



**SUMMARY RECOMMENDATIONS
FROM A
CRITIQUE OF MLPA INITIATIVE COMPILED BY
24 STAKEHOLDERS REPRESENTING CENTRAL COAST FISHING COMMUNITIES
WHO PARTICIPATED IN GOOD FAITH IN THE CENTRAL COAST PROCESS.**

HISTORY OF THE MLPA

1. FUTURE PROCESSES, INCLUDING LEGISLATIVE EFFORTS, MUST ACTIVELY ENGAGE STAKEHOLDERS WHO STAND TO LOSE THE MOST (I.E. LIVELIHOODS, BUSINESSES ETC.) AND STRIVE TO ACHIEVE THEIR SUPPORT OF FINAL MPA RECOMMENDATIONS.

MOU

2. NO “PUBLIC-PRIVATE” MOU. THE STATE GENERAL FUND SHOULD FUND FUTURE PROCESSES, OR “PRIVATE” MONIES SHOULD GO DIRECTLY TO THE RESOURCES AGENCY/DFG WITH NO CONTROLS [ON STAFFING OR POLICY DECISIONS] BY PRIVATE FUNDERS.
3. STAFF HIRING SHOULD BE ACCOMPLISHED IN A MANNER THAT INSPIRES CONFIDENCE IN AN OBJECTIVE PROCESS ACROSS THE RANGE OF STAKEHOLDER GROUPS, WITH STAKEHOLDER INPUT IN THE SELECTION OF ALL CANDIDATES.
4. NO ARBITRARY TIME LINE SHOULD BE SET; RATHER, SET FLEXIBLE TIME GUIDELINES [TO ALLOW ADEQUATE TIME TO COMPILE ESSENTIAL BIOLOGICAL AND SOCIO-ECONOMIC DATA, AND TO MODEL POTENTIAL OUTCOMES IN THE DECISION-MAKING PROCESS.]
5. PROVIDE SUFFICIENT FUNDING AND TIME FOR A THOROUGH SOCIO-ECONOMIC ANALYSIS THAT TRACKS FROM PRIMARY PRODUCER/USER THROUGH COMMUNITY IMPACTS.
6. AN INDEPENDENT ARBITER IN STATE GOVERNMENT (POSSIBLY A SUBSET OF THE JOINT FISHERIES COMMITTEE), OUTSIDE DFG AND INITIATIVE STAFF, SHOULD BE IDENTIFIED TO RESOLVE “TRANSPARENCY” ISSUES. THIS INDIVIDUAL (OR GROUP) SHOULD HAVE AUTHORITY TO MAKE DECISIONS ON LEGITIMATE ISSUES THAT ARISE.

TIMELINE

7. THE STATE SHOULD COMMIT TO PROVIDING A QUALITY PRODUCT, INCLUDING BEST AVAILABLE SCIENCE AND SOCIO-ECONOMIC INFORMATION [RATHER THAN EXPEDITING A DECISION BASED ON INADEQUATE INFORMATION BECAUSE ‘TIME DID NOT ALLOW...’]

SAT

8. THE ECOSYSTEM BENEFITS OF CURRENT FISHERY REGULATIONS SHOULD BE FULLY INTEGRATED INTO SAT GUIDELINES FROM THE BEGINNING OF DISCUSSION, AND MPAS SHOULD BE DESIGNED AGAINST A BACKDROP OF EXISTING FISHERY REGULATIONS [PER THE LEGAL ANALYSIS PROVIDED TO THE MLPAI BY THE HONORABLE CLARK KELSO.]

