

# Key Outcomes Memorandum

**Date:** February 25, 2010

**To:** Members, MLPA North Coast Regional Stakeholder Group (NCRSG)

**From:** Eric Poncelet and Ben Gettleman, Kearns & West

**Re:** Key Outcomes Memorandum – February 8-9, 2010 NCRSG Meeting

**cc:** MLPA Initiative staff and contractors, California Department of Fish and Game staff, and California Department of Parks and Recreation staff (collectively known as the I-Team)

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## Executive Summary – Key Outcomes

On February 8-9, 2010, the Marine Life Protection Act (MLPA) North Coast Regional Stakeholder Group (NCRSG) participated in its first meeting, in Eureka, CA. **Key outcomes** from the meeting are as follows:

- The NCRSG received a presentation of the project goals and the NCRSG's charge, and were provided with the opportunity to ask clarifying questions.
- The NCRSG discussed, revised and adopted ground rules to guide the NCRSG process.
- The NCRSG received a presentation on key findings from the stakeholder assessment memorandum.
- The NCRSG received presentations on: BRTF guidance for the north coast project; available tools and best readily available information; process and timeline for developing marine protected area (MPA) proposals; and how the NCRSG will coordinate with the MLPA Master Plan Science Advisory Team (SAT).
- In a plenary session, NCRSG members shared their key interests, affiliations, and geographic areas of expertise.
- MarineMap training was provided for NCRSG members.
- NCRSG members requested that additional time be provided for more comprehensive and accurate tribal information to be added to the regional profile. MLPA Initiative staff (I-Team) committed to discuss this request at a staff meeting on February 10, 2010 and to respond to NCRSG members by February 11, 2010. [Note: at the February 10 staff meeting, I-Team staff committed to provide California tribes and tribal communities with extra time (until April 1, 2010) to submit additional information for the regional profile. This information will not be edited by the I-Team and will be included in an additional appendix to the regional profile.]
- It was agreed that a follow-up NCRSG teleconference/webinar would be convened in late February to discuss and potentially vote on an NCRSG recommendation to the BRTF regarding how tribal uses should be addressed in the MPA planning process. The outcome will be presented to the BRTF at its March 1-2, 2010 meeting. It was also agreed that the NCRSG tribal and tribal community members would coordinate to produce the proposed text for the recommendation.

Key **next steps** are listed in section III below.

## **I. Meeting Objectives, Participants and Materials**

On February 8-9, 2010, the NCRSG participated in a meeting in Eureka, CA. This *Key Outcomes Memorandum* summarizes the meeting's main results.

The primary objectives of the meeting were to:

1. Introduce the north coast project; review project goals, NCRSG charge and work plan, and project logistics
2. Review and adopt proposed NCRSG ground rules
3. Present key findings from the stakeholder assessment and implications for the north coast project
4. Share NCRSG member interests, areas of expertise, and geographic areas of importance
5. Present update on north coast data and information
6. Present BRTF guidance for developing MPA proposals
7. Outline next steps to prepare for Meeting #2

Thirty NCRSG members participated in the meeting.

MLPA Blue Ribbon Task Force (BRTF) member Jimmy Smith attended portions of the meeting and provided remarks.

MLPA Master Plan Science Advisory Team (SAT) member Craig Strong participated in the meeting.

MLPA Initiative, California Department of Parks and Recreation (State Parks), and California Department of Fish and Game (DFG) staff – collectively known as the “I-Team” – staffed the meeting.

Meeting materials may be found on the MLPA website at:

[http://www.dfg.ca.gov/mlpa/meeting\\_020810.asp](http://www.dfg.ca.gov/mlpa/meeting_020810.asp)

## **II. Key Outcomes**

### **A. Welcome, Agenda Review and Brief Introductions**

MLPA Initiative Executive Director Ken Wiseman and DFG Marine Region Habitat Conservation Program Manager Becky Ota provided opening remarks. Mr. Wiseman noted that the process of developing MPA arrays had already begun with the development of external arrays, and that I-Team staff was impressed by the MPA arrays that were submitted by February 1, 2010. He acknowledged that more NCRSG nominees were qualified than were appointed, but that the selection process aimed to assemble as diverse and broadly representative a stakeholder group as possible while keeping the group size manageable. Ms. Ota re-affirmed DFG's commitment to the NCRSG process to provide guidance and policy input, and that DFG will implement the MPAs when they are established.

