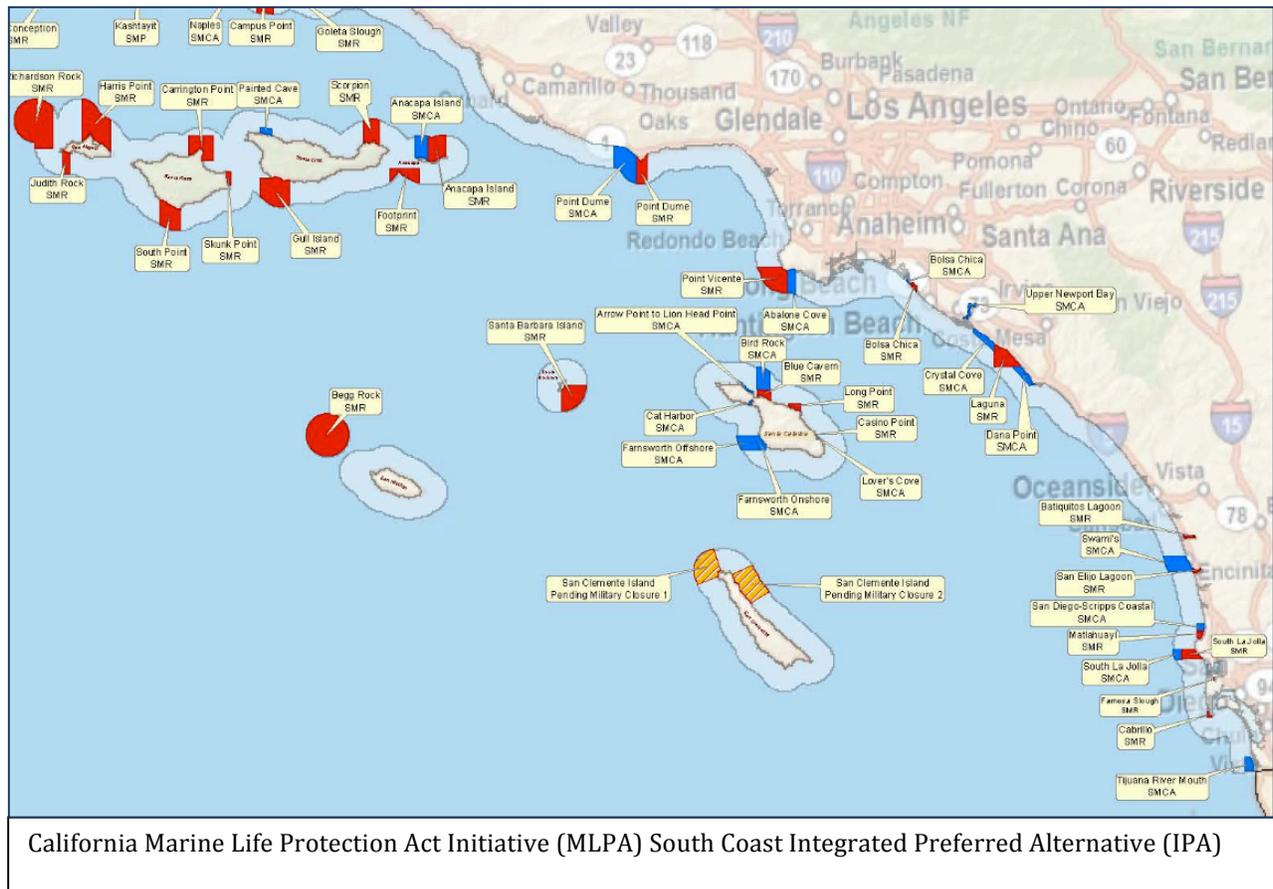# A Study of the Stakeholder Experience in Developing Marine Protected Areas in Southern California

By Phyllis Grifman[1], Scott McCreary [2] and Meredith Cowart[2]
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California Marine Life Protection Act Initiative (MLPA) South Coast Integrated Preferred Alternative (IPA)

[1] University of Southern California Sea Grant Program, http://dornsife.usc.edu/uscseagrant/, grifman@usc.edu
[2] CONCUR, Inc., www.concurinc.com, scott@concurinc.net, meredith@concurinc.net

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Introduction

As Coastal and Marine Spatial Planning (CMSP) processes take hold worldwide, it is important to design stakeholder engagement processes that result in a stable outcome. An outcome is considered stable when all stakeholders agree they "can live with" the outcome. This paper uses the Marine Life Protection Act (MLPA) Initiative's (Initiative)[3] stakeholder process to design a network of Marine Protected Areas (MPAs) in the South Coast region of California as a case study for consideration by other CMSP policy makers. We evaluate shortcomings in the stakeholder process and make recommendations to improve future multi-stakeholder marine policy processes, particularly those occurring in highly complex, urban ocean environments. In our view, the South Coast process was a good process with a good outcome - but it was not a great process with a great outcome. In our analysis, we would find the outcome to be "great" if three conditions had been met: if unanimous or nearly-unanimous agreement had been reached on one MPA network proposal; if this proposal had been fully consistent with the objective criteria set forth in the Science Advisory Team (SAT) guidelines; and if the process had been broadly regarded as fair by participants and regional stakeholders. The level of stakeholder satisfaction with a process is a key measure of its effectiveness and the outcome's ongoing support and stability.

The South Coast MLPA process and outcomes had many strong features: the MPA network proposal was informed by science, it was reached relatively quickly, and the regulation now in place reflects a compromise between many competing interests. However, our analysis concludes that the process and outcomes were not great. In fact, several process design decisions encouraged positional bargaining, polarized the debate and resulted in a perception among many stakeholders that the process was unfair. For example, pre-meeting caucusing that was not paired with training in principled negotiation led to the creation of a positional bloc that anchored negotiations. This and other misguided process design decisions were well intentioned; but they were not fully consistent with codified best practices in process design in the dispute resolution literature. As such, each one also constrained the ability of the process to find and confirm a stable outcome.

Our analysis indicates that a stable agreement was not found for four main reasons. First, the final set of three proposals – while informed by scientific research, data sets, and analysis – reflect the fact that the process did not achieve unanimous support around a single proposal. Secondly, the final Integrated Preferred Alternative (IPA) integrating these proposals has more of the characteristics of an instrumental political compromise than it does of a true mutual gains solution. Third, this recommended alternative and its implementing regulations fall short of

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[3] In 2004, the California Department of Fish and Game (DFG) (now the Department of Fish and Wildlife (DFW)) entered into a Memorandum of Understanding that provided funding to initiate the Marine Life Protection Act (MLPA) Initiative, a modification of the previous MLPA planning process which met with public resistance. The MLPA Initiative did not change the legal requirements of the MLPA; instead it modified the structure and process by which the legal requirements were implemented. While the original MLPA was implemented in a somewhat top-down, staff-centric manner, the MLPA Initiative was a much more robust science-based and stakeholder-driven planning process. The MLPA Initiative requires California to reevaluate all existing marine protected areas (MPAs) and potentially design new MPAs that together function as a statewide network. MPAs are developed on a regional basis with MLPA and MPA specific goals in mind, and are evaluated over time to assess their effectiveness for meeting these goals. For this process, the coast was divided into five study regions including the North Coast (NC), the North Central Coast (NCC), the South Coast (SC), the Central Coast (CC) and the San Francisco Bay (not yet implemented). For each region, a Blue Ribbon Task Force (BRTF), a Scientific Advisory Team (SAT) and a Regional Stakeholder Group (RSG) was developed.

meeting the full set of SAT guidelines. Finally, many members of the Regional Stakeholder Group (RSG) do not perceive the process as fully fair or legitimate. Several published articles discuss and document the successes of the MLPA process overall[4] and by implication the South Coast MLPA Initiative process in particular – indeed there were many. However, in this paper we apply a more rigorous analytical framework informed by the codified best practices in process design and a retrospective survey of South Coast stakeholder experiences to examine process design decisions and process outcomes. Using this approach, we then make broadly applicable recommendations to anticipate and avoid these challenges in future CMSP processes.

We adopt this approach because the work of marine policy – indeed any field of public policy – does not end when the policy is adopted; in some senses the work is just beginning. In the case of the California MLPA Initiative, additional work is needed to secure long term financial support, monitoring systems must be sustained, the public must be educated about the rules they are to follow, the ecological benefits of the MPA network must be documented over time, and socioeconomic impacts managed and mitigated. Experience shows that when a policy making process has found a stable agreement, dealing with these ongoing challenges will be much smoother.

Methodology

Our analysis is based on a robust set of four diverse and complementary sources, including:
1. Materials generated during the South Coast process. Documents produced during the process include a series of lessons learned reports prepared by independent evaluators and MLPA Initiative program documents, such as memoranda from the facilitation team.
2. A thorough investigation into the dispute resolution literature on best practices in process design. We draw heavily from the foundational theory-building work conducted over the past decades at the MIT-Harvard Program on Dispute Resolution including the analyses of authors Larry Susskind, Robert Fisher and William Ury.
3. A 40-question retrospective survey conducted jointly by the USC Sea Grant Program[5] and CONCUR.[6] For a detailed summary of the survey methods and findings, see the USC Sea Grant-CONCUR Retrospective Study in Appendix 3. The purpose of the survey was to better understand and document the stakeholder experience in the South Coast process. The survey questions were drawn from an evaluation framework developed by the U.S. Institute for Environmental Conflict Resolution (Orr 2008) and from CONCUR in its capacity as an organization striving to advance best practices in environmental and public policy dispute resolution.

   The survey received 45 responses (out of 62 possible respondents) for a response rate of 73 percent. Representation from the Rounds 1 and 2 Gems Groups (appointed cross-

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[4] In particular: Fox et al. 2013, Gleason et al. 2013, Kirlin et al. 2013, Saarman et al. 2013 and Sayce et al. 2012 focused on the full MLPA Initiative to date—and by implication the South Coast. Gleason et al. 2009 focused on the North Central Coast process as a positive example of a stakeholder driven science based process, and indeed it was.

[5] The University of Southern California Sea Grant program focuses on the "urban ocean" issues that that accrue when highly populated regions are adjacent to coastal and ocean geographies. The USC Sea Grant Program was involved in the South Coast MLPA process as a neutral voice for evidence based science, and in this study with the goal of exploring the processes used in order to improve future ocean-related decision-making processes.

[6] CONCUR, Inc is an organization that provides services in strategic planning, policy analysis and agreement-focused facilitation. As part of its theory of practice, CONCUR is devoted to reflecting in-depth on real-world experiences to strengthen best practices in environmental and public policy dispute resolution. Much of the content of this manuscript centers around CONCUR's action research and is further informed by the literature and theory of principled negotiation.

interest groups: see the MLPA Initiative South Coast Process for more detail) was even (15 Lapis, 15 Topaz, 13 Opal, 2 skipped the question about which Gems group they were in). All Round 3 Work Groups are represented and the number of individual responses is fairly even across these groups (16 Group One, 13 Group Two, 13 Group Three, 2 skipped the question). However, response rates did vary here: Group One had a response rate of 70% (16/23), Group Two 54% (13/24) and Group Three 87% (13/15). For the purpose of more finely analyzing differences in perspectives across interest groups, we have in most cases sorted responses by Round Three work group.[7] For a more complete description of the survey methods and findings, see Appendix 3: USC Sea Grant-CONCUR Retrospective Study.

4. The participatory action research conducted by USC Sea Grant and CONCUR authors Phyllis Grifman and Scott McCreary, respectively, with the goal of reflecting on the South Coast process in order to improve future ocean-related decision-making process.[8] Ms. Grifman represented USC Sea Grant on the South Coast RSG, as a neutral voice for evidence based science. Dr. McCreary provided facilitation services as a part of the I-Team as a neutral party focused on strengthening policy decisions and agreement building. USC Sea Grant and CONCUR jointly implemented the post hoc evaluation described above (see Appendix 3: USC Sea Grant-CONCUR Retrospective Study).

Part I: Background on the South Coast MLPA Process

California's Marine Life Protection Act Initiative

Broadly speaking, the MLPA Initiative (Initiative) was a public-private partnership established in 2004 by the California Department of Fish and Game (DFG)[9], and the California-based Resources Legacy Fund Foundation (RLFF)[10] via the California Marine Life Protection Act Initiative Memorandum of Understanding to help the State of California implement the Marine Life Protection Act (MLPA). The MLPA was passed in 1999 with the purpose of increasing the cohesion and effectiveness of the State's Marine Protected Areas (MPAs). MPAs are geographically delineated marine sub-regions that are designated to protect biodiversity and rebuild fish stocks by prohibiting or restricting commercial and recreational fishing activity.[11] Rather than designing a single MPA network for the entire state at once, the framers of the Initiative organized California into five study regions, each to have its own process to enhance existing MPAs: the North Coast, the North Central Coast, the Central Coast, the San Francisco Bay and the South Coast (the focus of this review).[12]

In each study region, a Regional Stakeholder Group (RSG) was established, to include representatives appointed from the full range of ocean resource interests. The RSG was tasked

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[7] The survey was open for 45 days, from January 18 to March 4, 2011 and extensive follow up reminder contacts were made to ensure broad representation across Round 1 and Round 2 Gems groups, and Round 3 proposal groups and a high response rate overall.
[8] Over the past 25 years, he has facilitated dozens of consensus agreements, including several on complex, multi-party marine resource issues.
[9] The DFG (DFW) is a department of the California Resources Agency, now known at the California Natural Resources Agency.
[10] The DFG (DFW) and RLFF together drafted an MOU that established the MLPA Initiative
[11] Networks of well-designed and well-managed MPAs are more than the sum of their parts. Networks build on the ecosystem protection, fisheries management, and research and education outcomes from individual MPAs to better protect a range of habitats and sustain more marine populations across a larger geographic region (IUCN 2008).
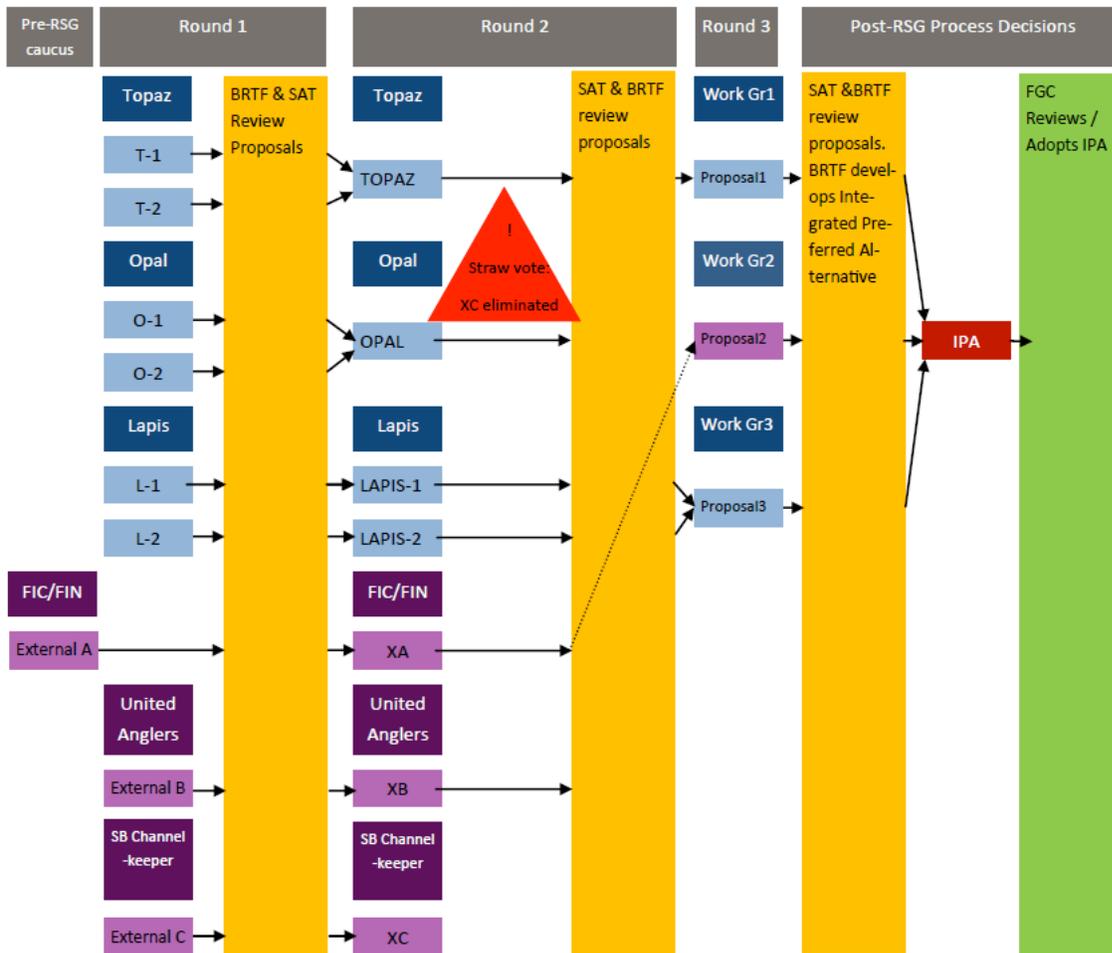[12] To date, four of five study regions have completed the MLPA process and regulations are currently in effect: the North Coast, the North Central Coast, the Central Coast, and the South Coast (the focus of this paper).

an Integrated Preferred Alternative. This is turn would be recommended to the FGC. In order to accomplish this ambitious task, the RSG met in eight multi-day plenary sessions and six work sessions between October 2008 and September 2009 (see Appendix 1: Chronology of South Coast MLPA Initiative Meetings and Outcomes).

In these plenary and work sessions, the full set of RSG members was organized into three sub groups which developed, negotiated, and refined MPA proposals over the course of three rounds of negotiation. At the end of each round, the MPA proposal(s) developed by these groups, along with any proposals developed by external groups, were forwarded to the SAT for review and then on to the BRTF. The BRTF and SAT then provided feedback regarding how well the proposals met MLPA goals.

The composition of the groups was the same during the first two rounds of negotiation, but was altered for the third round of negotiation. During the first two rounds of negotiation, members were appointed to one of three cross-interest work groups, called Gems Groups: Topaz, Opal and Lapis. The I-Team intentionally set the composition and balance of these Gems Groups with the intent of increasing collaboration.[14] In the final round of proposal development, three work groups were configured based on interests, to ensure that each RSG member would be able to support at least one of the final MPA proposals: Work Group One (a cross-interest group), Work Group Two (a consumptive-oriented group), and Work Group Three (a conservation-oriented group) (Fox et al. 2013) (see glossary entry "Work Groups" for more details).[15]

As figure 1 above depicts, several MPA proposals - both internal to and external to the RSG process – were developed during the first round, and refined over the course of the negotiations. By the end of the first round, each Gems Group had developed two proposals. In addition, three proposals had been developed and submitted by stakeholders external to the RSG (External Proposal A had actually been developed *prior* to the first round of negotiations, as explained in "Pre-Meeting Caucusing Between Consumptive Interests Organized."[16] These nine proposals were submitted to the SAT and BRTF for review. In the second round, the Gems Groups continued negotiations with the same set of proposals, guided by feedback from the BRTF, SAT and I-Team and with the objective of combining or eliminating proposals or elements of these proposals to narrow the number of options.

By the end of Round 2, there were still 7 proposals on the table (4 from the work groups and 3 external proposals). To meet the BRTF's request to winnow the number of proposals to 6, the I-Team devised a straw voting procedure to eliminate one proposal (External C was selected). The process decisions surrounding this elimination straw vote became a divisive point in the process known as the "double reverse." Specifically, the outcome of the straw vote (eliminating External C) led to strong objections from conservation interests and for several reasons External C was put back on the table. This decision in turn prompted intense backlash from the fishing community, and External C was again eliminated. (This process and its consequences are

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[14] Setting the composition and balance of the Gems Groups involved many rounds of internal deliberation among the I-Team.

[15] In order to develop these three groups, prior to the third round, the I-Team conducted an online survey asking RSG members which work group they preferred to join. About 85-90% of the RSG members were appointed to serve on their first choice group.

[16] While these "external" proposals were not formally negotiated or modified by RSG members, RSG members were encouraged to examine and incorporate elements of other MPA proposals (either internal or external) that successfully met the guidelines. The external proposal put forth by the FIC/FIN alliance (External A) ended up creating the basis for the third round proposal in one group.

described in more detail in the section "Unclear and Inconsistent Use of Straw Voting").

Ultimately the 6 selected proposals were forwarded to the SAT and the BRTF, which again reviewed the MPA proposals and provided further feedback. For the third round, the I Team's review showed that there was still not sufficient convergence among the elements of the six proposals for each cross-interest Gems Group to support a single proposal. Therefore, the I Team reorganized the RSG members into three interest-based Work Groups (as described above and in the glossary), to ensure that each RSG member could support at least one of the proposals.

At this stage, the I Team asked RSG members to select one of the Round 2 proposals to use as the platform for the final round of proposal development. Each group refined and further developed the selected proposal and at the end of the third round, these three proposals were forwarded to the BRTF for their consideration.