9. THE MPA DESIGN PROCESS SHOULD INVOLVE DIRECT SAT/STAKEHOLDER COMMUNICATION, IN AN ADAPTIVE ENVIRONMENTAL ASSESSMENT AND MANAGEMENT (AEAM) PROCESS SETTING, EMPLOYING MODELING OF POTENTIAL MPA NETWORK DESIGNS TO TEST OUTCOMES AS PART OF THE DECISION-MAKING PROCESS.
10. THE SAT SHOULD MAINTAIN A FULL RANGE AND BALANCE OF SCIENTIFIC EXPERTISE THROUGHOUT THE PROCESS, INCLUDING OCEANOGRAPHIC AND FISHERY SCIENTISTS AND MODELERS EMPLOYING VARIOUS MODEL ASSUMPTIONS.
11. SAT GUIDELINES AND OTHER SAT PRODUCTS SHOULD BE SUBJECT TO FULL SCIENTIFIC PEER REVIEW (AT LEAST 3, PREFERABLY 5 REVIEWERS, INCLUDING SCIENTISTS EXPERT IN FISHERY AND OCEANOGRAPHIC DISCIPLINES), WITH STAKEHOLDER INPUT IN THE SELECTION OF THE REVIEWERS. THIS REVIEW SHOULD OCCUR BEFORE MPA NETWORK PACKAGES ARE EVALUATED.
12. THE SAT SHOULD BE ALLOWED SUFFICIENT TIME TO COMPLETE ITS WORK, INCLUDING MODELING POTENTIAL OUTCOMES.
13. IT SHOULD BE RECOGNIZED THAT SOME SAT MEMBERS MAY BE STAKEHOLDERS ALSO; SCREEN FOR CONFLICTS OF INTEREST.
14. BE CLEAR TO IDENTIFY AND SEPARATE SCIENCE ASSUMPTIONS FROM POLICY DECISIONS.
15. INTERVIEW SAT MEMBERS WHO DECLINED TO PARTICIPATE OR DROPPED OUT OF THE CENTRAL COAST PROCESS AS TO WHY, AND ASK FOR THEIR RECOMMENDATIONS TO IMPROVE FUTURE SAT FUNCTIONING.

REGIONAL STAKEHOLDER GROUP

16. DEFINE STAKEHOLDER: ESTABLISH THE VALUE OF STAKEHOLDER INTERESTS (I.E. SOCIO-ECONOMIC BENEFITS OR IMPACTS OF OUTCOMES)
17. ACCEPT STAKEHOLDER INVOLVEMENT WITH ALL PHASES OF DEVELOPMENT OF MPA NETWORK PROPOSALS. WORK TOWARD STAKEHOLDER ACCEPTANCE
18. ALLOW THE REGIONAL STAKEHOLDER GROUP AND STATEWIDE INTERESTS GROUP TO SELECT THEIR OWN ALTERNATES, WITH DFG APPROVAL.

BLUE RIBBON TASK FORCE

19. DO NOT UTILIZE A BLUE RIBBON TASK FORCE TO FILTER INFORMATION; RATHER, EMPLOY FISH AND GAME COMMISSION MEETINGS FOR DECISIONS ON POLICY ISSUES, AS AUTHORIZED BY LAW, WHICH WILL PROVIDE COMMISSIONERS WITH DIRECT INPUT ON THE INFORMATION REQUIRED TO MAKE OBJECTIVE POLICY DECISIONS.

A CRITIQUE OF THE MLPA INITIATIVE PROCESS

Prepared by 24 stakeholders who participated in good faith in this public process.

June 2006

Lessons Learned Report

To the credit of this Initiative, it has commissioned a “lessons learned” report that will involve interviews with key participants in all of the important phases of the Initiative process. It is our intention to submit this critique to the Lessons Learned team as a constructive tool to help them understand and appreciate our points of view. It remains to be seen if the lessons learned report can accurately portray the full depth of the issues. We are hopeful that it will, and as painful as some of this information is, that the State will learn from it and move forward in a constructive manner. As it stands, we consider this Initiative to be a deeply flawed process, at least through the phase of Blue Ribbon Task Force recommendations to the Department of Fish & Game and Commission.

The History of the Marine Life Protection Act (MLPA) is Relevant

The Marine Life Protection Act was sponsored by then Assemblyman Kevin Shelley. In 1999 when the MLPA was being developed, primarily by representatives of the Natural Resources Defense Council (NRDC), there was no real outreach to the fishing community. The great majority of recreational and commercial fishermen had no idea that the MLPA was going through the legislature, let alone how the law would be interpreted. The one outreach to the fishing community that did occur was to the Pacific Coast Federation of Fishermen’s Association (PCFFA) Executive Director, who subsequently has claimed that he was told that the law was about adjusting the State’s existing MPAs, and that the law could be amended if there were problems. The lack of stakeholder involvement or support is a problem that resurfaces throughout the history of the implementation of the Act.

