTF staff and to contract with “qualified” personnel to fill the four key staff positions: Executive Director, Operations and Communications Manager, Senior MLPA Project Manager, and Central Coast Project Manager. These hiring decisions are subject to the “recommendation and concurrence” of the BRTF Chair.

RLFF agrees to provide funding for BRTF consultants and to contract with qualified consultants and experts to achieve the MOU objectives, at the request of the BRTF and with its recommendation and concurrence.

RLFF agrees to fund reasonable expenses of the BRTF and SAT, including meeting and travel costs, through December 2006. There is no provision to compensate for time.

RLFF’s final funding commitment is for up to \$750,000 for DFG staff listed in the MOU. This support is contingent on DFG annually demonstrating best efforts to assume these costs.

All funding commitments are contingent on the parties fulfilling MOU agreements. The MOU is explicit in not creating any obligation on either the Resources Agency or DFG to expend funds in excess of appropriations authorized by law.

Source of RLFF Philanthropic Contributions

The RLFF project is being funded by three philanthropic organizations: the David and Lucile Packard Foundation, the Marisla Foundation, and the Gordon and Betty Moore Foundation. For information about these foundations see: www.packard.org and www.moore.org. Information about the funding arrangement is available on the Initiative web site: <http://www.dfg.ca.gov/mrd/mlpa/funders.html>.

Initiative Costs

Total budgeted amounts from private sources for the Initiative through December 2006 are \$7.4

³² This budget estimate does not appear to cover the full MLPA 2 process as conceived and does not include DFG costs. Total costs likely would have been substantially higher according to interviews.

³³ MOU Exhibit A.

million. The Central Coast [completed in December 2005] portion of this total is budgeted at \$2.5 million. This amount includes a portion of overhead from other components of the Initiative. A complete accounting of Initiative costs and expenditures was not requested from RLFF or BRTF staff for this report.

Relationship of RLFF to Initiative

As noted above, the Initiative began as a result of intensive communication and negotiation involving Michael Mantell of RLG and RLFF and Resources Secretary Mike Chrisman.

The MOU provides for semi-annual reports from DFG describing key milestones and challenges. There is an agreement that the Parties will meet annually to review the Funding Description and DFG's efforts to obtain public funding to implement the MLPA, and may meet periodically to review progress toward MOU objectives.

The RLFF Board has a fiduciary obligation to the funders of the Initiative to ensure their philanthropic donations were used consistent with funding guidelines. The Executive Director and a member of the BRTF met with the RLFF Board of Directors on at least one occasion to provide an update on the Initiative. The two RLFF Board members interviewed for this report did not participate in meetings of the BRTF, SAT, or CCRSG.

Staff of the RLFF have ongoing responsibility for managing consultant contracts, including initial contracting and reimbursements, for the Initiative. The Executive Director was in regular communication with RLFF concerning Initiative budgets and contracting. RLFF required the BRTF Executive Director to seek approval from the Board for all contracts in excess of \$50,000, and for contract increases of greater than 15 percent, although this is not specified in the MOU.

Late in 2005 a member of the Initiative Staff, Michael Weber, accepted a position with RLFF. Weber played a significant role for the Initiative in drafting the Framework. Weber previously had spent four years assisting the Commission in developing capacity around fisheries management to implement the MLMA. At RLFF part of his responsibilities include monitoring the progress of the Initiative.

Pending litigation

A lawsuit has been filed challenging the private funding aspect of the Initiative: *Coastside Fishing Club v. California Resources Agency*, No. CVUJ05-1520 (Superior Court, Del Norte County). The complaint names the three MOU signatories and asserts state agencies lack inherent authority to enter into private funding arrangements to implement MLPA, and that they are usurping legislative power to appropriate funds and violating separation of powers provisions in the CA state constitution. According to the allegations in the complaint, this approach opens the door for the Legislature to under-fund programs, which in turn will motivate special interests to bid against one another in order to assume legislative and regulatory drafting power. Venue in the case was changed to San Francisco County Superior Court by an order dated May 17, 2006. This report does not address issues in the litigation, and the authors have no expertise or opinions regarding any legal issues.

Project-focused Staffing and Management

Overview

Creation of the MLP Program and supporting master plan envisioned by the MLPA also require responses and innovations in project staffing and management to match those directly related to policy development. MLPA 1 was, in many ways, a standard response by DFG to a legislative directive that provided no new funding. Existing staff in the Marine Region were assigned to the project, with substantive knowledge about ocean issues being important. These duties were added to existing responsibilities: the DFG lead juggled MLPA responsibilities with others. No outside consultants were hired for design and facilitation of public meetings. Pursuant to the MLPA, DFG formed a scientific advisory team (Master Plan Team) and relied on that team's expertise for primary input on MPA planning.

DFG responded to problems with MLPA 1 by making some important process changes for MLPA 2. These changes significantly increased logistical complexity (seven regional working groups operating concurrently) and costs. DFG responded to staffing challenges by reaching outside DFG for private sector expertise in mediation and public engagement after making initial commitments to stakeholders about the process design. DFG also increased internal staffing dedicated to the MLPA and emphasized management skills along with policy knowledge. However, DFG continued to rely primarily on internal resources and did not create a team that accurately reflected all project demands. No funding was available to assist the Master Plan Team in providing their expertise and relatively few DFG staff could be dedicated to the process.

DFG's Marine Region was in the throes of significant reductions during MLPA 1 and 2, as well as a hiring freeze. Table 1 presents the results of one effort to reliably identify these reductions.³⁴

Table 1 DFG Marine Region 1999-2006

Fiscal Year	Positions	Total Allotment
1999-2000	203.5	21,340,494
2000-2001	213.5	25,118,538
2001-2002	213.5	24,281,973
2002-2003	197.5	20,729,393
2003-2004	173.5	18,924,488
2004-2005	116.5	15,665,395
2005-2006	114.7	14,820,977

During MLPA 1 and 2 the Marine Region initially gained 10 positions through 2002, then lost 35 positions through 2004. The loss of positions accelerated in 2004 when MLPA 2 had been cancelled.

³⁴ DFG prepares a detailed Budget Fact Book that is available on the Web. DFG's budget is so complicated, however, that this report relies on information developed by Initiative Staff.

These numbers help explain the difficulties faced by DFG in responding to demands that they take on a project of the scale and complexity that characterizes MLPA implementation.

External project management and policy expertise

RLFF contracted with John J. Kirlin to serve as Executive Director. Kirlin has over 30 years of experience analyzing policies, administration and financing directed at complex public problems, particularly in California. He is an elected Fellow of the National Academy of Public Administration and has consulted extensively in the private sector, including as an expert witness. Kirlin also held a faculty position at the University of Southern California for almost three decades, and positions at Indiana University and Purdue University-Indianapolis, and has authored several books and nearly a hundred articles on a range of topics. He was founding editor of the annual volume, *California Policy Choices* (1984-1995).

The Executive Director collaborated with the BRTF Chair to hire Melissa Miller-Henson as Operations and Communications Manager,³⁵ Michael Weber as MLPA Senior Project Manager, and Michael DeLapa as Central Coast Project Manager, in November 2004. Each of these people was dedicated to the Initiative and played an active and essential role. Kirlin and Miller-Henson remain under contract. DeLapa's contract expired with the conclusion of the Central Coast Project but he has remained active in an advisory role. As noted above, Weber took a position with RLFF in December 2005. Additional staff were hired using RLFF contracting mechanisms.

Key consultants to the Initiative also were hired through contracts with RLFF.³⁶ This included facilitation support for the Central Coast Project (CONCUR, Inc.). DFG appointed John Ugoretz as MLPA Policy Advisor and Paul Reilly as Central Coast Regional Coordinator during the same period.

The SAT and the Role of Science

Overview

The MLPA is a science-based, and even a science-driven, statute. The Legislature directed DFG to use the best readily available science in developing a master plan for the MLP Program (without defining that term or offering criteria). More importantly, it assigned the role of developing alternative networks of MPAs to DFG and a master plan team of scientists.

The MLPA is explicit about taking "full advantage of scientific expertise on MPAs," and calls for a master plan team having "expertise in marine life protection" and knowledge about "the use of protected areas as a marine ecosystem management tool" to advise and assist in preparation of a draft master plan for adoption by the Commission. [FGC 2855(b)(2)]. The MLPA provides that DFG and the MP Team will develop "recommended networks of MPAs" and "a preferred siting alternative for a network of MPAs." [FGC §2856(a)(2)(D), (F)] This role generated significant conflict during MLPA 1 and was revised significantly in MLPA 2 and the Initiative.

³⁵ Henson is a state employee, and her hiring proved challenging in light of state personnel policies.

³⁶ This report is being prepared pursuant to a contract with RLFF.

The Role of the Science Advisory Team

For the Initiative, DFG established the California MLPA Master Plan Science *Advisory* Team to the California Department of Fish and Game and the Blue Ribbon Task Force. Key characteristics included:

- DFG essentially doubled the size of the original master plan team for the Initiative's SAT "due to the complexities presented by the task of drafting a Master Plan." The SAT ultimately had 18 members.
- SAT members serve at the pleasure of the DFG Director through November 2006
- The SAT reports to both the DFG Director and the BRTF
- DFG appointed the original SAT Chair (who was not technically a SAT member)
- The Chair had a background in system modeling, economics, and management science rather than natural science
- A total of 13 full SAT meetings, open to the public, were held between January 2005 and May 2006
- SAT members are reimbursed for actual travel expenses related to the Initiative, but not for their time
- Some outside experts participated on panels as part of the BRTF process

The SAT Charter modified the SAT's role for the Initiative: policy issues are the province of the BRTF and the SAT is to focus on science related to "drafting the programmatic portions of the Master Plan and designing networks of marine protected areas." The SAT's Charter describes its primary role as assisting the BRTF to develop a draft Master Plan Framework.³⁷ Here is the critical language: "In the course of developing recommendations for the draft Master Plan, members *shall refrain from making policy judgments*; rather, where available science presents either options or uncertainty, the Science Team shall frame and refer those policy questions to the Blue Ribbon Task Force."³⁸

The Charter did not charge the SAT to evaluate alternative packages of MPAs from the CCRSG. The only reference is for a member of the Central Coast Science Advisory Sub-Team to attend CCRSG meetings and "advise on relevant scientific merits of various network proposals." In fact, evaluation was a critical role for the SAT, largely assumed by the Evaluation sub-team. The Initiative represented a significant shift away from the language of the MLPA and the role of scientists in MLPA 1. The SAT members did not develop recommended networks or a preferred siting alternative, but instead developed design guidelines and evaluated stakeholder proposals.³⁹

³⁷ The Framework is another innovation of the MOU. It is not part of the MLPA, which describes a master plan.

³⁸ See Science Advisory Team Charter. The SAT established its own guidelines that reiterated the importance of this separation.

³⁹ Some SAT members expressed disappointment at not designing MPAs. The Department's draft Master Plan appears to raise the possibility of such a role in the future. See Activities 2.1.1 and 2.2.2. The intent of this language, and the SAT's role, should be clarified.

SAT Members as of July 2005 (* denotes member of Central Coast sub-team)			
Dr. Steve Barrager (chair), Environmental and Natural Resources Law & Policy Program, Stanford Law School	* Dr. Rikk Kvitek , Institute for Earth Systems Science and Policy, California State University, Monterey Bay	Dave Schaub , Natural Heritage Section, California Department of Parks and Recreation	Dr. William Sydeman , PRBO Conservation Science
Dr. Loo Botsford , Wildlife, Fish and Conservation Biology, University of California, Davis	Dr. Steven Murray , Department of Biological Sciences, California State University, Fullerton	Susan Schlosser , University Extension, California Sea Grant Program	* Dr. Dean Wendt , Center for Coastal Marine Science, California Polytechnic State University, San Luis Obispo
* Dr. Mark Carr , Department of Ecology and Evolutionary Biology, University of California, Santa Cruz	Dr. Jeff Paduan , Naval Postgraduate School	Kenneth Schiff , Southern California Coastal Water Research Project	* Mary Yoklavich , Southwest Fisheries Science Center, NOAA Fisheries
* Dr. Steven Gaines , Marine Science Institute, University of California, Santa Barbara	* Dr. Steve Palumbi , Hopkins Marine Station, Stanford University	Dr. Astrid Scholz , Ecotrust	
* Dr. Doyle Hanan , Hanan and Associates	* Dr. Linwood Pendleton , Department of Environmental Health Sciences, UCLA School of Public Health	* Dr. Rick Starr , University Extension, California Sea Grant Program	

SAT Processes

The SAT used a mixture of full SAT meetings, sub-team work on portions of the draft Framework and evaluation of the CCRSG packages, and individual work. The full SAT meetings were open to the public and available via webcast to promote transparency and openness, and included opportunities for public comment. The meeting summaries for SAT meetings are available on the Web to provide a detailed picture of the SAT process. The sub-teams worked in private. The SAT relied on a “chair” model and did not use professional facilitation. The former Chair applied his expertise to SAT proceedings.

The SAT assumed responsibility for “educating” the BRTF about MPA issues by making presentations at BRTF meetings and answering questions raised by BRTF members. The SAT

organized a MPA curriculum in “units” that were intended to track core activities in the Initiative.⁴⁰

As noted, most of the SAT’s work was done in sub-teams.⁴¹ The basic model was for each sub-team to develop proposals and then review the proposals in the full SAT. This model was used extensively for the SAT’s work on the draft Framework, with different sub-teams working on different pieces of that document and bringing language to the full SAT. A Central Coast sub-team interacted with the CCRSG. Its members attended CCRSG meetings and brought back questions to be addressed by the SAT. This approach reflected a SAT concern about being overwhelmed by individual e-mails and other requests, and a desire to give consistent responses as a group.⁴² The bulk of the SAT’s work relating to MPA evaluation ultimately was done by a sub-team, most located in the Santa Cruz area. This approach led to significant time imbalances among SAT members. The lack of compensation from the Initiative for SAT time was felt differently by individuals depending on their employment and funding arrangements.

Proposed MPA package design and evaluation was iterative.

