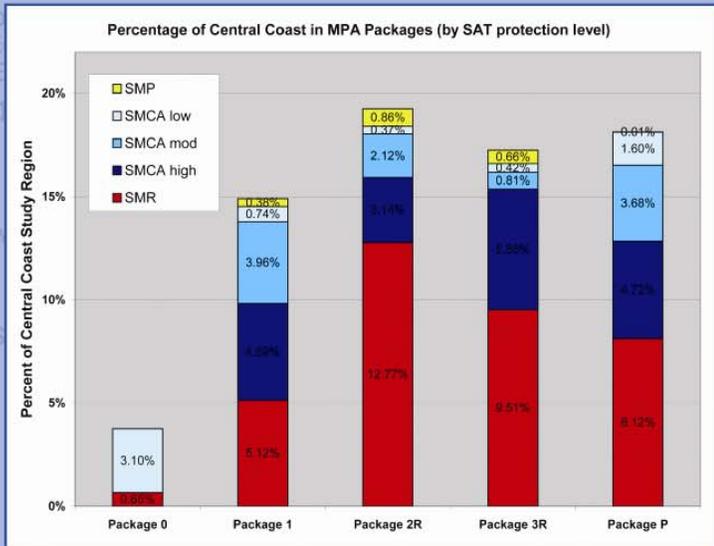


REPORT ON LESSONS LEARNED FROM THE MARINE LIFE PROTECTION ACT INITIATIVE

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Executive Summary

California is a recognized leader in efforts to effectively manage and protect ocean resources. A key management shift over the past decade has been to emphasize protection of marine ecosystems over individual species. The Marine Life Protection Act (“MLPA”), enacted in 1999 with significant support from the environmental community, takes this approach.

The MLPA vests authority for creation and implementation of a Marine Life Protection Program (“MLPP”) with the Fish and Game Commission (“Commission”) and the Department of Fish and Game (“Department”). The Department made two attempts from 2000-2003 to implement the MLPA (MLPA 1 and MLPA 2). Both fell short of producing a MLPP or MPA networks along California’s 1,100 miles of coast. A separate Channel Islands effort resulted in a Commission vote to establish MPAs, but the process generated significant lingering controversy and is not typically characterized as a success.

Governor Arnold Schwarzenegger took office in November 2003 during a period of political ferment and severe budget shortfalls. His platform included a commitment to ocean protection, and the new Secretary for Resources, Mike Chrisman, began working with representatives from the Resources Legacy Fund Foundation (“RLFF”), a private philanthropic group, and Ryan Broddrick, the new Director of the Department, to implement the MLPA using a public-private model. Extended negotiations during early 2004 resulted in a groundbreaking Memorandum of Understanding for a Marine Life Protection Action Initiative (the “MOU” and the “Initiative”).

The key elements of the MOU were:

- Private funding and contracting through the RLFF rather than through state mechanisms
- Focus on an area of the central coast as a pilot
- Creation of a Central Coast Regional Stakeholder Group (“CCRS”) to develop alternative networks of MPAs
- Creation of a Blue Ribbon Task Force of distinguished people experienced in public policy but not directly associated with MLPA or MPA issues, whose task was to oversee the CCRS effort and deliver alternatives to the Department and Commission for a decision
- Professional staff to support the BRTF and maintain a tight project focus
- Use of a Master Plan Science Advisory Team that would not design MPAs but rather support alternative development
- Creation of a Master Plan Framework to support development of the MLPP in phases
- Ambitious deadlines that include delivering a draft Framework to the Commission by May 2005 and a proposal for alternative networks of MPAs by March 2006, and
- A partnership among the Signatories: the Resources Agency, the Department, and RLFF

Finding 1. There is no question that the Initiative has been significantly more successful than earlier efforts to implement the MLPA, even before a decision by the Commission. This report is intended to identify “lessons learned” from the Initiative, in part to assist in decision making about one or more future study areas. There are three additional findings:

Finding 2. The Initiative processes and the BRTF recommendations provided a sufficient foundation for decision-making by the Commission.

Finding 3. The key elements of the Initiative functioned effectively in the central coast process overall, even with the questions and caveats to be anticipated in such a complex endeavor.

Finding 4. There is no conclusive reason at this time why the basic structure and approach of the Initiative cannot be replicated for the next study area. There are a number of issues and open questions, including:

- *the availability of private funding*
- *the challenge of retaining and recruiting high-quality contract staff, BRTF members, and SAT members in light of the demands imposed by the Initiative*
- *the availability of key Department staff to focus intensively on the next area*
- *the extent to which key stakeholders, particularly consumptive interests, will endorse the Initiative model following the Commission's ultimate decision for the central coast. The CCRSG Report provides further insight on this question.*

RECOMMENDATIONS

- 1. The basic Initiative structure -- a BRTF with contract Staff, RSG, SAT, and effective Departmental involvement – is the best option for the next study area, with limited modifications based on lessons learned.**
- 2. The State of California should negotiate a new Memorandum of Understanding with the Resources Legacy Fund Foundation or other entities to ensure adequate funding for future study areas as well as for implementation of Commission decisions about MPAs along the central coast.**
 - a. The Resources Agency and Department should open discussions with the RLLF and other private entities about funding for management of MPA networks.**
 - b. The RLFF and all private funders must work with the other Signatories, BRTF, and Staff to ensure separation and clear boundaries.**
 - c. The Signatories should consider whether other funders, or non-profit entities, might become part of the public-private partnership.**
- 3. The Department of Fish and Game should have the same roles and responsibilities in the next study area but should participate more proactively in the regional stakeholder process and should focus a substantial portion of its new resources on implementation of the Commission's decisions to establish MPA networks along the central coast.**
 - a. With respect to a RSG in the next study area, the Department should engage more directly with regional stakeholders as they develop packages of proposed MPA networks.**