One problem with the MLPA is that the science assertions made for the value of MPAs are based on MPA work done largely in tropical areas with different species and different fishing cultures. The MLPA is also horribly written with confusing and sometimes contradictory sections and lacking in key definitions. The fact that “MPA network” is never defined is a good example of this, and one that continued to haunt the implementation process.

Although little known, in 2001 there was an effort made by the California Association of Harbor Masters and Port Captains to offer constructive amendments to the MLPA to make it a more straightforward public decision-making process, and to help clarify how it would be implemented. Several meetings occurred between Harbormasters, the PCFFA Executive Director, and representatives of NRDC and the Ocean Conservancy, to gain agreement on these amendments. However, it appeared that NRDC and the Ocean Conservancy had no real interest in seeing amendments to the Act occur.

Prior to the MLPA Initiative, there were two previous attempts to implement the MLPA. The first was the much lambasted, but also misunderstood, attempt by the Department of Fish & Game and a Master Plan Science Team to offer for public discussion an MPA Network proposal.

Although well intended, as a public relations strategy this effort was a huge failure, as the fishing community reacted very negatively to their perception that they had been excluded from the development of the network. Subsequently, the network proposal was withdrawn. The second formal attempt actually showed some promise in that it was based on direct stakeholder participation in the development of MPA Network proposals. However, that process was stopped due to lack of money.

Much has also changed since the MLPA was written in 1999. Both the State and NOAA Fisheries have moved to an eco-system based management philosophy, and very strong management measures have been put into place. As was heard at several points during the MLPAI process, overfishing is no longer occurring off the coast of California.

Because of this new precautionary management system, some of the “findings” of the MLPA are simply no longer true. The main message is that ANY effort to implement the MLPA faces the challenge that the Act has significant baggage.

RECOMMENDATION:

- Future processes, including legislative efforts, must actively engage the stakeholders who stand to lose the most (i.e. livelihoods, businesses etc.), and strive to achieve their support of the final MPA recommendations.

Memorandum of Understanding (MOU)

The MOU developed between the Resources Legacy Fund Foundation (RLFF), California Resources Agency, and the Department of Fish and Game, has been touted by some as being a wonderful example of a public/private partnership in facilitating a project for the public good. However, if this is an example, it is not a good example. Certainly there are examples of public/private partnerships that can produce strong public benefits. However, much of the Marine Life Protection Act and its implementation comes down to policy and value decisions. This is, therefore, the wrong arena for a successful public/private partnership unless all views and values are equally represented in all aspects of the process, and an objective arbiter presides over the process independent of the politics. The MOU as crafted provides too much opportunity for the “private ” part to influence the development of public policy. For example, one of the key funding sources to the RLFF was a foundation that has long maintained a strong advocacy role promoting establishment of a large system of marine reserves and other MPAs worldwide. To have such a strong advocate for the use of MPAs largely funding the interpretation of the MLPA and the creative process of designing an MPA network is troubling. RLFF also had a significant role in choosing the staff to direct this Initiative. Indeed, one key staff person, who was the lead author of the Master Plan Framework, is a well-known advocate for a particular use of MPAs, and further had been associated with RLFF, the funding agent.

The MOU places too much control into the hands of the RLFF. The RLFF, through the MOU, controlled the money and therefore the timeline. The timeline for RLLF implementation was arbitrarily rushed by RLFF to the detriment of the process, as will be discussed later. The development of the MOU tasks and deliverables also missed an opportunity to provide for information critical to the process. The MOU could have been the place where both funding and time were set aside to do some proper baseline work on the socio-economic profile of both consumptive and non-consumptive use of marine resources in the central coast region. However, this did not occur, and this proved to be a major problem.

It would have been far more appropriate if the role of the RLFF and other funders had been to contribute toward monitoring, or enforcement costs of the adopted MPA network. We point out that there would have been equal concerns if any private party (i.e., Exxon Oil) would have been in a position to influence state policy in such a direct way.

Although there is a “transparency” section in the MOU, much of this Initiative process did not lend itself to transparency. From our point of view, much of this process has been sorting through “appearance vs. reality.” We refer back to the hiring decisions and the role and bias of MLPA staff in this process. The public will simply never know what that role or bias really was, but with appearances looming, such as the prior advocacy for MPAs by the lead author of the Master Plan Framework, the public can become skeptical of claims of transparency. There are other examples. There was MLPFI staff resistance to providing the methods used by Ecotrust, the contractor for the meager socio-economic product that was used in this process. Why would the public not have the right to know about the methods used in this important work? This gives the impression that something was being hidden, or at least resisted. We will never know why the Initiative or DFG did not provide more supervision in the makeup of the SAT, to insure an equal balance of scientific views to assure full scientific dialogue. Lastly, we are left to wonder whether there were any non-public agreements made between the State and Federal Agencies regarding future MPAs in federal waters, and state support for those MPAs.