The SAT, and particularly the Evaluation sub-team, played a critical (though unanticipated) role in the design and evaluation of proposed packages of MPA networks by CCRSG groups. Because it was not fully anticipated, the role and process were created along the way. The SAT did not simply establish clear, detailed guidelines in a single step and hand them to the CCRSG to use in designing MPA networks. The process was interactive and iterative: the SAT developed a set of guidelines (Winter-Spring 2005) and these were reviewed by the Department and BRTF (Spring-Summer 2005). The guidelines were then presented to the CCRSG, and the SAT evaluated initial proposals, refined the guidelines further as new information became available at scientific conferences or in the literature, presented the revisions to the CCRSG, and reviewed the next set of products. An example is the 50-meter depth threshold for allowing the take of pelagic transient species (salmon, albacore) in marine conservation areas. This information was generated at a conference that SAT members attended during the CCRSG alternative development process. The SAT also refined its analytical tools along the way, such as creating seven sub-regions within the central coast study area. This iterative process occurred under tight time deadlines.

⁴⁰ See July 6, 2005 SAT Meeting Summary pp. 9-10

⁴¹ Sub-teams were organized by discipline or expertise: Design Principles, Habitat, Information Needs and Data Organization, and Central Coast (for interaction with the RSG).

⁴² See July 6 Meet Summary discussion

IV. EVALUATING THE MLPA INITIATIVE

Initiative Objectives

The MOU set five objectives for the Initiative and the first three have been met. The BRTF:

1. Sent the draft Master Plan Framework to the Commission for approval on schedule in May 2005.
2. Submitted a comprehensive strategy for long-term funding of planning, management and enforcement of marine protected areas by mid-February 2005, only six weeks late; and
3. Approved a proposal for alternative networks of MPAs for the central coast on time in March 2006; it was transmitted to the Department in late May, and DFG submitted the suite of alternatives to the Commission, including its preferred alternative, in June.

The two remaining MOU objectives appear to be on schedule to be completed on time.

4. Develop recommendations for coordinating the management of marine protected areas with the federal government by November 2006; and
5. Secure agreement and commitment among State agencies with marine protected area responsibilities by November 2006 to complete statewide implementation of the Master Plan by 2011.

The Initiative has already been far more successful than the two previous DFG efforts to comply with the requirements of the MLPA. A table comparing these efforts and the Channel Islands MPA process can be found at Appendix A to this report.

Three important questions remain to be answered:

1. Did the Initiative processes and BRTF recommendations provide a reasonable foundation for decision making by the Commission? The Initiative's Executive Director consistently defined success for the Initiative as delivering to the Department and Commission a plausible set of policy alternatives on time. Since the BRTF delivered a set of alternatives on time the question for evaluation is whether those recommendations are plausible. Do the Initiative process and the alternatives it has identified conform to the requirements of the MLPA? Do the alternatives represent a range of policy choices among which the Commission might choose? Has the Initiative delivered information that the Commission will need to fulfill its responsibility for deliberating and making a policy choice?

2. Did the key elements of the Initiative work effectively in the central coast? The Initiative included five key features – the public-private partnership, the BRTF, the SAT, the MLPA-I staff, and regional stakeholder process. Did these elements work effectively to enhance the capacity of the Department and Commission to meet their statutory responsibilities? (This report addresses the first four elements; the CCRSG Report addresses the regional stakeholder process.)

3. Can the Initiative be replicated? The MLPA requires a statewide MLPP, a master plan, and a network of MPAs. The Governor, Legislature, Commission, and Department have already taken initial steps toward expanding the Initiative process to other parts of the California coast. What lessons can be learned from the Initiative about developing a statewide MPA system? Can the Initiative be replicated in other locations or will some adjustments be needed?

These questions are addressed in the following three parts.

Part One: Did the Initiative Processes and BRTF Recommendations Provide a Reasonable Foundation for Decision Making by the Commission?

The MLPA requires that the Department submit and the Commission adopt a MLPP that includes networks of MPAs. The MLPP and the MPAs are intended to protect and rebuild marine life populations, including economically valuable fish, and to protect marine ecosystems. The statute requires a system of MPAs with clear management goals and processes for monitoring and evaluation, public education, and enforcement.

The alternative networks of MPAs that have been delivered by the BRTF to the Department appear to meet these goals and requirements. They result from an extensive deliberative process that engaged local and state-level stakeholders as well as scientists and that was notably open and inclusive. The documentation provided to the Department and Commission is extensive but provides clear choices that represent different policy approaches. The three alternatives in the BRTF’s April 28 memorandum appear to have “bracketed” a politically reasonable decision range. DFG’s preferred alternative, Package P, falls within this range. The following graphs from DFG’s submission illustrate this result:

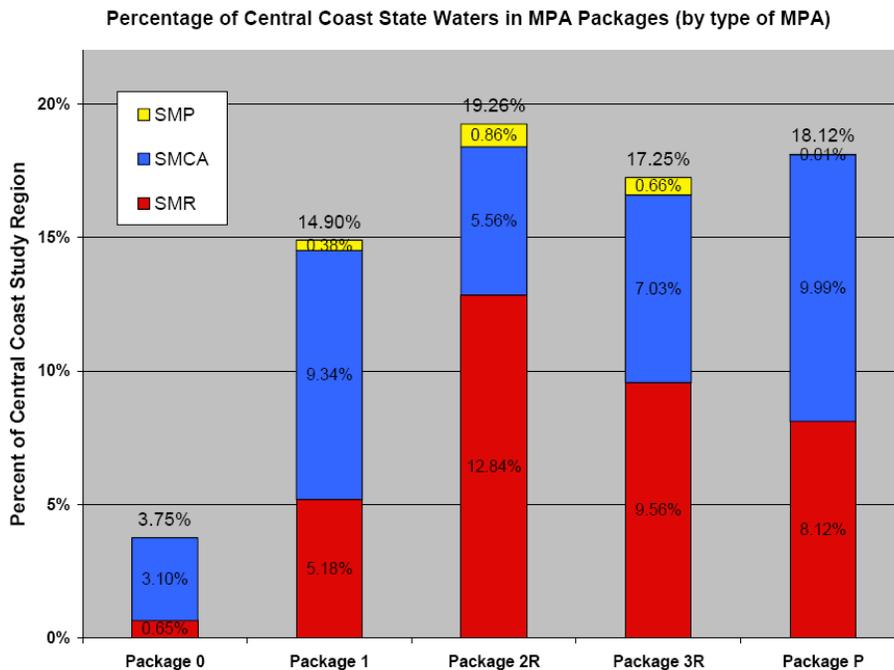


Figure 1. Percent of the Central Coast study region included in the Department’s preferred alternative (Package P) as compared to existing MPAs (Package 0) and alternative proposals (Package 1, 2R, and 3R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its allowed uses.

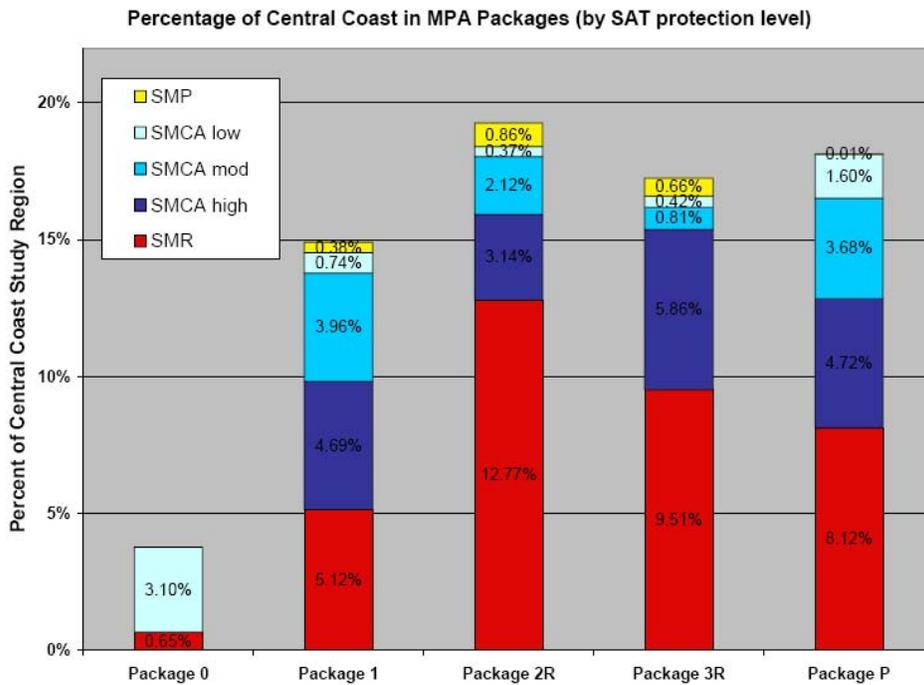


Figure 2. Percent of the Central Coast study region included in the Department's preferred alternative (Package P) as compared to existing MPAs (Package 0) and alternative proposals (Package 1, 2R, and 3R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Level of protection is noted as defined by the Science Advisory Team in the Master Plan. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its allowed uses.

The Commission could vote to adopt Package 1 if its judgment suggests an outcome most favorable to consumptive interests. Package 2R offers the highest overall level of protection and would be more favorable to non-consumptive interests. Packages 3R and P offer different responses to the tradeoffs between consumptive and non-consumptive uses, with Package P perhaps offering greater enforceability and Package 3R having been developed in a public setting.

There is, however, some controversy about two features of the Initiative process. First, some stakeholders have asserted that the process failed to comply with the MLPA requirements for “best readily available science” and “most up-to-date science.” Second, some stakeholders have challenged the adequacy of the socio-economic analysis provided to the BRTF. There has been much less public controversy to date about plans for implementation and management of the proposed networks of MPAs. Some interviewees and some members of the BRTF have raised concerns about implementation, as have members of the Commission. This chapter of the report will address the first two issues – science and socio-economics. The question of implementation is addressed in the chapter on Recommendations.

The Role of Science in the Initiative Process

Science. The MLPA requires use of the *best readily available science* in developing the master plan that guides decisions about MPAs.⁴³ It also requires use of “the most up-to-date science” for MPA design guidelines.⁴⁴ These terms are not defined in the statute, and the Initiative’s Executive Director reviewed different definitions for the SAT at its July 2005 meeting.⁴⁵

Fishing interests consistently criticized the SAT process and the Initiative’s alternatives by pointing out a perceived imbalance on the SAT between marine ecologists and fisheries scientists. This imbalance, and the SAT’s alleged failure to utilize mathematical models preferred by fisheries scientists, represents a failure to meet the MLPA’s science standards according to this critique.

It is accurate to say that marine ecologists were more heavily represented on the SAT than fisheries biologists on a purely numerical basis. But at least four scientists on the SAT did have acknowledged, significant fisheries science expertise – such as work on distribution, abundance, and movements of harvested marine fisheries; habitat-specific stock assessments; and modeling the population dynamics of harvested species. One had done this work for the Pacific Fishery Management Council. It is also true that the hypotheses and tools used by marine ecologists formed the basis for the Framework and significantly influenced design of the various alternatives, but this body of information includes published fishery models about MPAs according to several SAT members.

There is persistent conflict associated with the policy of establishing networks of MPAs and the science that is driving their design and evaluation. Part of this conflict involves the use of MPAs to support fisheries. The critique offered by consumptive interests is an extension of this larger debate that has been underway for at least a decade involving marine ecologists and fisheries scientists. The critique also is part of a larger policy challenge facing California: the integration of MPAs into overall coastal management. The SAT was charged with assisting the design of MPA networks, not with integrating MPAs into California fishery policy. The BRTF was informed of the different viewpoints during its deliberations. The BRTF also was aware of the consistent political opposition of consumptive interests to creation of new MPAs.

The Department of Fish and Game commissioned two external peer reviews of the SAT’s work through Oregon Sea Grant and California Sea Grant. These evaluations praised SAT work. Here is a quote from one peer reviewer: “In general, the Science Advisory Team should be commended for

⁴³ FGC §2855(a), 2856(a)(1)

⁴⁴ FGC §2856(a)(2)(C)

⁴⁵ A familiar standard in fisheries management is “best scientific information available” (National Standard 2, Magnuson Fishery Conservation and Management Act of 1976). A NRC report on *Improving the Use of the Best Scientific Information Available Standard in Fisheries Management* (2004) suggests using the following criteria rather than a specific definition: relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review. (Page 55) *Inclusiveness* has as its goal to “capture the full range of scientific thought and opinion on the topic at hand,” and means that “critiques and alternative points of view should be acknowledged and addressed openly.” (Page 55) The ED differentiated the MLPA standard and Magnuson Act standard as follows: MLPA emphasizes timeliness over quality; when science is not available the bias is to action and not analysis. [BRTF Meeting Summary, p. 4] This statement may not fully acknowledge the *timeliness* criterion proposed in the NRC report: “Management actions should not be delayed indefinitely on the promise of future data collection or analysis . . . Except under extraordinary circumstances, FMP implementation need not be delayed to capture and incorporate data and analyses that become available after plan development.” [p. 57]

their ability to search out the *best available science* and apply it to the specific problem of designing an MPA network. The last few years have seen an intense focus on estimating larval dispersion distances, and the Advisory Team has done an excellent job of applying this research to the problem at hand.” [Gunderson p. 1][*emphasis supplied*]

In contrast, the California Fisheries Coalition organized a separate “peer review” by three highly regarded fisheries management scientists, two of whom had been invited to serve on the SAT but had declined to do so.⁴⁶ Their report flatly asserts that “[t]he best readily available science is the use of quantitative models.” It criticizes the SAT for failing to use such models, and argues that the results from the authors’ models undermines the SAT’s central hypothesis (larval transport), Guidelines, and evaluation of MPA packages.⁴⁷ The review claims this resulted in distorted and unsound advice to the BRTF about alternative networks of MPAs proposed by the CCRSG.⁴⁸

Interviews also indicate the following:

- Some SAT members have participated in workshops on the role of MPAs in fisheries management organized by NMFS
- One fisheries scientist on the SAT was unable to support critical SAT recommendations because of basic disagreements about approach
- The SAT, and particularly the sub-teams, were not environments that consistently explored opportunities to integrate different scientific viewpoints and learn in the eyes of all SAT members. There were a variety of reasons, including severe time constraints.
- SAT members had access to respected fisheries biologists outside the SAT
- One fisheries biologist who declined to participate on the SAT advised fishing interests participating in the CCRSG
- The modeling work of Dr. Loo Botsford was an element of SAT deliberations, but did not drive decision making, in part due to its stage of development
- There are diverse views among SAT members about the role of fisheries science and its models in the specific project of designing MPAs to implement the MLPA, but there is substantial agreement that a robust fisheries science presence potentially could add value to a future SAT and that models likely will play a more significant role in the future.