Eric Poncelet from the facilitation team welcomed the NCRSG members and expressed appreciation for their commitment to the process and willingness to participate. Mr. Poncelet noted that the role of neutral facilitators is to make the process as effective as possible.

## **B. Description of MLPA Initiative and North Coast Project Goals, Roles and Responsibilities**

I-Team staff gave an overview presentation on the MLPA and MLPA Initiative. The presentation included an introduction to the MLPA and MPAs, an introduction to the MLPA Initiative and California's MPA planning process, an overview of MLPA Initiative participants and their roles, opportunities for public involvement, and important process adaptations for the MLPA North Coast Study Region.

I-Team staff also provided several updates on logistics, including travel expense reimbursement and stipend eligibility. NCRSG members will receive reimbursement forms with instructions following the meeting. NCRSG members were also asked to verify their contact information (mail, phone, email).

## **C. NCRSG Charge and Ground Rules**

I-Team staff provided an overview of the NCRSG charge and draft operating ground rules. The main elements of the charge of the NCRSG include the following tasks:

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

The draft NCRSG ground rules, which are intended to foster and reinforce constructive interaction and deliberation among NCRSG members, were informed by confidential interviews conducted with a cross section of the nominees for the NCRSG, ground rules used in previous MLPA study regions, and Kearns & West's professional experience. Following the I-Team presentation on NCRSG ground rules, NCRSG members and I-Team staff discussed the ground rules. Key points raised included the following:

- NCRSG members requested that "California tribes and tribal communities" be used in all references to tribal peoples or affiliations.
- Staff clarified that the ground rules governing contact with the media are intended to help ensure that this contact is productive. These ground rules are not intended to discourage NCRSG members from using the media to reach out to their broader constituencies.
- NCRSG members expressed concern that the use of straw polls can turn out negatively, and that the results of a straw poll can be used against members who are in the minority.
- NCRSG members requested clarification on the issue of confidentiality and sharing information outside of the NCRSG.
- NCRSG members requested a clarification regarding the influence of the I-Team and SAT on the development of NCRSG products.
- NCRSG members requested clarification of their opportunity to speak during public comment in the broader MLPA Initiative MPA planning process.

On Day 2, the I-Team presented a revised set of ground rules responding to several of the concerns and questions raised by NCRSG members during the previous day. Key revisions included:

- Substituted “California tribes and tribal communities.”
- Added clarifying language on the issue of confidentiality.
- Added clarifying language on the use of straw polling, the purpose, how straw polls will be initiated, and how they will not be used to disenfranchise particular interests.
- Added a new paragraph describing when NCRSG members are able to speak during public comment at BRTF and SAT meetings.
- Added a new section and paragraph outlining the neutral role of MLPA Initiative staff.

After reviewing the revised ground rules and suggesting minor revisions, NCRSG members voted unanimously to adopt them. The adopted ground rules are attached to this *Key Outcomes Memorandum*.

#### **D. Stakeholder Assessment**

The facilitation team presented a stakeholder assessment memorandum. The memorandum outlined summary findings from interviews conducted by the facilitation team with a broad cross-section of NCRSG nominees, including all 32 appointed NCRSG members.

Overarching findings from the stakeholder assessment included:

- Stakeholders are keenly interested in the MLPA North Coast Project. The interviewed stakeholders want MLPA implementation to take into account the unique qualities of the north coast study region and the broad diversity of stakeholder interests that reside there.
- Stakeholders have considerable local knowledge and experience and are willing to bring this to the process.
- In general, stakeholders recognize the difficulties inherent in designing and proposing a set of MPAs that satisfies the diverse interests in the north coast study region.
- Stakeholders emphasized the importance of minimizing the negative socioeconomic impacts of MPAs on local communities and of working hard to ensure the buy-in of local communities.