RECOMMENDATIONS:

- No MOU. State General Fund to fund future processes, or “private” monies to go to DFG budget, with no controls by private funders.
- No arbitrary time deadlines; rather flexible time guidelines.
- Fund, and allow time for a thorough socio-economic analysis that tracks from primary producer/user through the community impacts.
- Staff hiring done in a manner that inspires confidence across the range of stakeholder groups, with stakeholder input in the selection of candidates.
- Someone in state government, outside of the DFG & the Initiative, should be identified to resolve “transparency” questions. This person should have the authority to act on legitimate issues that arise.

Timeline Problems

The arbitrary timeline dictated by the MOU/RLFF created problems throughout the process. The justification heard from the Blue Ribbon Task Force for the tight timeline as “the MLPA was passed in 1999, it is now 2005; this is long overdue, let’s get on with this.” However, that argument is weak. It is not the fault of the public or stakeholders that this statute has suffered delays in its implementation. Further, this Initiative is a new process, complex in nature, heavy in the development of relationships, requiring careful scientific analysis. Our complaint is not that we were not willing to work hard; rather the process cannot be rushed if a quality job is the desired result.

From our perspective as stakeholders, the timeline appeared arbitrary, arrogant, and contrary to a commitment to do a good job. This was particularly true when the stakeholder group was meeting once a month, with significant extra meetings, conference calls, and homework to do in between each meeting. Two primary examples of why the arbitrarily tight timeline has failed this process are actually found in the actions of the BRTF. The first occurred in the adoption of the Master Plan Framework and recommendation to send it to the Department of Fish & Game. The timeline

was so tight that the public did not receive a copy of this document for review and comment until a mere four days before the public meeting, which included a weekend. During public testimony it was very clear that there were problems with the Master Plan Framework. However, the timeline required the BRTF to forward this document to the Department of Fish and Game by the end of that BRTF meeting, or RLFF would curtail funding the process. Therefore, the framework was adopted by the BRTF, but with known problems, and action was rationalized because it was a “living document”.

The second example is in regard to the March 2006 BRTF meeting, wherein once again the BRTF’s back was against the wall on the time issue to move Packages of MPAs forward to the Department of Fish & Game. In this case the BRTF was so rushed that they specifically refused to allow public comment on their revisions, and the members basically created a new Package themselves in the quasi-public forum. Again, this was because they had to forward the Packages by a certain timeline to the Department or the RLFF funding would be in jeopardy.

Even though stakeholders urged the BRTF to request more time for some of these work phases, the BRTF ignored those requests. Why?

RECOMMENDATIONS:

- No arbitrary time deadlines; rather flexible time guidelines
- State to make a commitment to achieving a quality product, and live up to it.

The Science Advisory Team (SAT)

The Science Advisory Team members were initially selected by the Department of Fish & Game. However, after the initial selection process it appeared that Department leadership had little additional involvement. The original makeup of the SAT included one marine scientist from the National Marine Fishery Service who left the SAT after the first meeting. An oceanographer from Scripps departed soon thereafter, after his questions and comments were overlooked. A fisheries scientist from the SW Fisheries Science Center, who had modeling expertise, joined the SAT for a short time but soon resigned, after commenting that MPAs were unnecessary for fish managed by quotas under stock rebuilding plans, and MPAs could increase uncertainty of future management decisions. These cases, in addition to comments from the few remaining scientists with fishery knowledge, demonstrated that ecological theorists dominated the SAT. Scientists with population dynamics and oceanographic expertise were not replaced in-kind, and 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. As part of a de-brief of this Initiative, those scientists who could not participate or dropped out should be interviewed, anonymously, as to why they left the SAT.

