

Key Outcomes Memorandum

Date: April 8, 2010

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

From: Eric Poncelet and Ben Gettleman, Kearns & West

Re: Key Outcomes Memorandum – March 24-25, 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)

Executive Summary – Key Outcomes

On March 24-25, 2010, the Marine Life Protection Act (MLPA) North Coast Regional Stakeholder Group (NCRSG) participated in its third meeting, in Crescent City, CA. **Key outcomes** from the meeting are as follows:

- The NCRSG received a staff overview presentation on Round 1 external proposed marine protected area (MPA) arrays from community groups.
- The NCRSG received presentations on MLPA Master Plan Science Advisory Team (SAT) evaluation methods and evaluation results for Round 1 external proposed marine protected area (MPA) arrays, including habitat representation and replication, MPA size and spacing, potential impacts to commercial and recreational fisheries, bioeconomic models, marine birds and mammals, and water quality.
- The NCRSG received a presentation of California Department of Fish and Game (DFG) guidance, evaluation methods, evaluation of existing MLPA North Coast Study Region MPAs, and Round 1 evaluation results.
- The NCRSG received a presentation of California Department of Parks and Recreation (State Parks) guidance, evaluation methods and Round 1 evaluation results.
- The NCRSG received an overview presentation of the Round 1 external MPA arrays during Day 1, including presentation of rationale by proponents of the eight Round 1 external proposed MPA arrays.
- NCRSG members shared their geographic areas of importance.
- The NCRSG received a presentation of the MLPA goals and draft north coast regional objectives.
- The NCRSG received a presentation on I-Team guidance for Round 2 process design. NCRSG members provided feedback and participated in a straw poll to gauge the level of NCRSG member support for several options moving forward.
- I-Team staff committed to considering the NCRSG's feedback regarding Round 2 process design and outcome of the straw poll, and to meet early the week of March 29, 2010 to discuss possible modifications to the Round 2 process design.

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

I. Meeting Objectives, Participants and Materials

On March 24-25, 2010, the Marine Life Protection Act (MLPA) North Coast Regional Stakeholder Group (NCRSG) participated in a meeting in Crescent City, CA. This *Key Outcomes Memorandum* summarizes the meeting's main results.

The primary objectives of the meeting were to:

1. Present guidelines/guidance for developing, and methods for evaluating, marine protected area (MPA) proposals
2. Present and discuss external proposed MPA arrays,
3. Receive evaluations of existing MPAs and external proposed MPA arrays
4. Present and review process for draft north coast goals and regional objectives
5. Discuss areas of geographic importance
6. Discuss questions from informational videos
7. Outline strategy and work plan for NCRSG Round 2 MPA proposal development process, including key process guidance

Thirty-three NCRSG members participated in the meeting.

MLPA Master Plan Science Advisory Team (SAT) members Eric Bjorkstedt, Mark Carr, Karina Nielsen, Astrid Scholz, and 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_032410.asp

Materials relating to the Round 1 external arrays can be found at:

http://www.dfg.ca.gov/mlpa/mpaproposals_nc.asp

II. Key Outcomes

A. Welcome, Agenda Review and Brief Introductions

MLPA Initiative Executive Director Ken Wiseman provided opening remarks. Mr. Wiseman noted that there was a significant amount of material to cover during the meeting, and that the agenda would be full.

Eric Poncelet from the facilitation team welcomed the NCRSG members and expressed appreciation for their commitment to the process and willingness to participate.

NCRSG member Reweti Wiki, host on behalf of Elk Valley Rancheria, welcomed the meeting participants and stated that he looked forward to a constructive dialogue.

B. Updates – NCRSG, BRTF, SAT, POE, MPA Planning Tools

I-Team staff presented on the status of efforts related to the NCRSG, MLPA Blue Ribbon Task Force (BRTF), SAT and MLPA public outreach and education (POE).

During the NCRSG update, I-Team staff noted that four NCRSG members were present who did not attend the February 8-9 NCRSG meeting: Steve Chaney and Charlie Notthoff, who were unable to attend the February meeting; and Jim Burns and Bruce Campbell, who were recently appointed to the NCRSG. These four members gave brief presentations on their affiliations, interests and areas of geographic expertise.

