

DRAFT Key Outcomes Memorandum

Date: April 10, 2009

To: Members, Marine Life Protection Act (MLPA) Statewide Interests Group (SIG)

From: Scott McCreary, CONCUR, Inc.

Re: Key Outcomes Memorandum – April 10, 2009 SIG Meeting

Cc: BRTF members, MLPA Initiative Staff, and California Department of Fish and Game, MLPA Staff

Participation and Materials

The following Marine Life Protection Act (MLPA) Statewide Interests Group (SIG) members participated in the April 10, 2009 conference call: Harold Davis, Fred Euphrat, Karen Garrison, Jonathan Hardy, Vivian Helliwell, Ken Kurtis, Jim Martin, Jere Melo, Shelly Walther, and Guangyu Wang.

Don Benninghoven participated as a member of the MLPA Blue Ribbon Task Force (BRTF).

Ken Wiseman, Melissa Miller-Henson, Craig Shuman, and Dominique Monie participated on behalf of the MLPA Initiative staff (I-Team). I-Team member Scott McCreary facilitated the conference call.

The meeting agenda and materials may be found on the MLPA website at <http://www.dfg.ca.gov/mlpa/meetings.asp>

Key Outcomes

Don Benninghoven, Chair of the BRTF, updated the SIG members on the status of on recent and upcoming MLPA South Coast Regional Stakeholder Group (RSG), Blue Ribbon Task Force (BRTF), and Master Plan Science Advisory Team (SAT) meetings. Nine proposals (six RSG and three external) were submitted to the SAT for review and were slated for review by the BRTF at the April 15-16 meeting. The RSG will be encouraged to find similarities between proposals and ‘reach across’ the aisle during Round 2 to expand areas of convergence and then winnow the number of proposals at the end of Round 2, before SAT review.

Key comments included the following:

- Ken Wiseman, Executive Director for the MLPA Initiative, noted the great improvements in this region from the central coast, including the availability of more extensive data earlier in the process and the addition of MarineMap.

Ken Wiseman discussed his presentation at the Fish and Game Commission meeting to share progress of MLPA implementation and discuss the budget, which was estimated to be \$9-43 million. The CA Fish and Game Department has not been adequately funded for hiring additional wardens, and there needs to be continuing lobbying for enforcement and monitoring funds. SIG members agreed that the RSG and BRTF should keep budgeting in mind when considering the scope and sizing of MPAs

Key comments included the following:

- SIG member Karen Garrison explained that the Channel Islands MPA budget has been \$400-800K per year for monitoring and enforcement, but this does not include the cost of outside monitoring assistance by other programs. The figure \$9 million for the MLPA includes all the costs for MLPA monitoring.
- Don Benninghoven commented that we will have to rely on volunteers and other state agencies to provide extra enforcement. Debating over the dollar amount will not be helpful at this stage.
- Melissa Miller-Henson commented that funding has consistently been an issue and recommendations should continue to be made to the BRTF regarding potential funding and potential partnerships for management.

Melissa Miller-Henson highlighted the charges of the SIG. The SIG was developed as a result of the pilot program in order to provide a statewide perspective and give input to the BRTF about statewide communication with stakeholders and the public, potential speakers for meetings, and ways to improve the overall process. The body has an opportunity to engage in conversation with the chair of the BRTF without making formal recommendations.

MLPA Initiative staff gave an update on the progress of the MLPA Initiative's work in the South Coast Study Region. The first stage for drafting options for arrays was primarily an information gathering opportunity. The next round will use and apply this information for the draft proposals, requiring much more compromise to reduce the number. The South Coast is distinctive because of the large population of five counties, large number of stakeholders, large amount of scientific information, and information gaps that need to be filled with local knowledge by stakeholders. New components being brought to this region include water quality considerations and potential military closures and are currently being evaluated by staff and BRTF.

Key comments included the following:

- Ken Wiseman commented that the SAT has much diversity and experience, but would like more detailed scientific analysis of the region. However, we must use the best readily-available science. Including the BRTF in the

process sooner will allow alternative solutions and common ground to be found earlier.

- Melissa Miller-Henson explained that, at the April 15-16 BRTF meeting, the first day will be spent understanding proposals, then a panel of stakeholders will explain the proposals and their strategies. The panel will include co-leads from gems groups and representatives of external proposals, who will interact with the BRTF and learn about water quality and military closure issues and how to deal with them.
- SIG member Harold Davis asked how the BRTF can pick and choose from proposals when they don't know the areas any better than the stakeholders. How can the BRTF take the compromises made by the RSG into account when creating the Integrated Preferred Alternative?
- Ken Wiseman responded that not only does the BRTF forward the three RSG proposals to the Commission, but the RSG has the opportunity to advocate their ideas in front of the BRTF, who will likely craft the IPA by blending the tradeoffs. The Commission guidelines call for at least two alternatives, so if the RSG can narrow down the proposals to one, that's for the better.
- A proposal was made by the Fisheries Information Network to use locals to fill in gaps in knowledge with studies by fishermen volunteers, but it was decided that neutral analysts should be used for such activity. Melissa Miller-Henson also pointed out that there is a minimum of 6-8 weeks for processing of data, so fine scale data will become more available as the process moves forward. The stakeholders can contribute to gaps in scientific knowledge with anecdotal information, which proved to be helpful in the North Central Coast Study Region.

MLPA staff asked for suggestions to improve RSG, SAT, and BRTF meetings.

Key comments included the following:

- SIG member Guangyu Wang raised the question of whether the best data is being made available. Stakeholders would like a timeline for data completion rather than following a moving target as maps are continually updated.
- SIG member Shelly Walther noticed a remarkable improvement in availability in preparation for meetings and the process has been overall very positive. She suggested that the website be updated to make documents easier to find and that documents be released earlier for meetings, especially if it critical to decision making. She also raised the question of when MarineMap will be available to the public. Melissa Miller-Henson explained that the website is being updated and that the current priority for MarineMap is to make it available and functional to the RSG members.
- SIG members Shelly Walther and Jim Martin agreed that the limit of one minute for public comments is too short for explaining issues in detail. It was suggested that people consolidate similar comments to highlight a handful of issues and avoid repetition by using a common spokespersons. It was also suggested that the deadline for public comment submission should be more transparent.

- The MLPA Initiative staff agreed that public commenting time is very limited, but there is a hard balancing act between public comments and important RSG deliberation time. Because of this, the BRTF takes public comments very seriously and takes time to discuss both spoken and written comments. There is also a guideline sheet for making effective public comments.

The issue of legal challenges to the MLPA Initiative process has been settled, with the public-private partnership declared legal. The EIR process is currently subject to other usual challenges.

Next Steps

The North Central Coast Draft Environmental Impact Report public comment period ends on May 4. The Commission will take comments on proposals and administrative procedure at the May and August meetings.

South Coast dates coming up include the following:

- A BRTF meeting will be occurring in mid-May (probably May 12-13).
- The end of SCRSG Round 2 for draft MPA proposals is May 21.
- MPA proposals will be finalized in Round 3, from August to September.

The planning process for the North Coast Study Region will follow a similar timeline as the South Coast, just one year later. Currently, Ecotrust is finalizing contract and preparing for outreach workshops to gather data. The public education process will start in late summer of 2009 and will include information on applying for the NCRSG.

MLPA Initiative staff will send out a doodle poll to coordinate a SIG meeting for May (between May 13-20).

Don thanked the SIG for the candid comments and will talk to the BRTF about the issues raised during the meeting.