Another issue to be addressed is that many members of the Science Team had much to gain in terms of career opportunities, grant funding, and publication opportunities from potential outcomes of this MLPA process. In other words, certain SAT members weren’t merely scientists, they were also stakeholders. Even though this issue was raised to the BRTF several times, it was never acknowledged in public nor addressed. Even more troubling: there are several examples of potential conflict of interests issues. One involved a lead scientist on the SAT who had received a Pew Fellowship grant for \$150,000 specifically to develop a large system of Marine Reserves as part of the MPLA process. Another SAT member who is also a musician wrote and performed a strong anti-fishing song published on his website. Additionally, two SAT members were

contracted by RLFF to perform socio-economic studies. They were, therefore, as the socio-economic experts on the SAT, in a position to provide peer review and commentary on their own work to the rest of the SAT. All of this undermines the spirit of the “transparency” clause of the MOU.

The SAT also kept changing the guidelines, creating new metrics as the process continued. The SAT’s late development of their “levels of protection” metric is an example of this. At the same time no metric to weigh whether or not network proposals exceeded the requirements of the MLPA was ever developed. Nor did the SAT model or otherwise test their assumptions. This set the stage for MPA advocates to claim, no matter what network proposal was made, that it didn’t offer “enough protection”.

A major problem with this MLPA process is that direct dialogue was not allowed between primary stakeholders and the SAT as the guidelines were written, or as the Packages were being developed and evaluated. In the MLPA Initiative, at least SAT meetings were public, but there was no real collaboration or interaction between the SAT and stakeholders – at least not fishing stakeholders. Small focus groups of up to five SAT members and up to five aligned stakeholders could have been used for effective dialogue.

The SAT also never provided a full eco-system based management recommendation for this MLPA process. That is because they did not consider existing fishery management measures or consequences of MPA placement, such as displaced effort, as they created their guidelines. Nor did the SAT evaluate ecosystem protections offered by existing fishery management in their evaluation of network proposals. The SAT did not utilize the best available science in employing readily available modeling procedures to test their theories on larval transport and adult movement. This larval transport theory had tremendous implications on the guidelines prepared by the SAT, yet it was never tested in a scientific way. We predict that a competent peer review of the SAT guidelines will reveal that the SAT guidelines are seriously flawed.

It should be recognized that many individual SAT members provided a tremendous amount of volunteer time into this process and made a sincere effort in their minds to create justifiable guidelines. Many were also frustrated with the time restrictions placed on them. However, other political forces seem to have outweighed their good intentions.

RECOMMENDATIONS:

- Direct SAT/Stakeholder dialogue, perhaps in facilitated focus group settings with the key proponents of MPA packages, employing models to test MPA proposals against projected outcomes
- SAT to reflect full range of scientific thinking and include (more than one) experienced fishery biologists as well as scientist with oceanographic expertise
- SAT guidelines and other SAT products to be subject to full (at least 3 reviewers) peer review, with stakeholder input in the selection of reviewers. To occur before package evaluations. Reviewers to include Fishery Management experience.
- Allow SAT enough time to do a thorough job.
- Recognize that SAT members may be stakeholders too; screen for conflicts of interest
- Be clear to identify and separate science from policy decisions
- Interview SAT members who chose not to participate or dropped out as to why. Find out if they have recommendations to improve the SAT functioning.

Central Coast Regional Stakeholder Group

Overall, the Regional Stakeholder Group (RSG) functioned pretty well. The makeup of the RSG was fairly constituted with about an even split between consumptive users and non-consumptive users and environmental groups. There were a few problems with the membership, such as a primary and an alternate who had completely opposing views of the role of MPAs and the process. It would have been better if the primary reps could have selected their own alternates, subject to DFG confirmation.

A greater issue was the fact that at no level of this process (Department of Fish & Game, Blue Ribbon Task Force, or Stakeholder Group) was there ever a discussion about who is a stakeholder, and are all stakeholder interests of equal value. This was hugely important because it set up a dynamic where on one side of the table people could demand the sky and the moon, while on the other side of the table, people were giving up very significant pieces of their livelihood or community interests. The moment we walked in the door, there was a set of “winners” and a set of “losers”. This failure to establish and weigh true stakeholder interests was a significant misstep in this process. The State should have acknowledged that conservation interests were already represented in the MLPAI, in the form that the requirements of the Act, which must be met, are highly protectionist.