#### **E. Planning Process and Tools**

I-Team staff outlined the broader planning process for the north coast study region, including the three-round iterative MPA proposal development process and timeline. I-Team staff also described the role of external MPA arrays in the MPA proposal development process, and the role of those individuals who helped develop external proposed MPA arrays for round 1 as this process transitions over to the NCRSG developing MPA proposals in rounds 2 and 3.

I-Team staff also provided an update on the status of key planning tools such as MarineMap and the north coast regional profile.

Comments and clarifying questions from NCRSG members included:

- The regional profile should be a living document. It could serve as a central place for incorporating new information during the discovery process. I-Team staff clarified that

best available information will continually be brought into the process through memos, presentations and participation by NCRSG members, and the regional profile will only be updated with the final substrate data in March (Note: after the meeting additional changes were included for the profile, see below).

- Several NCRSG tribal and tribal community members reviewed the draft north coast regional profile and were concerned that the tribal information captured in that document was incomplete and/or inaccurate. They emphasized that while other options may exist for bringing additional information into the process, they felt strongly that the regional profile is the most appropriate document for including tribal information. It was requested that additional time be provided for more comprehensive and accurate tribal information to be added, and requested that California tribes and tribal communities be provided until April 1, 2010 to provide that additional information. I-Team staff committed to discussing this request at a staff meeting on February 10, 2010 and responding to NCRSG members by February 11, 2010. [Note: at the February 10, 2010 staff meeting, I-Team staff committed to provide California tribes and tribal communities with extra time (until April 1, 2010) to submit additional information for the regional profile. This information will not be edited by I-Team staff and will be included in an appendix to the regional profile].

## **F. Stakeholder Interests and Areas of Expertise**

A plenary session was held during Day 1 where NCRSG members were provided with the opportunity to share their key interests, affiliations, and geographic areas of expertise. I-Team staff committed to collect written descriptions of these topics provided by individual NCRSG members and compile them into a single reference document.

The compilation of NCRSG member descriptions of their affiliations, interests, areas of expertise, and geographic areas of importance is attached to this *Key Outcomes Memorandum*. This is intended to be a key reference document for NCRSG members. It can be further updated as appropriate.

## **G. Updates – BRTF, SAT, Public Outreach and Education**

I-Team staff presented on the status of efforts related to the BRTF, SAT and MLPA Public Outreach and Education (POE) Team.

During the POE update, I-Team staff invited input from NCRSG and community members on whether the central locations where MLPA materials are being housed are sufficient. I-Team staff also requested input on where future MLPA informational presentations are needed, and how to make the process more inclusive. An NCRSG member requested that public outreach documents be kept at the Ukiah Public Library. There was also a request for informational MLPA forums to be held in Fort Bragg and Ukiah in April.

## **H. Updates – Coordination with California Tribes and Tribal Communities**

I-Team staff provided an update on the status of ongoing coordination between the State of California, the MLPA Initiative, and California tribes and tribal communities. During the update, there was extensive discussion about the use of marine resources by California tribes and tribal communities, and how these will be factored into the MLPA process. Key comments included:

- It is important to address the issue of tribal use early in the process.
- Will there be guidance on this issue for making MPA proposals? This needs to involve multiple state entities. Without this guidance, the NCRSG cannot move forward. I-Team staff confirmed that efforts are underway to provide this guidance, and that initial guidance is expected to be provided at the March 1, 2010 BRTF meeting. I-Team staff also emphasized that any guidance would need to be supported by both the BRTF and the California Fish and Game Commission.
- The master plan for MPAs needs to be revised to address California tribal and tribal community issues.
- Trust must be built with California tribes and tribal communities. I-Team staff can start by incorporating more tribal information into the north coast regional profile.
- The NCRSG needs to be educated on tribal governance issues. If tribes submit their own data for the regional profile, the data should not be revised by outside reviewers who disagree with it.
- Many NCRSG members expressed the view that California tribal and tribal community rights need to be respected, and there was broad support among NCRSG members around the view that tribal uses should be exempt from the MLPA. A few NCRSG members requested this issue be brought up for a straw poll and that the results be conveyed to the BRTF. I-Team staff confirmed that the NCRSG can develop such recommendations to the BRTF but recommended that this issue be discussed at a follow-up NCRSG meeting. The purpose of delaying this discussion is to provide time for specific, recommended text to be developed, for supporting materials to be identified and distributed to inform the discussion, and for the public to have an opportunity to provide input. It was agreed that an NCRSG teleconference/webinar would be convened the week before the March 1, 2010 BRTF meeting to discuss and potentially vote on an NCRSG recommendation to the BRTF on this topic. The outcomes will be presented to the BRTF at its March 1, 2010 meeting. It was also agreed that the NCRSG tribal and tribal community members would coordinate to produce the proposed text that would be discussed and voted upon during the conference call/webinar.
- An NCRSG member stated that he did not have enough information about the location or quantity of tribal uses of marine resources to participate in a straw poll.
- An NCRSG member requested that the I-Team clearly define the protocols for the NCRSG to make a recommendation to the BRTF.

## **I. Guidance for Developing MPA Proposals**

I-Team staff provided several guidance-related presentations, including: NCRSG role in creating alternative MPA proposals, NCRSG coordination with SAT, and BRTF guidance for developing MPA proposals.

In response to the presentation on the NCRSG role in creating alternative MPA proposals, an NCRSG member requested the I-Team give a presentation illustrating how the development of goals and objectives proceeded in a previous study region.

During the BRTF guidance presentation, I-Team staff shared that the BRTF is considering how guidance for developing MPA proposals from previous study regions will apply to the north coast study region, and that this was a topic of discussion during the November 2009 and January 2010 BRTF meetings. The BRTF, which is expected to formalize its guidance during its March 1-2, 2010 meeting, could also provide additional guidance on tribal uses of marine

resources, wave energy projects, and the number of alternative MPA proposals in rounds 2 and 3.

## J. Questions and Clarifications

Throughout the meeting, NCRSG members posed several clarifying questions and provided comments regarding science and policy aspects of the guidelines and informational presentations. I-Team staff responded to most of these issues during the meeting and will provide responses to the remaining questions that were not fully answered during the meeting. This includes science questions posed during public comment.

Key outstanding questions and comments included the following:

- Can reports from California tribes and tribal communities (and their environmental scientists) be included in “the science”?
- Can a geologic/tectonic layer be added to MarineMap and included in the evaluations?
- How do we account for the potential effects of possible wave energy projects?
- What does bioeconomics mean? There was a request for examples from other study regions of bioeconomic and economic evaluation results.
- How will the SAT be able to perform an analysis of tribal uses of marine resources if they don’t know which uses are taking place, nor where?
- What are examples of special closures and how they’ve been used in the past? Are there any existing ones in the north coast study region?
- Water quality shouldn’t be a secondary guideline. The SAT should consider making water quality guidelines equal to other science guidelines.

## K. Public Comment

Members of the public provided comment during two separate public comment periods, one on Day 1 and one on Day 2. Comments included:

- Please review the level of protection (LOP) on smelt.
- A question as to whether break-out sessions during NCRSG meetings would be open to public comment (there will be public comment before the break-out sessions).
- A statement that the California Environmental Quality Act requires thorough analysis of the “no action” option and that the no action option should be considered seriously since the north coast region is unique.
- A statement that adequate science is not available for identifying MPAs. A speaker suggested that Chris Costello’s report on sources and sinks should be considered.
- Several statements that the town of Albion is not adequately represented on the NCRSG
- One speaker apologized to Native Americans for having to participate in the process. The speaker also felt the north coast External Proposed MPA Array B, developed by the Mendocino Ocean Community Alliance (MOCA), was a strong foundation to begin the NCRSG process.
- One speaker encouraged NCRSG members to question everything about the process and not just follow direction from I-Team staff. The speaker also stated that the language in external arrays does not protect native rights.
- One speaker requested the science guidelines be revised to give tribes a voice in the process.