From these three proposals, over a series of meetings, the BRTF created its own IPA, which it recommended to the FGC. On December 15th, 2010, the FGC voted to adopt the BRTF's IPA in full. The regulations took effect January 1st, 2012, creating 50 new MPAs and two special closures encompassing 356 square miles (15%) of state waters in the region (California Department of Fish and Game n.d.). Figure 2 below details the final MPA preferred alternative adopted by the FGC. Appendix 1 provides a timeline of the major body meetings and events that structured the South Coast RSG process.

Figure 2. Map of the South Coast Study Region
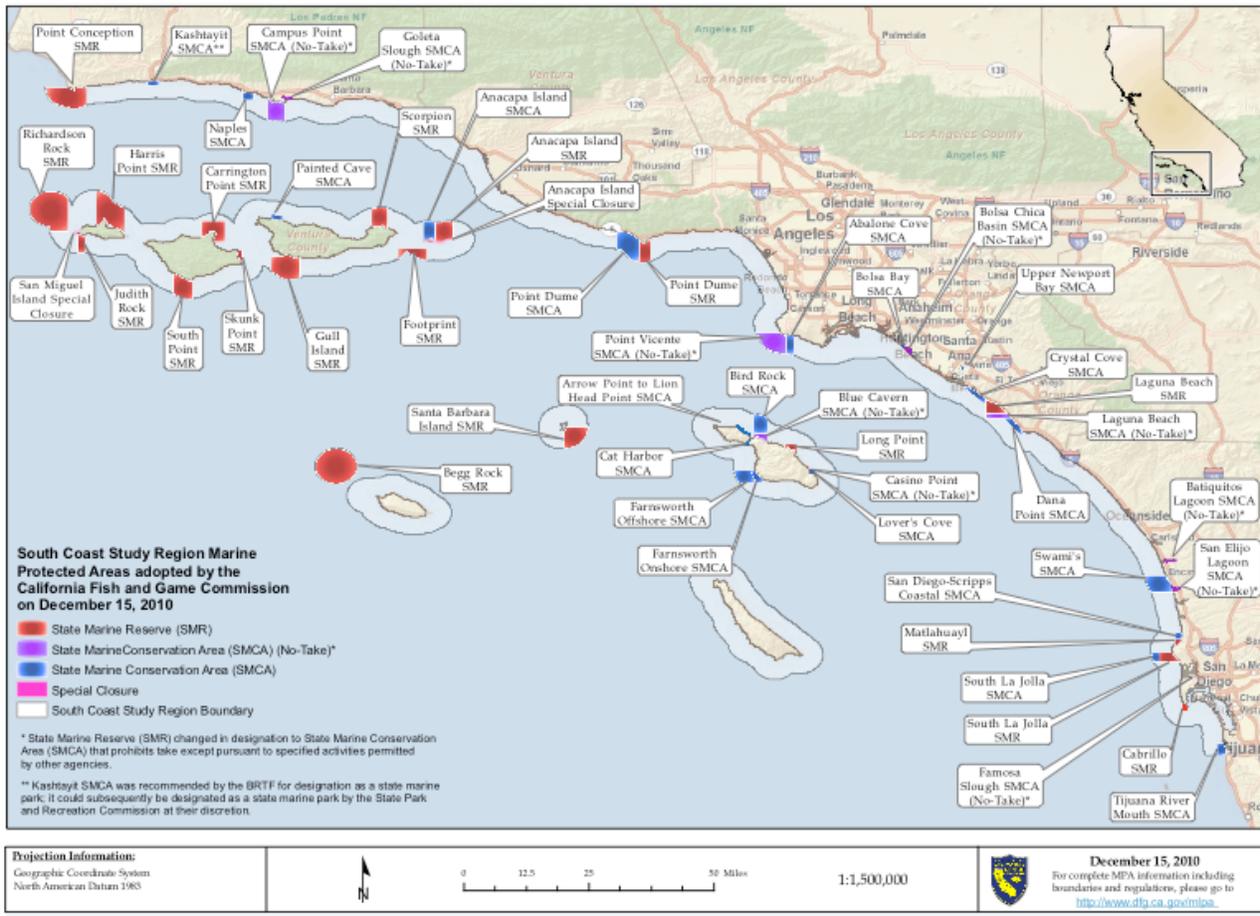
Distinctive Challenges of the South Coast Region

The South Coast presented unusually challenging conditions, which had not been experienced in the other MLPA Initiative regions. The South Coast study region, bounded by Point Concepción in Santa Barbara County and the Mexican Border south of San Diego (see Figure 2), is a large region with high population density along the coastline, a variety of competing uses and myriad environmental policy issues in play. There are more than fifty incorporated cities bordering the coast from Santa Barbara through San Diego Counties and over 17 million people living within 80 km of the ocean (Schiff et al. 2002; in Fox et al 2012); as such the region is heavily used by a diverse array of commercial fishermen, recreational anglers and boaters, surfers, divers, beach-goers, birdwatchers, homeowners and wastewater discharge and industrial facilities, to name a few. The South Coast includes territory with military jurisdiction[17] and several areas within the region have adopted management systems already in place.[18] The area suffers from habitat loss and a degree of water quality impairment not seen in other study regions, which introduced a new layer of complexity to the negotiations.[19] While these types of use conflicts are central to coastal management (Cicin-Sain & Knecht 1998, Sorensen & McCreary 1990), there has been little research to specifically address the special complexity and pressure on resources in densely populated and developed urban coastal environments. The complexity of the issues and intense competition for marine resources in the South Coast study region created significant challenges that impeded the ability of stakeholders to negotiate to agreement. Because of this level of complexity and highly charged issues, it was even more crucial in the South Coast than in other study regions that best practices in process design be closely observed.

The Importance of Stakeholder Engagement In CMSP

Engaging stakeholders in the policy design process is a critical component of successful CMSP processes (Pomeroy & Douvere 2008, Gleason 2013, Fox et al. 2013). CMSP is an ecosystem-based approach to management and as such it is place- rather than sectorally-based (Ehler 2008); therefore it requires coordinated planning across many sectors and a variety of use groups (Halpern et al. 2012). According to Pomeroy and Douvere (2008), engaging stakeholders in CMSP planning efforts has a number of positive outcomes, including:

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[17] The U.S. military has a number of operations in the area and the military exercised preemptive jurisdiction in a few key locations. This constrained invention of MPA proposals until it was determined whether (and which) military areas could be included in the negotiation. What's more, government agencies at all levels, including the U.S. Department of Defense, demonstrated greater interest in participating in MPA planning than they had in previous study regions (Fox et al. 2012).

[18] Areas in the study region with adopted management plans already in place added even greater complexity. For example, the water quality and ecosystem function at the Tijuana River National Estuarine Research Reserve south of San Diego was already impaired because of past unregulated flow from the Tijuana River on the US-Mexico border. Initially, reserve managers wanted a marine reserve area in offshore waters to foster improvements on the landward side. However, later in the process, the management agencies expressed concern that any MPA designations could block wetland restoration work, and that MPA designation could enable the Department of Fish and Game to exert jurisdictional authority that would preempt other agencies. The reserve managers wrote a letter explicitly requesting that an MPA not be overlaid on top of the existing reserve (Personal Communication, Michael McCoy, August, 2012).

[19] Concerns over water quality created another layer of complexity in the negotiations. The study region includes numerous outfall sites urban runoff, from both storm drains and large rivers and creeks. In addition, there are 18 publicly owned treatment works plants, three desalination plants, 12 cooling power plants, and six other permitted pollution discharge sites. While water quality concerns were raised to a limited extent in other study regions, they assumed major proportions in the South Coast study region. Some MPA candidate sites were directly adjacent to or even included storm drain sites. Other related water quality issues, though not core to the MLPA mandate, and ostensibly outside candidate MPA sites, significantly affected deliberation over potential MPA boundaries and uses. One RSG member in particular was a strong advocate of waste treatment facilities' interests and repeatedly indicated concerns about siting any MPA near facility outfalls. Meanwhile, consumptive fishermen voiced concerns that the MPAs would take all the "clean areas" and leave them only the more polluted waters for fishing.

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1. Develop policy that better takes into account the multiple use objectives and takes advantage of local knowledge of marine resources;
2. Generate new options and solutions that may have not been considered individually;
3. Deepen mutual understanding of the issues at hand; and
4. Generate "buy-in" for the policy developed among resources users.

Good vs. Great: The Importance of Process Design in CMSP

However, simply bringing stakeholders to the table to "talk things out" is not nearly specific enough process advice; designing a negotiation that encourages cross-interest solutions that will be stable in the long term requires concerted and careful planning. Successful stakeholder engagement towards a productive solution requires what is known in the dispute resolution field as an effective "process design." Process design refers to the ways in which stakeholders are brought together to negotiate an outcome. Those designing any CMSP process must ask questions such as, "How should appropriate stakeholder representatives be selected?" "How large should the stakeholder group be?" "How should personal attacks be handled?" "What portion of the negotiations should be devoted to public comment?" "Should MPA arrays be required to meet all, most or only some science guidelines?" "Should negotiators strive to reach a single consensus document or generate several alternative options?" We contend that answering these questions wisely can make the difference between a good outcome and a great one.

A substantial body of literature addresses best practices in process design of public policy dispute resolution. Practitioners and researchers in the field have demonstrated that these "best practice" process design decisions support voluntary agreements reached through a process of principled negotiations (Susskind & Cruikshank 1987). Principled negotiation is an approach to consensus building first codified by Fisher and Ury in their well-known book *Getting To Yes* (Fisher & Ury 1981). This foundational approach was refined through years of successive analysis based on practice at the MIT-Harvard Public Disputes Program (See, for example, Susskind, McKearnan and Thomas-Larmer, 1999). The principled negotiation approach involves several core principles, which are particularly relevant to the South Coast MLPA process: (1) negotiation on the basis of interests, not positions; (2) inventing options for mutual gain; and (3) insisting on objective criteria.

Negotiating on the basis of interests contrasts sharply with positional bargaining, though the difference is not always obvious. Interest-based negotiating means that stakeholders seek solutions that will satisfy their needs (interests), rather than asking for a pre-determined outcome that they perceive will satisfy this need (a position). For example, rather than demanding a certain area be closed seasonally (a position), a negotiator may state that the regulation must ensure that the kelp within a certain area be protected (an interest). This approach allows for a greater number of options to be invented that may satisfy this stakeholder, and therefore increases the chance of finding solutions agreeable to multiple parties. Negotiating on the basis of interests is a fundamental step towards achieving the second criterion, inventing options for mutual gain. When stakeholders disclose their interests, the group as a whole can seek creative solutions that allow more parties' needs to be met, rather than fighting over positions which assume a win-lose outcome (this process is called "expanding the pie"). Time for "invention

without commitment" – that is, brainstorming options simply to explore support for these ideas – is also a very important part of inventing options for mutual gain.

Objective criteria are the yardsticks that can be used to judge the outcome of a negotiation. These standards have their basis in the concept of objective analysis, conducted "independent of the will of either side" (Fisher et al 1991). In the case of the MLPA process, rigorous objective criteria were developed in each study region: SAT guidelines were developed and codified, confirmed with the BRTF and shared with the RSG. The SAT guidelines were put forth as a "road map" for the RSG's MPA proposal development.[20]

When designing a CMSP process built on principled negotiation, an array of design decisions that are well-established in the dispute resolution field can help to ensure that principled negotiations which are perceived as fair by those involved does occur. For example, a robust stakeholder assessment can identify stakeholders willing to negotiate on the basis of interests rather than positions. Similarly, consistent decision rules can prevent personal attacks that might otherwise polarize a debate and derail negotiations. When the best practices in dispute resolution guide the process design decisions, the criteria for principled negotiation are present, and the process is more likely to lead to a "great" outcome that: has achieved nearly unanimous agreement, meets the scientific criteria, and is widely seen as fair. Future CMSP processes can build on decades of experience in the dispute resolution field to achieve stable and effective CMSP policies. What's more, great CMSP negotiations can set a great precedent for related future marine planning endeavors likely to take place among a similar set of stakeholders.

Outcomes of the South Coast MLPA Process

Successes of the Process

As described above, there were many strong features of the South Coast MLPA process, many of which reflect best practices in principled negotiation (many of which have not yet been discussed in this paper, but which we also consider critical to producing exemplary policy outcomes). Some excellent features of the MLPA Initiative process were: highly inclusive of a range of stakeholder viewpoints; open to public scrutiny; innovative technology was utilized to involve a range of stakeholders in complex planning decisions; and a set of MPA proposals was developed, which informed the final regulations. More specifically, over 60 stakeholders representing a diverse range of groups took part in the RSG. An extensive outreach campaign with dedicated staff members successfully involved hundreds of diverse members of the public (Sayce et al. 2012). The web-based GIS tool known as Marine Map won very high praise for empowering stakeholders to test the ecosystem impacts of various MPA delineations and enabling collaborative problem solving (Fox et al. 2013). The RSG generated a suite of proposals

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[20] After each round of proposal development, proposals were analyzed by the SAT to gauge how well each proposal met the adopted science guidelines for habitat size and spacing and habitat representation, each of which were weighted with equal importance. The SAT's guidelines were intended to provide stakeholders and the BRTF with a set of unambiguous yardsticks by which the respective MPA proposals could be evaluated and compared. These SAT evaluations also discussed other variables of the MPA proposals including economic considerations, bio-economic modeling results, and information on marine birds and mammals and water quality consequences. The BRTF recommended strongly that proposals meet the SAT's guidelines. The California Department of Fish and Game also provided an evaluation of the alternatives to determine whether MPA proposals met feasibility guidelines and identified how specific MPA designs could be improved to better meet the guidelines.

through three rounds of work and their efforts were used by the BRTF to generate an Integrated Preferred Alternative, which in turn served as the basis for the final regulations adopted by the Fish and Game Commission (FGC).[21] These regulations designated a total of 50 MPAs and two special closures in the South Coast region. Regulations were adopted on December 15th, 2010 and have been in effect since January 1st, 2012.[22] The many well-placed process design decisions in the South Coast led to a good outcome; but several more misplaced choices caused the planning effort to fall well short of generating a stable agreement.

Shortcomings of the Process

In this paper, we highlight several problematic process design decisions, including:

1. Insufficiently Rigorous Conflict Assessment: The conflict assessment did not effectively identify or screen those not willing to negotiate towards a mutual gains solution or prepare the I-Team to deal with the full set of marine resource issues in the region that eventually posed challenges to collaboration.

2. Imbalanced Representation on the RSG: Representation on the RSG was numerically skewed towards consumptive interests, creating both a real and perceived sense of unfairness among RSG members.

3. Pre-meeting Caucusing Mobilized without Principled Negotiation Training: MLPA Initiative sponsors organized a series of meetings between commercial and recreational consumptive users before the first RSG meeting took place, but this structured caucus was not paired with training in principled negotiation. This led to the creation of a positional bloc, which apparently perceived that its interests would be best met by anchoring negotiations and engaging in positional bargaining.

4. Insufficient Carrots - Incentives to Negotiate: The process did not include an explicit promise that a consensus outcome would be implemented. Stakeholders were not made sufficiently aware that a consensus package would benefit their interests, so were not incentivized to engage in principled negotiation.

5. Inconsistent Sticks - Formal Process Guidelines: During the RSG deliberations, process guidelines were not sufficient to enforce good behavior, often leading to an atmosphere of animosity and mistrust.

6. Unclear and Inconsistent Use of Straw Voting: A straw vote decision rule was not defended and enforced when it was attacked for its use in winnowing MPA packages; this "double reverse" therefore undermined perceived process legitimacy, fairness and accountability.

7. Insufficient Boundary Conditions on Public Involvement Relative to Face-to-Face Negotiation: The public involvement in the RSG displaced time spent by RSG members directly on negotiations and restricted the ability of RSG members to openly brainstorm.

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[21] The very substantial time investment of the BRTF made possible very detailed deliberation and consideration of alternatives that would have swamped an already-crowded agenda for the Commission.

[22] Some of the strong features of the MLPA Initiative were highlighted with regard to the North Central Coast study region (Gleason et al. 2009)

This context of positional bargaining and a recurring perception of unfairness impeded the ability of the process to find a stable agreement. Rather than reaching unanimous or nearly unanimous agreement on one proposal, the RSG developed 3 proposals with key design differences that could not be reconciled (Fox et al. 2013). What's more, the final RSG proposal reflects the consequences of positional bargaining and "anchoring" by consumptive users: a final proposal and suite of regulations (the IPA) that tilts towards the positions of this interest group. As a result, the objective criteria (SAT guidelines) created to guide the MPA development were not met. Just over half of the 50 MPAs in the South Coast MPA can be considered sufficiently protective to contribute towards the ecological goals of the MLPA; of these, 10 fall below the minimum size range recommended by the SAT. Many spacing guidelines were also not met (more than in any other study region), potentially compromising "the ecological connectivity of the network--even though the habitat was available to reduce these gaps (Saarman et al. 2013)." Also importantly, the process was not broadly perceived as fair and some stakeholders even perceived it as illegitimate: several process design decisions created the sense that stakeholder representation was imbalanced, that decision tools were upheld arbitrarily rather than consistently and that some stakeholders were unwilling to engage in mutual gains negotiation.

While we are not arguing that it is necessary that all stakeholders enthusiastically support a process outcome, a process can be considered stable when all stakeholders agree they "can live with" the outcome. However, the majority of South Coast MLPA RSG members report dissatisfaction with the outcomes of the process. When asked to rate their level of agreement with the statement "I am satisfied with the final MPA design adopted by the Commission on December 15, 2010" on a scale of 1 to 6, the average response was 2.5 (Appendix 3: USC Sea Grant Retrospective Study).[23] This mean score of 2.5 is strikingly low in contrast to finding from the North Central Coast RSG (the process conducted immediately prior to the South Coast) where the mean satisfaction score was 4.03. While a substantial number of stakeholders registered only tepid support for the outcome, a few members of the South Coast RSG went as far as to file litigation intending to block implementation of the very MLPA regulations which they had been charged with helping to craft.[24]

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[23] These findings echo those of Harty, who also surveyed South Coast RSG members on their "overall level of satisfaction" with the process, finding a mean of 2.59, with 53% of respondents were either "very unsatisfied" or "somewhat unsatisfied." A comparison to similar surveys in other regions demonstrates that this is far lower than the mean satisfaction score of 4.03 for the North Coast RSG and somewhat lower than the mean satisfaction score of 3.0 for the Central Coast RSG.

[24] The MLPA regulations adopted by the FGC for the South, North, North Central and Central Coasts are now in effect (currently, of the five study regions, four have completed the MLPA Initiative process and regulations are currently in effect: the Central Coast, North Central Coast, South Coast and North Coast). However, on January 27, 2011, opposition groups representing consumptive users and including members of the South Coast process filed a lawsuit in the San Diego County Superior Court seeking to set aside the MLPA regulations in the North Central and South Coast study regions. These opponents of the MPA packages cited flaws in the MLPA process and stated that the FGC does not have legal authority to make decisions that effectively limit, and in some cases prohibit, their ability to fish and recreationally access designated "no fishing zones" (American Sportfishing Association n.d.). After a series of petitions and appeals, an appellate court ruling (Fourth Appellate District, Division 1) on April 15, 2013 denied Coastside's petition for Writ of Mandate. Opposition groups state they will "continue to explore all possible avenues to maximize recreational fishing access in California. One possibility is the requirement for a 5-year review of the MLPA performance, and potential adjustments of regulations, for each region (American Sportfishing Association, n.d.)."

Part II: Process Design Challenges Explored

This section describes several specific and well-intentioned process design decisions that led to unintended outcomes during and after the South Coast MLPA process.

Imbalanced Representation on the Regional Stakeholder Group

In a sequence of small, incremental decisions intended to be inclusive of and responsive to the diversity of consumptive users, the overall numerical representation on the RSG became skewed towards consumptive interests. The balance and composition of a stakeholder group is critical to its success (Pomeroy & Douvere 2008). Best practices literature recommends that the mix of interests in the stakeholder group "not be skewed toward one interest or another" (Susskind et al. 1999). Balanced representation also contributes to a sense of fairness among participants, which in turn influences long-term agreement with the process outcomes. Also importantly, when the results of the stakeholder engagement process will be used "as the basis for democratic decision making," the stakeholder group must not only represent a range of views but must also achieve balanced representation (Acland 2012).

The RSG was originally composed of only 32 primary members and reflected a balanced range of interests within the study region.[25] Alternates were also selected for each primary member.[26] However, the complexity and large scale of the region lead to (apparently) greater differentiation of stakeholders than had been the case in the other regions: even within the stakeholders representing "commercial fisheries," there were differences in target species type (bait, urchin, lobster), geography (deep water, near shore or northern and southern parts of the study region) and gear type (trawl, hook and line, trap). Because of these differences, consumptive interest groups placed pressure on I-Team staff and a decision was made to further increase the number and diversity of fishing representation. This process choice "unintentionally resulted in an imbalance between extractive and non-extractive users (Fox et al. 2013)." What's more, this problem was compounded when it was decided to include not only representatives, but also their alternates, as full deliberating members in each and every regular RSG meeting. As a result, the number of *functional* equivalents of primary RSG representatives doubled – from 32 to 64. The existing imbalance was further amplified, creating an RSG with unequal representation of fishing, consumptive and cross-interest members.