For a time a number of stakeholders felt that the MLPAI and DFG staff were overstepping their authority in making unilateral decisions as to what things could be discussed and would not be discussed or carried forward in the process. This was in the context of developing “objectives” for the MPA network. This situation was brought to the attention of the Director of the Department of Fish & Game in a letter from a number of concerned RSG members. The letter seems to have resolved the situation. A future process will want to provide perhaps an even clearer statement to staff as to their role.

As mentioned earlier, time continued to be a problem throughout this process, with extremely tight timelines between RSG sub-meetings and conference calls. Additional time would have helped individual Package proponents to more fully vet their proposals to their constituencies. More time would also have been more realistic to accommodate the human needs that each RSG member had to balance - work responsibilities, family, and RSG responsibilities.

A good thing about the RSG process was that it did focus on the development of alternative network proposals, as required by the Act. The word “alternative” is very important because it is legitimate that there are different proposals to creatively solve the challenges posed by meeting the goals, objectives, SAT advice, and other requirements of the MLPA. By and large, there was good discussion about these different Packages, and to some degree, they all moved toward a common center.

The State needs to recognize that the degree to which the State does not respect stakeholder recommendations for MPAs is the same degree that future MLPA processes will find stakeholders unwilling to participate.

The firm “Concur”, hired to facilitate the RSG, did a credible job.

RECOMMENDATIONS:

- Define “stakeholder”
- Establish the value of stakeholder interests (i.e. socio-economic benefits or

- consequences of outcomes)
- Accept stakeholder involvement with all phases of the development of MPA network proposals. Work toward stakeholder acceptance.
 - No arbitrary time deadlines; rather flexible time guidelines
 - RSG & SIG to pick own alternates, with Department of Fish & Game approval

Blue Ribbon Task Force (BRTF)

The makeup and functioning of the Blue Ribbon Task Force was a mixed bag. On one hand, credit needs to be given to the Task Force members for volunteering a significant amount of time to this process. Not only did the members have to attend multi-day meetings, but there was a significant amount of preparation and homework to do surrounding each meeting. Task force members also were also tasked with making some very tough decisions under a spotlight. Our hats are off to any citizen who would volunteer for such public service. The BRTF chair was particularly skillful at presiding over public meetings. We have no doubt but that each of the BRTF members feel very strongly that the State must be a good steward of the ocean.

However, there are also issues involved in the structure and function of the BRTF that must be discussed.

It has already been discussed that the timeline imposed by the MOU was harmful and was frustrating to the RSG and the public. As was earlier addressed, the BRTF, without explanation except for vague statements that the MLPA was adopted in 1999, simply refused to address the time issues that stemmed from the MOU. We believe that if the BRTF had voted to send a message to the Resources Secretary, additional time for critical phases might have been negotiated.

Further, the relationship between the BRTF and the MLPFI staff was not clear. Did the Initiative staff take direction from the BRTF? Any future process will want to make sure that that relationship is transparent and well defined at the beginning.

The makeup of the BRTF is very much like the SAT issue, as it turned out. The BRTF did not have sufficiently diverse viewpoints to make for a thorough dialogue on important public decisions. As the BRTF meetings progressed, it became clear that all BRTF members saw their role as selecting the MPA network that had the strongest protective measures, while overlooking most choices they had that could have mitigated other negative consequences. This view of their task is very different from the task of implementing what the MLPA actually says.

Related to this, the BRTF members were allowed to make non-factual comments, in our opinion, and could do this unchallenged. As an example of this: two members of the BRTF, during the March meeting, claimed that one Package did not meet all the goals and objectives of the Act. Despite a request from a public member that any such claims be publicly justified (and assurance given by the BRTF chair), no public justification occurred, and the Chair of the BRTF did not demand it. Those same BRTF members then voted to send the package to the DFG and Commission, unchanged. That fact, combined with the fact that public testimony was arbitrarily cut off during the final negotiation of Package 3R, made for a very frustrated group of stakeholders as well as the public, with no opportunity to question the BRTF or hold the BRTF responsible for its decisions.

After reading the comments made by the BRTF justifying their votes for the preferred alternative,

we wonder if either there was a set outcome expected of them, or perhaps as private citizens, the task of comprehending fully all of the science and policy implications of what they were doing was overwhelming. Some BRTF members also missed meetings. We believe that it was very hard for BRTF members to comprehend, or retain, all of the information they needed to make an informed decision.

