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COMMENTS OF ENVIRONMENTAL DEFENSE TO THE MLPA BLUE RIBBON PANEL

REGARDING

THE IMPLEMENTATION OF CALIFORNIA'S MARINE LIFE PROTECTION ACT: PROCESS, PROCESS, PROCESS

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Environmental Defense

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Environmental Defense is a leading, national environmental organization that uses science, economics, and law to create durable solutions to environmental problems that achieve triple bottom lines: generating social, economic, and environmental benefits. Rod Fujita is a senior scientist with Environmental Defense with 20 years of experience in marine ecology and the development of innovative conservation strategies. He has served on numerous advisory panels, including: CalFed's Integration Panel and the Pacific Fishery Management Council's groundfish, habitat, and marine reserve advisory committees. Dr. Fujita was also a panelist for the National Fish Conservation Council's Consensus Conference on Marine Reserve and Fisheries Science, and currently serves on the federal Marine Protected Area advisory committee. Richard Charter is a marine conservation advocate with Environmental Defense with over 30 years of experience in environmental legislation, policy development, and constituency-building principally aimed at creating the central California National Marine Sanctuaries and the creation and maintenance of the national moratorium on offshore oil and gas exploration and exploitation. Mr. Charter and Dr. Fujita were both actively engaged in the development and negotiation of the Channel Islands marine reserve network, in the development and passage of the Marine Life Protection Act (MLPA), and in the first two efforts to implement the MLPA as members of regional working groups and as leaders in public education and grassroots advocacy for marine reserves.

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Lessons Learned

Several key lessons about process have been learned from the Channel Islands marine reserve experience, from the first two attempts to implement the Marine Life Protection Act, from efforts to establish marine reserves in the Florida Keys and elsewhere, and from the peer-reviewed literature on stakeholder involvement. We summarize them here, and offer them as recommendations to ensure the effective implementation of the MLPA:

1. The key to successful implementation will be a transparent and fully participatory process, backed with powerful incentives for cooperation and compromise and with sophisticated decision-support tools to illustrate trade-offs and optimize solutions (maximize ecological benefits while minimizing socioeconomic costs).
2. While a fully participatory process to site and design marine protected areas (MPAs) will be essential, the State must commit to implement the Act regardless of the outcome of participatory processes (the "best alternative to a negotiated agreement"), using its best judgments as to how to balance ecosystem protection and the goals of the Act with socioeconomic impacts. This is vitally important because it creates the major incentive for good-faith discussion and bargaining among stakeholders.
3. The State must be impervious to "end-runs" with stakeholders disgruntled with the process.
4. The State, as the custodian of the public trust, must deploy a representative with outstanding social skills and a commitment to reach out to all stakeholders intensively and push for compromise. Billy Causey, Superintendent of the Florida Keys National Marine Sanctuary, is an outstanding example of the great importance of having the right individuals involved in the process.
5. Skilled facilitators are one of the best predictors of success in participatory public policy processes. We recommend that trained facilitators with some knowledge of MLPA issues be deployed at the most important stakeholder meetings, if resources do not allow for deployment at all meetings.
6. Stakeholders need to agree on goals and operational criteria at the outset, so that common ground can be sought.
7. Joint fact-finding (participatory research) by scientists, socioeconomic specialists, and stakeholders working together to examine existing data and eliciting "local knowledge" (anecdotal knowledge of fishermen, divers, etc.) can produce dividends in terms of acknowledging the valuable contributions of all, building trust, and creating a common set of facts to work with. Many fishermen feel that their knowledge gained from experience is under-valued by scientists and largely ignored by policymakers. One of the great obstacles to progress is lack of trust between these sectors and between stakeholder groups. The solution is to find areas of agreement and encourage dialogue about differences.

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8. Local Knowledge can be elicited and integrated with existing scientific databases on habitat distribution, species diversity, etc. with Environmental Defense's OceanMap GIS (geographical information system) tool (see attached papers).
9. A decision-support tool like OceanMap can also be used by stakeholders to test various MPA siting scenarios and optimize solutions that minimize costs while meeting agreed-upon ecological criteria such as total MPA network size and the need to protect representatives of each major habitat type.

We would be happy to provide OceanMap and associated data sets (including stakeholder marine resource use patterns, detailed habitat distribution data, high-value conservation targets, groundfish diversity and density distribution, bathymetric complexity, navigational charts, key access points, among others) to the State, contingent upon agreement by stakeholders we interviewed for our project.