During the POE update, it was noted that staff is seeking key communicators willing to assist with setting up and running remote meeting sites during BRTF, SAT and NCRSG meetings. I-Team staff also requested input on where additional MLPA informational presentations are needed. I-Team staff added that the recent informational meeting held in Petrolia (March 22, 2010) was successful in large part because NCRSG members were in attendance committed to representing the community's interests. I-Team staff thanked the NCRSG members for participating and helping make the meeting effective.

During the MPA planning tools update, I-Team staff provided updates on MarineMap and the north coast regional profile. During the May 3-4, 2010 BRTF meeting the public will have the opportunity to provide comments on the February 2010 regional profile, and are encouraged to submit any comments in writing by April 19 to allow the BRTF adequate time to review submitted comments prior to the meeting.

C. Areas of Geographic Importance

On Day 1 of the meeting, NCRSG members identified geographic areas and specific locations that are important to them and their constituencies.

The compilation of NCRSG member descriptions of their geographic areas of importance, along with affiliations, interests and areas of expertise, was provided as a briefing document (A.3). This is intended to be a key reference document for NCRSG members.

D. Overview of Existing MPAs and External MPA Arrays

Dr. Satie Airamé (MLPA Initiative Science and Planning Advisor) provided an overview of existing MPAs, the Round 1 external proposed MPA arrays, and the MPA planning process. Dr. Airamé noted that there are three rounds of MPA planning, and that the iterative process was designed to gather information, test ideas, and learn from evaluations and other feedback. Dr. Airamé shared that eight Round 1 external proposed MPA arrays were submitted, and that many of these arrays were informed by broad, cross-interest collaboration. These external arrays, combined with the existing MPAs or “no action alternative,” were evaluated in Round 1.

Dr. Airamé then introduced the eight external array groups, and noted several considerations concerning the arrays, including: not all data were available in MarineMap prior to the February 1, 2010, deadline for submitting external proposed MPA arrays (including some fine-scale substrate data), and, while external MPA arrays largely proposed tribal uses in MPAs, the SAT was not able to integrate information about tribal uses into its analyses since limited information was available and

guidance for consideration of tribal uses is not finalized. Dr. Airamé then invited external MPA array proponents to give brief presentations of their proposed MPA arrays. The list of external proposed MPA arrays and presenters follows:

- External Array A – Foodshed – Tom Shaver (presented remotely from Fort Bragg via videoconference)
- External Array B – Mendocino Ocean Community Alliance (MOCA) – Autumn Bremer
- External Array C – Conservation Coalition – Jen Savage
- External Array D – Northern Redwoods Oceanic – Bill Lemos
- External Array E – Students for Environmental Action (SEA) – Robert Jamgochian
- External Array F – Albion Harbor Regional Alliance (AHRA) – Mike Carpenter
- External Array G – North Coast Local Interest MPA Work Group (“Tri-County”) – Adam Wagschal
- External Array H – California Fisheries Coalition – Jim Martin

Following the external MPA array presentations, Dr. Airamé provided an overview of the geographic placement of proposed MPAs in the external arrays, identifying key points of overlap and differences amongst arrays. She also outlined the considerations that the SAT took into account when evaluating Round 1 arrays. Finally, Dr. Airamé provided key planning guidance for Round 2 MPA proposal development.

E. Presentation of Science Guidelines from the MLPA Master Plan and Other SAT Guidance

Dr. Airamé presented an overview of the science guidelines that inform the development and evaluation of MPA proposals, outlining the three sources of science guidance: the Marine Life Protection Act, the *California Marine Life Protection Act Master Plan for Marine Protected Areas*, and the SAT. Dr. Airamé also provided an overview of the purpose of SAT evaluations and SAT evaluation steps. Dr. Airamé added that there is flexibility within the guidelines.

SAT member Mark Carr presented on the list of species likely to benefit from MPAs, which the SAT adopted on March 17, 2010. Dr. Carr also presented on levels of protection (LOP), which included walking through the conceptual model the SAT uses in LOP designations, and identifying important assumptions that are made.

I-Team staff confirmed that the role of the SAT was to provide guidance to the NCRSG and to evaluate draft MPA arrays and proposals, but not to make recommendations for the placement of MPAs.