These problems are still minor compared to the two very significant errors that were made by the BRTF in first directing the Initiative staff to create their own network package. Then, during the final BRTF meeting, Blue Ribbon Task Force members themselves forced a merger of the staff package with Package #3, and added even further changes from what was found in those individual Packages. The fact that the BRTF made these decisions displays a disregard for the best available science as to how successful MPA processes are constructed. The BRTF also disregarded the outline of responsibilities in the Master Plan Framework that delineated the division of tasks between the RSG and the BRTF and the Initiative's team. Further, there was disregard and, frankly, disrespect shown to the public as public comment was specifically disallowed after the BRTF made final and arbitrary changes to the Packages. Before the BRTF vote was taken, to his credit, the DFG staff liaison to the MLP AI cautioned the BRTF that the changes they were proposing had great economic consequences to fishermen. However, despite their earlier recommendation to reduce socio-economic impacts in one of the packages, the BRTF did not respond to this at all.

The BRTF had been previously informed that the best available science on successful MPA processes is very clear that primary stakeholders (i.e. fishing communities) must be involved from the beginning to the end of MPA or network design, and must be supportive of the final product. By the direction of the BRTF, the Initiative staff and Task Force members themselves violated this principle. There was a claim made that because some individual MPAs came out of the RSG Packages, that somehow legitimized this effort as being stakeholder based. That is not credible. What the BRTF did was destroy the integrity of Package 3 as it came out of the RSG process. It is because of this that we do not view Package 3R as a stakeholder-based MPA network.

The most important point here is actually for the future. If a future MLPA process in a different region does not guarantee that the BRTF will not do this again, then you can expect that there will be open hostility toward that process and the BRTF, and generally an unwillingness on the part of fishing and harbor community stakeholders to participate. Why should they, when the BRTF could make a charade out of all the hard work that had gone into developing network proposals?

Perhaps the single insight that explains best the BRTF functioning is that they viewed the MLP AI as a political process, with political goals, rather than a science/stakeholder-based process.

RECOMMENDATIONS:

- Do not utilize a "Blue Ribbon Task Force," rather use the FGC for key policy issues.

Why Would We Think Socio-Economic Effects Matter?

A large problem in this process was its failure to recognize that decision-makers were going to want to know both positive and negative socio-economic consequences of the various network proposals. This was frustrating because many members of the RSG pleaded with Initiative staff and members of the Blue Ribbon Task Force to elevate the importance of this information to make sure it was available when it was time to make decisions.

What occurred was that the Initiative staff, with the support of the BRTF, determined that the law only called for “the best readily available science,” and that requirements to assess socio-economic work were not explicit. The Initiative team probably assessed the situation as being that neither the State nor the MOU had provided money to do the work, the MOU did not provide the time to do it, and the law only required minimal consultation. The problem with this conclusion is that it did not address the inevitable needs-set that all participants and decision-makers would have, centering on socioeconomic evaluations.

What was needed and pressed for by a variety of RSG members, was a thorough socioeconomic assessment that would address both consumptive and non-consumptive activities and trace those activities from the primary participants (i.e., the sale of fish at the dock) back through the communities that would influence such things as tourism and employment. It would also address such social issues as displaced fishing effort. In other words, if fishermen can’t fish in one area, what will they do? It would also be careful to assess impacts and consequences for non-consumptive users. A thorough study would get beyond generalizations such as “it will obviously improve tourism,” to really assess all of the background factors that may or may not actually see any net positive gain for non-consumptive users.

Instead, what was provided by the Initiative for BRTF decision-making was a study entitled, “Commercial Fishing Grounds and Their Relative Importance off the Central Coast of California,” prepared by Ecotrust. As was mentioned earlier, there was the potential for a conflict of interest in the fact that the principal investigator hired to perform this contract was also one of two socio-economic members of the SAT. There were concerns from the beginning about the quality of work that could be expected from Ecotrust. As a heads up regarding this concern, the Chair of the SAT was provided three other peer reviews of earlier Ecotrust products, all of which were critical of Ecotrust methodology in fishery use pattern issues. The peer reviews were credible, with one having come from the Science and Statistical Committee of the Pacific Fishery Management Council. One would have thought that in light of the sensitivity of this MLPA process, a contractor would have been selected who inspired confidence across all stakeholder groups. In fact, the Ecotrust interviews with fishermen had just begun when one of their staff violated the confidentiality agreement made with a fisherman. News of this quickly spread through the fishing community. We believe this negatively affected the quality and level of representation and participation of the study pool.