Stakeholder perceptions of fairness can greatly influence stakeholder behavior throughout a process, and the willingness of a stakeholder to abide by an outcome once it is established (Susskind & Cruikshank 1987). In the South Coast MLPA process, many participants felt that the RSG was imbalanced. When asked to indicate their level of agreement on a scale of 1 to 6 with the statement "[RSG] participants' interests were well balanced", the conservation-dominated group responded with a mean of 1.69, indicating broad dissatisfaction with the composition of the negotiating group. Overall, South Coast stakeholders responded with a mean

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[25] The South Coast RSG was appointed by the Director of the DFG and the Chair of the BRTF based on recommendations made by the I-Team.
[26] Traditionally, an alternate is used when a primary member cannot attend a meeting and they communicate between each other to ensure each has the most current, relevant information. The traditional use of alternates was applied in the other regional processes, but not in the South Coast process.

of 3.02, demonstrating at best mild agreement with the statement overall. Similarly, post-process surveys conducted by Harty (2010) found that 45% of South Coast stakeholders characterized the RSG as "poorly balanced"; this contrasts with findings of 32% and 22% on the Central Coast and North Central Coast respectively.

Fox et al (2013) point out that "the numerical advantage of extractive users may have contributed to some stakeholders engaging in block voting and refraining from collaborating across interests and seeking mutual gains." Some members, who perceived that there was an imbalance in favor of consumptive interests, saw this imbalance as hindering the ability of the RSG to both reach consensus and to satisfy SAT guidelines. One such respondent stated that this imbalance was biased towards members *"opposed to the implementation of the MLPA in any form"*. Other members, who felt there weren't enough stakeholders with cross-interest perspectives, reported that *"too many stakeholders took a hardline stance"*. In his analysis of the South Coast process, Harty concludes that the lack of balanced representation "had a significant impact on the ability of stakeholders to identify cross-interest solutions and engage in mutual-gains negotiations (Harty 2010)." In the longer term, the perception of unfair process increases the likelihood that stakeholders may seek to undermine the outcome (Susskind & Cruikshank 1987).

Incomplete and Insufficiently Rigorous Conflict Assessment

A thorough and rigorous conflict assessment was not undertaken in advance of the South Coast process. While one component of a conflict assessment, a stakeholder assessment, was conducted, it was not sufficiently robust to select for those with a willingness to negotiate towards a mutual gains solution. What's more, the broader components of a conflict assessment--which would have helped the I-Team to prepare strategies to deal with challenges to collaboration in advance--were not carried out. Susskind and his colleagues assert that the best tool to help design a successful collaborative process is a conflict assessment, ideally conducted by a neutral party. This assessment should report on which groups have a stake in the conflict, what issues are important, and under what circumstances the parties will agree to participate (Susskind & Thomas-Larmer 1999). A robust conflict assessment lays the foundation for a successful process in several ways. To begin with, it allows the conveners of a collaborative process to distinguish parties who are willing to negotiate with other interests from those who are not. With this information on hand, conveners can opt to compose participation in a different way, or to implement process ground rules that more clearly establish protocols for replacing a representative. What's more, by understanding the challenges some parties may have in collaborating, concerns of these participants can be strategically addressed in order to increase these members' trust in the process and maintaining overall group morale.

When launching the Regional Stakeholder Group for the South Coast process, the I-Team conducted a highly inclusive stakeholder assessment: many stakeholders were invited to apply and over 100 candidate RSG members were interviewed, with an emphasis on populating the RSG with a broad range of stakeholders. However, the analytic component of the selection process was weak: the candidates' commitment to the process, willingness to negotiate rather than lobby (or litigate), was not rigorously evaluated. Moreover, no specific effort was devoted to documenting and anticipating the confounding effects that other active marine policy issues in the region (water quality, sand mining, military base holdings) might exert on the process of MPA designation. Based on this inclusive yet limited assessment, the I-Team made explicit

recommendations about the appointment of the RSG members which were presented to the DFG Director and BRTF Chair, who largely followed this advice in making the official appointment.

As we have already discussed, the South Coast deliberative process was characterized (though not exclusively) by positional bargaining rather than principled negotiations. As one participant stated, *"There was very little true meaningful negotiation done by the principal representatives of the commercial fishing industry. They were joined by members of the recreational consumptive fishing community who simply refused to negotiate in good faith and sought numerical superiority and community stubbornness as a virtue* (USC Sea Grant-CONCUR Retrospective Study)." The litigation filed after the implementation of the MLPA by organizations represented on the South Coast RSG (which challenged the right to existence of the regional processes) suggests that several stakeholders were unwilling to negotiate towards a mutual gains solution from the start. In hindsight, it's clear that a more complete conflict assessment (including a robust stakeholder assessment) would have supported more careful consideration of RSG composition, as well as the full set of challenges to collaboration.

Pre-Meeting Caucusing Mobilized without Principled Negotiation Training

Perceiving that consumptive users had been disadvantaged in previous regions, in the South Coast a pre-meeting caucus between these interests was organized and sponsored; however this series of preparatory meetings did not include training in principled negotiation. Without an understanding of the benefits of interest-based negotiations, this process design decision lead to the creation of a positional bloc (the Fishermen Information Committee/Fishermen Information Network [FIC/FIN] alliance). At these meetings, FIC/FIN members developed an MPA package and negotiation strategy that members brought with them to the first round of negotiation. This group apparently perceived its interests would best be met by engaging in positional bargaining and -by extension - anchoring negotiations early on. The misguided perception that cross-interest negotiating will not serve a party's own interests is a common challenge in environmental negotiations. (Indeed, our analysis suggests that many FIC/FIN member organizations could have found solutions that better served their own interests as well as a broader array of interest had they readily engaged in principled negotiation). Lacking an understanding of the possibility of "joint gains" negotiation outcomes, a great many negotiators skip over the steps they can take to "make the pie larger." They are "afraid that appearing too cooperative at the outset will be viewed as a sign of weakness" (Susskind et al. 2000). To prevent stakeholders from defaulting to a "win-lose" negotiation style, scholars and practitioners of dispute resolution have long advised providing stakeholders with training in principled negotiation to level the playing field (Wondolleck & Yaffee 2000). However, without a good understanding of the strategies and benefits of a principled negotiation strategy, FIC/FIN members created a positional bloc that destabilized negotiations.

The FIC/FIN caucus was supported for well-intentioned reasons, and indeed it had some positive outcomes. In previous MLPA study regions, some observers argued that while conservation representatives were able to meet and identify top priorities for the study region before the MLPA RSG meetings commenced, the fishing community was more disparate and would benefit from assistance to articulate well-developed priorities. Some argued that fishing interests were

disadvantaged in their negotiations compared to conservation interests because they lacked organizational support, had few paid staff, and were constrained by the long hours needed to earn a living from fishing (USC Sea Grant-CONCUR Retrospective Study). Based on the intention that pre-negotiation support would allow these groups to identify common interests and thus provide a more level playing field, the RLFF funded commercial and recreational fishermen participation in a structured caucus before the full RSG convened.

These pre-RSG negotiations included all of the fishermen on the RSG, recreational and commercial alike, as well as other fishermen from the region who were not RSG members. These caucuses allowed commercial and recreational groups to work together, significantly, some for the first time.[27] As intended, the caucus did indeed allow these groups to find a common platform before formal negotiations began. However, although two post-hoc studies of efforts in the Central Coast region had recommended negotiation and consensus-building training (Raab 2006, CONCUR Inc. 2006), the caucusing was not accompanied by training. Therefore, the caucus also encouraged these groups to create and maintain this common platform (the FIC/FIN proposal) even when it was not in the best interest of the overall group, or the individual consumptive interests.

The FIC/FIN caucus brought together the consumptive users around a hardened position before they had a clear understanding of the process and corresponding expectations for give-and-take negotiation and consensus building. Rather than going into the negotiations with multiple options and openly inventing new options, FIC/FIN members went into Round 1 with just one pre-determined proposal (expressed as a position) from which many FIC/FIN members were unwilling to deviate. In contrast, those who were not members of FIC/FIN thought that all Round 1 proposals were "soft" offers and that other parties should still be flexible and willing to integrate ideas. As one member summed it up: *"From the very beginning, the fishing community came in with a single map and a broad agreement from many of the commercial and recreational consumptive interests to support that map and to oppose all others...This of course destroyed whatever cooperation could have been achieved."*

The consumptive-leaning members' unified support for the FIC/FIN proposal resulted in a set of very similar Round 1 proposals, all of which closely matched the FIC/FIN version. As is evident in Figure 3 (below), the three work groups each emerged with one proposal that closely matched the FIC/FIN proposal, and one more moderate proposal. Figure 3 illustrates the way in which Topaz B, Lapis A, and Opal A (as well as External B) proposals all closely matched FIC/FIN in the percent of area set aside as a State Marine Reserve (SMR) (the highest level of MPA protection).

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[27] To understand the significance of this agreement this initial agreement between the FIC/FIN participants, it is important to underscore that "fishermen" is far from a monolithic group and interests of recreational and commercial fishermen often diverge. Commercial fishermen fish for different target species (crab, lobster, prawn, bait fish such as sardine and anchovy, squid, urchin, and rockfish), and use different fishing methods or gear in different locations (hook and line, trawl, traps, near shore, off shore, sandy areas, etc.), which creates unique challenges for designating MPA space for different uses. Recreational fishermen are also extremely diverse, varying by the fishing method (party boat, small boat, diving vessels, kayaks, shore fishing) and target species (basses, sharks and rays, shellfish, rock fish, sculpin family etc.). For these two groups to reach an agreement on their varied interests was an enormous accomplishment. This echoes findings from the literature, which caution that "the broader and more cohesive the business coalition, the better able its members are to fend off costly regulations (Vogel 1989, 1996; in Layzer 2007)."

Figure 3. Clustering of Round 1 MPA Proposals Around FIC/FIN Proposal
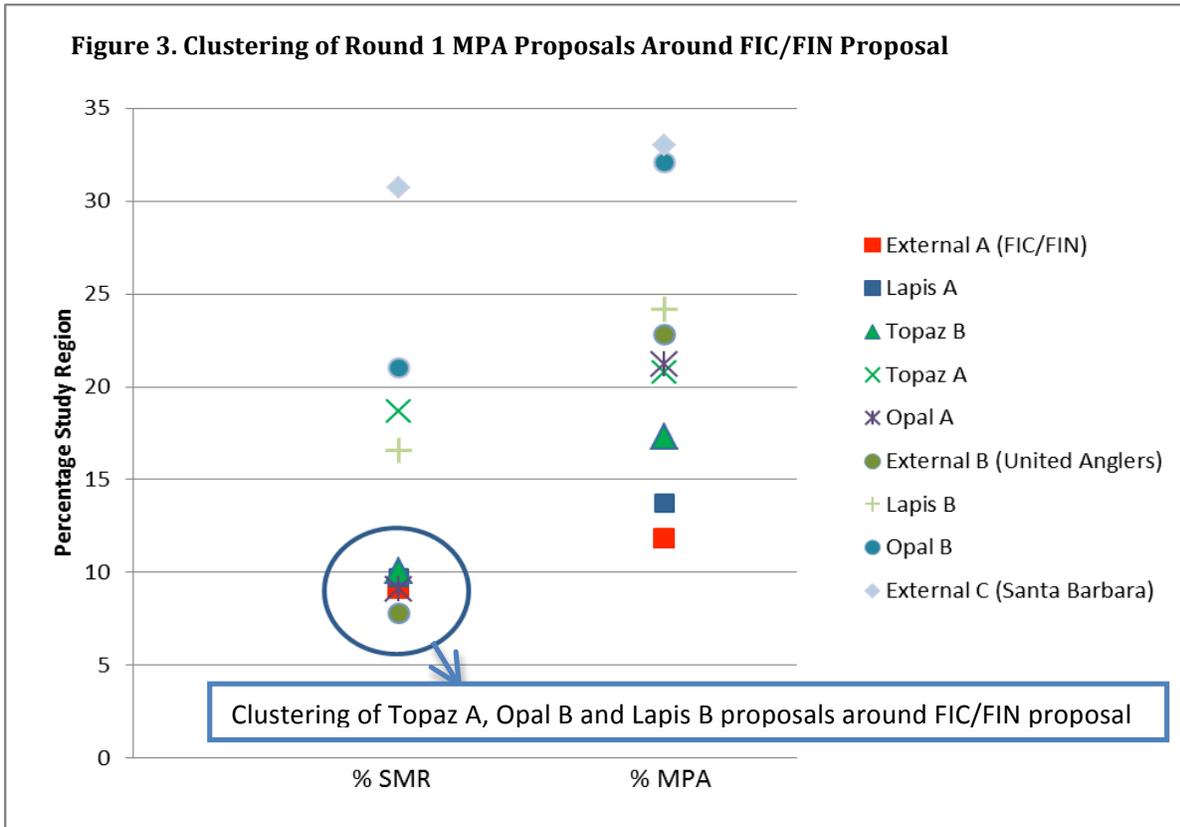
Topaz B, Lapis A, and Opal A (as well as External B) proposals all closely matched FIC/FIN in the percent of area set aside as a State Marine Reserve (SMR) (the highest level of MPA protection). These three proposals also offered the lowest levels of overall MPA set asides. Going into the negotiations, even though some consumptive RSG members were aware that other MPA designs met their interests, they did not openly bargain or build on possible suggestions because they did not want this to jeopardize the agreements that had been made during the caucus. As one consumptive fisherman member said *"If I don't support the FIC/FIN agreement, they will throw me under the bus and I will lose what was negotiated."* Because consumptive interests were unified early on, and many of these representatives apparently felt they couldn't deviate from the initial coalition "agreement", Round 1 failed to achieve its stated goal of "invention without commitment." As it became apparent that the consumptive RSG members had not "brainstormed" multiple options for potential MPAs, many conservation-focused RSG members perceived the lack of flexibility as a refusal to negotiate in good faith and lost trust in the process.

Due in part to this "anchoring" and positional bargaining, the ultimate regulation that emerged from this process (the IPA) fell short of the MLPA conservation goals as interpreted by the SAT in its guidelines. The SAT evaluated the likelihood that MPA proposals would meet the MLPA's conservation goals with an evaluation system that included six levels of protection ranging from very high, for no-take areas, to low for MPAs that allowed uses with the potential for habitat alteration and ecosystem-wide impacts (Saarman et al. 2013). The BRTF, from their vantage point looking at the broader policy context, then determined which levels of protection would be considered sufficient to contribute toward the MLPA's stated conservation goals.

Fox and colleagues (2013) point out that the unwillingness to integrate designs from other groups led to alternative MPA proposals in the South Coast that "shared similar geographies, but retained key design differences (e.g., specific proposed boundaries and regulations) (Fox et al. 2013)." None of the final round 3 South Coast MPA proposals, or the ultimate IPA, met all SAT guidelines. As Saarman and colleagues write, while it is evident that while the SAT guidelines influenced MPA sizing, these guidelines "were not strictly followed by decision-makers (Saarman et al. 2013)." Specifically: only 26 of the 50 MPAs delineated in the South Coast array can be considered sufficiently protective to be likely to contribute towards the ecological goals of the MLPA. Of these, 10 fall below the recommended size, 9 fall within the minimum size range and only 7 fall within the preferred size range. What's more, many spacing guidelines were not met, potentially undermining the intended ecological connectivity of the MPA network (Saarman et al. 2013). However, this outcome (relatively little area in MPA) does not necessarily indicate that the FIC/FIN alliance successfully achieved its objectives: we believe that individual FIC/FIN members could have better met their specific interests by searching more diligently for cross-interest solutions. We argue that the result of such a process would have been a more broadly supported regulation.

In hindsight, the (well-intentioned) support to "level the playing field" instead prematurely distorted the negotiations by creating a positional bloc that anchored negotiations early on, and was not prepared to invent cross-interest solutions. Mobilizing the FIC/FIN coalition without providing a solid understanding of the process and expectations of consensus building, instead led them to skip the "inventing" process and cement their positions.

Insufficient Carrots: Incentives to Negotiate

Many stakeholders in the South Coast process lacked the conviction that negotiating towards a consensus agreement would be an effective way to serve their own interests; this reduced the extent of collaboration and mutual invention that occurred during the process. Creating clear incentives for negotiation is widely recognized as a key pillar for effective mutual gains bargaining. Conveners of policy-making processes often try to identify process goals that encourage stakeholders to come to the table and negotiate in good faith towards an agreement (Susskind & Cruikshank 1987). In a survey of coastal managers that have used consensus building techniques, Poitras and colleagues (2003) identify several barriers to negotiation and collaboration, including the lack of incentive to seek a compromise.

However, the stated process goal of "Multiple MPA proposals, which would be considered and used by the Task Force to develop an integrated preferred alternative," had the profoundly

unintended consequence of reducing the RSG's incentive to collaborate. This goal gave RSG members the sense that it was the BRTF's role (and not the charge to stakeholders) to integrate three (likely) divergent and separate Work Group plans. This decision rule likely provided additional incentive to these members to take more absolutist positions in order to influence an outcome closer to their self-interested ideal rather than to an outcome that integrated a broad range of interests. In many public processes, a core incentive for stakeholders is that if they can negotiate an agreement that responds to all elements of the charge and has widespread support, then the decision-making body will likely adopt or commit to adopt the stakeholder group's recommendation.[28] When this process goal is made clear, negotiators can be sure that their own interests will be better met in the long run if they are able to come to consensus at the negotiating table.

When polled after the process, many RSG members reported that they perceived little incentive to negotiate. They noted the absence of "carrots" to leverage more principled negotiation (USC Sea Grant-CONCUR Retrospective Study). Members of Work Groups One and Three were, on average, ambivalent in response to whether there were clear incentives to work toward an agreement, and members of Work Group Two (dominated by fisher interests) were even less likely to see clear incentives to negotiate (see Table 2) (USC Sea Grant-CONCUR Retrospective Study).

Table 1. RSG Responses: Clear Incentives to Negotiate (Average Responses to Question 11n)

Question	Work Group 1	Work Group 2	Work Group 3	Cumulative
There were clear incentives in each step (Round 1, Round 2, Round 3) to work towards agreement in my Gems Group or proposal negotiating team.	3.47	2.55	3.67	3.29

Scale from 1 to 6, where 1 = strongly disagree and 6 = strongly agree.
(USC Sea Grant-CONCUR Retrospective Study)

Some members explained that they saw little to gain by collaborating. One member of Work Group Two who expressed the view that "there were no incentives" to negotiate explained his view on the subject: *"Representing the commercial lobster interests there was nothing we stood to gain on any level. The process was seeking the best habitat and that is the very habitat that holds lobsters."* Another member had a similarly bleak assessment, writing, *"In retrospect, I don't think anything could have been done to improve the outcome. You can't make someone agree to something they don't want nor have to agree with."* However, underlying interests were equally present in previous MLPA processes, but in these processes stakeholders were ultimately more satisfied with the process outcome, suggesting that even under these conditions a greater level of cross-interest collaboration and stakeholder satisfaction is indeed possible.

We hold that it is likely that if negotiators had perceived a strong incentive to negotiate – that by working with others to develop a cross-interest proposal that actively integrated their interests

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[28] This was the dynamic at work in many other cases CONCUR has mediated, including the Guadalupe River Flood Control Project, the program design for the CALFED Water Use Efficiency Program (Fuller 2009) (Karl et al. 2007), and the consensus solutions to avoid bycatch in a series of NMFS-convened and CONCUR-facilitated Take Reduction Teams.

and preferences and had a very strong likelihood of being advanced to the Fish and Game Commission as negotiated – then more stakeholders would have come to the table more open to brainstorming cross-interest solutions.

Inconsistent Sticks: Formal Process Guidelines

During the RSG deliberations, we saw that the articulation and enforcement of process guidelines was just not sufficient to motivate and enforce good behavior. This created an atmosphere that did not adequately support cross-interest collaboration. As a precondition for effective interest-based negotiation, the conveners and mediator must "provide the context, occasion, and safe process in which parties can meet and speak to one another, listen to, and learn from one another" (Forester 1999). As Reed (2008) describes, "a successful facilitator needs...to be capable of maintaining positive group dynamics, handling dominating or offensive individuals, encourage participants to question assumptions and reevaluate entrenched positions, and get the most out of reticent individuals." We would broaden this advice, as follows: a successful team of conveners needs to be capable of maintaining positive group dynamics.

