

MPA Statewide Leadership Team Charter

This Charter was created by consensus by the Working Group of the Leadership Team and was agreed upon on October 29, 2020.

Statement of Purpose

While the Memorandum of Understanding for Implementation of the California Marine Life Protection Act (MLPA) establishes the Parties to the MPA Statewide Leadership Team (Leadership Team), this Charter serves as a guiding document for the operational procedures of the Leadership Team. It is not a legally binding document and does not require signatures to be upheld.

Background

The California legislature passed the [MLPA](#) (California Fish and Game Code, section 2850 et seq.) and it was signed into law in 1999, responding to the need to redesign California's marine protected areas (MPAs) and improve their effectiveness at supporting healthy and sustainable marine ecosystems. The redesigned MPA network was completed in 2012. Through the science-based and stakeholder-driven process to implement the MLPA, state resource managers realized a key component to success was strong and active partnerships.

In April 2014, the Leadership Team was convened in Sacramento, California by the Secretary for Natural Resources (Secretary) as a standing advisory body to ensure communication, collaboration, and coordination among entities that have significant authority, mandates, or interests that relate to the MPA network. The founding membership of the Leadership Team was guided by the [Marine Managed Area Improvement Act](#) (Public Resources Code section 36600 et seq.) which describes a State Interagency Coordinating Committee to ensure coordinated management of marine managed areas, which include MPAs. State, federal, and key non-profit partners that are actively engaged in the MPA Management Program include those that are signatories on the [MLPA Implementation Memorandum of Understanding](#).

Membership

Executive Committee and Working Group

The Leadership Team is made up of two primary components; the Executive Committee and the Working Group. The Executive Committee, which includes the Secretary and the Directors of member organizations, comes together twice a year generally in March and September at the MPA Milestones Meeting in Sacramento. These meetings provide opportunities for high level review of the

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outcomes from the Working Group, and for setting the Leadership Team's priority work areas for the coming months. The Working Group is composed of a representative from each member organization at a program manager (or higher) level. The Working Group meets quarterly in Sacramento, and more frequently via teleconference as needed, to complete tasks and projects identified by the Executive Committee and identify priority work areas for the Leadership Team for approval by the Executive Committee. The Leadership Team is administered by Ocean Protection Council staff.

State and Federal Agencies

The Leadership Team includes state and federal agencies, departments, boards, and commissions with jurisdiction or management interests over marine managed areas, including MPAs. The [California Department of Fish and Wildlife](#) manages the statewide MPA network and enforces MPA regulations, and the [California Ocean Protection Council](#) serves as the state's MPA policy lead. The [California Fish and Game Commission](#) is the regulatory authority, which designates MPAs and adopts their rules and regulations. The [California Department of Parks and Recreation](#) and its Commission also are designated as a managing and regulatory authority for some types of MPAs. Other regulatory and trustee agencies, such as the [California Coastal Commission](#), [California State Lands Commission](#), and [State Water Resources Control Board](#), have jurisdictions that overlap with MPA management activities, as does the [Office of National Marine Sanctuaries](#), the [National Park Service](#), and the [Bureau of Land Management](#).

Tribal Representation

California's Native American tribes are sovereign nations that have lived and thrived in the state for thousands of years; the many dozens of coastal tribes possess extensive and invaluable knowledge of marine systems. Recognizing the inherent importance of California tribes' traditional and current participation in ocean stewardship, the Secretary prioritized tribal engagement through the establishment of Tribal Representative seats for four coastal regions, with one Primary and one Alternate Representative for each region:

- North – California/Oregon border to Mattole River
- North Central – Mattole River to Golden Gate Bridge
- Central – Golden Gate Bridge to Point Conception
- South – Point Conception to US/Mexico border

Tribal representation is critical to ensuring that California's MPAs are governed fairly and effectively. Tribal Representatives play a leadership role in Work Plan items across the four focal areas.

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Because Tribal Representatives take part on behalf of their region, Representatives are selected through a nomination process described in “Membership Eligibility” below. The Secretary appointed the first Regional Tribal Representatives to the Leadership Team in 2018.

Non-Governmental Partners

Key non-governmental partners also serve an important role on the Leadership Team. The [California Ocean Science Trust](#), is a non-profit boundary organization that supports a science-based approach to ocean and coastal management, including helping to design and implement the [MPA Monitoring Program](#). The [MPA Collaborative Network](#) engages California’s diverse coastal communities through a consortium of 14 county-based Collaboratives to enhance knowledge about the MPA network and increase compliance with MPA regulations. The MPA Collaborative Network is a signatory of a Memorandum of Understanding that formalizes the working relationship between the MPA Collaborative Network and the Leadership Team, and also recognizes the MPA Collaboratives’ significant contributions to the management of the state’s MPA network. The [Resources Legacy Fund](#) designs and administers initiatives for philanthropic foundations and individuals that result in significant conservation outcomes. The Resources Legacy Fund contributed significantly to the MLPA initiative and is a signatory of a Memorandum of Understanding with the state to continue to support the implementation of the MLPA. Effective stewardship of California’s MPA network requires an active, coordinated approach among the organizations on the Leadership Team, as well as other partners.

Membership Eligibility

Ex officio seats on the Leadership Team are designated by the leadership of each agency or organization and are approved by the Secretary.