A reasonable conclusion would be that (1) there are clear disagreements about what constitutes best available scientific information and how to use that information to design MPA networks, (2) the SAT based its work on hypotheses and data endorsed by marine ecologists and this included consideration of various fisheries models, (3) the SAT’s work meets the standard of “best available

⁴⁶ The question of whether this document qualifies as peer review, as opposed to a scientific advocacy report, was raised in a number of interviews.

⁴⁷ *Peer Review, California Marine Life Protection Act (MLPA) Science Advice and MPA Network Proposals*, prepared by Ray Hilborn, PhD, Richard Parrish, PhD, and Carl J. Walters, PhD (May 2006) for the California Fisheries Coalition [hereinafter CFC Science Review]. The claim that there is uncertainty associated with the key hypothesis underlying the size and spacing guidelines, known as larval dispersal, is accurate. But this is not new information: it is openly acknowledged by proponents. There is also uncertainty associated with the mathematical tools that the authors of the CFC Science Review assert, without qualification, are the “best available science.”

⁴⁸“The original makeup . . . demonstrated that ecological theorists dominated the SAT . . . this imbalance led to a SAT membership that engaged in virtually no skeptical debate about assumptions and other science questions involved in creating the science guidelines.” Pp. 4-5, CFC Science Review. The SAT has prepared a detailed response to these criticisms. See California MLPA Initiative Master Plan Science Advisory Team Response to CFC Report, August 1, 2006 (available on DFG web site).

scientific information” according to the external peer review, and (4) the BRTF made an informed policy choice to move ahead in the face of scientific conflict in order to implement the MLPA.⁴⁹

The Initiative was a policy making process, not a scientific one. This distinction is critical. In the first, failed effort by DFG to implement the MLPA, scientists “drew lines on a map” to identify possible MPAs. In contrast, the Initiative process gave regional stakeholders and the BRTF the responsibility for designing alternative MPA networks with guidance and evaluation from the SAT, although there are different views about the BRTF’s ultimate role.⁵⁰ The SAT’s obligation was to support open and constructive scientific debate *insofar as it contributed to the Initiative’s goals*, namely developing plausible alternatives of MPA networks for consideration by the Commission. This included ensuring that relevant viewpoints were effectively represented while also maintaining focus and not being consumed with an ongoing scientific disagreement.

It is likely that the tools used to design and evaluate MPAs will improve over time, and may ultimately involve mathematical models like those used in traditional fisheries science.⁵¹ One member of the SAT who is developing such tools has been funded by the Initiative to continue his work. Future study areas will benefit from continued robust scientific investigation and debate. While it will be helpful if the competing scientific camps can find ways to work jointly to support marine management in the future, the approach to “best available scientific information” is not a significant shortcoming in the Initiative process.

The Role of Socioeconomic Information in the Initiative

Socio-economic information about the potential impacts of proposed MPA networks generated significant attention during interviews and was the source of significant conflict during the Initiative. There is agreement that the MLPA refers to economics in several ways, including staffing for the master plan team. There is also agreement that economics are not referred to explicitly in the goals of the MLPA. Experts seem to agree that gathering, analyzing, and applying information about impacts at an appropriate spatial scale to be relevant to MPA network design is challenging. They also seem to agree that data about potential benefits associated with MPA networks is not readily available.

Observation of Initiative meetings and evaluation interviews reveal little common ground beyond these points. Consumptive users likely to be affected by creation of MPAs insisted on the importance of sound economic analysis in network design and evaluation. Non-consumptive users insisted that an analysis of potential economic benefits from the creation of MPAs also was required to present a balanced picture. The BRTF received a briefing on economic issues and offered diverse views during interviews, with one member asserting that “it’s the whole game politically” and others pointing to its secondary importance in the MLPA and vague significance for MPA network design and evaluation. A decision by the Commission will trigger review under the California Environmental Quality Act (CEQA) and Administrative Procedures Act and socio-economics likely will be part of that review.

⁴⁹ BRTF meeting summaries indicate they were informed about the scientific and policy conflicts associated with fisheries management and MPAs.

⁵⁰ In particular, there are different views about whether the BRTF should draw its own lines or modify the work of stakeholders.

⁵¹ SAT members acknowledged in interviews that they were unable to provide a quantitative evaluation of network function in the time available, and point to this as a possible new approach to evaluation and design of MPA networks.

The SAT included two economists: Dr. Astrid Scholz and Dr. Linwood Pendleton. The Initiative contracted with Dr. Scholz's organization, Ecotrust, for an analysis of relative effects of proposed MPA packages on commercial and recreational fisheries along the central coast. This work was undertaken during the Initiative, and the results were made available fairly late in the process and under conditions that reportedly limited their value for MPA planning but did allow analysis of maximum potential impacts. The report was a "worst-case" analysis, and specifically was not an environmental impact analysis and did not address behavioral responses due to a lack of data.⁵² Nevertheless, impacts on consumptive users were a factor in package design and evaluation through hours of discussion and negotiation among stakeholders.⁵³ No equivalent work was done to quantify the beneficial impacts of MPAs.

There are questions about how this contribution fits with the MLPA's requirements. The Framework has limited references to economics. It states that MLPA 1 and 2 failed to provide sufficient information to stakeholders about potential socio-economic impacts⁵⁴ and identifies socio-economics at different stages of the MPA development process.⁵⁵ The Framework identifies "economic contribution" of ocean-dependent activities to local and regional communities as a component of baseline data to support MPA design⁵⁶ and identifies potential socio-economic criteria for State Marine Reserve design.⁵⁷ According to one view the Framework references are essentially "placeholders." DFG reportedly tried to encourage progress on this set of issues several years ago by assembling a group of social scientists but the effort did not yield concrete results for use in the Initiative.

An external review of the Ecotrust analysis sponsored by the Department points out the limitations of the approach but is generally supportive of it as a rough measure of the upper bound of relative impacts among various MPA alternatives. The report concludes that "if the goal is to assess the upper bound of impacts from MPAs by utilizing the knowledge of fishermen through survey methods, then the current methodology designed by Ecotrust serves as a good start." There is also a critique of the Ecotrust products commissioned by the CFC.⁵⁸

⁵² The Department subsequently commissioned an economic analysis of impacts. *See* James Wilen and Joshua Abbott, "Estimates of the Maximum Potential Economic Impacts of Marine Protected Area Networks in the Central California Coast," final report submitted to the California MLPA Initiative in partial fulfillment of Contract #2006-0014M (July 17, 2006). This information was not available to the BRTF or stakeholders.

⁵³ *See* "Summary of Potential Impacts of the February '06 Proposed MPA packages on commercial and recreational fisheries in the central coast study region," Final Version, revised March 8, 2006.

⁵⁴ Framework p.10, App. C p. 17

⁵⁵ Framework Table 1

⁵⁶ Framework p. 57

⁵⁷ Framework Attachment A to App. F p.36

⁵⁸ *See* James E. Wilen and Josh Abbott, "Discussion of Ecotrust Methodology in Commercial Fishing Grounds and their Relative Importance Off the Central Coast of California," report submitted to the California MLPA Initiative in partial fulfillment of contract number 2006-0014M. *See also* Bonnie J. McCay, Caroline Pomeroy, Kevin St. Martin, and Barbara L. E. Walker, "Peer Review, Ecotrust MLP AI Products, July 31, 2006 (commissioned by the CFC). The Department also sponsored a review comparing Ecotrust squid data to logbook data by Wilen and Abbott: "An Assessment of Ecotrust's Relative Importance Indicators: Comparisons with Logbook Data for the Market Squid Fishery," (June 8, 2006). This analysis reached the following conclusion: "Overall, we conclude that for the squid fishery test case, the index computed by Ecotrust's sampling/survey/mapping procedures is associated in an expected manner with actual behavior on the part of sampled fishermen. High values ascribed to importance indices are related to higher effort levels in those areas, although the statistical association is weak and not monotonic (Figure 7). Moreover, even

In summary, the Initiative attempted to incorporate socio-economics into MPA design. There are diverse perspectives on the results. This effort resulted in significant learning that should influence decision making about future study areas.⁵⁹ Based on these factors and its secondary role in the language of the MLPA, the approach followed by the Initiative does not change the overall evaluation of the BRTF's recommendations. The CCRSG Report provides additional perspectives on the treatment of socio-economic information.

Conclusion: The Initiative processes and the BRTF recommendations provided a sufficient foundation for deliberation and decision-making by the Commission.

Part Two: Did the Key Elements of the Initiative Work Effectively on the Central Coast?

This chapter evaluates the effectiveness of the four major elements in the Initiative process described in Section III – the BRTF, the SAT, Initiative staff, and the public-private partnership that provided financial support for these new elements – as well as the DFG's role in the Initiative. (The CCRSG process is examined in detail in the CCRSG Report.)

This chapter explores participants' levels of satisfaction with their role in the Initiative, stakeholder's perceptions of how well each element worked, new kinds of knowledge and skills that were developed, and how each element contributed to the overall Initiative.

Most interviewees reported that they felt the basic Initiative process worked fairly well—with some reservations and exceptions explained below. A number of people were holding back from a final judgment of the Initiative, waiting to see how the Commission will respond to the different MPA packages.

From a project management perspective the Initiative has opened eyes about what can be accomplished in a complex policy environment. The MOU set aggressive and, in the view of many, unrealistic deadlines, particularly given the problems in MLPA 1 and 2. These deadlines have largely been met to date, and there is every reason to expect this pattern to continue. While some have suggested that the bar has been set too high because of generous funding and uniquely qualified personnel, the Initiative experience will influence future study areas.

Senior management at the Resources Agency and DFG expressed overall satisfaction with the Initiative to this point—prior to a decision by the Commission. This evaluation is consistent with the additional funding for MLPA implementation included in the 2007 Budget according to reports. It also is consistent with the political commitment of Governor Schwarzenegger to ocean protection. There is significant focus at this time on how to implement a Commission decision to establish MPAs, particularly from a cost and enforcement perspective.

with the non-random sampling, the group of fishermen who were not sampled seems to exhibit similar spatial choices as its sampled counterpart. Although we caution that one cannot make too much out of analysis of a small and imperfectly disaggregated sample, we suspect that the attention the Ecotrust gave to sampling protocol, and the involvement of fishermen in the data gathering design, led to honest survey answers and reliable data.”

⁵⁹ For example, it may be useful to identify impacts on local port areas, rather than aggregating them for the entire study area as was done in the Ecotrust analysis.

DFG staff with day-to-day responsibility for the Initiative had a much more detailed set of issues but also appear satisfied overall to this point. The decision by DFG to develop Package P is not inconsistent with this general view.

The BRTF

All eight BRTF members interviewed for this report said they were generally satisfied with the Initiative and their own roles. They saw the creation of the BRTF as a way to shift responsibility for initial development of alternative networks of MPAs away from DFG, while respecting the Department's expertise and reserving its right to review and modify the BRTF's draft documents before sending them to the Commission. This is consistent with the intent of the MOU as explained during interviews. This role was understood by BRTF members, but they also expressed a desire for influence in shaping policy. Here is a sample of BRTF members' views about their roles:

- *We were out front, catching the flak*
- *We were a diverse group, able to relate to constituents*
- *We fleshed out issues*
- *I saw this as governmental and political, not science*
- *We put distance between state agencies and some interest groups*
- *We wanted to avoid winners and losers (on packages)*
- *It worked*

Many interviewees agreed that the BRTF was a sound innovation that supported objectives of the Initiative. In the words of one skeptic: "I had my doubts but it's a brilliant idea." One contrary view is that the BRTF is essentially another layer between decision makers and communities whose "buffering" function is unnecessary. This view was not widely shared across interest groups or BRTF members. The BRTF was seen as generally effective in generating a set of plausible, high-resolution policy alternatives for consideration by the Department and Commission. The general comfort of BRTF members with public policy decision making allowed them to be comfortable and "make the system work." The Chair was viewed as playing a particularly valuable role in controlling meetings and generally ensuring no leadership vacuum developed.

The BRTF generally was viewed as non-partisan, despite the intense advocacy that characterized the Initiative process. Interviews revealed that some stakeholders tested BRTF members early for evidence of a pre-determined outcome and were generally reassured that the process was open. The general principle of welcoming stakeholder perspectives, even while challenging the content, appears to have been significant in influencing perceptions. This created credibility and allowed the BRTF to give authoritative direction to the CCRSG. This credibility also limited a perception that the Initiative was a "staff directed process." Finally, the BRTF served as mediating force to local and regional dynamics. They injected statewide perspectives and helped stakeholders find balance points.

Interviews also reveal general (although not unanimous) dissatisfaction outside the BRTF with the "tinkering" process (modifying the substance of Packages 2 and 3, so that they became 2R and 3R) at the March 14-15, 2006 meeting.⁶⁰ This sentiment is shared by stakeholders, SAT members, and

⁶⁰ This dissatisfaction is addressed in the CCRSG Report from the stakeholder perspective.

Department staff. The modifications are described in the BRTF's April 28, 2006 memorandum transmitting its recommendations to Director Broddrick.

There is a general exception to the satisfaction described above: most fishing interests represented on the CCRSG have consistently criticized the BRTF's makeup and actions, although not their commitment and effort. The criticism includes a lack of diversity, a general bias in favor of environmental goals, a lack of sensitivity toward economic impacts, and unjustified and uninformed changes to the CCRSG packages.

The BRTF interviews revealed dynamics not reflected in such criticism: several BRTF members were sympathetic to core needs and interests of consumptive users, but were unable or unwilling to support those users in light of their tactics and strategy, which were viewed as hostile to the CCRSG-BRTF effort to find agreement and essentially an extension of political advocacy. This information suggests the values and views on the BRTF were sufficiently broad to support a politically acceptable range of MPA package alternatives. The Recommendations section of this report addresses the issue of how to address changes to CCRSG packages in the future.

BRTF members invested a great deal of time into the Initiative. A majority were concerned from the beginning of the Initiative about whether their recommendation would carry weight with DFG and the Commission. As one member put it: "We're all busy. If I take the time, I'll give my best but I want the product to be used." Most of the interviews for this report were conducted when the details of Package P were largely unknown. BRTF members reportedly met with Secretary Chrisman to express their concerns. The reactions of BRTF members to Package P, and to the Commission's ultimate decision, have the potential to impact retention and recruitment of BRTF members for future study areas. At the same time, the CCRSG was the source of the alternative MPA packages, and steps taken by the BRTF to create its own recommendations to the Department and Commission were perceived, at least by fishing interests, as violating the implicit structure of the process. This tension is addressed in the Recommendations section and in the CCRSG Report.