- One speaker stated that transparency and fairness were necessary for the MLPA to gain support in the north coast region.

### III. Recap of Next Steps

#### A. Key Next Steps for NCRSG Members

1. NCRSG members were asked to complete the following homework assignments prior to Meeting #2 on March 24-25, 2010.
  - a. View informational briefings that were presented at the most recent BRTF meeting – online or via DVD. An opportunity will be provided at the March NCRSG meeting to ask clarifying questions.
  - b. Read the north coast regional profile. The regional profile will be available online during the week of February 22, and NCRSG members will receive a print copy the following week.
  - c. View external MPA arrays online. [Materials for external arrays (including maps, proposed allowed uses, rationale, etc.) were made available on the MLPA Initiative website ([http://www.dfg.ca.gov/mlpa/mpaproposals\\_nc.asp](http://www.dfg.ca.gov/mlpa/mpaproposals_nc.asp)) and MarineMap (<http://northcoast.marinemap.org/>) under “Public Proposals” on Tuesday, February 16.]
  - d. Read the MarineMap instruction memo (sent on February 11 from Evan Fox), and become familiar with the data layers on MarineMap. In addition, two MarineMap training sessions are scheduled on February 24 and 25 for NCRSG members.
2. Review current contact information and inform the I-Team if revisions are needed.
3. NCRSG tribal and tribal community representatives will coordinate to develop text for a policy recommendation to the BRTF advising how tribal use of marine resources should be addressed by the MLPA, and to identify supporting materials to help inform this discussion.
4. NCRSG members will participate in a conference call/webinar to review the BRTF recommendation text, discuss the proposed action item, and potentially vote on whether to proceed.
5. NCRSG tribal and tribal community members will coordinate with other California tribes and tribal communities to provide additional information for the regional profile.

#### B. Key Next Steps for I-Team Staff

- I-Team staff will hold an internal conference call on February 10 to discuss options for incorporating tribal information into the regional profile, and will provide a response to the NCRSG by February 11.
- I-Team staff will organize a conference call for NCRSG members to review the BRTF recommendation text regarding tribal use of marine resources, discuss the proposed action item, and potentially vote on whether to proceed. I-Team staff will distribute the text to NCRSG members in advance of the conference call.

- I-Team staff will develop a summary document that defines the protocols for the NCRSG to make a recommendation to the BRTF.
- I-Team staff will make public outreach documents available at the Ukiah Public Library.
- Kelly Sayce, Public Outreach and Education Coordinator, will follow up with NCRSG members Tom Trumper and Atta Stevenson to set up informational MLPA forums in Fort Bragg and Ukiah in April 2010.

### **C. Upcoming NCRSG meetings**

The NCRSG teleconference/webinar to discuss an NCRSG recommendation to the BRTF on tribal uses is scheduled for February 25, 2010, from 4:00 – 6:00 PM. An agenda and supporting materials are available online ([http://www.dfg.ca.gov/mlpa/meeting\\_022510.asp](http://www.dfg.ca.gov/mlpa/meeting_022510.asp)).

The next NCRSG meeting is scheduled for March 24-25, 2010 in Crescent City.

Key objectives for the March 24-25, 2010 NCRSG meeting include:

- Discuss questions from informational videos that were assigned as homework
- Present guidelines/guidance for developing, and methods for evaluating, MPA proposals
- Present north coast goals and regional objectives
- Present and discuss evaluations of existing MPAs and north coast external proposed MPA arrays submitted by community groups.
- Discuss areas of geographic importance
- Outline strategy and work plan for developing NCRSG Round 2 MPA proposals

### **IV. Attachments Referenced**

- A. Adopted NCRSG ground rules
- B. Compilation of NCRSG affiliations, interests, and areas of geographic expertise and importance