Representatives from tribes that are listed with the [California Native American Heritage Commission](#) are eligible to apply for a Primary or Alternate Tribal Representative seat during an open application period. It is preferable that the Primary and Alternate Representatives for each region are from different tribes, to broaden perspectives and representation. A 90-day call for applications will be posted on the Ocean Protection Council’s [MPA Statewide Leadership Team webpage](#) and distributed widely via the Ocean Protection Council’s listserv, social media, and official outreach channels to California’s tribal governments and associations.

Tribal Representatives nominated by a tribal governing body are appointed by the Secretary and serve three-year terms. At the end of a term, a Tribal

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Representative can re-apply for another term. There is no limit on the number of terms that may be served by a Tribal Representative. All eligible applications will be considered, and previous service as a Tribal Representative on the Leadership Team does not predetermine the Secretary's decision.

Future Membership

Since its inception, the Leadership Team has evolved and added members to ensure a comprehensive representation of key partners in the MPA Management Program. The Secretary has the sole discretion to designate new member organizations or remove existing member organizations from the Leadership Team. Should it become necessary to enact membership change, the Leadership Team will provide a consensus opinion to advise the Secretary. If a unanimous decision is not reached, the Leadership Team will provide a recommendation with both the consenting and dissenting opinions.

Leadership Team Meetings

The Executive Committee meets twice per year in Sacramento at the MPA Milestones meeting, generally in March and September. The Working Group meets quarterly in Sacramento, and as necessary in sub-groups between meetings. Remote attendance at meetings is available but in-person attendance is preferred. Ocean Protection Council staff sends meeting agendas to the Leadership Team via e-mail approximately 10 days prior to each meeting. Leadership Team meetings are not open to the public.

Operational Procedures

The quarterly Working Group meetings serve as an opportunity to consider issues and advance work on a particular topic as a group. In the event that a topic requires more time than is available, the Working Group may split into smaller sub-groups and meet as necessary to address the topic among the relevant members.

The Leadership Team generally works to achieve consensus when providing formal recommendations or advice to decision makers. In times when unanimous agreement is not achieved, recommendations will include both the consenting and dissenting opinions. The Working Group will deliver recommendations to the Executive Committee, which will then deliver recommendations to the Secretary at MPA Milestones meetings. The Secretary will make the final decision.

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A member or members may suggest changes to the Charter in writing at least 10 business days prior to a quarterly Leadership Team Working Group meeting. The Working Group will discuss the proposed changes at its next meeting and come to consensus about adopting the changes. The Working Group will make significant effort to assure that all members' needs and concerns are met when determining whether to change this document. If consensus cannot be reached, the Working Group will provide written explanation of the differing views to the Executive Committee, which will then provide direction to the Working Group on how to proceed.

Guiding Documents

The Leadership Team has developed "[The California Collaborative Approach: Marine Protected Area Partnership Plan](#)" and a [Work Plan](#) to guide the partnership-based [MPA Management Program](#). The Work Plan is composed of strategic priorities, actions, and outcomes within the four focal areas of the MPA Management Program which are outreach and education, enforcement and compliance, research and monitoring, and policy and permitting. The Work Plan is updated every three years as a roadmap for program implementation. At the first Working Group meeting of the year, typically in January, the Working Group reviews progress made from the previous year and sets the timeline toward completing the goals of the Work Plan for the year to come. The Ocean Protection Council serves as the lead entity for Work Plan facilitation to ensure accountability and adjust timelines as needed and agreed upon by the Working Group.

Travel Reimbursement

Primary Tribal Representatives will be reimbursed for travel expenses, contingent upon availability of funding. Alternate Tribal Representatives may attend meetings in-person in addition to the Primary, though travel expenses will only be reimbursed if the Primary is unable to attend the meeting and is contingent upon availability of funding.

Roles & Responsibilities

All Leadership Team members agree to the extent consistent with their legal authorities, to:

- Be fair and represent their agency's, organization's, network, or tribal region's priorities.
- Convey information from their agency or organization to the Leadership Team and disseminate information from the Leadership Team back to the

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appropriate people in their agency, organization, network, or tribal region.

- Maintain open communication among Leadership Team members; preserve confidentiality and trust regarding sensitive and/or privileged topics and information to the fullest extent possible. Parties commit to early and frequent consultation and consideration about confidential information, and in particular, issues or documents provided by Tribes that could expose sacred sites to vandalism or harm, or fisheries to vulnerability, including considering whether received information can be protected under Evidence Code 1040, Public Resources Code 21082.3, subdivision (c)(2)(A), and other trade secret protocols at the State level, and exceptions to Freedom of Information Act releases, including the Archeological Resources Protection Act, the Self-Determination Act, and the National Historic Preservation Act to name a few, as described in the [Bureau of Reclamation Native American and International Affairs Office's Protocol Guidelines](#); and uphold the intent of [The California Collaborative Approach: Marine Protected Area Partnership Plan](#) and the [MLPA Implementation Memorandum of Understanding](#).
- Commit to consistent attendance at meetings. If members are unable to attend a meeting, they may send their designated alternate in their place. It is the responsibility of the member to inform alternates of meeting procedures.
- Acknowledge tribal sovereignty while promoting and advocating for the well-being of California tribes.
- Consider the interests of all California stakeholders.
- Be open, honest, and transparent in all issues.