The Retrospective Study found that several RSG members felt negatively about this aspect of the process. Overall, responses were mixed. When asked if the I-Team helped to establish and enforce ground rules for participant behavior, members of the RSG gave an average rating of 3.69 out of 6, with a mode of 3.[29] Some members of the RSG thought that this type of safe process had been achieved. One such respondent wrote that the I-Team set *"clear and professional conduct guidelines"* and another respondent praised the I-Team for *"building a harmonious environment for discussion and debate."*

Yet, in conservation-dominated Group Three, several members reported concerns about intimidating behavior (by consumptive interests and/or speakers or attendees at public hearings) and offered suggestions for making the process safer, including more consistent, assertive I-Team intervention to enforce the ground rules. Several RSG members expressed the desire for consequences for stakeholders that did not follow the ground rules. In the words of one member, *"stronger consequences by facilitators and the I-Team for failure to negotiate in good faith would have been helpful."* Other members suggested removing RSG members who don't adhere to the ground rules and closing Work Group sessions to the public. One member explained, *"A stick approach may have been necessary to force compromise, however minimal, on both sides, rather than allowing blocking."* This member expressed an opinion that *"blocs of interests"* ended up wielding power and forced neutral parties to pick a side, which *"pushed people away from compromise and toward the poles"* and suggested removing members that stayed entrenched in their positions.

This sentiment was echoed in Harty's lessons learned report on the South Coast process, in which he wrote that the "SCRSG's Guidelines and Decision Rules were not sufficient, on their own, to promote desired behaviors. Enforcement was difficult, in part due to a lack of enforceable definitions about behavior" and recommends creating clear definition of important terms, like "cross-interest" and clear expectations of behavior (Harty 2010). The challenge of enforcing ground rules was compounded by the sheer size of the RSG and the public hearing-like

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[29] USC Sea Grant-CONCUR Retrospective Study, Question 22, i.

environment of many of the latter RSG negotiating sessions (which were attended by hundreds of people and held inside a hotel ballroom).

I-Team members did variously attempt to enforce ground rules and promote respectful and collaborative behavior, though they did not implement any punitive consequences for members that violated the rules. In their memorandum outlining the procedure for development of the third round of proposals, the I-Team wrote, "Facilitators and senior MLPA Initiative staff will note when a stakeholder has not shown respectful behavior" (McCreary et al. 2009). However well-intentioned this mid-course guidance, the selective enforcement of these ground rules was not sufficient to compel cross-interest negotiation.

Unclear and Inconsistent Use of Straw Voting

Straw voting was used successfully in several different contexts both throughout the MLPA process and within the South Coast process. Notably, at several points in the North Central Coast and the Central Coast RSG processes, straw voting was used successfully to find widespread support for a narrowing array of MPA packages (see *Straw Voting in the North Central and Central Coast Processes* in the glossary for more background). However, on one occasion in the South Coast process, which became known as the "double reverse", this decision rule was not applied with sufficient care; nor was it upheld rigorously. The net effect was the undermining of stakeholder perception of process legitimacy. Given the sense that they were not actually able to influence process outcomes, some stakeholders became even less willing to collaborate and more entrenched in their positions.

In general, straw voting refers to those times when an informal count is taken to determine how individuals fall on the opinion spectrum relative to various options to address an issue. As opposed to taking a single majority vote, iterative straw votes can be used to clarify divergence, test for emerging agreement and move towards ideas and packages with greater support. Straw voting is a decision rule that, when applied skillfully, can propel the process towards agreement. For example, in the Central Coast RSG process, an elimination straw vote was successfully used to winnow the number of proposal packages from 6 to 3. In this effective use of a straw vote, each of the 30+ members of the CCRSG identified their first choice alternative and any proposal that received fewer than 3 votes was eliminated (10% of the CC RSG members was the threshold). In this case, the outcome of the elimination straw vote was increasing agreement on a smaller number of options.

As with any decision-making tool, straw voting does not exist in a vacuum: certain pre-conditions and boundaries must be met to use this tool fairly. First, as with ground rules, decision rules guiding straw voting must be both clearly articulated and consistently followed. Stakeholders must be aware of the consequences of the vote and how these outcomes fit into the broader process. As Lowry and his colleagues (1997) write, "Good meetings require clarity about whether decisions will be made by the group and, if so, how they will be made." Secondly, in cases where there is not relative parity, using a strict numerical tally to choose an option can be perceived unfair. In practice, such inequalities can be managed through modified procedures, such as enacting a weighting factor (e.g., requiring a majority of each kind of interest group rather than an overall majority) or requiring that, should three different interest groups be involved, an 80% or greater majority vote is needed. Lastly and most importantly, guidelines

around straw voting must be consistently applied, or it may appear that the facilitation team is biased towards one group or another.

The use of straw voting was articulated in the decision rules of the South Coast process, which were developed by the I-Team and adopted by the RSG. Accordingly, the I-Team devised a series of straw votes at various points in the MLPA Initiative process to help winnow the number of options on the table for deliberation. Straw voting was used both within work groups to make choices on MPA boundaries and regulations to create components of MPA packages and within the RSG as a whole to make choices regarding which full MPA proposals to advance to the next round of consideration, in order to arrive at a bounded number of proposals.

When used within work groups, straw voting was generally found to be an effective tool for generating these apparently Pareto optimal solutions. For instance, during Round 1 deliberations the Topaz group which, like all gems groups, represented a range of consumptive and conservation interests, emerged with one draft MPA proposal, which, according to one RSG member in a letter to the BRTF, "came together in a spirit of cross-interest collaboration."[30] During one Topaz Group work session, straw votes were taken at least twenty times on eight different MPA options (McCreary 2009). As Engel writes, "No single interest group prevailed in developing the proposal with the most support. Instead, the authors of the most broadly supported options varied."[31] [32] In these instances, straw voting was used successfully to foster cross-interest collaboration, resulting in stable decisions.

However, straw voting also served to increase polarization and mistrust in the process when used to make a more sweeping decision among the full RSG – the decision to remove 1 proposal from moving on to Round 3. As explained in the previous sections, the compound effects of the FIC/FIN caucus, positional bargaining, polarization and anchoring of negotiations severely restricted the development of cross-interest proposals. The hoped-for convergence in the MPA proposals had not begun to occur even by the end of Round 2 deliberations. As a result, there were 7 proposals on the table[33], with a low degree of overlaps in MPA location, area and levels of protection. In order to focus attention in the final Round 3 of deliberation, the BRTF requested that the RSG arrive at a bounded set of 6 proposals. To meet the BRTF's request and winnow the number of proposals on the table, the I-Team devised a straw voting process, which they presented to the RSG. They distributed a paper ballot and asked each RSG member to indicate which 5 of the 7 proposals they wanted to advance to Round 3 (see Figure 1 for an illustration of the iterative rounds of proposal development).

By a narrow margin, External Proposal C (proposed by the Santa Barbara Channelkeeper/Santa Monica Baykeeper) received the fewest votes. By the decision rules (stated by the I-Team and previously agreed upon by the RSG) this proposal was deemed excluded for further refinement in Round 2. This decision prompted a major backlash from conservation interests, who

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[30] Engel, J. (2009). *Memorandum to the Blue Ribbon Task Force.*
[31] *Ibid.*
[32] As negotiators worked their way through the study region, seven different members were the primary "inventors" of MPA options that garnered the most support for a given geography (McCreary 2009).
[33] The three Gems Groups had four proposals between them and three proposals from external groups were also on the table: the Fisherman's Network (proposal External A), United Anglers of Southern California (proposal External B), and Santa Barbara Channelkeeper/Santa Monica Baykeeper (proposal External C)

mobilized and pressed for re-inclusion of the proposal. Recognizing the overrepresentation of fishing interests, potentially disruptive boisterous behavior during the gems groups' deliberations, and the fact that the straw vote had not in fact been numerically "fair", the I-Team distributed a memo indicating that External C was back on the table.[34] The reverse of the decision in turn (predictably) triggered a much bigger backlash from the fishing community. According to an LA Times article about the event, the decision *"was perceived as a slap to the face of those who had been working within guidelines during a long, arduous process that still has months to play out. The United Anglers charged that if a pro-fishing proposal had received the fewest votes it would have remained shelved."*[35] The issue of whether to carry forward External Proposal C became so roiled in controversy that at a public meeting, over 200 members of the public, alongside disenfranchised RSG members, came to the podium and declared their preference for keeping or eliminating External C.

The BRTF then acted decisively and chose to eliminate External C from further consideration – but by this point, stakeholders' trust in the process was shaken. As one stakeholder commented, *"The vote at the end of Round 2 forced the stakeholders to take sides for either the conservation or consumptive interests…[polarizing] those who saw themselves as more neutral or middle ground..."* As a result of the unclear guidelines, the reversal, and the "double reverse", what should have been a relatively minor interim step on the pathway to creation of strong platforms for final proposals instead became the focus of intensely polarized debate.

The outcome was highly divisive. One the one hand, consumptive interests' fear that behind the scenes manipulation was taking place was reinforced; on the other hand, conservation interests came to feel more strongly that the RSG's representation was balanced in favor of consumptive interests. As one member of the fisher-dominated group wrote, *"I believe the fatal mistake was to allow the external "C", proposal to 'backdoor' into the process after it had been overwhelming rejected by the RSG. At that point, a small but significant group on the preservation side knew they would not have to find the middle ground, and a smaller, but vocal segment of the fishing community came to believe that we were being herded to a predetermined outcome."* For conservation interests, the voting on External C reinforced the perception of biased representation in the RSG, in the favor of consumptive interests. One participant wrote, *"Straw voting with a highly slanted group is not conducive to any type of cross interest collaboration and only fosters bullying."*

As we reflect on the double reverse episode, we see several reasons why this may have been such a destabilizing sequence of events. First, there was a perception among some RSG members that the consumptive caucus was numerically dominant, and that any elimination voting procedure could be viewed as skewed. Second, as three different facilitators had worked with the respective Gems groups and made different choices about when and how often to use straw votes, the

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[34] The decision to move all seven proposals forward for analysis was reported in a memorandum from the I-Team Executive Director Ken Wiseman to the RSG May 17, 2009. According to the memo, this decision was "made in the interest of maintaining the maximum confidence in an open and inclusive process, maximizing the amount of information available from the various evaluations, and acknowledging that with the significant stratification of the votes, acting on the vote would have led to the elimination of two draft proposals…Moving forward with all seven draft proposals is contrary to what staff indicated would be the result of the vote. However, an important goal of the MLPA Initiative is to ensure that all voices in the process are heard and given consideration; doing so both respects the intent of the MLPA and works toward the best cross-interest solution for all Californians. We believe moving all seven draft proposals forward for analysis will help achieve this goal."

[35] Thomas, Pete. June 2, 2009. *MLPA Process Gets More than A Little Bit Fishy, Pro Fishing Groups Claim* Los Angeles Times.

members of those Gems groups had different experiences, and thus, may have had different expectations about how a straw vote would unfold. The term "straw vote" typically refers to an interim step before a final decision, as it clearly was when used to craft and refine different MPA shapes in building the arrays. However, in the case of the "winnowing" straw vote, the outcome was intended to be final. This may have taken some RSG members by surprise. Third, the process was explained and implemented, then reversed, then reversed again.

Insufficient Boundary Conditions on Public Involvement Relative to Face-to-Face Negotiation

In the South Coast process, public involvement was comprehensive, but it lacked sufficient boundary conditions and as such actually reduced the ability of RSG members to engage in principled negotiations. For one thing, time devoted to public comment displaced time spent by core RSG members directly on negotiations. Secondly, all negotiation sessions were open to the public, which restricted the ability of the RSG to build relationships, discover interests and openly brainstorm - all fundamental components of principled negotiation. Lastly, public comment was highly rhetorical without adding substantive comments, serving to further polarize and escalate the debate.

Of course, actively involving the public is a fundamental component of a CMSP process. In large-scale planning processes, these opportunities for the public to observe deliberations and offer input can bring transparency to the process, provide broad-based support, and introduce new information (Gleason et al. 2013). Generally, having the public involved in the process reduces conflict, enhances stewardship, and improves resource management (Wells & White 1995, Suman et al. 1999; in Dalton 2005). However, it is critical that public involvement does not negatively impact either the time available to the RSG to engage in core negotiations, or the productivity of these negotiations. As Gunton et al 2010 report, "Simply put, having sufficient time for stakeholders to complete the negotiation process is an essential criterion for success." Putting adequate boundary conditions on the public involvement allows the core deliberations to occur in an insulated environment conducive to brainstorming. Brainstorming is a highly productive way to find cross-interest solutions: without a public audience during RSG workgroup meetings, participants may experience an atmosphere conducive to negotiation due to real or perceived enhancement of confidentiality and a subsequent reduction in positional posturing (Fisher et al. 1991). Furthermore, those designing the process must prepare for the fact that public comment periods can also "escalate conflict and antagonize members of the public (Innes & Booher 2004)."

Borrowing from the previous study region's procedures (Gleason et al. 2010), the entire South Coast process was open to the general public. All meetings of the RSG, SAT, and Task Force were public, noticed in advance, and webcast so that viewers could watch the proceedings live or in archives. An extensive outreach campaign was undertaken, which generated significant interest in the process. In a departure from previous MLPA study regions where outreach staff was limited, the South Coast I-Team staff included two education and outreach coordinators, in addition to two media relations staff. The coordinators mounted a comprehensive effort to engage the public (Sayce et al. 2012). They distributed numerous fliers, generated periodic newsletters, attended many ocean-related forums in the study region, and encouraged members

of the public to get involved in the process (MLPA Information Flyer, April 21, 2009)[36]. By the first South Coast RSG meeting at least 50 people attended and submitted speaker cards with the intent to address the South Coast RSG. By the fourth meeting there were over 200 members of the public crowded into meeting rooms and hallways waiting to speak. At the near-final Task Force meeting in October, there were more than 600 public speakers (Ventura County Star October 22, 2009). This comprehensive public outreach was impressive; but without appropriate structure and guidance it reduced the ability of RSG members to engage in principled negotiation, for the three reasons described below.

Insufficient Time Devoted to Actual Face-to-Face Negotiation

In the South Coast, RSG meetings were established as the primary node for the intake of public comment. This choice, by definition, reduced the amount of time spent on core RSG negotiations. The early meetings had a two-hour time block for public comment, roughly a quarter of the total RSG meeting time for the day; by the fourth meeting, public comment took almost four hours. In rating the amount of time given to various tasks, respondents noted too much time was given to "Hearing Public Comment" (with an average rating of 3.95 on a scale of 1 to 6[37]). Public comment limited the opportunity for integrative bargaining or the development of truly interest-based offers (Boulle et al. 2008).

To preserve time for RSG deliberations and to accommodate broad public comment at an accessible time, MLPA staff arranged an evening session of public comment. Over 250 people spoke at this five-hour session. While this evening session was a success in getting the public to participate, such long hours of public comment created physical demands for RSG members who had to be at the negotiating table early the next morning. A letter from one RSG member exemplifies how demanding the situation was: *"I do not believe that late-night marathons actually support our process or, therefore, serve the public. Specifically, if these occur the night before working meetings, they leave everyone exhausted and edgy instead of fresh and ready to work with good will."*[38] All of the time spent on public comments siphoned off time and energy that would otherwise have been productively spent on core negotiations. Especially with significant time devoted to technical and scientific presentations to the RSG, there was relatively little time spent actually negotiating.

Public Attendance Conflicted with RSG's Ability to be Candid

Not only did public involvement limit the amount of time spent negotiating, but that time was also made less productive by the presence of outside parties. In addition to making comments, the public was invited to observe the RSG workgroups during their "invention and brainstorming of options" phase. This choice inhibited some RSG members from more candid, forthright, open negotiation as there was no "cover" if they deviated from the stated "party line" position. The

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[36] In addition to outreach from the I-Team, the recreational angler community carried out an extensive campaign to encourage participation in both the RSG and BRTF meetings. Blog posts and Facebook pages exhorted readers to participate in public hearings and to bring their families. These groups even provided busses, pizzas, and placards, as well as advice on what to include in any comments. A Friday, September 4, 2009 post on a "Stop MLPA" blog describes the September 10, 2009 RSG meeting in Los Angeles as the "Last Push to Save Fishing," and the post headline warns "The MPLA's are going to take YOUR fishing spots (Stop MLPA 2009; reposted to Bloody Decks Outdoors 2009)."[36] In addition to using social media, the groups organized rallies the previous weekend that were intended to raise public awareness of the MLPA meetings, and stimulate opposition to the MLPA Initiative outcomes.
[37] USC Sea Grant-CONCUR Retrospective Study, question 12.
[38] Cordero, R. (2009). *Letter to the I-Team dated 5-27-09.*

MLPA facilitators recognized the importance of confidentiality and building trust within the work groups, and a ground rule was proposed that no draft maps or MPA shapes brainstormed in the work group be distributed before they were deemed stable parts of a Gems group proposal. This suggested guidance proved difficult to implement and in fact reporters and bloggers attending at least one meeting were allowed to take photos, which were often then easily disseminated to the broader public. In the age of texting, blogging, and Internet access at meetings, it is nearly impossible to ensure confidentiality within negotiations of this kind.

Public access to all stages in the South Coast process highlights the tension between two process choices: on the one hand, stakeholders need space without public involvement in order to be completely candid; on the other hand, the process benefits from public access, transparency and accountability. This tension was evident in the stakeholders' reaction to the public participation; though 88 percent of RSG survey respondents described public participation in the process as "necessary" and 72 percent found it "informative," 50 percent also found it "tedious," 41 percent responded "excessive," and 32 percent found it "divisive" (USC Sea Grant-CONCUR Retrospective Study). Particularly in a large and complex geographic area, public engagement can be construed as necessary to ensure some level of representation of the full range of interests. But beyond a public education function, such a process can present more challenges than value for the core stakeholders charged with face-to-face negotiation to produce tangible options and agreements.

Escalation of Polarized Rhetoric

The massive public participation during the South Coast MPA process had the further unintended consequence of escalating the growing polarization among some RSG members and other marine stakeholders in the study region. The tone of much public comment was intense, aggressive and often personally insulting. Some RSG members complained that fishers intimidated those with conservation interests.[39] Other participants attacked the core intent of the MLPA and voiced a belief that the RSG was biased in favor of "taking away" favored fishing grounds. Because of the length of proceedings, participants were also angry and resentful of the long wait time and short amount of time they were allowed to speak. This is typical of public hearings where short time limits, lack of interchange and fear of being misunderstood force participants to use "sound bites" and extreme statements, while the conveners often do not pay attention (Innes & Booher 2004).

Initiative staff created guidelines for public comment (Marine Life Protection Act Initiative Team 2009) but these were largely ignored and ineffective. Among other process and logistic instructions, these guidelines included ground rules for the public, which described, "An atmosphere of respect and consideration among the public is essential for a productive comment period. Verbal threats, hostile comments, clapping, jeering and the like will not be tolerated and will lead to immediate dismissal." In addition, while members of the public were encouraged to provide specific comments on MPA design or boundary locations, in fact very few speakers provided substantive information or suggestions on boundaries or regulations for specific MPA proposals. In the early meetings, many comments were personalized, very generalized assertions

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[39] In one case, a group of mostly Latino students from Los Angeles came to speak in favor of conservation values in designating MPAs. On a crowded night, while waiting in the hotel lobby to speak, other speakers confronted them with racial slurs, intimating that the students did not belong in the U.S. and did not belong in the proceedings. Intimidated and hurt, the students left the hotel without having their chance to speak.

about either the "right to fish" or "the need to protect the oceans for future generations." The Education and Outreach Coordinators made a concerted effort to get members of the public to focus specifically on particular MPA proposals, boundaries, or allowed uses. Another RSG member echoed the desire for more focused content, complaining of *"Too much of a belief in quantity [of comment] rather than quality"* during the public comment period. While the outreach effort made the process more participatory for the broader general public, it clearly had the unintended consequence of intensifying polarization between RSG members at the I-Team's central negotiating table.

Part III: Designing Future CMSP Processes

As Susskind and his colleagues (1999) write, "The ultimate success of every consensus building process depends on…early design decisions." Indeed, in any stakeholder process, a multitude of decisions made by conveners and facilitators come to bear on the final outcome. In the South Coast MPA planning process, several well-intentioned choices, from supporting the FIC/FIN caucus to insufficient boundary conditions on public involvement, ultimately undermined the ability of stakeholders to engage in cross-interest negotiation towards a stable agreement. Now, with the clarity of hindsight, we are at liberty to ask: How might alternative best practices in environmental and public policy dispute resolution have enabled more stable results and yielded a better precedent for CMSP in complex urban areas?

Recommendations

As we look forward to achieving a more stable solution space for agreement in future CMSP processes, seven primary lessons from the MLPA Initiative South Coast process stand out:

1. Conduct a robust conflict assessment prior to recruiting and finalizing the composition of the RSG stakeholder negotiating group.
2. Ensure equal representation on the RSG.
3. Provide up-front training in principled negotiation for stakeholder representatives.
4. Create stronger incentives for negotiation towards consensus (carrots).
5. Consistently articulate strong ground rules, decision rules and guidelines (sticks).
6. Create separate time blocks for public comment and negotiation sessions.
7. Integrate the facilitation team in deliberations on key process design choices.