F. Presentation of SAT Evaluation Methods and Round 1 Evaluation Results – Habitat Representation and Replication

SAT member Karina Nielsen presented on the habitat representation and replication methods and evaluations of the Round 1 external proposed MPA arrays. Her presentation outlined key habitat protection guidelines and key habitat questions that were considered in evaluating the external MPA arrays.

Dr. Nielsen also identified several general considerations concerning the Round 1 evaluations that apply to evaluations of habitat representation and replication, and MPA size and spacing, including: the SAT did not have sufficient information in Round 1 to integrate tribal uses in evaluations, SMCAs

in External Array C that proposed tribal uses only were evaluated as SMRs, and mobile MPAs in External Array A were treated as static for the purpose of evaluation.

G. Presentation of SAT Evaluation Methods and Round 1 Evaluation Results – MPA Size and MPA Spacing

SAT member Dr. Mark Carr presented on the size and spacing evaluations of the Round 1 external proposed MPA arrays. Dr. Carr noted that in order to protect marine life populations, MPAs should be large enough that adults do not move out of them too frequently and become vulnerable to fishing, and close enough together that larvae can move from one to the next. Dr. Carr outlined the MPA size guidelines and size analysis methods that were used in the evaluations, and gave an overview of the results of the Round 1 evaluations according to the size guidelines. Dr. Carr then reviewed the MPA spacing analysis methods, and gave an overview of the results of the evaluations according to the spacing guidelines.

H. Presentation of Data Collection Methods, SAT Evaluation Methods and Round 1 Evaluation Results – Potential Impacts to Commercial and Recreational Fisheries

SAT member Dr. Astrid Scholz presented on the purpose, scope and methods of the socioeconomic data Ecotrust collected on commercial, commercial passenger fishing vessel, and recreational fishing. These data will be used to inform the MPA design process through the use of regional and port level maps and summary statistics. Dr. Scholz then provided an overview of how the external MPA arrays performed in the evaluations regarding potential economic impacts. She also noted that the focus of the data collected and economic impact evaluations was on the fisheries themselves, not on the regional multipliers of potential economic impact.

I. Presentation of SAT Evaluation Methods and Round 1 Evaluation Results – Bioeconomic Modeling

SAT member Dr. Eric Bjorkstedt presented on the bioeconomic modeling evaluation methods and results for Round 1 external proposed MPA arrays. His presentation included how and why bioeconomic models are used, and an overview of the inputs and outputs that relate to the bioeconomic modeling process. Dr. Bjorkstedt then provided an overview of how the external MPA arrays performed in the evaluations with regard to bioeconomic modeling.

J. Presentation of Evaluation Methods and Round 1 Evaluation Results – Birds and Mammals

SAT member Craig Strong presented on the marine birds and marine mammals evaluations for Round 1 external proposed MPA arrays. His presentation included an overview of the species that inhabit the north coast study region, and the threats to their survival. Mr. Strong clarified that three categories were considered in evaluating how the external proposed MPA arrays would benefit marine bird and mammal populations: breeding, nesting and foraging.

K. Presentation of SAT Evaluation Methods and Round 1 Evaluation Results – Water Quality

I-Team staff member and DFG Marine Biologist Brian Owens presented on the SAT evaluation of water and sediment quality for Round 1 external proposed MPA arrays. His presentation identified areas of special biological significance, water quality concerns, special considerations, and water quality guidance from the SAT. Mr. Owens outlined the evaluation scoring methods for water quality, and compared the scores of the Round 1 external proposed MPA arrays. Mr. Owens also noted that water quality evaluations are not mandated by the master plan and should be considered secondary to other science guidelines.

L. Presentation of DFG Guidance, Evaluations Methods, Evaluation of Existing North Coast Study Region MPAs, and Round 1 Evaluation Results

I-Team staff member and DFG Marine Biologist Rebecca Studebaker presented on DFG guidance, evaluation methods, and the results of DFG's evaluation of existing MPAs and Round 1 external proposed MPA arrays. Ms. Studebaker outlined DFG's feasibility criteria, which are intended to create MPAs that are easy for the public to understand, are enforceable, and to avoid MPAs that either have poor design qualities or create a management burden. These criteria are MPA names, boundaries, take regulations, design considerations, and other guidance, including special closures. Ms. Studebaker then reviewed the results of DFG's evaluation of the existing north coast MPAs and the Round 1 external proposed MPA arrays.