As a process innovation, the BRTF had to refine the roles and responsibilities described in the MOU and Charter in unanticipated contexts. Examples include the BRTF's process for selecting a preferred alternative and the decision to create its own MPA alternative (Package S). The uncertainty resulted in uneven expectations that were a source of occasional confusion and frustration. One example is the confusing expectations about whether the BRTF should "mediate" an effort to achieve CCRSG consensus. The BRTF addressed consensus at its first meeting in October 2004, and was advised not to expect consensus based on the Channel Islands process. The Executive Director reminded the BRTF in July 2005 that consensus was not a goal. Even so, interviews revealed a persistent desire among many BRTF members for stakeholder agreement, and there clearly were mixed messages. The CCRSG Report addresses this issue in greater detail.⁶¹ The Recommendations section of this report also addresses this issue.

One point of particular emphasis in the interviews was the BRTF's divided vote in March 2006 on a preferred alternative and its inability to reach consensus. The MOU does not specify a decision rule for the BRTF, so this result raises no concerns about consistency. But there is a basic question: *Would*

⁶¹ The CCRSG Report offers a somewhat more critical perspective about this uncertainty.

consensus have enhanced the impact, or “stickiness,” of the BRTF’s recommendation and influenced decisions by DFG and the Commission about making modifications?

As noted above, the interviews suggest the decision to create a BRTF was influenced by advice about decision boards, and consensus is at the heart of their effectiveness. The MOU drafters did not have direct experience with decision boards, and did not explicitly state an intention that the BRTF seek consensus or consult with experts on decision boards about how to adapt them to the Initiative. Moreover, the public policy field is familiar with the strategy of creating a commission as a way of deflecting political attention from ultimate decision makers. Interviews with the BRTF members yielded no information about a briefing on consensus or its significance *vis à vis* DFG and the Commission. BRTG members clearly discussed consensus along the way and were aware of its potential value during their March meeting.

Individual BRTF members cited several factors that worked against consensus. One was a lack of time at the March meeting, and a second was the amount of new information they were being asked to digest. This resulted in part from the BRTF’s decision to “put its stamp” on two of the three CCRSG alternatives prior to forwarding them to the Commission. These modifications left some BRTF members unsure what was in the packages and reluctant to endorse alternatives they had not fully analyzed and discussed.

Another factor cited by several BRTF members was a lack of time for meeting privately, out of the public eye, to seek understanding and agreements. All BRTF members appreciated the value of transparency that accompanies public deliberations, but several felt this could have been balanced by structured time for BRTF-only discussions. This need was felt at different points in the process, but came into sharper focus at the March meeting.

Both the BRTF and the stakeholders failed to reach consensus on a recommended alternative. *Was it unrealistic to expect the BRTF to succeed where the stakeholders could not?* While the intensity of the disagreements may have been similar, it appears the BRTF struggled to bridge gaps over different issues than those challenging the CCRSG. In particular, the substance of Package 1, prepared by a coalition of fishing and other consumptive interests, was part of CCRSG efforts to find agreement. Package 1 was not an issue for the BRTF’s members, who were divided between the levels of protection in Packages 2 and 3 (or 2R and 3R after modifications). Advocates of the decision board model would argue in favor of the BRTF working to consensus. Public policy experts may argue that the decision board’s power is diluted in the public policy context, for various reasons.⁶²

Ultimately there are diverse views among BRTF members about whether it would have been possible for them to reach consensus even if they had had more time. For at least one member the March meeting was a “lost opportunity” despite its results, while for others the prospect of consensus was uncertain, unlikely or not valued enough for its potential impact on subsequent decision making by DFG and the Commission. Whether consensus would have increased the impact of the BRTF’s recommendations ultimately is speculative. DFG has understandably strong interests in asserting its authority over the MLPA, and in ensuring that its wealth of practical experience about issues such as

⁶² Delegation of authority issues are not likely to arise in the private sector. They are more of a concern in the public sector where lawmaking authority rests in the legislative branch and may be delegated under certain circumstances to the executive branch and bureaucracy. This report’s authors have no opinions on any associated legal issues.

enforcement is reflected in recommendations to the Commission. The interviews did not include Commission members.

The Department's draft Master Plan appears to propose a future option that would bypass a BRTF and have stakeholder alternatives for MPA networks delivered directly to the Department.⁶³ It is useful to imagine what would be lost without a BRTF, which provided an open, balanced forum for public deliberation as well as effective oversight of a stakeholder process (and an initial buffer for the Department and Commission). There is significant value in seeing a wise and diverse group of citizens—the BRTF—publicly discussing difficult issues presented by stakeholders and the MLPA and working toward sound recommendations. At this time it is difficult to imagine either the Department or the Commission filling this role, for different reasons. The Department lacks the diversity of perspective represented by the BRTF's members, and its personnel are not “independent.” The Commission's members lack time due to other obligations, and lack the resources to actively oversee an intensive stakeholder process.⁶⁴ Interviews indicated a significant but not unanimous perception that both the Department and Commission have organizational cultures and values that favor the interests of consumptive over non-consumptive resource users. The alternative of retaining a BRTF but preventing it from dealing directly with stakeholder proposals appears likely to significantly undermine its effectiveness, at least until the process of establishing new MPAs has broader acceptance.

Finally, it is worth considering how much time the BRTF should devote to local user conflicts in a study area, and what criteria it should use to make this decision. The Initiative featured significant user conflicts around Monterey Bay and these issues consumed significant resources for the CCRSG and BRTF meetings. The MLPA includes improvement of recreational opportunities as a goal for the MLPP, and consumptive-non consumptive user conflicts are a central challenge in establishing MPA networks. One possible criterion for the future is the significance of a particular user “hot spot” for overall network design and function. In other words, while important to local users, is the area important to satisfy network design guidelines? Depending on the answer, the BRTF may choose to increase or decrease the attention devoted to seeking a resolution to the conflict. A sound conflict assessment conducted before key decisions are made about process design for the next study region potentially could identify such hot spots and inform decision making about RSG membership and structure.

SAT

As explained in the previous chapter, the SAT was perhaps the most controversial element of the Initiative.

Science is often the focus of attack when it is a significant factor in setting public policy. There is

⁶³ The draft Master Plan prepared by the Department is not entirely clear about the future role of the BRTF. The “Blue Ribbon Task Force MPA Design Process” (p. 19) appears to continue the BRTF. However, the process of “Evaluating alternative MPA proposals” appears to contemplate a process where such proposals might go directly to the Commission (p. 19). The process provides for BRTF “evaluation” of alternative proposals, but not a BRTF preferred alternative. This appears to be the responsibility of the Department. Table 1 reflects an ongoing role for a BRTF (pp. 21-23), but also suggests MPA alternatives could go directly to the Commission (2.2.3).

⁶⁴ The criteria for appointment to the Commission also appear different from those that are critical for the BRTF to succeed.

persistent conflict associated with the policy of establishing networks of MPAs and the science that is driving their design and evaluation. Consequently, it is not surprising that the role of science and the SAT in the Initiative generated the most attention during this evaluation. It is not the purpose of this initial report to exhaustively address the issues associated with science. These are part of a larger debate that has been underway for at least a decade involving marine ecologists and fisheries scientists. They also are part of a larger policy challenge facing California: the integration of MPAs into overall coastal management. The conflicts over composition of the SAT and use of “best available scientific information” were addressed earlier in this report. This section focuses on the satisfaction of SAT members with the process and the overall impact on knowledge of the Initiative’s approach to science.

Overall Satisfaction

BRTF members agreed unanimously that they felt the SAT fulfilled its charge of supporting the BRTF, despite the challenging circumstances. DFG also expressed general satisfaction with the SAT, although there are exceptions for specific issues. In particular, a significant number of interviewees (including some CCRSG stakeholders) reported that the SAT process took shape as the Initiative developed and that this caused some frustration and confusion, as follows:

- The MOU did not fully anticipate or describe the role of the SAT. In particular, it did not explain the SAT’s role in developing guidelines for MPA design or the SAT’s role in evaluating proposed MPA packages developed by the CCRSG. The SAT’s iterative process of drafting and refining the Evaluation Guidelines caused some conflict with CCRSG members who felt “the goal posts kept moving.” One example cited by fishing interests was the “late development of [the SAT’s] ‘levels of protection’ metric.” SAT members acknowledged that they refined their guidelines to address weaknesses exposed during the package development process.⁶⁵ In particular, the SAT added guidelines on spacing, size, habitat, and oceanographic features after the FGC adopted the draft Master Plan Framework in August 2005.
- All SAT meetings were open to the public and there was extensive opportunity for input. There is voluminous documentation on the Web. However, some interviewees reported there had been limited time available to the full SAT for open discussion of the CCRSG packages, and the extensive use of non-public sub-teams also shifted this work out of the public forum. There is a public record for full SAT meetings, but no record for sub-teams.

Satisfaction levels of SAT members differed according to several factors, but also are consistent on some points. Over half of SAT members were interviewed [11], so all conclusions must be qualified. Those SAT members who worked extensively on the Framework and on the Evaluation sub-team are generally satisfied with their work, and several are eager to move on to the next study area. Here are key issues that emerged from interviews:

⁶⁵ One SAT member described the SAT as shifting from an early “conceptual” mode regarding the Framework to a very concrete mode once the task of evaluating alternative packages of MPAs became fixed. This caused refinements to the Guidelines in order to support evaluation. For example, the seven sub-regions were less a conceptual guideline than a methodology to evaluate distribution of habitat up and down the coast.

- The SAT structure, procedures, and deliverables were not clear at the beginning of the Initiative. This led to uneven meetings, differences in expectations, perceptions of inefficiency, and to some frustration among SAT members about how to have a meaningful role. “I can’t be useful in this process” was a sentiment expressed by at least one person who chose to leave the SAT. Two examples are:
 - Initial concepts about where key decisions would be made didn’t match up with the final process, e.g., who designs networks?
 - The amount of time spent completing the draft Framework and MPA design guidelines ultimately was significant but was not fully appreciated at the outset.
- There is significant agreement within and outside the SAT that there was inadequate planning for SAT needs and that this hindered the SAT’s ability to work effectively. One example is funding for graduate students to do literature searches, or data input for spreadsheets used to evaluate MPA networks. Another is for technical support such as computing and GIS.
- The SAT experienced conflicts over management styles, personalities, and role expectations that involved DFG and Staff. These were magnified by the initial lack of clarity about the SAT’s role and then by the amount of work requested from the SAT under difficult deadlines. A majority of SAT members expressed dissatisfaction with the SAT-DFG relationship. SAT members preferred more autonomy and less direct involvement by DFG in SAT processes, and would have preferred to select their own Chair. DFG’s primary goal was to ensure that the SAT met the schedule and milestones of the Initiative: “gave us something we could use.” Some SAT members felt this goal interfered with “doing science.” DFG appointed the SAT Chair, but the relationship with DFG’s lead representative proved difficult and caused the Chair to resign and become a contract advisor to the Initiative. The Chair’s background in system modeling, economics, and management science, rather than natural science, was problematic for some SAT members.
- There is a consistent theme from interviews of SAT members and others that the SAT did not have enough time to do its work. This applies across the spectrum, from sub-committee work on the MPF to full SAT discussion of Guidelines and evaluation of MPA packages. There were severe pressures to meet deadlines and “give us a deliverable.” Views vary on how this impacted the SAT’s work products. One perspective is “I’m comfortable with the science, but . . .,” while another is that “we didn’t have time to do science” through extensive development of alternatives and education of one another. Another perspective is “we always needed another half day.” The lack of time was perceived to severely limit opportunities to interact with the CCRSG, although SAT members had different views about the appropriate structure for that relationship.
- The significant amount of uncompensated time contributed by many SAT members received consistent attention in interviews. The financial impacts of SAT participation varied depending on employment and funding, and for some were offset by contracts with the Initiative.

Some interviewees reported concerns about the multiple roles that some SAT members played, as follows:

- Two SAT members were also contractors to the Initiative. There were varied reactions to this situation, with some SAT members criticizing this dual status and suggesting it impaired the

ability of other SAT members to honestly critique work products, and others concluding it had no significant impact. The primary focus was the economic work of Ecotrust: some SAT members felt they lacked the capacity within the SAT to evaluate complaints from the CCRSG members about the quality of the Ecotrust data and analysis. There was similar but less intense concern among some SAT members about the SAT's ability to evaluate Dr. Botsford's modeling. Outside the SAT there was criticism from consumptive users of the contractual arrangement with Ecotrust. It is difficult to separate this criticism from open antipathy toward the substance and conclusions of the contracted work products. Criticism from other stakeholders was not significant.

- At least two SAT members received contracts to perform additional work as a result of their involvement with the SAT. This issue was raised mainly by the fishing community, who feel it is another signal of bias on the SAT against fisheries management. This did not appear to be a significant issue for other stakeholders. SAT members appeared divided in their feelings about this.
- One SAT member, Dr. Steve Gaines, receives funding as a Pew Marine Conservation Fellow to support MPA research.⁶⁶ Interviews revealed a range of views about whether this presented a significant real or perceived conflict of interest for the SAT's role. This arrangement highlights the different impacts of not compensating SAT members for their time.

Additions to Knowledge

Master Plan Framework. The SAT had a challenging task to support development of the Framework given tight timeframes and organizational and process issues. The eventual decision to break into small teams based on expertise proved efficient as a way to support Framework drafting. The Framework developed for the Central Coast Project and adopted by the Commission in August 2005 is a critical shared reference point.⁶⁷ The Framework has value because its rules are written down and apply to everyone.

Guidelines for Evaluation of MPA Networks: The MLPA and SAT Charter do not charge the SAT with developing Guidelines for evaluating alternative networks of MPAs. MLPA 1 and 2 had not identified a clear path. Evaluation—and creating the analytical tools for evaluation—became a significant and almost overwhelming task for the SAT, particularly for the Sub-Team that did most of the work in developing and refining evaluation guidelines. [See *July 6, 2005 SAT Meeting Summary*] These Guidelines are now available for use in future study areas and are a major contribution toward implementation of the MLPA, even with the general acknowledgment that they are likely to change over time as knowledge increases.