Our assessment is that implementing each lesson would leverage a valuable multiplier effect especially when combined with the other lessons. For example, conducting a more robust preliminary conflict assessment can: inform effective process choices for up-front training in principled negotiation; help determine stronger incentives for participants to negotiate; help create a more trusting working atmosphere; strategically plan for efficient and effective public comment processes; and prepare the stakeholder group to be balanced and manageable. Implementation of many or all of these recommendations may well have a shaped a more stable agreement in the South Coast, and would improve cross-interest decision-making in future CMSP processes, particularly in complex urban areas.

Lesson 1: Conduct a robust conflict assessment prior to recruiting and finalizing the RSG.

We recommend that CMSP processes begin with a complete conflict assessment, that includes an analytically robust stakeholder assessment. According to Susskind and his colleagues (1999), one of the dangers "of proceeding without a conflict assessment is that an assessor may design a consensus building process that does not address the right issues (Susskind et al.1999)." A good conflict assessment "enables the assessor—and therefore the convenor—to identify the relevant stakeholders, map their substantive interests, and begin to scope areas of agreement and disagreement among them." A component of this, specifically the stakeholder assessment "allows the assessor to explore the parties' incentives and willingness to negotiate in good faith (Susskind & Thomas-Larner 1999)."

In the South Coast MLPA process, a complete conflict assessment (including a robust stakeholder assessment) would have allowed the I-Team to rethink the logic of several key decisions. They could have identified and named side issues that may derail MPA planning such as likely sticking points in negotiation and potential positional bloc negotiating behavior. This could have allowed them to rethink whether to (or how best to) convene and mobilize a FIC/FIN caucus prior to the RSG negotiations. Having more groundwork information to draw from, they could have made strategic process choices to ensure RSG members have what they need in order to maintain an overall good faith morale for negotiation. Having a strong sense of the interests and experiences of potential RSG members, they could have taken the necessary steps towards fulfilling a stakeholder group willing to engage in principled negotiations.

Lesson 2: Provide up front training in principled negotiation for stakeholder representatives.

"In resolving resource conflicts," write Gleason et al. (2010) "there is…a strong need to build capacity of stakeholders to negotiate, optimize goals and objectives, and converge around solid alternatives." To build this capacity, collaboration expert Gray (1989) emphasizes that leaders, or stakeholders, need "process literacy," including "knowledge of the process tools, both human and organizational, for designing effective collaborations." Wondolleck and Yaffee (2000) note that "lack of process skills" is a common challenge to making collaboration work. To surmount this obstacle, they recommend providing negotiation training: "Training should focus on 'people' skills, such as how to interact with different individuals or groups in various situations, and 'process skills,' such as how to structure and facilitate collaborative problem solving processes (Wondolleck & Yaffee 2000)."

Training in collaborative negotiation processes can provide stakeholders with the tools they need to succeed at the task. It can give them something to aim for, guidance for what is expected of them, help them to develop relationships, build trust, understand what they are doing, and feel optimistic. Such training encourages negotiators to prepare their positions thoroughly, identifying both their ideal outcome and their best alternative to a negotiated agreement (BATNA), before sitting down at the stakeholder table (Fisher et al. 1991 and SPIDR 1997). Training for RSG members would provide all members with education in principled negotiation that emphasizes the difference between positions and interests, value-creation, expanding the pie, and discovering opportunities for mutual gains. According to principled negotiation experts

Fisher, Ury and Patton (1991), "Unlike almost all other strategies, if the other side learns this one, it does not become more difficult to use; it becomes easier (Fisher et al.1991)."

Training could clarify the role of the RSG in the MLPA Initiative process, transforming all participants, regardless of prior skill level, into collaborative negotiators that are more prepared for the MPA development task at hand. If the process includes alternates (to primary members) in the stakeholder group, alternates should be included in the training so that they are prepared in the same manner as their primaries. In the RSG South Coast process, to a limited extent the I-Team used the agenda items of ground rule development to provide some basic coaching on collaborative process; however, this introductory coaching falls short of even a short 2-day training course to impart and practice the techniques of principled negotiation.

In the USC Sea Grant-CONCUR Retrospective Study, stakeholders responded that a training workshop in mutual-gains negotiation early in the process would have been very helpful; the average rating was 4 out of 6 with a mode of 5.[40] Training could have helped RSG members see the process not as a competitive fight but as more of a dance, where negotiators are negotiating partners; there is competition and expression within a harmonious process (Young & Schlie 2011). In addition, the training could have done a better job of explaining the process and setting expectations earlier about the role of the RSG, the Task Force and the Fish and Game Commission as the ultimate decision-maker. Since many stakeholders expected more control over the final outcome, once the Task Force and the Commission made their decisions, many members of the RSG felt that the process was biased and were left dissatisfied. In hindsight, the I-Team should have been explicit at the outset of the FIC/FIN caucus that the pre-negotiation goal was to discuss interests and develop options, but that there would be more give and take once the full group convened. They could have gone so far as to say that a proposal developed in caucus would not be entertained by the full RSG unless it was part of a set of alternative options. With training in principled negotiation strategy, it is ever more likely that stakeholders would have seen the value of this move, electing voluntarily not to anchor negotiations with a conservative MPA proposal or engage in positional bargaining.

Lesson 3: Create stronger incentives for negotiation towards consensus (carrots).

In order for mutual gains bargaining to be effective, the parties involved must have incentive to wholly engage. Conveners of policy-making processes often try to identify incentives to encourage stakeholders to come to the table and negotiate in good faith towards an agreement (Susskind & Cruikshank 1987). Setting SAT guidelines up front and then enforcing them consistently as a hard benchmark in proposal evaluation would more effectively define the parameters of negotiation for equal buy-in. Once there is buy-in however, there must be greater commitment to implement the stakeholders' recommendations. To effectively accomplish greater commitment to implementing the stakeholder recommendations, the role of a BRTF-like entity (if one is included in the overall process) could be modified. For example, in Raab's (2006) evaluation of the Central Coast RSG process, he suggested the BRTF and DFG give the stakeholders more encouragement to create consensus, including, "a clear promise that if the stakeholders are able to reach agreement on a single package of MPAs, that the [BRTF] will

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[40] USC Sea Grant Retrospective Study, Question 22 b.

recommend this single package to the [DFG] as its preferred alternative, and that the [DFG] will, in turn, recommend it as its preferred alternative to the [FGC] (Raab 2006)."

Another option is to have the BRTF act as a "super mediator" that actively lays out the objective criteria that must be met in order for the agreement to be considered acceptable. In other words, the BRTF could clearly and decisively state that it would like a solution with specific attributes, does not wish the RSG to advance more than one proposal, or it will not entertain a proposal that does not meet SAT guidelines. What's more, the BRTF could work actively to bridge apparently intractable issues related to meeting SAT guidelines in tough geographies. This type of role could serve to take pressure off of the RSG while channeling their efforts towards one negotiated proposal. As another alternative, the process could be re-designed to incorporate would-be BRTF members directly into the RSG. As active policy wise and politically savvy stakeholders, they could provide the RSG with valuable political insight throughout the process while fostering political buy-in for a single RSG determined package and building trust within the communities that make up a single negotiating body.

Another way to effectively accomplish greater commitment to implementing the stakeholder recommendations is to more closely link the BRTF deliberations to the work of RSG. The BRTF could provide multiple iterative rounds of feedback to the RSG while driving the RSG towards a single consensus package. The BRTF could successively increase the level of detail in the feedback they provide to the RSG without unilaterally changing MPA packages RSG members develop and agree upon. As evaluator Raab puts it, "…rather than change those packages, [BRTF members] can attach their own specific comments to each package, specifying what they like, what they do not like, and what they would like to see changed (Raab, 2006)." This allows both groups to provide input and direction on the project outcomes while respecting one another's efforts.

Lesson 4: Consistently articulate strong ground rules, decision rules and guidelines (sticks).

It is crucial to build and maintain trust in negotiating groups by enforcing strong ground rules, articulating strong criteria and making decisions in a consistent manner. This gives participants confidence in the integrity of the process. Dispute resolution experts Susskind and Field (1996) write that, "Not only are reputations ruined by exaggerations and misstatements that must be retracted or contradicted later on, but trust, once lost, is almost impossible to regain" (Susskind & Field 1996). Conveners of CMSP processes should not only provide, but be willing and able to enforce, certain and serious consequences for obstructionist behavior. I-Team staff could thank and excuse or remove RSG members who are actively working to undermine the RSG process. The more steps that can be taken – both up front and strategically throughout a process - to improve, enhance, and build trust, the better for all parties involved and the greater the likelihood for collaboratively negotiated and stable outcomes.

Consistency is also key: making decisions in a predictable manner throughout the process, such as by ensuring that decision rules such as straw voting are consistently applied, gives RSG members greater confidence in the integrity of the process. It also provides the assurance that stakeholders are in fact able to influence the outcomes of the process, a key to willing engagement in principled negotiation.

The process should also articulate stronger guidelines - objective criteria for MPA designations. Region-specific SAT guidelines should be established earlier in the RSG process so that any geography-specific constraints that would otherwise inevitably lead to an unfulfilled guideline could be pre-identified. This way, as RSG members begin the MPA development process, they have a clear sense of what the range of acceptable MPA design packages would be. These grounded, prepared guidelines serve as a foundation for building trust towards the process among participants.

Lesson 5: Create separate time blocks for public comment and negotiation sessions.

It is critical to strike a balance between thorough public involvement and providing an insulated space with sufficient time for core RSG negotiations. In the South Coast MLPA process, time devoted to public testimony ended up dramatically reducing productive RSG negotiation time, while increasing stress and polarization among the RSG, and negatively affecting public participants. On the other hand, the process also used open houses to effectively engage members of the public in the South Coast MLPA process. We recommend shifting the public comment gathering process away from the core RSG negotiations to this open house format. This recommendation is in keeping with best practices of public participation, which recommend that the public be offered interesting, useful, informative means for providing meaningful contribution (International Association for Public Participation 2007).

Public involvement could be more meaningful, useful and informative if the general public were invited to an open house at the start of each round of RSG proposals. Staff could give an energized presentation with an update on the process and invite everyone to stop by "stations" set up around the room at their leisure. The stations could include bulletin boards, images, and information for the MLPA process and for each proposal. There could also be other stations, such as a station of I-Team members, which might have cookies, coffee, and informal standing cocktail tables to promote comfortable expression and approachability for asking questions. There could also be a station to meet RSG members and one to meet BRTF members. Another possibility is to have a station with computers set up for participants to access an online survey. One station could be to learn about multiple additional methods of delivering comments and there could be a station where participants might draw their own MPAs for a specific site, with the SAT guidelines listed. SAT members might even be on hand for answering their questions, giving them an idea of what MPA planning really looks like. There could be an interview station at the end where participants may fill out a survey on the event, express their project opinions, and tell their ideas directly to a staff member who will write or otherwise record them.

All information gained from the event stations, surveys, and other forms of public participation should be well illustrated, accurately summarized, and presented to the RSG and BRTF at a separate, joint meeting for the sole purpose of processing and understanding this information. The I-Team staff would compile public comment separately, summarize it effectively and accurately present the range and frequency of public comments, interest and ideas to the joint RSG and BRTF. At the next public event, the Staff, RSG, and BRTF are then responsible for expressing back to the public how their input affected their next round of proposal development. This way, the public is meaningfully included, the RSG and BRTF understand public concerns

equally, accountability exists, and negotiation sessions are kept separate for their maximum effectiveness.

Lesson 6: Ensure equal representation on the RSG.

According to Susskind and his colleagues (1999), "In recommending who should participate, the assessor should think about inclusion and balance. All categories of stakeholders should be identified, and an approximately equal number of representatives from each major category should be determined. Ideally, the resulting mix should not be skewed toward one interest or another." Balanced size and diversity of representation on the RSG will help to enhance the efficiency and effectiveness of the facilitation and negotiations while enhancing the ability for stakeholders to build relationships, problem solve, and trust. To do so, we recommend appointing seats to more nearly equal number of participants for consumptive and non-consumptive members. A robust stakeholder assessment that is adhered to by process staff will set the negotiation process up for success if the selected mix of participants is not skewed one way or another with representation. If there appear to be more stakeholders on one side than another, consider the first suggestion of consolidating their interests into a representative able to represent their viewpoints.

Lesson 7: Integrate facilitation team in deliberations on key process design choices.

When the CMSP process includes a senior policy level of decision makers such as the BRTF, the facilitation team should be closely integrated in deliberations on all key process design choices and rigorous discussion of implications for a stakeholder engagement process. During the South Coast process, the facilitation team was not present at most BRTF meetings, and only occasionally conferred with the BRTF. This lack of opportunities to discuss the process caused an inadvertent disconnect, which, if corrected, might have led to the realization of the process recommendations provided in this paper in real time. Most notably, at a May, 2009 BRTF meeting, a member of that body stated the hope, as the meeting was winding down in a live streamed recording, that straw voting would not be used to exclude proposals. In fact, the I-Team had already developed and internally agreed upon a process game plan to take a straw vote if necessary to achieve the target number of proposals at the next day's RSG meeting.

This disconnect in process design contributed to the sense among stakeholders that inconsistent process design decisions were being made, and fueled the concern that *"behind the scenes manipulation"* towards a pre-determined outcome was taking place. After this inconsistency occurred, the I-Team requested a conversation with the BRTF to discuss process design for the third round of MPA development, thus mitigating further discrepancies. In the future, building consistent dialogue between the facilitator and any group making significant decisions that will shape how the stakeholder process will unfold would help eliminate mistrust of the process. Ensuring that this dialogue occurs before the decisions are made would further ensure that best practice facilitation practices are considered and implemented in the CMSP process.

As we reflect on the MLPA Initiative South Coast process and consider other CMSP planning processes, we can identify several critical process design choices that should be discussed jointly between the senior policy level and facilitators in a robust strategic planning process. These include:

- Establishing and reaffirming whether a stakeholder group is devising options, or negotiating to produce a final, widely supported preferred alternative;
- Establishing the number of proposals which should advance at each round of planning activity;
- Establishing decision rules for winnowing plan options;
- Determining relative weight of science guidelines relative to the exercise of policy discretion;
- How to handle the tradeoffs between time deadlines and a structure that enables robust rounds of stakeholder deliberation;
- Organizing training in principled mutual gains negotiation for both the RSG and BRTF;
- How to strike a balance between structured negotiations and more informal public comment; and
- Confirming the identification and selection of a preferred alternative.

Conclusions

The MLPA Initiative South Coast process illustrates multiple challenges that are ultimately universal to Coastal and Marine Spatial Planning. CMSP is an active field with multiple applications for local and global communities; future CMSP projects may look to the challenges of and lessons learned from the California MLPA Initiative South Coast process to inform and strengthen their own efforts. In the South Coast, the inherent complexity of the region, combined with insufficient adherence to best practices, led to a minimally collaborative stakeholder-driven process. With greater attention to the key lessons learned in this paper, future processes will find themselves better positioned for success with alternative choices that enable a more stable agreement.

Each one of these recommendations has intrinsic merit, but they have even greater power when adopted in combination. The overarching conclusion is that a strategic effort to anticipate process challenges and account for them is highly likely to yield large benefits in a successful CMSP effort. A successful strategic effort should include: conducting a robust conflict assessment prior to recruiting and finalizing the RSG; providing principled negotiation training for RSG members; creating stronger incentives for negotiation towards consensus; consistently articulating strong guidelines, ground rules and decision rules; separating public comment from negotiation sessions; ensuring equal representation on the RSG; and integrating the facilitation team into deliberations on key process design choices. Ideally, all of these improvements would be features of a well-structured CMSP effort. For resource managers and political leaders facing these choices and concluding that across-the-board adoption of these principles is not possible, we argue that adopting most of these improvements and adhering to them consistently will improve the satisfaction and perceived legitimacy of a CMSP effort.

Specifically, preparation in advance of the first RSG meeting to conduct a robust conflict assessment and training in principled negotiation for RSG members would have helped avoid the creation of a positional bloc and cleared up misunderstandings about the process goals. What's more, if the RSG had been empowered to strive for a single proposal that would likely be adopted if it gained cross-interest support, stakeholders would likely have tried harder to develop a collaborative proposal. Similarly, stronger ground rules promoting respectful, cross-interest

collaboration (paired with more certain consequences for non-compliance) would likely have helped to foster more productive dialogue. Consistent decision rules would have promoted a sense of process legitimacy and increased trust in the process. Separating the public comment from the RSG meetings is another alternative process choice that would have encouraged a better outcome. Regardless of the larger decision-making process, RSG collaboration would be easier with a more balanced group. Greater integration of the facilitation team and key process decision choices would have increased trust in the process and laid the groundwork for a stable solution space.

As other states and nations look to build on California's path-breaking work on the MLPA Initiative process to designate marine protected areas and conduct CMSP for offshore renewable energy generation, lessons from the South Coast can help inform smarter process design choices. We forecast that this prospective advantage will be amplified if launched from the outset of a CMSP process, particularly in complex, densely populated, and high-use areas. The varied experience of California's MLPA process in the four regions that have completed their process to date shows that one set of guidelines can yield significantly different results in different locations and contexts. For more meaningful collaboration, convening agencies, ocean and coastal users, and professionals engaged in process design and mediation would do well to consider the South Coast's example analyzed in this article.

Acknowledgements

References

Acland, A. (2012). A Handbook of Public and Stakeholder Engagement. Version 3.

American Sportfishing Association. (n.d.). *Stop the MLPA*. Retrieved July 31, 2012, from Keep America Fishing: The Voice of the American Angler: http://www.keepamericafishing.org/action/stop_the_mlpa

Boulle, L., Colatrella, M., & Picchioni, A. (2008). *Mediation Skills and Techniques*. New York: LexisNexis.

California Department of Fish and Game. (n.d.). *Marine Life Protection Act*. Retrieved Aug 9, 2012, from http://www.dfg.ca.gov/mlpa/

California Marine Life Protection Act Initiative Memorandum of Understanding among The California Resources Agency, The California Department of Fish and Game and the Resources Legacy Fund Foundation. Retrieved Dec 6, 2012, from DFG: http://www.dfg.ca.gov/mlpa/pdfs/mou.pdf

Cicin-Sain, B., & Knecht, R. (1998). *Integrated Coastal and Ocean Management Concepts and Practices*. Washington DC: Island Press.

Coastside Fishing Club. (2012, June 20). *Coastside Fishing Club Files Opening Brief as Part of Its Appeal Against Unfavorable Ruling*. Retrieved Aug 3, 2012, from http://coastsidefishingclub.com/2012/06/legal-effort-to-overturn-no-fishing-zones-in-california-continues/

Coastside Fishing Club v. The State of California. (2011). Appellant's Opening Brief.

CONCUR Inc. (2006). *Facilitator's Report: Marine Life Protection Act Initiative Central Coast Project*. Berkeley, CA.

Dalton, T. M. (2005). Beyond Biogeography: A Framework for Involving the Public in Planning of U.S. Marine Protected Areas. *Conservation Biology , 19* (5), 1392-1401.

Douvere, F. (2008). The Importance of Marine Spatial Planning in Advancing Ecosystem-Based Sea Use Management. *Marine Policy*, 32: 762-771.

Ehler, C. (2008). Conclusions, Benefits, Lessons Learned and Future Challenges of Marine Spatial Planning. *Marine Policy*, 32:840-843.

Fisher, R. and Ury, W. (1981). *Getting to Yes: Negotiating Agreement Without Giving In* (1st Edition ed.). New York: Penguin Books.

University of Southern California Sea Grant Program and CONCUR, Inc.

Fisher, R., Ury, W., & Patton, B. (1991). *Getting to Yes: Negotiating Agreement Without Giving In* (2nd Edition ed.). New York: Penguin Books.

Forester, John. (1999). *The Deliberative Practitioner.* Cambridge: MIT Press.

Fox, E., Poncelet, E., Connor, D., Vasques, J., Ugoretz, J., McCreary, S., Monie, D., Harty, M, Gleason, M. (2013). Adapting Stakeholder Processes to Region-Specific Challenges in Marine Protected Area Network Planning. *Ocean and Coastal Management*. 74: 24-33.

Fuller, B. (2009). Surprising Cooperation Despite Apparently Irreconcilable Differences: Agricultural Water Use Efficiency and CALFED. *Environmental Science and Policy , 12* (6), 663-673.

Gleason, M., McCreary, S., Miller-Henson, M., Ugoretz, J., Fox, E., Merrifield, M., McClintock, W., Serpa, P., Hoffman, K. (2010). Science-based and stakeholder-driven marine protected area network planning: A successful case study from north central California. *Ocean and Coastal Management*. 53: 52-68.

Gleason, M., Fox, E., Ashcraft, S., Vasques, J., Whiteman, E., Serpa, P., Saarman, E., Caldwell, M., Frimodig, A., Miller-Henson, M., Kirlin, J., Ota, B., Pope, E., Weber, M., Wiseman, K. (2013). Designing a Network of Marine Protected Areas in California: Achievements, Costs, Lessons Learned and Challenges Ahead. *Ocean and Coastal Management.* 74: 90-101.