M. Presentation of State Parks Guidance, Evaluations Methods and Round 1 Evaluation Results

I-Team staff member and State Parks Natural Resources Program Manager Craig Swolgaard presented on State Parks guidance, evaluation methods, and the results of State Parks' evaluation of Round 1 external proposed MPA arrays. Mr. Swolgaard shared that, overall, the external proposed MPAs arrays performed well in State Parks' evaluation, with some exceptions that can be modified in the future. Mr. Swolgaard outlined some of State Parks' concerns regarding MPA development, including boundary issues, "stewardship zones" and the enforcement challenges they present, and placing MPAs off State Parks property.

N. Goal 3 and its Consideration in the MLPA Initiative

I-Team staff member and MLPA Initiative Marine Planner Darci Connor presented on MLPA goal 3, which aims to improve recreational, educational, and study opportunities by marine ecosystems that are subject to minimal human disturbance. Ms. Conner noted that goal 3 was not considered in the evaluation of Round 1 external proposed MPA arrays, and that guidance on how goal 3 should be considered in MPA planning, as well as information on how MPA proposals will be assessed relative to goal 3, will be provided to the NCRSG prior to the April 20-21 NCRSG work session. In addition, the NCRSG will receive a guidance document prior to its upcoming work session.

O. Key Guidance from BRTF March 1-2 and March 18, 2010 Meetings

I-Team staff member and MLPA Initiative Program Manager Melissa Miller-Henson presented on key guidance developed in two recent BRTF meetings: March 1-2 and March 18, 2010. Ms. Miller-Henson

noted that guidance from previous study regions was summarized and approved by the BRTF during its March 1-2, 2010 meeting. Key topics included guidance on science guidelines, cross-interest support, SAT evaluations, DFG feasibility criteria, water quality, special closures, best readily available data, funding, and military use areas.

Ms. Miller-Henson reported that during the March 18 BRTF meeting (via webinar/conference call), the BRTF discussed guidance to the NCRSG regarding tribal and tribal community use activities. The BRTF discussed a memorandum from the InterTribal Sinkyone Wilderness Council. Later, the BRTF adopted specific language to supplement the guidance it had provided to date. In summary, the BRTF's guidance states that the NCRSG should:

- Work with California tribes and tribal communities to learn about practices and resource use
- Where possible, avoid high priority tribal use areas when recommending MPAs
- Where it is not possible to avoid tribal use areas, propose specific allowed uses in a state marine conservation area (SMCA) or state marine park (SMP)

The BRTF also clarified in its guidance that DFG guidance concerning allowed uses should apply to all Californians and not be specific to any tribe or tribal community.

Ms. Miller Henson also noted that the BRTF will support DFG and State Parks' efforts in pursuing long-term solutions regarding tribal use of marine resources, and that a meeting involving state and federal agencies and California tribes and tribal communities will take place on April 9, 2010. This meeting will help define the timeline of developing a long-term solution for accommodating tribal uses.

Lastly, Ms. Miller-Henson shared that the BRTF may provide additional guidance as needed.

Following the I-Team presentation, NCRSG members and I-Team staff discussed the BRTF guidance. Key points raised included the following:

- An NCRSG member stated that other tribes want to have their own language considered by the BRTF regarding tribal use, and he planned to submit additional language to the BRTF.
- An NCRSG member expressed concern with the phrase "high priority tribal use area," stating that it would lead to prioritizing one use area over the other.
- I-Team staff stated that there may be opportunities to allow some tribal uses in state parks, and that State Parks staff would be providing this information.
- An NCRSG member expressed the view that the MLPA process has no jurisdiction over tribal rights, and that the dual citizenship of tribal members should be respected.
- An NCRSG member noted that he does not know where California tribes and tribal communities use marine resources, and that he needs this information to move forward in an informed way.
- I-Team staff stated that the information submitted by California tribes and tribal communities for the special appendix to the north coast regional profile could serve as a basis for NCRSG members to better understand the uses and needs of the tribes; this information will be useful along with information in the main text of the regional profile, information generated by the SAT tribal work group, and other information shared by California tribes and tribal communities through the MPA planning process.
- Several NCRSG tribal members expressed concerns about the implementation of such guidance and stated that tribes consider their entire ancestral territory to be a high use area and if the tribes produced a list of species they extract from any given area then that list would include over 100 species.