Evaluation of alternative packages of MPAs for BRTF: This was not a clear charge for the SAT, and significant time passed before evaluation was established as a SAT task despite the obvious need for this process. The SAT evaluations of the stakeholder packages were a major influence on BRTF

⁶⁶ According to the Pew Fellows web site, Dr. Gaines is using his fellowship to help implement the MLPA. <http://www.pewmarine.org/pewFellowsDirectoryTemplate.php?PEWSerialInt=9727>

⁶⁷ On July 21, 2006, DFG forwarded a Master Plan to the Commission that builds on the Framework. It is not clear at this time what significance the Framework will have in light of this step.

decision making. Most of the work was done by the Sub-Team, often at significant personal cost and under tight deadlines.

Analytical tools for future areas: According to SAT members there are now a number of “cook books” for application in future study areas that will not require creation from scratch. These include:

- In order to evaluate packages the SAT created Excel spreadsheets that translated GIS habitat values into graphic representations. These spreadsheets are now available for future study areas.
- The refinements to the Evaluation Guidelines are available, such as the size and spacing criteria. One specific example is the 2 miles² standard for rocky habitat within an MPA. While these detailed guidelines can be expected to change based on scientific advances, they have been peer reviewed and are available for future study areas.

Peer reviewed results: The MLPA calls for external peer review of the scientific basis for the Master Plan. DFG organized peer review of two SAT products: the Evaluation Guidelines developed for the Framework, and application of those Guidelines to the alternative packages of MPAs developed by the CCRSG. These peer reviews are generally supportive of the SAT’s work.

Education of BRTF and CCRSG. The SAT felt a heavy responsibility to educate the BRTF and CCRSG about MPAs, and felt a huge effort was made to accomplish this. The need for education is a result of criteria for selecting the BRTF and CCRSG. The need and demands were not fully appreciated at the beginning of the SAT effort and are not clearly identified in the Charter. The “units” developed for this educational process are available for future use.

Initiative Staff

The Initiative was a new way of doing business and operated on a very tight timetable. Its staff had to design much of the process at the same time they were doing the work. The current version of the Framework, which describes the process for designing MPA networks in significant detail, did not exist in August 2004.⁶⁸ Nevertheless, the professional staff (including the Executive Director) was able to meet the deadlines in the MOU and support development of alternative MPA networks delivered to the Department by the BRTF. The keys to these outcomes were:

1. Flexibility to create and adapt processes, hire personnel, and contract with experts
2. Shared responsibility among DFG, the BRTF, and the Executive Director and staff
3. A mutual commitment to success
4. High-quality, highly motivated people, i.e., good hiring
5. Singularity of purpose
6. A disciplined focus on Initiative goals
7. An ability to avoid being painted as partisan

Interviews suggest that “singularity of purpose” was particularly important for success. Government typically does not permit employees to exercise the type of project-specific focus that characterized Initiative staff. The Initiative structure allowed the Executive Director and his key hires to avoid distractions and work purposefully to achieve the ambitious goals established in the MOU.

⁶⁸ DFG’s draft Master Plan is intended to more closely reflect the actual Initiative process.

The Public-Private Partnership

The public and private sectors are characterized by different values, incentives, and expectations about work-related subjects like deadlines, quality, accountability, and personal lives. A public-private partnership inevitably challenges people to accommodate these differences; project complexity and ambition magnify these challenges and increase the importance of finding integrative solutions. This accommodation was essential for the Initiative, particularly because key people had no prior working relationship. Interviews suggest that overall these relationships were positive, with some acknowledged exceptions.

The Initiative would not have been possible without substantial private philanthropic funding through the MOU's public-private partnership. This financial commitment supported robust stakeholder engagement through the CCRSG, highly competent project management staff for the BRTF, numerous private consultants to provide a range of services including CCRSG facilitation, a SAT, open meetings to promote transparency, and extensive documentation available to the public. No dissenting views about the importance of this financial contribution emerged during interviews.

Despite some initial inclination toward a low-budget approach, the Initiative was notable in its level of financial resources, stakeholder engagement, quality of work products, accessibility to the public, and project focus. Compared with other public decision and input processes, many people rated the Initiative highly and some called it the best they had seen. This is true even for some people whose satisfaction was contingent on the final Commission decision. For many people, private funding improved the quality of public engagement in policy making and stimulated future public funding (as evidenced by new budget authority for DFG).

The source of private funds was constantly criticized by fishing interests, who raised concerns from the time the MOU was being negotiated to the present. This dissatisfaction is detailed in a Critique of the Initiative, and is addressed in the CCRSG Report. The basic concern is that the private funders are advocates for certain environmental values, and that these values inevitably will have undue influence over policy outcomes in the Initiative. Comprehensive evaluation of this claim is outside the scope of this report. However, it appears that the Signatories were sensitive to this issue and structured the private-public partnership to reflect *separation*, an arms-length relationship, with the BRTF and ultimate decision makers, and to emphasize openness and transparency. In practice it is difficult to imagine the alternative development process being more open and still achieving its objectives.

There is a significantly greater potential for realizing the expected benefits of MPAs as a result of the Initiative. This includes funding commitments and organizational priorities:

1. The FY 2007 State Budget, adopted in July 2006, appears to include significant funding for MLPA planning and implementation.
2. The Ocean Protection Council's ("OPC") recently completed Strategic Plan includes support for MLPA implementation, including securing funding, and some of the budgeted funding appears dedicated to OPC.

The Initiative hired high-quality management expertise that matched the requirements of the project.

There was a failure to fully appreciate the costs of such expertise. It is likely compensation costs will remain high for future study areas in light of the Initiative experience and new challenges.

The BRTF worked closely with the Executive Director to provide oversight of budgeting and spending. This information also was available to the public in the form of semi-annual reports. The Executive Director and staff worked directly with RLFF on financing and contracting. Given the lack of a clear model, the relationship appears to have been satisfactory. One question for the future is the degree of independence available to the Executive Director to enter into and modify contracts without requiring RLFF approval.

The Regional Stakeholder Group Process

The CCRSG Report will address levels of satisfaction and the impact of the Initiative on relationships among resource users along the central coast.

The Department's Role in the Initiative

DFG played a significant role in the achievements of the Initiative. The Marine Region team provided technical expertise, management skills, and a reliable voice about policy positions. They negotiated a relationship with the Initiative Staff that, by all accounts, was fundamentally successful despite inevitable challenges. The organizational relationship of DFG to the BRTF and Staff (*see* MOU Exhibit B) was intended to foster independence as well as collaboration. This appears to have been achieved, although one result is that DFG operated in a somewhat ambiguous zone, as a stakeholder and regulator, and several people commented on occasional tension about authority, roles, and responsibilities.

As noted above, DFG's senior management is generally supportive of the overall Initiative. They acknowledge the value of the resources made available by the public-private partnership. These resources helped overcome what has been characterized as an ingrained DFG instinct to underestimate costs and find a way to "get by." In retrospect, this instinct contributed to the outcomes of MLPA 1 and 2. Management also acknowledged DFG's traditional aversion to risk and change, but emphasized that fundamental change is occurring, in the Marine Region and elsewhere.⁶⁹ Thus far DFG has succeeded in keeping the promise it made at the end of MLPA 2: "We will only continue the MLPA implementation process when we are able to adequately support a comprehensive, scientifically based, constituent involvement process." The next challenge is to ensure that a Commission decision on the central coast can be implemented over the long term.

The Initiative was based on a fundamental restructuring of DFG's role in implementing the MLPA, and the MOU arrangements are a balancing of that new role with private funders and a BRTF and contract staff. From complete control (MLPA 1 and 2) DFG moved into a partnership over the process of developing alternatives, although it retained final responsibility to "independently review and make any amendments or modifications to the draft documents that it determines appropriate." This balance was tested at various points during the Initiative, and is still being tested as a result of DFG's decision to prepare its own recommended alternative, Package P, to the Commission, and to prepare a draft Master Plan. The Package P decision is examined below.

⁶⁹ As noted above, other people interviewed for this report expressed doubts about the nature and pace of internal change, particularly as it applies to organizational culture and values about consumptive and non-consumptive resource uses.

Evaluating DFG's Preferred Alternative: Package P

DFG's decision to develop its own recommended alternative, Package P, is based on its interpretation of the language of the MOU and the MLPA. DFG cited the following reasons "in general:"

- Ensure that MPA boundaries and regulations [are] simple, clear, and easily enforced;
- Consider key policy issues such as existing kelp harvest leases, shoreline fishing access, and user group conflicts;
- Ensure that the MLPA requirement to improve recreational opportunities in areas subject to minimal human disturbance [is] met for all types of recreation (both consumptive and non-consumptive);
- Wherever possible, reduce potential impacts to existing uses and use patterns; and
- Ensure that the scientific guidance provided in the process [is] fully considered.⁷⁰

DFG could have taken any one of a number of paths in response to the BRTF's recommendations, including offering comments and proposed modifications on each package without offering a separate alternative. The decision to develop Package P appears to fit into a gray area of the MOU language, and decreased satisfaction with the Initiative process among many stakeholders and BRTF members.⁷¹ DFG reportedly held over 35 meetings with various constituents as it developed Package P, but it is not practical to assess satisfaction for this report based on the substance of Package P. The SAT analyzed Package P at the same level as the BRTF's three recommended packages.

DFG raised some concerns late in the Initiative process about enforceability of the MPA packages. The use of a depth contour, rather than straight lines, is one example. As already noted there also is some level of DFG dissatisfaction with the BRTF's tinkering with Packages 2 and 3 at the March meeting. In the current policy structure DFG and the Commission will always have a significant voice on policy consistency, and some adjustment of the BRTF and stakeholder recommendations was to be expected. DFG did not reject any of the three recommended packages wholesale.

One outcome of the Initiative is that DFG has even more experience to devote to future study areas and MLPA implementation. The critical challenge will be what lessons DFG takes from the Initiative. Its management (and the Resources Agency) could decide that, after the basic success of the Initiative, and with knowledge gained in the Channel Islands, MLPA 1 and MLPA 2, it is time for DFG to re-balance the authority in the MOU in its favor. This could mean looking to the private sector only for funding and asserting DFG control over contracting and staffing. Its leadership could propose that the BRTF has addressed most critical policy choices and is not needed for the next study area. This approach would be understandable and may become a viable long-term option for MLPA implementation. But the success of the Initiative after so much conflict and disappointment in earlier efforts raises the question whether there are more benefits to be wrung from the Initiative model in the next study area before it is revised or discarded. The Recommendations section of this report addresses this question.

Conclusion: The key elements of the Initiative functioned effectively in the central coast process overall, even with the questions and caveats to be anticipated in such a complex endeavor.

⁷⁰ California Department of Fish and Game Preferred Alternative for Marine Protected Areas in the Central Coast Study Region, Overview of MLPA Requirements and Department Recommendation, June 22, 2006, p. 4.

⁷¹ Of course, as one reviewer commented, this broad dissatisfaction also could be a sign of good policy making.

The question of replicating the Initiative is receiving significant attention at this time. There are reports of initial planning and decision making for the next study area, and the Legislature and Administration appear to have agreed on appropriations for this purpose. If a private-public partnership is to be continued, the time appears ripe to begin discussions about a second MOU or similar vehicle. Apart from the Initiative, the potential for future public-private partnerships is relevant for California. One veteran of California government sees this approach as “the wave of the future,” because citizens want more government to deal with environmental issues but are unwilling to pay through increased taxes.

This section explores a set of questions related to replicating the Initiative. The primary focus is feasibility and practicality based on the Initiative experience to date. There is also an important set of questions related to implementation of a Commission decision for the central coast and future study areas, but these are generally outside the scope of this evaluation.

Financial Support

Private funding for the Initiative through its scheduled termination in December 2006 is planned at \$7.4 million. The potential for private funding for a future study area is unknown.

DFG’s financial contribution to the Initiative was limited, although in-kind contributions of personnel were valuable. The FY 2007 State budget approved by the Legislature in early July reportedly includes substantial funding for MLPA implementation, potentially 11 full-time positions for planning the next study area, and additional positions for central coast implementation, although the actual language has not been reviewed for this report. The funding structure reportedly involves the Ocean Protection Council and legislative committees as well as DFG.

This new appropriation confirms there is potential public financial support for future MLPA study areas if a partnership continues to meet the goals of private philanthropy. The mix of public and private funding for such a partnership is likely to change over time, with a greater proportion of funds coming from state appropriations. Interviews suggest state funding would not, by itself, be sufficient to support replication of the Initiative model in future study areas. The demands of implementing a Commission decision for the central coast will require public funds, further emphasizing the potential need for a private role going forward.

Political Support

The Schwarzenegger Administration actively supported the Initiative as part of an overall program of ocean protection. There is no evidence at this time of a change in priorities. The Legislature’s action in supporting significant MLPA appropriations is further evidence of political support. It is not clear how the Commission’s final decision may affect—or reflect—this political balance. One unknown factor is the likely continuation of political support beyond the November 2006 elections. This support will be essential to successfully completing a second study area, particularly if it covers Southern California’s coast.

Institutional Structure

Assuming funding and political support exist, and certain issues covered in the Recommendations section are addressed, it appears the basic structure of the Initiative could be replicated: a BRTF; professional contract staff; a SAT; a RSG; and a substantial DFG role. The quality of the people who would comprise the core of that structure is an important question addressed below.

DFG Resources

A small group of DFG staff played key roles in the Initiative. They served as DFG's voice as an MOU signatory to the BRTF, SAT, and CCRSG. They articulated DFG's policy positions and shared oversight and project management roles. And they coordinated DFG's contributions of technical expertise and information. Many of these key staff, including John Ugoretz and Paul Reilly in the Marine Region, also have invaluable personal experience with DFG's earlier efforts to implement the MLPA (and with the Channel Islands MPAs). This experience includes personal relationships with key stakeholder groups.

The Initiative proved challenging to DFG's internal resources, expertise, capacity, and systems. Section III of this report pointed out the significant reductions in funding and positions for the Marine Region over the past four years. These reductions inevitably have deprived DFG of a pool of qualified, experienced personnel to adequately staff an ambitious project like the Initiative. One example is the reported inability of DFG to take advantage of \$750,000 made available by RLFF as part of the MOU to support DFG personnel. Interviews indicate DFG was unable to identify appropriate personnel to fill these positions and also experienced challenges with internal financial systems.