Gray, B. (1989). *Collaborating: Finding Common Ground for Multiparty Problems.* San Francisco: Jossey-Bass Publishers.

Gunton, T., Rutherford, M., & Dickinson, M. (2010). Stakeholder Analysis in Marine Planning. *Environments Journal, 37* (3), 95-110.

Halpern, B., Diamond, J., Gaines S., Gelcich, S., Gleason, M., Jennings S., Lester S., Mace, A., McCook L., McLeod, K., Napoli, N., Rawson, K., Rice , J., Rosenberg A., Ruckelshaus, M., Saier B., Sandifer, P, Scholz, A., Zivian, A. (2012). Near-term priorities for the Science, Policy and Practice of Coastal and Marine Spatial Planning (CMSP). *Marine Policy*, 36: 198-205.

Harty, J. (2010). *Marine Life Protection Act Initiative: South Coast Regional Stakeholder Group Online Survey and Lessons Learned.* Report to the Resources Legacy Foundation.

Innes, J., & Booher, D. E. (2004). Reframing Public Participation: Strategies for the 21st Century. *Planning Theory and Practice, 5* (4), 419-436.

International Association for Public Participation (2007). *Spectrum of Public Participation.* Retrieved Aug 7, 2012, from http://www.iap2.org/associations/4748/files/IAP2%20Spectrum_vertical.pdf

Karl, H. A., Susskind, L. E., & Wallace, K. H. (2007). A Dialogue, Not a Diatribe: Effective Integration of Science and Policy through Joint Fact Finding. *Environment , 49* (1), 20-34.

University of Southern California Sea Grant Program and CONCUR, Inc.

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Kirlin, J., Caldwell, M., Gleason, M., Weber, M. Ugoretz, J., Fox, E., Miller-Hensen, M. (2013). California's Marine Life Protection Act Initiative: Supporting Implementation of Legislation Establishing a Statewide Network of Marine Protected Areas. *Ocean and Coastal Management.* 74: 3-13.

Layzer, J. A. (2007). Deep Freeze: How Business has Shaped the Global Warming Debate in Congress. In M. E. Kraft, & S. Kamieniecki, *Business and Environmental Policy: Corporate Interests in the American Political System.* Cambridge: MIT Press.

Lowry, K., Adler, P., & Milner, N. (1997). Participating the Public: Group Process, Politics and Planning. *Journal of Planning, Education and Research , 16*, 177-187.

Marine Life Protection Act Initiative Team. (2008). *California Marine Life Protection Act Initiative Members of the South Coast Regional Stakeholder Group.*

Marine Life Protection Act Initiative Team. (2009). Guidelines for Making Public Comment to the MLPA Initiative South Coast Project.

McCreary, S. (2009). *Memorandum to the I-Team and BRTF: MLPA Initiative South Coast Regional Stakeholder Group Summary of the Round 2 Topaz Gems Group Options Development Process.*

McCreary, S., Grifman, P. & Cowart, M. (2016). Creating Stable Agreements in Marine Policy: Learning from the California South Coast Marine Life Protection Act Initiative. *Negotiation Journal,* 32: 23–48. doi: 10.1111/nejo.12145

McCreary, S., Tuden, R., & Poncelet, E. (2009). *Recommendations for Process Guidelines for Developing Final (Round 3) Marine Protected Area (MPA) Proposals.* Memo to the MLPA Blue Ribbon Task Force.

Orr, P., Emerson, K. and Keyes, D. (2008). Environmental Conflict Resolution Practice and Performance: An Evaluation Framework. *Conflict Resolution Quarterly, 25*, 283–301.

Poitras, J., Bowen, R., & Wiggin, J. (2003). Challenges to the Use of Consensus Building in Integrated Coastal Management. *Ocean & Coastal Management , 46*, 391-405.

Pomeroy, R., & Douvere, F. (2008). The Engagement of Stakeholders in the Marine Spatial Planning Process. *Marine Policy , 32*, 816-822.

Raab, J. (2006). *Evaluation of the Central Coast Regional Stakeholder Group Process.* Boston: Raab Associates, LTD.

Reed, M. (2008). Stakeholder Participation for Environmental Management: A Literature Review. *Biological Conservation , 141*, 2417-2431.

University of Southern California Sea Grant Program and CONCUR, Inc.

41

Robert C. Fletcher v. Blue Ribbon Task Force of the Marine Life Protection Act Initiative and Marine Life Protection Act Master Plan Team. (2010). Verified Petition for Writ of Mandate and Complaint for 1. Violation of California Public Records Act, 2. Declatory Relief, and 3. Injunctive Relief, Sacramento.

Saarman, E., Gleason, M., Ugoretz J., Airamé, S., Carr, M., Fox, E., Frimodig, A., Mason, T., Vasques, J. (2013). The Role of Science in Supporting Marine Protected Area Network Planning and Design in California. *Ocean and Coastal Management.* 74: 45-46.

Sayce, K., Shuman, C., Connor, D., Reisewitz, A., Pope, E., Miller-Henson, M., Poncelet, E., Monié, D., Owens, B. (2012). Beyond traditional stakeholder engagement: Public participation roles in California's statewide marine protected area planning process. *Ocean and Coastal Management*, doi: 10.1016/j.ocecoaman.2012.06.012.

Society of Professionals in Dispute Resolution. (1997). Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes. *Consensus* . 34: 5-7.

Stop MLPA. (Sept 4, 2009). Last Push to Save Fishing. Retrieved April 15, 2013 from: http://stopmlpa.blogspot.com/; repost from Bloody Decks Outdoors. (Sept 4, 2009). Last Push to Save Fishing. Retrieved April 15, 2013 from: http://www.bloodydecks.com/forums/ma...ml#post1467282

Susskind, L., & Cruikshank, J. (1987). *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes.* New York: Basic Books.

Susskind, L., & Field, P. (1996). *Dealing with an Angry Public: The Mutual Gains Approach to Resolving Disputes.* New York: The Free Press.

Susskind, L., Levy, P., and Thomas-Larmer, J. (2000). *Negotiating Environmental Agreements: How to Avoid Escalating Confrontation, Needless Costs, and Unnecessary Litigation.* Washington D.C.: Island Press.

Susskind, L. & Thomas-Larmer, J (1999). Conducting a Conflict Assessment, Chp. 2 in: *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement.* Thousand Oaks, CA: Sage Publications.

Susskind, L., McKearnan, S., & Thomas-Larmer, J. (1999). *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement.* Thousand Oaks, CA: Sage Publications.

United Anglers of Southern California. (2010, June 2). *United Anglers of Southern California and PSO Partners File Suit.* Retrieved Aug 2, 2012, from http://www.unitedanglers.com/news.php?extend.116.1

United Anglers of Southern California v. California Fish and Game Commission. (2011). Petitioner's Opening Brief, San Diego.

University of Southern California Sea Grant Program and CONCUR, Inc.

42

Wondolleck, J. and Yaffee, S. (2000). *Making Collaboration Work: Lessons from Innovation in Natural Resource Management.* Washington, DC: Island Press.

Young, M., & Schlie, E. (2011). The Rythm of the Deal: Negotiation as a Dance. *Negotiation Journal, 27* (2), 191-203.

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Appendix 1: Chronology of South Coast MLPA Initiative Meetings and Outcomes

Figure 4 (next page) depicts the primary meetings and outcomes of the major bodies of the South Coast MLPA Initiative: the South Coast Regional Stakeholder Group (RSG, in blue); the Science Advisory Team (SAT, in yellow); and the Blue Ribbon Task Force (BRTF, in green). The red square depicts meetings among both the SAT and BRTF.

The RSG was established and tasked with developing a set of three MPA proposals over three rounds of negotiations. The BRTF and SAT provided feedback regarding how well each round of proposals met MLPA goals, and then the RSG refined proposals in each round based on scientific and policy advice from the SAT and BRTF.

The BRTF then reviewed the final set of three proposals and developed one final proposal, called the Integrated Preferred Alternative (IPA), to be recommended to the Fish and Game Commission (FGC). The FGC had sole authority to develop, adopt and implement the final regulation. Figure 1 (above, in the main body of this paper) also depicts the process of proposal development, iterative feedback, and proposal winnowing that characterized the South Coast RSG process.

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Figure 4. Chronology of South Coast MLPA Initiative Meetings and Outcomes

Sept 2008 – Jan 2009
• Several **BRTF meetings** (Sept 8, Nov 4, Dec 10, Jan 22)
• Several **SAT meetings** (Sept 10 & 15, Nov 12, Dec 17)

Oct 6-7 & Nov 18 - 19, 2008 & Jan 13 - 14, 2009
• **RSG meetings** - Review project goals, charge of RSG and work plan; Review and adopt proposed ground rules; Develop south coast objectives; Recieve presentation on south coast guidelines and MPA proposal evaluation methods

Jan 23 & 27
• **SAT meeting** - Review preliminary responses to science questions from RSG

Jan 29
• **RSG meeting** Begin developing draft MPA arrays in work groups

Feb 10
• **RSG meeting** - Continue developing draft MPA arrays

Feb 24
• **SAT meeting** Review and approve SAT responses to questions from the RSG

Mar 3-4
• **RSG meeting** - Finalize and present Round 1 draft MPA arrays for evaluation

April 1 & 6
• **SAT meeting** - Review, discuss and approve SAT evaluations of RSG draft MPA arrays and draft external MPA proposals

April 15-16
• **BRTF meeting** - Recieve Round 1 draft MPA arrays developed by work groups and external groups; Provide guidance to RSG re: Round 2 MPA proposals

April 28
• **RSG meeting** - Recieve and discuss BRTF, SAT, DFG, DPR and I-Team evaluations of Round 1 MPA arrays; Discuss BRTF guidance on Round 2 proposals; Assess approach for convergence on draft MPA options within and across work groups

May 19 - 20
• **RSG Work Session** Continue development of Round 2 draft MPA proposals

May 21
• **RSG meeting** - Present and discuss each work group's draft MPA proposal; Select no more than 6 draft MPA proposals for Round 2 review and evaluations

June 18
• **SAT meeting** - Review, discuss and approve SAT evaluations of RSG draft MPA proposals and revised external MPA proposals

July 28 - 29
• **BRTF meeting** - Recieve Round 2 RSG draft MPAs; Recieve SAT, DFG, DPPR and I-Team Goal 3 evaluations of draft and revised MPA proposals; Provide guidance to RSG regarding Round 3 proposals

Aug 3
• **RSG meeting** - Recieve and discuss SAT, DFG, DPR and I-Team review of Round 2 MPA proposals and BRTF goal 3 evaluations

Sept 9 - 10
• **RSG meeting** - Develop final round of MPA proposals to be forwarded to the SAT and BRTF

Oct 6
• **SAT meeting** - Review and adopt SAT evaluations of the RSG final MPA proposals

Oct 20 - 22 & Nov 10
• **BRTF meeting** - Recieve Round 3 MPA proposals; Identify MPA proposals to forward to FGC, including a recommended preferred alternative

Dec 9
• **BRTF meeting** - Present IPA along with RSG MPA proposals

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Appendix 2: Glossary of Terms

Blue Ribbon Task Force (BRTF): A task force composed of seven public leaders selected by the secretary of the California Resources Agency (now the California Natural Resources Agency) for their professional and public policy experience. The BRTF was responsible for overseeing the MPA proposal development process, reviewing the final set of proposals, and using these proposals to develop an Integrated Preferred Alternative to present to the California Fish and Game Commission.

California Fish and Game Commission (CFGC or California FGC): A state entity with the authority to establish a network of MPAs under the MLPA, and modify that network as needed. In the South Coast, the California FGC was the final step in the MPA development and implementation, as it reviewed and adopted the BRTF's Integrated Preferred Alternative.

Cross Interest: The intention of the MLPA is to include a comprehensive range of voices on the RSG - including commercial and recreational fishing, consumptive and non-consumptive diving, conservation, education, scientific research, ports and harbors. The intention of the process is to negotiate across these interests by developing a range of mutually beneficial agreements.

Department of Fish and Game (DFG): A state entity, which played multiple roles in supporting the MLPA Initiative, including guidance about MPA feasibility. The DFG manages new MPAs as they are established by the California FGC, including enforcement activities. The California Department of Fish and Game is now known as the California Department of Fish and Wildlife.

I-Team: A team of state employees and independent contractors (including GIS experts, facilitators and planners), which provided day-to-day technical support and management of the MLPA Initiative.

Marine Life Protection Act (MLPA): Passed in 1999, the MLPA requires California to reevaluate all existing marine protected areas (MPAs) and potentially design new MPAs that together function as a statewide network. The MLPA has clear guidance associated with the development of this MPA network. MPAs are developed on a regional basis with MLPA and MPA specific goals in mind, and are evaluated over time to assess their effectiveness for meeting these goals. The MLPA is part of the California Fish and Game Code. The MLPA was originally designed in a top-down, staff-centric manner with modest input from stakeholders and without rigorous scientific input. As a result, the MLPA met with public resistance, particularly from commercial and recreational fishers. In 2002, the DFG again implemented the MLPA, this time including stakeholder groups, but lost funding in 2003 due to a poor fiscal year.

Marine Life Protection Act Initiative (MLPA Initiative): In 2004, the DFG received funding from several organizations to initiate a modification of the MLPA planning process, the MLPA Initiative. The MLPA Initiative did not change the legal requirements of the MLPA, instead it modified the structure and process by which the legal requirements were implemented. The MLPA Initiative requires California to reevaluate all existing marine protected areas (MPAs) and potentially design

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new MPAs that together function as a statewide network. MPAs are developed on a regional basis with MLPA and MPA specific goals in mind, and are evaluated over time to assess their effectiveness for meeting these goals. For this process, the coast was divided into five study regions including the North Coast (NC), the North Central Coast (NCC), the South Coast (SC), the Central Coast (CC) and the San Francisco Bay (not yet implemented). For each region, a Blue Ribbon Task Force (BRTF), a Scientific Advisory Team (SAT) and a Regional Stakeholder Group (RSG) was established.

Marine Protected Areas (MPAs): MPAs are discrete geographic marine or estuarine areas designed to protect or conserve marine life and habitat. Three types of MPAs are designated in California: state marine reserve (SMR) - some recreational uses allowed and all consumptive uses are prohibited; state marine park (SMP) - recreational fishing is allowed and commercial extraction is prohibited; and state marine conservation area (SMCA) - specified commercial and recreational activities are allowed such as fishing for certain species, but not others, etc.

Regional Stakeholder Group (RSG): A deliberative body composed of a diverse cross-section of interest groups with a stake in the MLPA Initiative, the RSG worked collaboratively with the I-Team, the SAT, the DFG and the CDPR to develop a set of MPA proposals. The proposals were to be based on RSG interests, public input, regulatory policy and socioeconomic and scientific information.

Scientific Advisory Team (SAT): The SAT was composed of technical experts in a range of fields including marine ecology, fisheries, the design of marine protected areas, economics and social sciences, who were appointed by the director of the California DFG to help advise the MLPA process. The SAT set forth MPA guidelines to address the size, spacing, and representativeness of habitat types captured in the MPA arrays. The BRTF made clear its preference for MPAs that met the SAT guidelines and that each individual guideline was weighted with equal importance. To facilitate adherence to these guidelines, the SAT reviewed and commented on scientific papers relevant to MLPA implementation, reviewed alternative MPA proposals presented by the RSG, reviewed master plan documents, responded to scientific issues presented in those documents, and addressed scientific questions raised by the BRTF and stakeholders.

South Coast Regional Stakeholder Group (SCRSG): The Regional Stakeholder Group (RSG) for the South Coast Marine Life Protection Act process. See Regional Stakeholder Group.

Straw Voting in the North Central and Central Coast Processes: Straw voting was used successfully in both the North Central and Central Coast processes to both formulate and winnow proposals. For example, in the North Central process, nine proposals were on the table at the end of Round 2 of MPA proposal development. At that point, the BRTF sent a strong message, that they wanted the stakeholders to winnow the number of packages to three to create greater clarity in Round 3 as well as a manageable workload for the planning team and SAT in doing subsequent evaluations. Two of the Gems Groups, Emerald and Turquoise, were able to create a single unified proposal.

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Jade, the other Gems Group, however, had two packages with several strong common elements but was unable to negotiate a single unified proposal. Two of the most active members of that Gems Group, moreover, strongly preferred separate external proposals. It seemed that an impasse could be brewing, but the facilitation team found a solution: RSG members were given two certain pathways to ensure that their proposals would continue to Round 3. One pathway was to create a single unified package within a Gems Group and another was to merge an internal proposal with an external proposal. While this meant that four packages were selected for the third round rather than three, this solution gave stakeholders a clear incentive and pathway to merge, avoiding the need for an "elimination straw vote." The strong conservation faction in the Jade Gems Group was able to merge their work with an external proposal with a strong conservation emphasis. The other faction within the Jade Gems Group had a strong fishing emphasis and was able to merge their package with an external package developed by the fishing community.

In the Central Coast, straw voting was used at the end of the first round of proposal development to yield a manageable number of proposals for refinement and evaluation by the SAT and planning team. At one point in the Central Coast process, there were a total of six proposals, and the BRTF, recognizing the press of time and the need to manage staff resources, called on the RSG and the I-Team to winnow the number of proposals to three. At the time, one of the proposals, Proposal B, literally designed the entire Central Coast study area as an MPA. Additionally, there were two competing sets of proposals from the conservation community that placed various degrees of emphasis on non-consumptive diving along Cannery Row. Noting that there were just over 30 primary members of the RSG, the I-Team deliberated and crafted a straw voting protocol that asked each RSG primary member to identify their first choice alternative. Further, they established a first cut decision rule that would winnow out any proposal that did not garner support from three members –or about ten percent of the RSG primary members. This decision rule proved effective; after this straw vote, there were three proposals that advanced to form the basis of the final RSG proposals.

Department of Parks and Recreation (DPR or CDPR): A state agency which provided guidance to the SCRSG and BRTF about the state's interests in marine parks and associated terrestrial areas. The CDPR manages 280 diverse park units, and aims to preserve the state's biological diversity, protect its natural and cultural resources, and create opportunities for high-quality outdoor recreation.

Work Groups (Round 3): During the final round of RSG proposal negotiations, the I-Team and BRT jointly appointed three groups identified by interest. These groups and their goals as accorded by the BRTF are as follows:

<u>Work Group One</u> *(the "Cross Interest" Group):*
>   Meet SAT guidelines while meeting the diverse interests of the RSG members.

<u>Work Group Two</u> *(mostly fishing and ports representatives):*
>   Meet SAT guidelines where possible while trying to minimize negative socioeconomic impacts
>   and ensure the support of broader interests, including local entities and organizations outside of

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the RSG.

<u>*Work Group Three*</u> *(mostly conservation interests):*
    Meet preferred SAT guidelines while trying to be sensitive to socioeconomic impacts and
    keeping cross-interest support; they chose to focus their MPA design on diverse, unique and
    quality habitats.

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Appendix 3: Findings from USC Sea Grant-CONCUR Retrospective Study on the South Coast Regional Stakeholder Group Process

Authors:

Phyllis Grifman, USC Sea Grant Program, www.usc.edu/org/seagrant, grifman@usc.edu

Scott McCreary, CONCUR, Inc., www.concurinc.com, scott@concurinc.net

Meredith Cowart, CONCUR, Inc., www.concurinc.com, meredith@concurinc.net

Introduction

To understand the experience of the participants in the South Coast process, we invited all members of the South Coast Regional Stakeholder Group for the Marine Life Protection Act Initiative to participate in an online survey. The survey was open for 45 days, from January 18 to March 4, 2011 and extensive follow up contacts were made to ensure broad representation across Round 1 and Round 2 Gems groups, and Round 3 proposal groups.

The survey questions were drawn from an evaluation framework developed by the U.S. Institute for Environmental Conflict Resolution (Orr 2008) and from CONCUR in its capacity as an organization striving to advance best practices in environmental and public policy dispute resolution. Through a mix of closed-ended and open-ended questions, the survey addresses a wide range of topics related to best practices in the field of environmental conflict resolution. Closed-ended questions used a scale of 1– 6, where 1 = strongly disagree and 6 = strongly agree. Thus a mean score of 3.5 is neutral, anything above 3.5 is considered a positive response, and anything below 3.5 is considered a negative response. For the open-ended questions, respondents were able to submit comments of any length. For the purpose of more finely analyzing differences in perspectives across interest groups, we have in most cases sorted responses by Round Three work group.

Key Findings

Process clarity and meeting the RSG process objective:
- Most members of the RSG did not correctly identify the objectives of the RSG process;
- As a result, most members of the RSG, and in particular Work Group Two, felt that the objective that they identified was not met;
- Those who correctly identified the objective of the RSG process felt this objective was met;
- However, both the group that identified the objective correctly and other RSG members exhibited little buy-in to the stated goals of the process.