P. MLPA Goals and Proposed North Coast Regional Objectives

DFG Marine Biologist Brian Owens presented on MLPA goals and draft north coast regional objectives. His presentation defined goals, regional objectives, site-specific rationales, and stakeholder priorities, and explained how these terms are considered and incorporated into the MPA process and how they are used to inform monitoring and evaluation. Mr. Owens outlined the next steps in developing north coast regional objectives, the most immediate that NCRSG members should review the draft document (Briefing Document U.1) and provide written comments to the I-Team by April 6, 2010.

In addition, an NCRSG Goals and Objectives Work Group will be convened to work with the I-Team to revise the draft regional objectives document. Six NCRSG members volunteered to participate in the NCRSG Goals and Objectives Work Group: Zack Larson, Bill Lemos, Jennifer Savage, Reweti Wiki, and Dave Wright.

Q. Guidance for Round 2 Proposal Development

I-Team staff presented its guidance to the NCRSG for developing draft MPAs in Round 2, which included an overview of recommended Round 2 process design. A key element of the process design entailed organizing NCRSG members into two cross-interest “gem” work groups (named “sapphire” and “ruby”) that would be charged with developing draft MPA proposals in Round 2. Each work group would aim to develop a single Round 2 proposal with broad-based support, and the work groups would build on ideas contained in, and evaluation results of, Round 1 external proposed MPA arrays.

Following the I-Team presentation, several NCRSG members expressed concern with the approach and indicated a preference that the NCRSG remain as a single group for developing Round 2 draft MPA proposals. NCRSG members and I-Team staff had a robust discussion concerning the benefits and challenges of a one-group versus a two-group approach.

Key Interests Expressed by Individual NCRSG Members

1. Hear all NCRSG perspectives in MPA development discussions
2. Build on relationships from external array process
3. Work together toward a single MPA proposal by the end of the process
4. Make decisions as a whole group
5. Ensure that NCRSG members can focus on the geographies they know best
6. Ensure efficient deliberations
7. Ensure full participation by all NCRSG members in Round 2 proposal development

Key Interests Expressed by MLPA Initiative Staff

1. Ensure efficient deliberations
2. Ensure full participation by all NCRSG members in Round 2 proposal development
3. Ensure cross-interest dialogue
4. Emphasize Round 2 as still being an important opportunity to learn and gather information in the MPA development process
5. Aim for convergence across interests
6. Ensure the NCRSG generates Round 2 MPA proposals that follow MLPA Blue Ribbon Task Force guidance and address outstanding issues that external arrays were not able to address in Round 1

Following the discussion, the NCRSG participated in a straw poll to gauge the level of support for the options of using work groups or a single group in Round 2.

The results of the straw poll were as follows¹:

- Option 1: Either one full group or two work groups (could live with either option) – 14 votes
- Option 2: One full group operating in plenary – 11 votes
- Option 3: Two work groups (original staff approach described in document V.2) – 5 votes
- Option 4: Three work groups – 1 vote

I-Team staff committed to consider the NCRSG's discussion and the outcomes of the straw poll, and to meet to discuss Round 2 process design at a meeting early during the week of March 29, 2010. [Note that on April 2, 2010, a memorandum was distributed to the NCRSG presenting I-Team staff's modified process guidance for Round 2 MPA proposal development.]