The Initiative team provided assurances to the fishing community that maps and other data-driven information provided by Ecotrust would be ground-truthed with them prior to any public usage. However, despite objections from several fishermen at public meetings to the Initiative staff, the Ecotrust maps were carried forward despite the inaccuracies. Not surprising, when the final report to the SAT and BRTF was submitted by Ecotrust, those errors were magnified and the report did not accurately convey to the decision-makers the economic consequences to the fishing community of the various MPA proposals. The BRTF justified its recommendations in part on the basis of this report, which incorrectly found minimal negative impact to fisheries.

Because of early concerns about Ecotrust as the contractor, as well as the sheer importance of this facet of information building, RSG members requested of the Initiative staff the methodology statement Ecotrust employed in preparing its report. This request met with repeated resistance and a failure to provide such methodology until well after the March BRTF meeting, after the critical

decisions had been made. Now that the methodology statement has been obtained (late April), the California Fisheries Coalition intends to sponsor an independent peer review, contracting qualified socio-economic professionals to assess the methodology. No matter what the results, this will be made public to the Fish & Game Commission. Although we are not scientists, we believe that inherent flaws in the methodology or data management by Ecotrust skewed the end product such that economic consequences were minimized.

When we link our early warnings about Ecotrust methodology, with the resistance by the Initiative team to provide Ecotrust's method statement, with the resulting inaccurate economic assessment, and we see that this incorrect information is being used against fishing communities in this process, we can't help but wonder if this does not represent a manipulation of this process to skew the results.

Noting again that a full socio-economic assessment never occurred, another work product that was commissioned was a compilation of planning and policy documents from coastal agencies within the central coast region. It was believed that these documents would reveal the importance of both consumptive and non-consumptive uses of these communities' waterfronts. We believe that a good job was done of this compilation, but the results never really received the attention or importance that they deserved.

Overall, a future MLPA process must consider and embrace the full range of socioeconomic consequences of any network of MPAs, including community consequences. There must be sufficient time and resources allocated to conduct this study utilizing accepted socio-economic data collection protocol.

RECOMMENDATIONS:

- Fund, and allow time for a thorough socio-economic analysis that tracks from primary producer/user through the community impacts, to be done early enough in the process to inform decision-makers.
- Socio-economic products to be peer reviewed before they are used.

Stakeholder Interest Group Conference Calls

Shortly after each BRTF meeting, a conference call was convened between senior MLPA staff members, BRTF Chairman Phil Isenberg, and designated stakeholders across the State. This included individuals even outside the Central Coast region. By and large, these conference calls, although increasingly more lightly attended as time went on, were a useful communication tool to help the BRTF and Initiative staff assess the public's reactions to BRTF meetings, other issues, and to plan for the future.

RECOMMENDATION:

- Continue SIG conference calls, but with the Director or a Deputy Director of the DFG rather than BRTF chair.

Conclusion

The Blue Ribbon Task Force and Initiative staff has praised themselves for achieving a highly transparent public process, maximizing public and stakeholder involvement. Indeed, there were many ways that the public could participate in this process. BTRF, SAT and RSG meetings were

web-cast; information was posted to a website; SIG conference calls were held to de-brief the BRTF meetings: all of these gestures are appreciated. However, the Initiative process actually seems to be engaged in an “appearance vs. reality” show. We are left to wonder if the Initiative process was really about “best available science,” and a fair public process, and whether stakeholder support matters to future decision-makers, or whether other political factors will dominate decision-making. We are also left to wonder, based on our past experience with this process, whether the formal “lessons learned” report will actually produce insightful conclusions about how this process actually worked.

Signed,

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Aliotti, owner, Carmel Canyon Spot Prawns: CCRSG
Tom Capen, president, Port San Luis Commercial Fishermen’s Association: CCRSG David
Crabbe, vice president, CA Wetfish Producers Assoc: CCRSG
Dave Edlund, chair of skindiving, CenCal Council of Diving Clubs: CCRSG
Howard Egan, Sanctuary affairs coordinator, Recreational Fishing Alliance: CCRSG Jay
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