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Polarization:
- Across the survey questions, there was a high divergence of responses along "party lines" among Work Group One (Cross-interest group), Work Group Two (Fishing and ports interests) and Work Group Three (Conservation interests).   Often, members of Work Groups Two and Three had opposing responses to the questions asked, while Work Group One was split (see for example responses to incentives to negotiate; incorporation of information into the process, balance of stakeholder representation, satisfaction with the SAT, among others).

Incentives to negotiate:
- Work Group Two reported little incentive to negotiate, while Work Group Three reported sufficient incentive and Work Group One was split.

Incorporation of information into the process:
- Work Group Two felt that the information provided was inadequate for creating a robust plan. In particular, members felt scientific information provided was not robust and that the fishermen's local knowledge was overlooked;
- Both Work Group One and Work Group Three felt that the information provided was sufficient; in particular, members were impressed with the scientific information but felt that the economic reports were unreliable.

Creating a safe space to negotiate:
- Work Group One and Work Group Two report that they felt safe to express themselves during the RSG process, while Work Group Three was somewhat less positive in this regard.

Stakeholder composition
- Most members of the RSG felt that the participants represented the full range of affected concerns;
- Work Group Two felt that the participants' interests were well-balanced while Work Group One agreed but felt less positively and Work Group Three felt strongly that participants' interests were imbalanced.

Satisfaction with the process
- The RSG as a whole, and in particular Work Group Two, reported dissatisfaction with the RSG process and the final MPA design.

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(16/23), Group Two 54% (13/24) and Group Three 87% (13/15).

4. Attendance/Participation in SCRSG Meetings and Gems Groups:

Most respondents attended all full SCRSG meetings and Gems work sessions, according to responses to Question 4.

5 - 7. Stakeholder Views on the Primary Objective of the RSG and whether it was Achieved:

One indicator of success in Environment and Public Policy (EPP) practice is whether an assembled stakeholder group meets its intended objective. A key choice in process design is often whether to accord stakeholders authority to craft a final solution, or whether to create the opportunity for stakeholders to develop one or multiple recommendations for the final decision making entity.

In the case of the SCRSG, a core objective – at least on paper - was that stakeholders would formulate alternative proposals, which would in turn be considered by the Blue Ribbon Task Force in developing a recommendation for an integrated preferred alternative package to be recommended to the final decision-making body, the CA Fish and Game Commission (represented as option "5c" below). The SCRSG Adopted Groundrules explicitly outline this goal:

"The charge of the SCRSG is to develop multiple marine protected area (MPA) proposals for consideration by the MLPA Blue Ribbon Task Force (BRTF). In meeting that charge, the SCRSG members have three primary goals to achieve for the south coast study region including: 1) Review and refine the regional profile; 2) Draft and adopt regional goals and objectives and; 3) Draft and refine alternative MPA arrays." - SCRSG Adopted Groundrules dated October 7, 2008.

The primary objective was *not* to reach consensus around a single design package. However, given the complexity of the MLPA Initiative, our inquiry looked at how completely RSG members internalized this objective during the SCRSG process..

While the stated objective was in fact met - three proposals were generated by the Round Three working groups and delivered to the BRTF -this objective was not identified by the majority of stakeholders in this survey. Not a single work group had a majority of respondents who identified the primary objective correctly as "Multiple MPA proposals, which would be considered and used by the Task Force to develop an integrated preferred alternative". In fact, Work Group One was the only group in which "Multiple MPA proposals, which would be considered and used by the Task Force to develop an integrated preferred alternative" was the answer selected most often.

Question 5: From the beginning of the process I understood that the primary objective of the SCRSG process was to attempt to develop:	Work Group 1	Work Group 2	Work Group 3	Cumulative
a. A single MPA proposal built by consensus	20%	8%	23%	18%

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b. Multiple MPA proposals, one of which would be adopted by the Task Force as the preferred alternative	20%	50%	31%	34%
c. Multiple MPA proposals, which would be considered and used by the Task Force to develop an integrated preferred alternative	33%	17%	23%	23%
d. Other (please specify)	27%	25%	23%	25%

As a result many stakeholders -- most noticeably members of Work Group Two -- were left feeling that the primary objective of the RSG process was not achieved.

Question 6 (Where 1=Strongly Disagree & 6=Strongly Agree)	Work Group 1	Work Group 2	Work Group 3	Cumulative
6. The objective described in question #5 was achieved.	3.53	1.70	3.38	2.95

We can next consider the link between an understanding of the stated purpose of the RSG primary process objective and responses to the question of whether this objective was met. As can be seen in the following Table, only those stakeholders who identified the primary objective as 5c had a positive response (on average) to the question of whether the objective was achieved.

Perceived Primary Objective (Question #5)	Average Rating of Agreement as to Whether the Objective was Achieved (Question #6)
a. A single MPA proposal built by consensus	1.86
b. Multiple MPA proposals, one of which would be adopted by the Task Force as the preferred alternative	2.00
c. Multiple MPA proposals, which would be considered and used by the Task Force to develop an integrated preferred alternative	4.30

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7. *Primary Objective (Open-Ended Question):*

RSG members were given the opportunity to elaborate on the subject of whether the RSG process met its objective through an open-ended question with the following prompts:

We would like to hear more about your thoughts on whether the RSG process met its objective. We welcome your responses as to what worked well and what could have been improved, for example:
- If you feel the objective described above was achieved, what were the critical factors that made this possible?
- If you feel the objective described above was not successfully achieved, what prevented its achievement?
- What outcomes did you hope to achieve through your participation in the SCRSG?
- Were these outcomes consistent with the objective you identified for the planning process?

Group One Comments on the Primary Objective of the RSG

Even amongst those Work Group One members who correctly identified the primary objective as "Multiple MPA proposals, which would be considered and used by the Task Force to develop an integrated preferred alternative," there were significant concerns that the proposals developed by the RSG for the BRTF were hampered by an imbalance of stakeholders' interests, the use of voting, and insufficient time.

Even though the prompts reinforce the assumption that the SCRSG completed its work when the Round Three proposals were transmitted to the BRTF, many respondents expressed that they didn't feel the objective had been fully met because they were dissatisfied with the BRTF's IPA. Nearly half of the members of Work Group One articulated their feeling that the IPA fell short of SAT guidelines. One such member wrote:

> "I felt that the objective was partially achieved because the BRTF selected MPAs that were created by the SCRSG, and based much of the preferred alternative on the map created by [Work Group 1], which met the guidance of meeting the science guidelines while minimizing economic impacts, and having cross-interest support. However, I think the BRTF failed in upholding their own goals of meeting science guidelines while minimizing social economic impacts because in the end, the network did not completely meet the science guidelines for spacing or habitat replication."

Group Two Comments on the Primary Objective of the RSG

Only two members of Work Group Two correctly identified the primary objective of the RSG process as "Multiple MPA proposals, which would be considered and used by the Task Force to develop an integrated preferred alternative." This apparent disconnect between intended purpose and perceived purpose may contribute to the highly critical tone of many of the responses from members of Group Two.

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Group Two members described their feelings that they felt there had been "behind the scenes manipulation" that the SAT information was "politically bought" and one reported frustration that the "hundreds of years of first-hand knowledge the fisherman had about the sea" hadn't been utilized. One, in reference to the evolving guidelines from the SAT as the previous region's guidelines were adapted to the South Coast region, wrote that the "strategy of changing the metrics during the design process cost credibility more than it engendered a sense of openness."

Group Three Comments on the Primary Objective of the RSG

Many of the responses from members of Work Group Three are similar to those from members of Work Group One, demonstrating concern regarding the imbalance of stakeholders' interests, the corresponding impact of majority voting to test preferences, and frustration with the degree to which the BRTF's IPA failed to adhere to SAT guidelines.

One member (who incorrectly believed the goal to be "A single MPA proposal built by consensus" and described all other options as "failure fallback options") succinctly described this full suite of concerns, saying: "The objective was not met because the science guidelines were not met. The composition of the RSG was fisheries interests heavy by about 60/40 percent so no consensus was possible that also followed the science guidelines and legally satisfied the MLPA." Another member (who correctly identified the objective) had similar concerns, but added on a positive note that "the objective of developing a range of options for the BRTF was eventually achieved."

Echoing this sentiment, another member acknowledged that the RSG successfully met its objective by developing a range of alternatives, saying that "we achieved [the SCRSG objective] the first time we presented any proposals (I believe there were ten or so)." However, she dismissed this achievement as too basic, saying that simply meeting the stated objective was "[n]ot really a big deal in my opinion" since achieving multiple proposals "is the easiest thing to do."

8 – 10. Rating of Evolving Proposals Relative to Meeting Interests and SAT Guidelines:

Questions 8, 9 and 10 asked respondents to rate their Gems Group Proposal, their Round 3 Proposal, the Blue Ribbon Task Force's IPA and the Commission's Preferred Alternative on the basis of how well these work products took account of their interests, took account of the full range of interests, and met SAT guidelines respectively on a spectrum of 1= "not at all" and 6 = "completely".

For all three questions, the Round 3 Proposal received the highest average scores followed by the Gems Group Proposal, which also received positive average scores, followed by the BRTF's IPA, which received negative average scores, followed by the Commission's Preferred Alternative which received the lowest average scores.

11. Evaluating the RSG Process:

Question 11 asked respondents to rate their agreement with various statements related to process where 1="completely disagree" and 6="completely agree." Their responses were as follows:

Question 11	Work Group 1	Work Group 2	Work Group 3	Cumulative
a) The length of time allotted for this process was appropriate	3.94	2.45	4.23	3.57

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Question 11	Work Group 1	Work Group 2	Work Group 3	Cumulative
b) I had adequate time between meetings to prepare	4.69	4.09	4.46	4.52
c) The participants, as a group, represented the full range of all affected concerns	4.31	4.55	4.15	4.30
d) Participants' interests were well-balanced	3.56	4.27	1.69	3.02
e) The size of working groups was conducive to effective participation	3.94	4.00	3.62	3.73
f) The participants had sufficient authority to make commitments on behalf of their organizations or constituencies	4.40	4.82	4.31	4.23
g) Participants communicated effectively with their constituents	4.25	4.70	4.08	4.26
h) The process helped you gain a better understanding of other participants' views and perspectives	5.06	5.36	5.08	5.02
i) I felt safe to express my point of view at all times throughout the RSG process.	4.13	4.64	3.46	4.0
j) The participants, as a group, sought options or solutions that met the common needs of all participants	3.25	2.91	2.23	2.75
k) Participants negotiated based on interests as opposed to positions	2.75	3.22	2.67	2.71
l) At the start of the process I was willing to work cooperatively with other participants	5.88	5.91	5.17	5.70
m) At the end of the process I was willing to work cooperatively with other participants	4.38	3.55	4.08	3.93
n) There were clear incentives in each step to work towards agreement in my Gems group or proposal negotiating team	3.47	2.55	3.67	3.29

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Question 11	Work Group 1	Work Group 2	Work Group 3	Cumulative
o) As a result of the process I have more trust in and a better working relationship with fellow participants	3.56	3.09	3.85	3.34
p) I am satisfied with the RSG process	3.20	1.82	3.23	2.74
q) I am satisfied with the final MPA design adopted by the Commission on December 15, 2010	3.44	1.36	2.46	2.50

Elaboration on 11.c. and 11.d.

The balance and composition of a stakeholder group is critical to its success. According to Lawrence Susskind and his colleagues (1999), "In recommending who should participate [in the stakeholder process], the assessor should think about inclusion and balance. All categories of stakeholders should be identified, and an approximately equal number of representatives from each major category should be determined. Ideally, the resulting mix should not be skewed toward one interest or another." As Pomeroy and Douvere (2008) note, it is difficult but important to ensure equitable representation in the CMSP process specifically. Therefore, we asked RSG members to rate their agreement as to whether the stakeholder group represented the full set of interests without being redundant and whether the group was properly balanced (i.e., between consumptive and non-consumptive users, or between local interests and broader statewide interests).

On average, each of the round three work groups responded positively to the question of whether participants, as a group, represented the full range of all affected concerns:

Question 11c	Work Group 1	Work Group 2	Work Group 3	Cumulative
11c. The participants, as a group, represented the full range of all affected concerns.	4.31	4.55	4.15	4.30

In stark contrast, responses to the question of whether participants' interests were well balanced varied considerably by work group:

Question 11d	Work Group 1	Work Group 2	Work Group 3	Cumulative
11d. Participants' interests were well-balanced	3.56	4.27	1.69	3.02

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Similarly, Harty's (2010) survey on the SCRSG process found that most survey respondents – 70% - felt that the RSG was at least slightly imbalanced. On a scale of 1 (poorly balanced) to 6 (well balanced) the mean score was 3.0 (Harty 2010). In comparing the SCRSG to previous study regions, Harty points out that the "SCRSG had the most significant level of dissatisfaction regarding overall balance among the three Initiative study regions." Open-ended responses indicate that many stakeholders felt the "environmental and non-consumptive representatives were far outnumbered by consumptive representatives (Harty 2010)." Please see Question 13 for the open-ended responses to this Sea Grant-CONCUR survey on the subject of stakeholder representation.

Elaboration on 11p.

Question 11p	Work Group 1	Work Group 2	Work Group 3	Cumulative
11p. I am satisfied with the RSG process.	3.20	1.82	3.23	2.74

These responses closely match those reported by Harty (2010), in which the mean "overall level of satisfaction" with the SCRSG process to develop MPA proposals was 2.59, with 53% of respondents either "very unsatisfied" or "somewhat unsatisfied." While this number is not dramatically lower than the mean satisfaction score in Harty's previous study on the Central Coast Regional Stakeholder Group process (3.0), it certainly reflects a less positive reflection than a parallel study on the North Central Coast RSG process (4.03).

12. Allocation of Time to RSG Tasks:

In rating the amount of time given to various tasks (where 1 = "too little" and 6="too much"), overall respondents felt too little time was given to "Receiving technical briefings from the I-Team and SAT" (average rating = 3.23), too little time was given to "Negotiation of MPA proposals in Gems work groups" (average rating = 2.50), and too much time was given to "Hearing Public Comment" (average rating = 3.95). Harty (2010) also found that survey respondents wanted more time – on a scale of 1 (too short) to 6 (too long), the mean response was 2.33. Compared with the other study regions, the South Coast RSG felt the most time pressure.

13. Open-Ended Question on Stakeholder Representation:

RSG members were given the opportunity to elaborate on the subject of stakeholder representation through an open-ended question with the following prompts:

We would like to hear more about your thoughts on the subject of stakeholder representation. We welcome your responses as to what worked well and what could have been improved, for example:
- If in your view there was a proper balance of stakeholder interests, what about the representation worked particularly well?
- If in your view there was an imbalance of interests, please describe a fairer distribution and explain your rationale.

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- How did the balance of stakeholder interests affect the RSG process?
- What, if any, interests were not represented by SCRSG stakeholders?

Group One Comments on Stakeholder Representation
        Members of Work Group One tended to identify the higher number of RSG members with consumptive interests as the biggest challenge related to stakeholder representation. They further noted that the interests among non-consumptive users differed much more than the interests among consumptive users did, making it more difficult for non-consumptive users to negotiate as a cohesive bloc. Several Group One members also felt there weren't enough stakeholders with cross-interest perspectives. As one member put it, "too many stakeholders took a hard-line stance."
        According to one member, as a result of these imbalances, when "things came down to pure votes for decision-making…a cross-interest, inclusive result did not occur." Others noted under-representation by "people who use the ocean but don't get directly involved in its management," fluent Spanish speakers, and those concerned with coastal habitats.

Group Two Comments on Stakeholder Representation
        Some Group Two members felt there was a good balance of stakeholder interests, while others were of the opinion that stakeholder representation was unbalanced ("towards preservationists" as one such member put it). When prompted to name interests that were not well represented, Group Two members named: subsistence anglers, pier and shore anglers, coastal-dependent small business owners and recreational boaters.

Group Three Comments on Stakeholder Representation
        Members of Work Group Three almost unanimously stated that there was an imbalance in favor of consumptive interests. In the view of some Group Three members, this imbalance hindered the ability of the RSG as a whole to reach consensus or satisfy SAT guidelines because these interests "opposed to the implementation of the MLPA in any form." Furthermore, several Group Three members felt that the addition of more consumptive representatives after the RSG was initially formed undermined the process and that many of the consumptive representatives represented redundant interests.
        From the perspective of Group Three members, under-represented interests included: science-interests, State Parks and other resource management agencies, non-consumptive divers, the majority of Californians who voted for the MLPA, Tribal representatives, Latinos, the education community, the tourist industry and those concerned with protecting marine resources. One commonality with the critique of Group Two members was an under-representation of the tourist industry -- though the focus of Group Three members was on the portion of the tourist industry that supports non-consumptive uses.

14. Science Advisory Team
        A core feature of the MLPA Initiative was the appointment of an interdisciplinary team of Science Advisory Team (SAT) members by the director of the California Department of Fish and Game to advise the process. The SAT's role was to develop scientific recommended guidelines for size, spacing and species protection of the MPAs, to evaluate RSG proposals, and provide informed recommendations to the BRTF. SAT members represented several sub-disciplines in marine biology,

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fisheries, oceanography and ecology, and included representatives of government agencies (i.e., CA State Water Resources Control Board) and academic scientists.

In Harty's 2010 study, SCRSG members were asked "How helpful was the following assistance provided by the SCRSG throughout its process by the Science Advisory Team?" on a scale of 1 (Very unhelpful to 6 (Very helpful) regarding: Direct Interaction with the SAT (3.88); SAT Answers to Science Questions (3.38); SAT Briefings (3.62); and SAT Evaluation of MPA Proposals (3.75) Responses.   Overall, these responses indicate a neutral to slightly positive view of the roles played by the SAT.

In this USC Sea Grant-CONCUR Post Hoc survey members were given the opportunity to further explain their thoughts on the make-up and actions of this group with the following prompt:

As a follow up to the last question, do you have any further comments regarding the composition of the Science Advisory Team?

Group One Comments on the SAT

Members of Work Group One were divided in their assessment of the Science Advisory Team's composition. Some members wrote favorably of the SAT. For example, one member wrote, "I think the SAT was fairly appointed and had a strong composition of different scientists with expertise on south coast ocean resources." Another member shared similar sentiments: "The scientific advisory team was full of people who knew what they were doing and had the best interest of the resource in mind. They certainly did their job well and I think that this was one of the better pieces of the whole MLPA process."

Other members of Work Group One expressed their concern (shared by some members of Work Group Two) that the potential of grant funding for MPAs generated bias: "I think the SAT was biased toward MPAs - many of the scientists receive funding to study MPAs." Their work products were biased towards favoring arrays produced by the workgroups dominated by environmental interests." Another respondent noted that a SAT with greater number of fishery scientists "might have improved trust of data being used to determine resources and socioeconomic uses of different geographies."

A contrasting dissatisfaction with the composition of the SAT was also expressed by one respondent, who noted a shortage of members with "expertise in evaluating the non-consumptive value of living marine resources."

Group Two Comments on the SAT

All of the follow-up comments about the SAT offered by Group Two members were critical. Here, almost half the comments addressed concern about potential SAT member bias due to their grant and funding streams. One such respondent expressed that "The SAT is driven by the need to get follow up funding to support the MLPA." Another reported that "They stand to gain financially from grants inside the MLPA-I -- and later on by grants dependent on the adoption of more new MPAs--particularly SMRs."

Other Group Two members were frustrated by evolving SAT guidelines, saying that "SAT science was in constant change." Some felt the data should have been fully collected before the process started. Several members had specific critiques of the SAT's scientific advice or the models they generated during the RSG deliberations. The Bio-economic model and analysis of larval

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behavior and current patterns were specifically criticized. Another respondent felt the SAT tended to exclude local knowledge.

Group Three Comments on the SAT

In contrast to the prevalent critiques of Work Group Two, members of Work Group Three offered largely positive reviews of the composition and work of the SAT. One member stated that "the composition of the SAT was quite good, with knowledgeable, reputable, and largely objective scientists reflecting proper range of academic discourse on complex ecological synthesis."

Two areas of focus and expertise called out as missing were a strong representation of native science and the need for a "jack of all trades" biologist. A further concern was the perceived "lack of accessibility of SAT members".

Several Group Three members commented on the lack of adherence to SAT guidelines in the development of RSG proposals and BRTF/Fish and Game Commission Integrated Preferred Alternative. One suggested that the SAT should have asserted a firmer position because "their guidelines [were] never…met throughout the entire MLPA process."

15. *Blue Ribbon Task Force*

Like the identification of the SAT members, the appointment and deliberations of the Blue Ribbon Task Force were a central part of the architecture of the MLPA Initiative process. The BRTF was a body appointed by the secretary California Natural Resources Agency and comprised of seven experienced policy-makers. The primary roles and responsibilities of the BRTF included: oversee and provide policy guidance to the regional MPA planning process; direct funding and capacity for the MLPA Initiative; and review and recommend alternative MPA network proposals for the region, including an integrated preferred alternative, to the California Fish and Game Commission.