R. Summary of Science Questions

Throughout the March 24-25, 2010 meeting, NCRSG members posed close to 70 clarifying questions regarding science aspects of the many presentations they received. MLPA Initiative staff and SAT members responded to a majority of these questions during the meeting. The remaining questions that were not fully answered during the meeting will go through the protocol for submitting science questions to the SAT, and may be answered by MLPA Initiative staff or the SAT. Key topics of outstanding questions/comments included the following:

- Adaptive management for urchins and related level of protection (LOP)
- Inclusion of intrinsic values and benefits from recreational activities in SAT evaluations
- Difference between minimum and preferred guidelines
- Response to MPAs by species likely to benefit
- Species/fisheries included in socioeconomic evaluation
- Predicting economic impacts using models and the potential to include MPAs from the north coast study region in socioeconomic evaluations
- Consideration of larval production in modeling
- Impacts of various activities on marine birds and mammals and foraging locations for selected species
- Water quality impacts not included in the water and sediment quality evaluation (e.g., hydrocarbon pollution, wave energy, spent fuel from nuclear power plant)
- Suggestions to improve graphics in SAT evaluation presentations

S. Public Comment

Members of the public provided comment on Day 2, including members of the public who participated via videoconference from Fort Bragg. Key themes from public comment included:

- Concerns over economic impacts to local communities.

¹ Three NCRSG members were not present when the straw poll was conducted on March 25, 2010. The MLPA Initiative facilitation team followed up with these three individuals, invited them to view the video of the NCRSG discussion, and requested their participation in the straw poll. Votes were received by email or phone, and included an additional vote for option 2 and an additional vote for option 3.

- Support for a high level of protection for sea urchin.
- Support for external MPA arrays B, C, D, E and F and Proposal 0 at different times by different people
- Concerns over placing MPAs near state parks.
- Concern that poaching is taking place at a higher rate than most realize.
- Concern that forcing fishermen into smaller areas will harm the resources in those areas.
- Support for adaptive co-management.
- Concerns that the science is not matching local knowledge.
- Concern that California tribal interests are appropriately addressed in the process.
- Belief that MPA planning needs to take into account the successes of existing fishery regulations.
- Safe access is critical.
- Economic contribution by fishermen to local economies should be considered in the economic analysis.

III. Recap of Next Steps

A. Key Next Steps for NCRSG Members

1. NCRSG members were asked to complete the following work prior to the work session on April 20-21, 2010.
 - a. Review and provide comments on the draft north coast regional goals and objectives document by April 2, 2010 (though can be extended to April 6 if extra time is needed).
 - i. The goals and objectives work group will convene prior to the April 20-21 work session.
 - b. View informational briefings on DVD, if not yet completed. Special emphasis should be placed on viewing the informational briefing on how fisheries management is considered in the MLPA process (Bjorkstedt and Wertz).
 - c. Continue review of north coast external proposed MPA arrays by community groups and evaluation results.
 - d. Come to the April 20-21 work session equipped with suggestions for MPAs. This can include modifications to existing ideas or new ideas.
 - i. Use MarineMap to create MPA ideas and run reports
 - ii. Share your ideas in MarineMap with your Round 2 gems work group
 - e. Review the February 2010 north coast regional profile and consider submitting comments or additional information to the BRTF by April 19, 2010.

B. Key Next Steps for I-Team Staff

- I-Team staff will consider the NCRSG's feedback concerning Round 2 process design and the outcomes of the straw poll, and will again discuss Round 2 process design at a staff meeting during the week of March 29, 2010.
- I-Team staff will re-send the summary document regarding BRTF guidance from previous study regions.
- I-Team staff will re-send the draft goals and regional objectives document (U.3) to the NCRSG for review and comment prior to the April 20-21 work session.

- I-Team staff will create work group listservs and MarineMap work group accounts, as appropriate.
- I-Team staff will send the Goal 3 guidance and evaluation methods document to the NCRSG.
- I-Team staff will compile tribal information for the special appendix to the north coast regional profile.
- I-Team staff will draw on NCRSG comments and work with the NCRSG Goals and Objectives Work Group to revise the north coast goals and objectives document.

C. Upcoming NCRSG meetings

The NCRSG will next meet in a work session scheduled for April 20-21, 2010 in Fort Bragg.

Key objectives for the April 20-21, 2010 NCRSG work session include:

- Discuss evaluation results for Round 1 external proposed MPA arrays
- Begin developing Round 2 draft MPA proposals in work group setting; receive periodic feedback from full NCRSG
- Select Round 2 work group co-leads
- Plan next steps to prepare for May 19-20, 2010 NCRSG work session and meeting