DFG's personnel system, a part of the larger State system, has rigid requirements to protect seniority and other values that operate as a significant handicap to managers needing employees with skills, experience, and temperament to fit comfortably into a project like the Initiative.

A related problem is not unique to DFG, namely the State's byzantine contracting system. Relative to the private sector, DFG lacks the flexibility to hire qualified contractors in the timeframes needed for a fast-moving project. The pool of potential consultants is often limited to those already under contract on other projects, and most contractors must run a complex gauntlet of legal and other requirements. There are similar problems associated with acquisition. According to interviews, RLFF was asked by DFG to supply laptop computers for staff to support the Initiative when state regulations created obstacles.

These constraints based on State personnel, contracting, and acquisition systems are not likely to change for the next study area. New legislative appropriations appear to give DFG an opportunity to begin building internal capacity, but this will not be possible in a short timeframe. For these reasons, it will be critical that key DFG staff from the Initiative, familiar with its basic structure and experience (as well as DFG's previous efforts to implement the MLPA), are available to play a significant role in the next study area.

Human costs

The Initiative accomplished its objectives at high personal costs to stakeholders, BRTF and DFG staff, consultants, SAT members, and the BRTF members. The number of meetings and related time commitments had a direct impact on anyone who faced a choice about working or participating in the Initiative. For those engaged in fishing, this often entailed a direct loss of income. Other stakeholders used personal vacation time, or left their businesses to attend Initiative meetings. The BRTF staff were paid to focus on the project, but interviews suggest their workload and time pressures were severe. The challenging deadlines established in the MOU contributed to this impact. Consultants were paid to support the Initiative, but also worked under severe time constraints and workload, and some incurred financial impacts by under-reporting time. DFG staff work in a large organization with different expectations about workload and schedule, but the core DFG team were consistently acknowledged in interviews for their high level of effort. Other human costs for DFG included the challenge of maintaining project focus in the face of other demands. BRTF members contributed hundreds of hours, with the Chair approaching 1,000, in meetings, traveling, and preparing. SAT members' commitments were uneven, with a small group also providing hundreds of hours. The financial arrangements for individual SAT members also varied based on employment and, in the case of academics, funding sources.

Ultimately, there are undeniable personal disincentives to participate in another Initiative, particularly if it carries the same human costs linked to workload, timeline, and pressure. Here is a perspective from a MLPA veteran: “[A] normal human being cannot withstand the pressure and demands created by successive MLPA regional processes.” The influence of these disincentives will vary with individual situations.

Can the Initiative be replicated in a new study area without some continuity of personnel?

In practical terms the potential for a complete lack of human continuity is unlikely. This is particularly true for people whose jobs are linked MLPA implementation or supporting the Initiative. For RLFF, DFG, and the Resources Agency, at a minimum, the potential for at least some continuity is high. The same is true for some members of the SAT given professional interests and the role of funding for research.

The potential benefits of having some level of human continuity from the Initiative to a new study area were generally acknowledged in the interviews. For the BRTF, benefits include more group experience as a resource for avoiding past difficulties and making good choices about priorities, and matching (or exceeding) the level of knowledge that stakeholders will bring to a future process.

For the SAT, familiarity with the Framework and the role of supporting design and evaluation of proposed MPA networks would be helpful. Some SAT members are highly motivated because of their professional focus on MPAs, and a few are motivated financially, by contracts with the Initiative, to continue. Even for these people, however, the workload, schedule, and general strain of the Initiative have been significant and are likely to affect retention and recruitment. This is significant, because the quality and motivation of Initiative participants overall was extremely high.

Interviews generated diverse, but typically cautious and low-key, levels of interest when the topic of continuing was raised with other Initiative participants.

Influence of the Initiative on Stakeholders

There is likely to be some continuity of stakeholders for a future study area. This will be true for consumptive users as well as environmental and conservation groups. There also will be veteran advocates who essentially “sat out” (but monitored) the Initiative for different reasons, and new stakeholders who are closely linked to local uses. This range of experience and expectation will influence RSG dynamics, and also dynamics with the BRTF, SAT, Department and Commission. “Lessons learned” by stakeholders inevitably will shape the future of MLPA implementation.

Rule clarity

There was substantial uncertainty during the Initiative around roles, responsibilities, and procedures that should *not* be replicated. The “rules” likely will be clearer for a second study area.

Differences in future study areas

Interviews suggest that customization and flexibility will be important characteristics in designing approaches to future study areas. No one has endorsed a cookie cutter approach using only one shape, for several reasons. First, there will be significant differences in the natural characteristics of each study area, e.g., types and distribution of habitat, natural features, and species, to name only a few. The amount of information available for future study areas will also be a factor. The central coast was selected for the Initiative in part because there was a reasonable amount of data about key natural features already available. Future study areas apparently will vary in relative availability of data. There also will be different user dynamics. As one example, interviews indicate that there is “less room and more users” along the Southern California coast, and “less room for error.” The SAT and BRTF should have reduced workloads because the Framework (and draft Master Plan) already exist.

Legal issues

The Initiative appears to be, in many respects, *sui generis*. While a number of existing models have some similarities, this evaluation did not identify any clear fit.⁷² In particular, there is no clear precedent for a privately funded natural resource planning effort on this scale that will result in public rulemaking. This means that rules about how to structure roles, responsibilities, and relationships within the Initiative were created along the way, and that participants in the Initiative were constantly asked to innovate and live with uncertainty in this effort to “get it right.” It also means that the legal implications of this partnership model are open to question and likely to be tested by interests opposed to the MLPA or the current approach to its implementation.⁷³ Whether litigation will affect efforts to replicate the Initiative cannot be reliably predicted in this report. The regulatory process for implementing a Commission decision on MPAs involves CEQA review and may also result in litigation that could influence replication of the Initiative.

Leadership

⁷² One possible influence is the private component of HCP efforts undertaken with the U.S. Fish and Wildlife Service. Several people suggested that there is significant private sector influence over policy that results in rules, such as those for public accounting standards.

⁷³ As noted previously, the *Coastside Fishing Club* litigation is the first legal challenge to the Initiative.

The MOU identifies leadership as an important characteristic for the Initiative.⁷⁴ Interviews consistently cite the leadership provided by individuals and groups as an essential element in achieving the MOU's objectives as well as other results. The Initiative was staffed by a group of strong personalities who devised ways to work with one another effectively and to inspire others. This is true for the BRTF, the staff, and DFG. Leadership on the SAT ultimately appears to have rested with the small group of scientists who did a huge amount of work to support design and evaluation of proposals. Leadership also manifested itself within the CCRSG, which also featured numerous strong personalities. [See CCRSG Report] The potential to replicate the Initiative will depend significantly on leadership from these same positions.

Conclusion: Replicating the Initiative

There is no conclusive reason at this time why the basic structure and approach of the Initiative cannot be replicated for the next study area. There are a number of open questions, such as the availability of private funding and the challenge of retaining and recruiting high-quality contract staff, BRTF members, and SAT members in light of the demands imposed by the Initiative. There also are questions about the availability of key DFG staff to focus intensively on the next area. One final question is the extent to which key stakeholders, particularly consumptive interests, will endorse the same process. *This calculation will be influenced significantly by the Commission's ultimate decision for the central coast.* The CCRSG Report provides further insight on this question.

⁷⁴ MOU Attachment A:

V. RECOMMENDATIONS

- 1. The basic Initiative structure -- a BRTF with contract Staff, RSG, SAT, and effective Departmental involvement – is the best option for the next study area, with limited modifications based on lessons learned.**

The Initiative has functioned effectively up to the current point (prior to a Commission decision). As explained below and in the CCRSG Report, some adjustments can be made to reflect lessons learned and increase effectiveness, but no major changes are recommended for the next study area. The Legislature's decision to provide additional staff and budget for the next year's work on MPLA implementation should enable the Department to play a more active role in working with stakeholder groups as they develop packages of proposed MPA networks. The BRTF would be well-advised to focus its work even more intently on encouraging stakeholder groups to explore how they can find consensus.

The Department's recently-written draft Master Plan is confusing about the future role of the BRTF: there is a suggestion that stakeholder packages could be sent directly to the Department. Taking this step would eliminate an invaluable part of the Initiative process – the opportunity for stakeholder groups to engage in public discussion with each other and with a panel of independent experts who are well versed in how to design public programs to address controversial issues. This process of public deliberation is valuable and should continue to be the centerpiece of the MLPA process. The presence of the BRTF and its contract staff does not in any way diminish or detract from the authority of the Department or the Commission. Rather, it equips them with invaluable tools for meeting their statutory and constitutional responsibilities. The BRTF will continue to need a staff that is experienced in designing and conducting public deliberative processes with a tight project focus. The Department should train its staff in these skills and may eventually be able to staff these deliberations. But at the present time, the Department does not have the necessary skills or the resources to do so. Based on information available for this report, the arguments in favor of abandoning the basic Initiative structure at this time are outweighed by arguments supporting continuity in the next study area.

- 2. The State of California should negotiate a new Memorandum of Understanding with the Resources Legacy Fund Foundation or other entities to ensure adequate funding for future study areas as well as for implementation of Commission decisions about MPAs along the central coast.**

Substantial private resources will be needed to complement state resources and continue the MLPA effort to establish and manage MPA networks. The Commission and the Department do not have the resources or capacity to fully support the next study area, especially when new MPAs along the central coast are anticipated. Moreover, the next study area may pose challenges that will require at least as much private funding in order to accomplish MLPA goals.

- a. The Resources Agency and Department should open discussions with the RLLF and**

other private entities about funding for management of MPA networks.

As part of developing a plan for long-term management of MPA networks, the Resources Agency and Department should consider how to raise funds for MPA management and should consider whether private funds might be useful in ensuring that the Department can fulfill its statutory and regulatory responsibilities.

b. The RLFF and all private funders must work with the other Signatories, BRTF, and Staff to ensure separation and clear boundaries.

It will continue to be essential that the RLFF and any other funders maintain “arm’s length” working relationships that allow the other Signatories, BRTF, Staff, SAT, and regional stakeholder processes to operate in the public arena without the specter of influence by funders. To this end, it would be highly desirable to eliminate the current caps on the ability of the Executive Director to enter into and modify contracts without prior approval by RLFF.

c. The Signatories should consider whether other funders, or non-profit entities, might become part of the public-private partnership.

There are sound reasons to explore the potential for bringing additional funders who might have different value sets into the partnership. So long as there is separation, adding funders should have no appreciable impact on the effectiveness of the Initiative model and could improve prospects for long-term support. Another option to explore is whether there are non-profit entities more familiar with the State that could oversee contracting and hiring in the same way as RLFF in the future without sacrificing flexibility, responsiveness, and speed.

3. The Department of Fish and Game should have the same roles and responsibilities in the next study area but should participate more proactively in the regional stakeholder process and should focus a substantial portion of its new resources on implementation of the Commission’s decisions to establish MPA networks along the central coast.

a. With respect to a RSG in the next study area, the Department should engage more directly with regional stakeholders as they develop packages of proposed MPA networks.

Consistent with this report’s recommendation that the same basic structure be utilized for the next study area, the Department should have essentially the same roles and responsibilities as it did for the Initiative. However, the Department should engage more actively with stakeholder groups, speaking up directly and substantively about such matters as the practical issues of managing MPAs. This approach should seek to reduce the need to modify alternatives produced through the stakeholder and BRTF processes in order to satisfy DFG requirements. As the Commission designates networks of new MPAs along the central coast and elsewhere, the Department will have an increasing store of information about implementing MPAs that stakeholder groups will need to draw on.

The Department's relationship to the CCRSG in the Initiative was uneven, and there is little evidence that the Department established a priority of clearly and consistently articulating its interests to maximize the potential for stakeholder alternatives to reflect these interests. This recommendation is consistent with findings of the CCRSG Report (p. 39).

- b. The Resources Agency and Department, with appropriate support from other elements of the Initiative, should establish a specific goal of building the capacity of the Department, particularly the Marine Region, to effectively expand its role in future MPA design processes while at the same time implementing MPAs adopted by the Commission.**

The Department has relied extensively on a very small group of talented and committed managers to support MLPA implementation since 1999. The accomplishments of these individuals are notable. There is no "bench," however, and time and experience are required to build that capacity. Expanding the Department's role in MPA design in the next study area, while simultaneously taking on implementation of a Commission decision for the central coast, appears likely to create unnecessary strain on existing staff and threaten recent accomplishments. The Initiative, if it continues, presents an opportunity to build executive and management capacity as part of MLPA implementation. In particular, there is an opportunity for the Department to identify desired skills and expertise and then utilize the public-private partnership model to cultivate these, with the potential for assistance from highly experienced professional staff. Specific measures could be established to evaluate progress in building capacity and assist senior decision makers in matching future Departmental responsibilities with personnel. Under the right circumstances, the Department may develop the capacity to expand its role in MPA design following completion of the next study area, even as it takes on greater implementation obligations.

When the Commission designates new MPAs, stakeholder groups are not likely to quietly acquiesce in DFG decisions about how to operate the new reserves. It is more likely that stakeholders will continue to demand that they be consulted. The DFG will need to develop an effective process to engage stakeholders so that all parties can learn from the implementation process.

Implementation will require that the Department hire and train staff with technical and strategic management skills, including the ability to design and staff public deliberative processes. This process began with the Channel Islands and likely will expand very soon along the central coast. Commission decisions for future study areas will only increase the need for these skills.

- c. The Department should foster local relationships between its MPA staff and stakeholders to support both design and long-term implementation.**

It would be very useful if DFG staff who are knowledgeable about specific communities and marine areas were able to work directly with stakeholders (and professional facilitators) to develop alternative MPA packages in the next study area and implement those MPAs.

d. Future study area planning should build on the Department's experience with implementing and managing MPAs.

Experience in managing new central coast MPAs likely will provide valuable input to the design of MPAs in other locations. The Department should brief the BRTF and possibly a future RSG on specific central coast (and Channel Islands) implementation and management challenges during future study region planning efforts.

4. A Blue Ribbon Task Force should play a central role in the next study area as it did for the Initiative.

The BRTF played a number of valuable roles in the Initiative, including, but not limited to, a politically adept buffer for the Department and a public forum for deliberation. The Initiative has not eliminated the pressures and problems that led to creation of the BRTF, and there is every reason to anticipate significant benefits by retaining this feature for the next study area. The existence of a Master Plan will reduce some of the uncertainty about policy that characterized the Initiative, but it is highly likely that there will be proposals to modify that Plan based on scientific advances. Both the SAT and RSG will benefit from oversight by a BRTF so long as its authority is clear and undiminished.

a. The criteria for appointment of BRTF members should remain the same.

The first BRTF functioned effectively without marine scientists or other technical experts on marine issues; the key criteria for selecting members is the capacity to tap the knowledge of such experts while leading effective public deliberation and decision-making about complex, highly contentious, place-based natural resources management issues.

b. Two or three members of the central coast BRTF might be appointed to the new BRTF to provide continuity.

Continuity would be particularly valuable for a Southern California project as the issues to be addressed there may be even more complex than on the central coast.

c. The new BRTF should develop operating guidelines for its work in the next study area.

The new BRTF should take advantage of the experience gained by BRTF members and other participants in the central coast process, as well as the independent evaluations, to establish some basic guidelines for its deliberations. Guidelines could address coordination with the Executive Director and Staff, how the BRTF members will work

with one another, the requirements for an alternative to be forwarded to the Commission for consideration, and the pros and cons of seeking consensus among BRTF members about a preferred alternative. A specific guideline is proposed in 5.d, below.

- d. The BRTF should value consensus and carefully weigh the potential consequences for the overall process before creating its own package of alternatives, or modifying stakeholder packages on its own, when working with a RSG in the next study area.**

The Initiative demonstrated the potential consequences of developing a BRTF option and modifying stakeholder packages. The lessons learned interviews highlighted the difficulty of creating incentives for consensus and maximizing ownership of outcomes, particularly among stakeholders, while ensuring that a deliberative public process yields plausible alternatives. The BRTF should value the potential power of consensus, both for itself and a RSG. It also must have the necessary decision making tools to deliver a plausible set of policy alternatives to the Department and Commission in the next study area. On balance it appears counter-productive to limit the BRTF's options for future deliberations, and better to rely on its collective wisdom and judgment.

- e. BRTF members should plan to participate in all BRTF meetings.**

As a general principle, BRTF members should endeavor to participate in all BRTF meetings and this principle should be emphasized during recruitment. The option of reducing the size of the BRTF might reduce difficulties associated with attendance, but likely would limit the "wisdom" that makes such a group useful.

- f. The BRTF and Department should seek opportunities to promote integrated decision making for the next study area, and BRTF members should also maximize opportunities for informal discussions.**

The Initiative was a balance of independence for the BRTF in order to build credibility with the need to coordinate and integrate overall decision making. The next study area presents an opportunity to explore ways to maintain independence, increase integration, and support the Department's development of capacity to expand its role in MPA design (*see* Recommendation 4.b). The BRTF and Department should explore ways to integrate decision making about key "steps" for the next study area and promote education within the Department about deliberative processes that engage the public. For example, BRTF members could discuss with the Department's MLPA team specific challenges associated with articulating key interests around MPA network design to a RSG and jointly develop solutions. These integrative steps should be transparent to stakeholders, and must protect the BRTF's ability to interact effectively with stakeholders and the broader public. One potential benefit of this interaction may be a new MLPA implementation process option.

In addition, the BRTF Chair should ensure that there is time for BRTF members to interact with each other informally consistent with any applicable open meeting requirements. This will promote understanding, consensus building, and stronger relationships, and it will make the Chair's job easier. There is no reason why such time

should be inconsistent with a basic process commitment to transparency and openness.

- g. The BRTF should focus on key issues linked to MPA network design and implementation and limit the time it spends on local user conflicts if these are not significant for overall network effectiveness.**

The BRTF spent a substantial amount of time on user conflicts in the Monterey Bay area during the Initiative. Some of its modifications to packages 2 and 3 reflected efforts to resolve these conflicts. In the future, the BRTF should carefully weigh the value it will add by devoting substantial time to resolving intense user conflicts, particularly if these are not linked directly to MPA network effectiveness.

5. The responsibility for managing the next study area should remain with private sector Staff hired under the public-private partnership.

The Initiative has demonstrated the value of applying proven executive and management skills and “project focus” to complex public policy development. The Initiative’s successes on the central coast flow from the high level of the staff’s professional skills, their ability to focus all of their efforts on the MLPA process, and their lack of personal identification with a particular agency or point of view. The benefits available from a public-private partnership model are essential for maintaining momentum. It is difficult to imagine in practice how to maintain these key benefits if state government assumes responsibility for these tasks, even using a contractor model, at this time. This recommendation is intended to support the capacity-building proposal in 3.c above.

a. The basic principles used to manage the Initiative so far should continue

These principles include the ability of staff to commit to a single project and maintain that focus; respect for key milestones and schedules; high standards for work products; flexibility and adaptability; and a clear understanding of roles relative to other parts of the basic Initiative structure.

One of the positive lessons of the Initiative is that it was not viewed as a “staff-driven” effort, perhaps one reason for the generally laudatory evaluations given the Executive Director and staff.

b. The BRTF Chair should continue to hire an Executive Director with the same role and responsibilities.

If retaining the current Director is not an option, similarly high standards should be applied to hiring a new Director. This is one of the key appointments made by the Initiative.

c. The Executive Director should continue to have significant flexibility in hiring project staff and consultants and should not be constrained by DFG hiring and contracting requirements.

The Director should develop recommendations to the BRTF about the future role of consultants that reflect knowledge gained from the Initiative regarding size, composition, and compensation. One important issue to address is the potential loss of knowledge when different consultants are used in new study areas.

d. Roles, responsibilities, and expectations among the Department, BRTF, and Staff should be addressed explicitly at the beginning of a new study area.

To the extent these are not captured in a new MOU, a “partnering agreement” should be considered as a potential management option. This agreement would spell out roles and responsibilities and identify a clear process for resolving any disputes or uncertainty.

6. The Science Advisory Team should continue in the same role in the next study area.

The roles and responsibilities of the SAT in relation to the BRTF and CCRSG worked reasonably well once they were defined in the Initiative. The size and makeup of the SAT merits evaluation in light of a reduction in its anticipated work load and responsibilities in the next study area.

a. The SAT should support the BRTF and Department but not “draw lines on a map.”

MLPA 1 demonstrated the problems associated with having scientists draw lines that have direct impacts on resource users. The Initiative demonstrated that, under the right circumstances, stakeholders can design MPA networks that do a better job of resolving some policy and user conflicts. The SAT should assist the RSG to design alternative MPA packages and evaluate those packages, educate BRTF members about MPAs and provide advice about alternative proposals, and help the Department develop the capacity to monitor and evaluate networks along the central coast and in future study areas. To the extent that the Department’s draft Master Plan proposes a more directive role for the SAT in designing future MPA networks, this is a step fraught with potential for conflict as illustrated by MLPA 1.

b. The Department should retain final responsibility for appointing the SAT but should consult extensively with the next BRTF Chair about SAT composition prior to making final choices.

The composition of the SAT should take into account the Initiative’s success with having people who work in or near the study area take on a substantial amount of sub-team work. However, the distribution of workloads among SAT members and sub-teams should be more balanced.

c. The SAT should make progress in addressing the challenges of bringing the “best scientific information available” to bear on the design of networks of MPAs.

The Department and the BRTF should address scientific issues related to best available

scientific information in a structured and transparent way prior to making final decisions about a SAT for the next study area. In particular, DFG and the BRTF should organize a one-day workshop of current SAT members, outside experts, DFG, and BRTF (and Staff) to explore issues raised in this report that relate to SAT composition and test options for the next study area.

One goal for a workshop is a constructive “airing out” and clarification of issues and how they relate to the MLPA, identification of potential points of agreement among scientists, and potential criteria for DFG and BRTF decision making on SAT composition. A second goal is a description of how to interpret the MLPA’s best available scientific information standard for purposes of SAT composition and processes including evaluation.

The Charter for a future SAT should refer to a standard for best available scientific information. This same standard should be part of internal SAT agreements such as guidelines.

d. The SAT should be provided the resources needed to support the BRTF and the Department.

There should be a SAT support line item in budgets for future study areas. Funding requests should reflect agreement of the SAT co-chairs.

e. The SAT should select its own co-chairs.

Rather than a single chair, the SAT should have co-chairs with skills necessary to work collaboratively and effectively in the outcome-oriented, tightly scheduled environment of the MLPA. They also must be committed to integrating professional facilitation into SAT forums.

f. The SAT should use professional facilitation services provided as part of overall support for its activities.

Facilitators should be selected in part for their ability to work effectively with scientific groups. Familiarity with marine management, MPA issues, and the MLPA will be helpful by reducing learning time and enhancing understanding of context.

g. The SAT members should not be compensated for their time, in order to protect their independence, but should continue to be reimbursed for expenses.

7. The Commission, Department, and BRTF should collaborate to clarify two issues that were highly contentious in the central coast process – how to deal with conflicting scientific approaches to marine life protection, and how much information about socioeconomic impacts is required for decision-making about MPAs network design.

a. Address the broad issue of integrating fisheries management, marine ecology, and MPA planning directly, at the start of planning in the next study area.

Scientists with different training and experience will always have somewhat different perspectives about new and controversial topics like marine protected areas. Indeed, science advances through a process of inquiry and debate, which sometimes is highly contentious. Policy-makers must listen carefully to what scientists say but should not demand or expect unanimity.

The Commission, Department and BRTF should begin their work in a second study area by clarifying how marine ecologists, fisheries biologists, socio-economists, and other scientists can contribute to the work of the SAT and other Initiative activities. They should engage experts and develop a clear statement to support decision making and process design in the next study area.

The Department and BRTF should recruit marine ecologists, fishery biologists, and socioeconomists to serve on the SAT and expect active participation by all SAT members in making any adjustments that may be necessary in the guidelines for the design of MPA networks that were developed by the central coast SAT.

If the SAT is unable to come to agreement about changes in the guidelines for design of MPA networks, it should forward alternative approaches to the BRTF and Department, including rationales for the differences in these approaches. The Department will then advise the BRTF, which will make a policy choice that will guide work in the study area. (*See also* recommendation 7.c)

Uncertainties associated with MPA design should be fully acknowledged in presentations and stakeholder comments rather than avoided. In the end, research, monitoring, and evaluation of the MPA networks will hopefully yield clearer scientific guidance for MPA design and management. Until then the BRTF, the Department, and the Commission must make decisions based on the “best readily available science.”

b. Make a basic policy decision about the role of socio-economic information for the next study area.

Clear guidelines about the role of socioeconomic information should be built into resource discussions, planning, and the BRTF’s oversight of a new study area. The Commission’s deliberations about the central coast packages may provide useful information in this regard.

As with questions about MPA design, differences about the proper scope and detail of socioeconomic studies may well continue. However, requirements in the MLPA about socioeconomic information are much less detailed than requirements for scientific information.

8. In planning for the next study area there should be a thoughtful evaluation of potential “hot spots” and issues—a conflict assessment—and specific design choices should reflect this evaluation.

Past efforts to implement the MLPA have been characterized by uneven decision making about process design. Even though the Initiative attempted a more informed approach, the facilitators for the CCRSG were not included in the design phase, and the importance of consensus was not fully explored in advance for the BRTF. The design also raised questions about the significance of user conflicts in Monterey Bay for overall decision making. The Signatories should engage experts to advise them prior to making significant decisions about the process design for the next study area. It would be desirable to have continuity between process design and implementation.

V. CONCLUSION

While there is much to question about California's approach to governance and natural resources, the State is leading the way in the development of MPA networks as a management tool. Beginning with the basic policy choices reflected in the MLPA, the State has kept at the task over seven years, through continued opposition from fishing interests, a budget crisis, lack of personnel, challenging contracting and acquisition systems, and a venerable Department of Fish and Game and Commission that are being challenged to adapt to ecosystem-based management. In addition to an existing set of small MPAs, the State has established the Channel Islands MPAs and has the choice to establish a significant MPA network along the central coast when the Commission completes its deliberations as part of the Initiative. For all the difficulties associated with the process of establishing MPA networks, California's effort is receiving intense scrutiny from other states and key stakeholders, including fishing interests, because it is the biggest, most significant experiment in shifting state marine resource management from individual species to an ecosystem focus.

The Initiative is a significant phase of California's MPA effort. It has been characterized by adherence to the basic policy choice in the MLPA, a commitment by the Schwarzenegger Administration to move forward despite continued objections from fishing interests, and a willingness to take risks among stakeholders, private funders, the Resources Agency, and DFG. The Initiative's public-private model values focus, commitment, and creativity along with governmental expertise; a significant role for stakeholders; and openness and transparency about policy making. The role of DFG merits particular attention: DFG's leadership and key staff endorsed and adapted to the public-private model, and their knowledge and commitment were essential to the Initiative's accomplishments. At the same time, the Initiative highlighted some of the challenges facing the Department (and the Commission) as it continues its shift to an ecosystem focus.

This evaluation has looked at the Initiative from four different perspectives:

- (1) the MOU goals,
- (2) the foundation for a Commission decision,
- (3) the effectiveness of the Initiative's key elements, and
- (4) whether the Initiative can be replicated.

From each perspective, and when viewed overall, the Initiative has largely achieved its objectives and justified itself as a basic model. There are flaws, but these are inevitable under the circumstances and not fatal to the basic approach or its outcomes for the central coast. The next study area provides an opportunity to refine the model and test its limits. This report recommends that path, while recognizing that future modifications to the model may be called for prior to completing a Master Plan for California's coast.

APPENDIX A: Comparison of California's MPA Processes 1998-2006

	MLPA Initiative	MLPA 2	MLPA 1	Channel Islands
<i>Timeframe</i>	<ul style="list-style-type: none"> • MOU signed August 2004 • BRTF meets Sep 2004 • SAT meets Jan 2005 • CCRSG meets Jun 2005 • BRTF votes on pref'd alt. March 2006 	<ul style="list-style-type: none"> • Jan 2002 to Dec 2003 • Each of the 7 regional work groups had two meetings 	<ul style="list-style-type: none"> • Jan 2001 to Dec 2001 • Multiple public meetings July 2001 • Extensive follow up private meetings 	<ul style="list-style-type: none"> • 1999-2002 • MRWG mtgs over 22 months • Multiple Commission hearings
<i>Geographic Scope</i>	Central coast study area	Entire state	Entire state	Channel Islands only
<i>Funding and Costs</i>	<ul style="list-style-type: none"> • No new authorization or appropriation • Private funding via RLFF for central coast Project [\$2.4 mm]⁷⁵ • In-kind services from Resources and DFG additional 	<ul style="list-style-type: none"> • No new authorization or appropriation • Used fees from [specify program] • [\$1.45 mm budgeted as of March 2003] • This estimate does not include DFG costs • Project halted due to funding concerns 	<ul style="list-style-type: none"> • No new authorization or appropriation • [\$? DFG cost] 	<ul style="list-style-type: none"> • Estim. \$4.25mm (Initiative staff document)
<i>Public and Private Entities</i>	<ul style="list-style-type: none"> • Public-private partnership • Resources Agency, DFG, RLFF pursuant to MOU 	<ul style="list-style-type: none"> • DFG only 	<ul style="list-style-type: none"> • DFG only 	<ul style="list-style-type: none"> • DFG partnership with CI NMS
<i>Organized Stakeholder Role</i>	<ul style="list-style-type: none"> • CCRSG: develop MPA packages for BRTF • SIG: advise BRTF 	<ul style="list-style-type: none"> • Participate on one or more working groups 	<ul style="list-style-type: none"> • Comment on MP IDCs 	<ul style="list-style-type: none"> • Participate on MRWG to attempt to develop consensus recommendation on MPAs
<i>Decision Rules on Preferred Alternative and Outcomes</i>	<ul style="list-style-type: none"> • Majority voting by BRTF • CCRSG caucuses developed multiple packages • CCRSG ground 	<ul style="list-style-type: none"> • Initial decisions in regional working groups 	<ul style="list-style-type: none"> • All decisions internal to DFG 	<ul style="list-style-type: none"> • Consensus principle for MRWG • Sportfishing interests perceived as blocking consensus

⁷⁵ This amount includes overhead for BRTF, SAT and Staff allocated to CCRSG. The total MLPA Initiative private sector budget is \$7.4 million through December 2006.

	MLPA Initiative	MLPA 2	MLPA 1	Channel Islands
	<p>rules specify “striving to achieve a high level of consensus” in developing MPA proposals, to earn broad support across CCRSG interests. The objection of a few members is not grounds to impede movement</p> <ul style="list-style-type: none"> • There is no requirement of consensus on a single MPA package • CCRSG consensus on Regional goals and objectives 			
<i>Role of Science</i>	<ul style="list-style-type: none"> • Support completion of Master Plan Framework • Develop guidelines for designing and evaluating MPA networks • Evaluate CCRSG packages and advise BRTF • Don’t draw lines 	<ul style="list-style-type: none"> • MP Team continues • Advise individual regional work groups • Anticipate review and comment on RWG products 	<ul style="list-style-type: none"> • DFG appoints MP team • MP team develops MPA Initial Draft Concepts for entire coast • Intended to solicit feedback • MP team began to revise proposals 	<ul style="list-style-type: none"> • Science Advisory Team provided both recommendations for specific amount of habitats needed for MPAs along with review of various proposals.
<i>Development of Preferred Alternative for FGC Consideration</i>	<ul style="list-style-type: none"> • CCRSG develops alternative MPA network packages for BRTF • BRTF modifies packages and votes on preferred alternative • DFG develops own preferred alternative • FGC deliberating as of 8-1-06 	<ul style="list-style-type: none"> • DFG oversight of process • Seven regional working groups • No alternatives developed 	<ul style="list-style-type: none"> • DFG oversight of process • Extensive public meetings around state for input to DFG on IDCs • IDCs not moved forward to FGC following public input so no pref’d alternative 	<ul style="list-style-type: none"> • Marine Reserve Working Group seeks consensus recommendation • Agency co-chairs asked by advisory group to develop recommendation when consensus fails • Further MRWG input on draft preferred • DFG sends preferred proposal to FGC for decision
<i>Relative Value of</i>	• Multiple	• No usable results	• Public input	• FGC voted 2-1 to

	MLPA Initiative	MLPA 2	MLPA 1	Channel Islands
<i>Results</i>	packages provide a decision range <ul style="list-style-type: none"> • Iterative evaluation and modification process for packages results in high level of detail • FGC has range of options 	<ul style="list-style-type: none"> • Participants reportedly supported process. 	resulted in preliminary modifications to IDCs that did not move forward <ul style="list-style-type: none"> • Started MLPA 2 	adopt MPAs for CI <ul style="list-style-type: none"> • Significant conflict and distrust over outcome
<i>External Facilitation</i>	<ul style="list-style-type: none"> • Yes • Initiative partners designed process • Facilitators join after process designed 	<ul style="list-style-type: none"> • Yes • DFG designed process • Facilitators join after process designed 	No	<ul style="list-style-type: none"> • Yes • Facilitators join after process designed and convened
<i>Project Management</i>	<ul style="list-style-type: none"> • BRTF oversight • Contract Executive Director • Contract staff • Coordination with DFG project staff 	<ul style="list-style-type: none"> • Internal DFG, with greater interest from the Legislature's Joint Committee on Fisheries and Aquaculture. 	<ul style="list-style-type: none"> • Internal DFG 	<ul style="list-style-type: none"> • Internal DFG • Shared with CI NMS
<i>General Public</i>	<ul style="list-style-type: none"> • Meetings available via webcast • Attend BRTF and SAT meetings and comment • Documents available on web 	<ul style="list-style-type: none"> • Enhanced web site to keep public informed. 	<ul style="list-style-type: none"> • Attend public meetings • Comment on MP proposal 	<ul style="list-style-type: none"> • All meetings open to the public • Special evening public forums to solicit comments

APPENDIX B: People Interviewed for Report

Package 1 Stakeholders

Package 1 Focus Groups

Rick Algert, Harbor Director, City of Morro Bay

Eric Endersby, Diving Representative, Recreational Fishing Alliance Advisory Board

Tom Hafer, President, South-Central Nearshore Trap Organization

Robert Hather, Member, Board of Directors, central coast Fisheries Conservation Coalition

Jeremiah O'Brien, President, Morro Bay Commercial Fishermen's Organization

Art Seavey, Partner, Monterey Abalone Company

Package 2 Stakeholders

Package 2 Focus Groups

Marla Morrissey, Conservation Chair, Marine Interest Group of San Luis Obispo County

Don Canestro Reserve Director, Ken Norris Rancho Marino Reserve, UC Santa Barbara

Gordon Hensley, San Luis Obispo Coastkeepers

Ron Massengill, recreational fisherman and conservationist

Robin Robinson, artist community

John Wolfe, Advanced Assessment Team Volunteer Diver, Reef Environmental Educ. Foundation

D'Anne Albers, Executive Director, Friends of the Sea Otter

Package 3 Stakeholders

Package 3 Focus Group

Ellen Faurot-Daniels, Oil Spill Supervisor, California Coastal Commission

Holly Price, Resource Protection Coordinator, Monterey Bay National Marine Sanctuary

Jim Webb, President, Cambria Fishing Club (alternate for Bob Hather)

Department of Fish and Game

Focus Group

John Ugoretz, Nearshore Ecosystem/MLPA Coordinator

Paul N. Reilly, Senior Marine Biologist

Paulo Serpa, GIS Analyst

Tony Warrington, Assistant Chief

Doug Huckins, Captain

Individual Interviews

Ryan Brodrick, Director

Sonke Mastrup, Deputy Director

John Ugoretz

Science Advisory Team

Focus Group

Mark Carr, Department of Ecology and Evolutionary Biology, University of California, Santa Cruz

Rick Starr, University Extension, California Sea Grant Program

Mary Yoklavich, Southwest Fisheries Science Center, NOAA Fisheries

Dean Wendt, Center for Coastal Marine Science, California Polytechnic State University, San Luis Obispo

Individual Interviews

Steve Gaines, Marine Science Institute, UC Santa Barbara

Steve Barrager, Environmental and Natural Resources Law & Policy Program, Stanford Law School

Linwood Pendleton, Department of Environmental Health Sciences, UCLA School of Public Health

Doyle Hanan, Hanan and Associates

Steve Murray, California State University, Fullerton

Mark Carr

Loo Botsford, Wildlife, Fish and Conservation Biology, UC Davis

Mary Yoklavich

Astrid Scholz, Ecotrust

Blue Ribbon Task Force

Phil Isenberg, Chair, Isenberg/O'Haren

Doug Wheeler, Environmental Practice Group, Hogan & Hartson, LLP (Washington DC)

Susan Golding, President and CEO, The Golding Group

Meg Caldwell, Director, Environmental & Natural Resources Law & Policy Program, Stanford Law School

Cathy Reheis-Boyd, Chief Operating Officer and Chief of Staff, Western States Petroleum Association (WSPA)

Dr. Jane G. Pisano, President and Director, LA County Museum of Natural History

Ann D'Amato, Chief of Staff, LA County District Attorney

William W. Anderson, President and COO, Westrec Marinas

Statewide Interest Group (SIG) Focus Group (by telephone)
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Zeke Grader, Pacific Coast Federation of Fishermen's Associates

Joel Greenberg, Recreational Fishing Alliance

Pam Heatherington, Marine Interests Group of San Luis Obispo

Dr. James Liu, United Pier and Shore Anglers of California

Tom Raftican, United Anglers of Southern California

Jesus Ruiz, YMCA SCUBA Program

Linda Sheehan, California Coastkeeper Alliance

Bill Janes, Commercial Fisherman

MLPA Initiative Team and Consultants/Facilitators
--

I-Team Focus Group

Amy Boone, Policy Analyst, MLPA Initiative

Rita Bunzel, Operations and Communications Manager, MLPA Initiative

Michael DeLapa, Central Coast Project Manager, MLPA Initiative

Evan Fox

Mary Gleason, Principal Planner, Central Coast Project, The Nature Conservancy

John Kirlin, Executive Director, MLPA Initiative

Melissa Miller-Henson, Operations and Communications Manager, MLPA Initiative

Facilitators Focus Group

Scott McCreary, CONCUR

Eric Poncelet, CONCUR

Consultant Interviews

Don Maruska, Don Maruska and Company, Inc.

Kirk Strum, Strum and Associates

Individual Interviews

John Kirlin

Melissa Miller-Henson

Michael DeLapa

California Resources Agency

Mike Chrisman, Secretary

Brian Baird, Assistant Secretary for Ocean and Coastal Policy

Resources Legacy Fund Foundation

Michael Mantell

Michael Weber

Barton H. “Buzz” Thompson, Jr., Board Member

Will Shafroth, Board Member

Other Interviews

Karen Garrison, NRDC

J. Clark Kelso, McGeorge School of Law

Vernell G. Goehring, California Fisheries Coalition

APPENDIX C: List of Sources

State Statutes

Marine Life Protection Act

Marine Life Management Act

California Ocean Protection Act

Regulations

Nearshore Fishery Management Plan

Initiative and Agency Documents

MLPA Master Plan Framework, as adopted by the Fish and Game Commission, August 22, 2005

MLPA Draft Master Plan, submitted by Department of Fish and Game to the Commission, July 21, 2006

MOU among Resources Agency, RLFF, and DFG, August 27, 2004

BRTF Charter

BRTF Meeting Summaries

SAT Charter

SAT Meeting Summaries

Memorandum from BRTF to Mike Chrisman, Secretary, California Resources Agency, on “Long-term Funding for the Marine Life Protection Act,” February 15, 2006

“Estimated Long-Term Costs to Implement the California Marine Life Protection Act,” draft report prepared by Initiative staff, dated April 20, 2006

“MLPA Central Coast Project Recommendations,” Memorandum to L. Ryan Broddrick, Director, Department of Fish and Game, from Phil Isenberg, Chair, BRTF, dated April 28, 2006

DFG Memorandum to Commission transmitting Package P as Preferred Alternative, June 21, 2006

“Central Coast Initiative Packages-Revised Summary of Staff Evaluation of MLPA Goal 3 and SAT Evaluation of Replication,” prepared by MLPA Initiative Staff for BRTF, dated March 7, 2006

“Summary of potential impacts of the February ’06 proposed MPA packages on commercial and

recreational fisheries in the central coast study region,” prepared by Astrid Scholz, Charles Steinback, and Mike Mertens, Final version, revised 8 March 2006

“Peer Review of the Scientific Guidelines Found in the MLPA Master Plan Framework,” prepared by Oregon Sea Grant, dated January 2006

California Sea Grant peer review, 2006

“Master Plan Science Advisory Team Response to CFC Report,” August 1, 2006

James Wilen and Joshua Abbott, “Estimates of the Maximum Potential Economic Impacts of Marine Protected Area Networks in the Central California Coast,” final report submitted to the California MLPA Initiative in partial fulfillment of Contract #2006-0014M (July 17, 2006)

Wilen and Abbott, “Discussion of Ecotrust Methodology in Commercial Fishing Grounds and their Relative Importance Off the Central Coast of California,” report submitted to the California MLPA Initiative in partial fulfillment of contract number 2006-0014M

Wilen and Abbott: “An Assessment of Ecotrust’s Relative Importance Indicators: Comparisons with Logbook Data for the Market Squid Fishery,” (June 8, 2006).

Other Documents

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Ocean Protection Council Strategic Plan

“Facilitators’ Report Regarding the Channel Islands National Marine Sanctuary Marine Reserves Working Group,” prepared for the Channel Islands National Marine Sanctuary Advisory Council, dated May 23, 2001

Channel Islands Marine Reserves Working Group, Meeting Summary, May 16, 2001

“A Critique of the MLPA Initiative Process,” prepared by the CCRSG and SIG members representing fishing interests (2006) (provided to evaluators but not publicly released)

“Peer Review, California Marine Life Protection Act (MLPA) Science Advice and MPA Network Proposals,” prepared by Ray Hilborn, PhD, Richard Parrish, PhD, and Carl J. Walters, PhD (May 2006)

Marine Life Protection Act Process Summary and Draft Working Group Process June 14, 2002 (DFG documents)

Web Pages

California Fish and Game Commission

MLPA Initiative

Resources Legacy Fund Foundation

Articles

Davis, Gary E., "Science and Society: Marine Reserve Design for the California Channel Islands," *Conservation Biology*, Vol. 19, No. 6 (December 2005)

Other Publications

National Research Council, Committee on Defining Best Scientific Information Available for Fisheries Management, *Improving the Use of the Best Scientific Information Available Standard in Fisheries Management* (2004)