Harty (2010) asked RSG members several questions to evaluate their satisfaction with the BRTF. The survey responses he received led him to conclude that "the depth of dissatisfaction when compared with the NCCSR, particularly for the content of the IPA…is noteworthy (Harty 2010)." In this USC Sea Grant-CONCUR Post Hoc survey, RSG members were asked to further explain their thoughts on the composition and actions of the BRFT with the following prompt:

> In the same vein, do you have any further comments regarding the composition of the Blue Ribbon Task Force?

Group One Comments on the BRTF

For the most part, the members of Work Group One had positive comments about the composition of the BRTF. One member noted: "Of everything within the process, I had the least amount of disagreement with this group of folks. They seemed sincere, in my opinion." Similar comments were: "the composition of the BRTF was great" and "the BRTF was put together well with a good balance of perspectives."

Other Group One members were more critical of the BRTF's composition. One member noted that "unlike the RSG, the composition of the BRTF was not a representative balance of California stakeholders," and another member questioned whether members of the BRTF had the knowledge and background necessary to "objectively do the job before them."

Other comments from Group One were aimed at the BRTF's deliberations and results. Many were frustrated with the BRTF's Integrated Preferred Alternative. One respondent wrote that this

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"final product does not meet the mission guidelines that were originally established" and another member felt it was "unfair that the BRTF was able to bend the guidelines for themselves and were held to a different standard in determining their preferred alternative."

Group Two Comments on the BRTF

Group Two members strongly critiqued the BRTF, expressing their belief that the members were inherently driven by political motivations and/or lacked first-hand knowledge of the ocean. One observed that "BRTF members were chosen and appointed for their experience in public policy and politics. In that regard, they were chosen well. Unfortunately, they mostly lacked any good understanding of MPA and fisheries management science"

Several respondents worried that as political appointees, BRTF members either brought their own agendas or had to be responsive to their appointing authorities "I think all were tasked by higher ups in the State government… [and] had to follow what they had been tasked to do." Another member expressed the view that "the Marine Life Protection Act is supposed to be about ecosystem management. MLPAI left out the ocean pollution and coastal development parts of that equation: MLPAI is about fishermen and their impacts on the ecosystem, and to a much lesser extent, the impacts of so called non-consumptive users. The members of the BRTF should therefore be well versed in fisheries management."

A few Group Two members questioned whether the BRTF had too much influence over the final work product and one advocated reducing the BRTF's power to alter MPA dynamics. A few asked whether the BRTF should be part of the process at all.

Group Three Comments on the BRTF

The comments from members of Work Group Three regarding the BRTF were slightly less critical than those from Work Group Two, but still reflected concerns that the BRTF was primarily politically motivated and lacked scientific understanding of the issue, among others. One Group Three member described the BRTF as "businessmen and politicians deciding environmental issues" While another commented that "The BRTF should be composed of individuals who have a clear understanding of the ocean in some capacity as part of their normal profession. Ideally, also, they should not be tied so closely to politics."

Other Groups Three critiques of the BRTF were the imbalance of represented interests and the decision-making process itself. One area of concern was that the BRTF was not well-balanced – members felt that non-consumptive interests were under-represented and that the "well-do-do white dominant culture" was over-represented. Similarly, another respondent wrote that, "because of their own livelihoods, the BRTF was over-zealous of recreational fishing. Several Group Three members also noted that some BRTF members missed essential meetings where the Integrated Preferred Alternative was assembled. Other Group Three members complained that the BRTF was inaccessible throughout the process.

16. Safe Process

As a precondition for effective interest-based negotiation, the convener and mediator must "provide the context, occasion, and safe process in which parties can meet and speak to one another, listen to, and learn from one another" (Forester 1999). To determine whether the SCRSG process established this productive process environment, RSG were asked closed- and open-ended questions

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to better understand their level of comfort and safety. Members of Work Group One and Work Group Two responded positively to the closed-ended question of whether they felt safe to express themselves throughout the RSG process, while the responses from Work Group Three were somewhat less positive:

Question 11i	Work Group 1	Work Group 2	Work Group 3	Cumulative
11i. I felt safe to express my point of view at all times throughout the RSG process.	4.13	4.64	3.46	4.00

RSG members were asked to elaborate on the subject of a safe process through an open-ended question with the following prompts:

- If you felt secure in expressing your point of view, what were the factors that made this possible?
- If, on the other hand, there were times that you did not feel comfortable expressing your point of view, please provide the context.
- What could have been done to make you feel safer?
- What specific steps could have been taken differently?

Group One Comments on Safe Process

Some members of Work Group One responded that they felt secure expressing their points of view throughout the process, while others reported that they felt unsafe or unable to express their viewpoints and would have preferred more rigorous intervention by the facilitators and the I-Team. One respondent in the former group wrote that the I-Team set "clear and professional conduct guidelines," while another reported that there was "common respect" within the group.

The latter group responded that there were disruptive and rude remarks made, and that the intervention by the facilitators and the I-Team was not sufficient in lessening the hostility of the conversations. Several members called for more directive facilitator/I-Team intervention for those moments when (as one member wrote) "people were completely out of line (e.g. making negative racial/cultural remarks or plugging their ears when a RSG member was trying to talk)."

Another member noted that "when fellow workgroup members would talk over other members, or discredit their role or background" it was often fellow workgroup members who would "step into the role of moderation." As members of the cross-interest work group, several Group One members reported feeling stuck in the middle. One member reported feeling "hammered by both sides (consumptive and environmentalists) for not siding with their interests/ shapes." Another member described their situation in similar terms: "As an RSG member who was really there to reach compromise (because of the organization I represent), I ended up feeling marginalized."

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There were reports of both consumptive and non-consumptive stakeholders breaching ground rules. In addition, several members also spoke of intimidating behavior from members of the public including yelling, threatening, attacks on vehicles, and posting harsh personal criticism on web boards. Such actions illustrate a generally hostile environment in which some members felt uncomfortable, unsafe or unable to express their interests.

Group Two Comments on Safe Process

The majority of Work Group Two members reported feeling comfortable and safe throughout the process. Only two wrote of personally feeling unsafe because "it was not safe to disagree with presented material" and because "I was surrounded by people a lot smarter and wiser."

Some members of Group Two acknowledged that other stakeholders may have felt unsafe but that they themselves were not phased. Several Group Two members acknowledged heated conversations in which "harsh words" were exchanged but readily accepted this as being part of the process. One noted "I agree that insult and intimidation have no place in our work, but that should not have meant that ones' ideas could not be challenged and analyzed: this was no place for someone who could not take some heat and defend his or her positions." Another recalled: "Sure, I had people yell at me with faces beet red, but then again, I just suggested an MPA that would have left that person out of work." A third noted: "If I sat with my mouth shut because I thought some one would get upset I should have stayed home."

Group Three Comments on Safe Process

Two members of Work Group Three reported feeling safe during the RSG process. All other Group Three members recalled concerns about intimidating behavior by consumptive interests and/or the public, or getting insufficient time to air their views as a result of the large size of RSG meetings and time constraints.

Several Group Three members offered suggestions for making the process safer including: a more aggressive/ I-Team intervention in ground rules enforcement; more closely checking the backgrounds of RSG members; spending more time in smaller work groups with a wider cross-section of interests;closing Work Group sessions to the public; and removing RSG members who don't adhere to the ground rules.

17. Incentives to Negotiate

Creating incentives for negotiation is widely recognized as a key pillar for effective mutual gains bargaining. Conveners of policy-making processes often try to identify incentives to encourage stakeholders to come to the table and negotiate in good faith towards an agreement (Susskind and Cruikshank, 1987). However, members' survey responses indicate that the incentives to negotiate were not strong. On average, members of Work Groups One and Three were essentially neutral in response to the question of whether there were clear incentives to work toward an agreement throughout the RSG process. Members of Work Group Two responded less positively, indicating that on average they saw fewer clear incentives to negotiate.

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Question 11n	Work Group 1	Work Group 2	Work Group 3	Cumulative
11n. There were clear incentives in each step (Round 1, Round 2, Round 3) to work towards agreement in my Gems group or proposal negotiating team.	3.47	2.55	3.67	3.29

RSG members were given the opportunity to elaborate on the subject of incentives to negotiate through an open-ended question with the following prompts:

- What were your incentives to pursue cross interest negotiation?
- What were the carrots and sticks?
- If you did not negotiate towards a cross interest agreement what kept you from doing so?
- What other incentives could have been offered to encourage RSG members to make agreements across interest groups?

Group One Comments on Incentives to Negotiate

Several members of Work Group One saw clear incentives to negotiate, while an approximately equal number did not. Those who reported pursuing cross-interest negotiations provided the following incentives for doing so:

- "I pursued cross interest because I am a cross-interest representative."
- "[T]o get the best MPA network possible given the vast array of interests - that is meet science guidelines while not alienating the fishing interests."
- "The goals of sustained marine health/diversity (conservation) and economic stability are worthy goals, and as such, incentives in their own right!"
- "I was motivated by the statement that the BRTF would reward groups that met the guidance."
- "The greatest incentive was that if we developed a cross-interest map, [it] would be the basis or foundation for the BRTF's IPA."

Other members of Work Group One did not see clear incentives to pursue cross interest negotiations, and some blamed this on the lack of "carrots" and/or "sticks" which they suggest could have been used to leverage more principled negotiation:

- "There weren't any strong sticks for work groups that did not achieve the guidance of meeting science guidelines, while minimizing negative socioeconomic impacts and achieving cross-interest support."
- "There were no sticks whatsoever for consumptive groups."

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- "Initially I had external pressure to pursue cross-interest negotiations. However, this waned as I tried to negotiate and was repeatedly met with an unwavering position. If there was a stick used to encourage others to negotiate, I never saw it."

- "I don't think there were a lot of incentives to negotiate. From the very beginning, the fishing community came in with a single map and a broad agreement from many of the commercial and recreational consumptive interests to support that map and to oppose all others. There was very little true meaningful negotiation done by the principal representatives of the commercial fishing industry. They were joined by members of the recreational consumptive fishing community who simply refused to negotiate in good faith and sought numerical superiority and community stubbornness as a virtue. This of course destroyed whatever cooperation could have been achieved and I have to lay this fault on the I-Team for letting them get away with it."

Several other members echoed the sentiment of this last respondent in terms of placing the responsibility on the I-Team for the lack of carrots and sticks. One such member wrote: "Unfortunately incentives used were not consistent or followed by I-Team or task force. The only way for incentives to work is if they are true to process parameters and changes don't take place midstream." Another member suggested that "stronger consequences by facilitators and the I-Team for failure to negotiate in good faith would have been helpful."

Group Two Comments on Incentives to Negotiate

Only two members of Work Group Two indicated that they felt there were incentives to pursue cross interest negotiations. The other members either reported a lack of incentives, the impossibility of incentives, or confusion about the meaning of the term "cross-interest." One member who was of the opinion that "there were no incentives" explained his view on the subject as follows: "Representing the commercial lobster interests there was nothing we stood to gain on any level. The process was seeking the best habitat and that is the very habitat that holds lobsters." Another member was similarly bleak in his appraisal: "In retrospect, I don't think anything could have been done to improve the outcome. You can't make someone agree to something they don't want nor have to agree with."

While some Group Two members felt that terms such as "cross interest" needed to be more clearly defined, several other members seemed to suggest that cross-interest negotiation was never the true intent of the RSG process. One such respondent noted: "The groups were purposely divided by interests/positions with no concern about reaching cross-interest support. The obvious game plan was that by so doing Bookends would be created between Groups Two & Three with Group One appearing as the cross-interest plan. When Group Two fell apart so did the wizards attempts to rig the compromise plan."

A similar sentiment is shared by another member who wrote: "I believe the fatal mistake was to allow the external "C" proposal to back door into the process, after it had been overwhelming rejected by the RSG. At that point, a small but significant group on the preservation side knew they would not have to find the middle ground, and a smaller, but vocal segment of the fishing community came to believe that we were being herded to a predetermined outcome...Another major mistake was the BRTF, directing (not guidance), the I-team to divide the RSG into 3 work groups with distinct book end goals, and a still largely undefined middle ground."

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Group Three Comments on Incentives to Negotiate

Three members of Work Group Three reported sufficient incentives to pursue cross-interest negotiation, while the rest did not. For one respondent "the primary carrot was the adoption of a workgroup proposal by the BRTF as preferred. The stick seemed to be that the proposal wouldn't be considered if it missed the mark too badly." However, for other members the incentives were not sufficient:

- "I can't remember a compelling incentive. There was something about if there was total consensus at certain times then that proposal would go forward to the BRTF. Or the BRTF was likely to adopt a single consensus proposal. But I don't think anyone had any confidence that those proposals would be adopted by the BRTF, or that one proposal submitted wouldn't be minced up by the BRTF in the long run anyway."

- "A stick approach may have been necessary to force compromise, however minimal, on both sides, rather than allowing blocking. Once mind blocks were identified (people not allowing others to concede, in fear of weakening a united front) they should have been removed immediately. These blocks of interests ultimately ended up with more power and forced neutral parties to pick a side in order to protect their interests and to have some type of voice and support. It pushed people away from compromise and toward the poles."

Some members of Group Three suggested that cross-interest negotiations were simply not possible given the negotiating position taken by consumptive users, or as one such member put it "cross interest agreement would be impossible because the fishermen walked into this process arguing from a position instead of listening to the science." Another member felt that "fisherman had NO incentive to negotiate, and every incentive to dig heals in and say NO to every suggestion. I don't see a way to fix this." Another member explained how this perception affected their participation in the process as follows: "Once I was told that certain participants were not planning on compromising, I lost incentive to keep conceding points."

Other Group Three members made the following recommendations to incentivize negotiation:
- "Those working in good faith should get some of their interests better represented (carrot) while those obstructing the process should have diminished discussion time (or face dismissal)."
- "Recommend starting with 3 interest groups like in Round 3 (consumptive-based, science-based, and cross-interest), then in each successive round strongly encourage convergence by emphasizing where arrays do not meet science/DFG guidelines and highlighting where socioeconomic impacts are greatest."

18. Building and Maintaining Agreements

RSG members were given the opportunity to elaborate on the subject of building and maintaining stable agreements through an open-ended question with the following prompts:

- What could have been done to broaden stakeholder support for specific Round 3 proposals?
- How could Round 3 proposals have been fashioned so that the Task Force would have

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been willing to recommend one without modifications?
- What other types of trades could have been made in order to strengthen agreements and "expand the pie"?

Group One Comments on Building and Maintaining Agreements

The members of Work Group One had varied responses to these questions. Some felt that adherence to SAT guidelines should have been more strictly enforced. One such member wrote that "the most important thing that could've been done is an insistence that all proposals (including the IPA and final product) meet the minimum set of guidelines." Another member, in reference to the evolving guidelines from the SAT as the previous region's guidelines were adapted to the South Coast region, suggested that "the rules need to be consistently applied from the beginning, especially the SAT guidelines and the DFG feasibility. Some of these guidelines changed at the end of the process. I observed a change in behavior of the fisherman towards the end of Round 3 because they felt the SAT, DFG, were biased against their interest, and their positions hardened as a result." Still another member felt that "without an understanding that failing to meet the guidelines would result in a proposal being dropped from consideration, cross-interest agreements fell apart after the individual workgroup work was done. For example, several members of the fishing, conservation, government, science and education communities in WG1 supported our final map in round three, but when they saw the products from the other workgroups (which didn't meet the BRTF) guidance, they ended up defecting support to another proposal."

Others argued that stricter adherence to ground rules and an open process might have helped. One member pointed out that an "objective structure (ground rules and enforcement of them, incentives etc) and consistency in facilitation are key to successful negotiations of agreement." This same member felt that "bad behavior was rewarded and the facilitators and I-team bent the rules/changed facilitation mid-stream to accommodate certain interests. As a result facilitation in round 3 seemed biased. This limited any sort of stable agreement and instead strong-arm tactics were used by both sides." Another member suggested that "more transparency in the process would have made stakeholders more willing to commit to specific compromises and negotiations."

Other Group One members felt that there was insufficient time to negotiate in Round 3. One such member wrote that "time in round 3 was a factor. There was a disconnect between the SAT reviews and information getting back to work groups in time to adjust array proposals before Task Force reviewed them. As a result the arrays presented were still in "draft" form and it left the door open for debate by different RSG members on different geographies. The task force had to come up with an IPA because of nature of proposals that were presented to them. In the future, I think the RSG needs more time to effectively respond to feedback from SAT and there needs to be more frequent work group sessions to work through issues at some of the "ground zero" geographies."

Still other members suggested that a stable agreement was reached (or was within reach) but that the BRTF chose to ignore this. One such member argued that "Proposal 1 from Round 3 had cross-interest support and met the science guidelines and yet the BRTF still felt the need to change it. It's unclear what would have had to happen in order to ensure that they would recommend a proposal without modifications." Another member shared the same sentiment in their response: 'I think the round 3 proposals were fashioned in a way that the BRTF had an option to adopt WG1's proposal in it's entirety, but that they caved to political pressures to change it in certain places." Another member felt that "had the BRTF followed through on meeting their own guidance they could have easily

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submitted either of the proposals prepared by the cross interest group and conservation element." Still another member suggested that "a vote should have been taken to show stakeholder support. The RSG should have had a chance to do a round 4 after the BRTF meeting."

Other members of Group One wrote that a stable agreement was simply not possible because of the position taken by consumptive interests. One such member wrote: "I'm not sure anything could have been done to broaden stakeholder support for Round 3 proposals. The RSG was very divided and the fishing interests clearly had a strategy and were not interested in deviating from that strategy. If the focus is to push for nothing or the very minimum, I don't know how you get participants to shift from that mindset." Another member suggested that "the biggest thing that should have been done, was to shake apart the position formed by the coalition of fishermen that formed in advance of the SCRSG. With this position in place, consumptive users had no need, interest, or incentive to negotiate."

Group Two Comments on Building and Maintaining Agreements

The members of Work Group Two were similarly divided in their responses. Amongst those who felt an agreement was possible, time and stakeholder size/composition were often viewed as obstacles. Several members called for more time to negotiate. Another member suggested that "the final proposals could have been much better if the RSG was given more time to develop and polish them, along with the freedom of choice and real porosity between work groups that was lacking." Another member felt that "if the right group of RSG and staff would have been put into WG1, it is my opinion that a consensus still could have been reached. WG1 had the right group of enviros, and scientists, but failed in the fishermen and middle of the road people not put into that group…We needed a short round four, with the WG1 component I suggested. A little more money, to buy a little more time, and we could have made some big improvements; sold it to most of the RSG, BRTF and Fish & Game Commission (FGC), and the public. That would have lead to 'buy in', by most, and a greater chance for long term success of the MLPA."

Several members found fault with the BRTF. One such member wrote: "I don't believe it was the fault of the RSG as a whole that the BRTF did a complete turnabout and refused to choose one of the round 3 proposals as its preferred alternative. The BRTF simply lacked the political will to make a choice. Their action in crafting a Frankenpackage IPA was tantamount to declaring the RSG had failed." Another member suggested opening the BRTF process "to input, choice by choice." While in fact, the elements of the IPA were subject to comments as part of the CEQA process, apparently some respondents were not aware of this requirement or felt it was insufficient.

Others felt that agreement was simply not possible. One such member wrote, "It is impossible to reach agreements that make every one happy," or as another member put it, "The outcome was set from the beginning. Shut down fishing in a very large area of prime fishing grounds."

Only one member suggested a means of "expanding the pie," advocating "commission involvement to provide mitigation to impacted stakeholders" such as open lobster (commercial) fishing around rock jetties off of San Pedro-Long Beach to mitigate the loss of Palos Verdes, among other suggestions.

Group Three Comments on Building and Maintaining Agreements

The members of Work Group Three were also divided in their responses. Some wrote that agreement was not possible. For example, one such member wrote, "I see no answer to this. The BRTF would never have taken a proposal from us as is. Too many politics and threats involved."

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Another member wrote, "I don't think it's possible to get everyone on the same page with one proposal AND meet the science guidelines. For instance, one proposal came out of the far[North] process but it is very weak."

Others suggested an agreement may have been possible with more time, or changes to the composition (of the RSG or Working Groups). One such member lobbied for "more time spent on details and SMCA regulations instead of dismissing them in favor of the SMRs and then scrambling to solidify take regulations in the last 10 minutes." Another member suggested that "more time or a more balanced group may have helped broaden support for the cross-interest round three proposal." Still another member wrote "I think that like minded stakeholders need to work together on specific interests. I would rather be in a room of like minded people working from the SAT analysis and try to meet the guidelines. The consumptive user will do the same from their point of view. I think the BRTF can take those points of view in conjunction with the intent of the MLPAI and the SAT and come up with a proposal that looks at the socioeconomic and ecological points of view and develop an array that strikes a reasonable balance. I think the agreement is strengthened by process, eg: like minded groups and a good BRTF evaluation team."

Others felt that stronger adherence to SAT/DFG guidelines should have been enforced. For example, one member wrote "I think that if the scientific guidelines are truly important, there has to be consequences for not meeting them. And there weren't any. Only lip service was paid toward this goal from the BRTF and the I-team. Perhaps any proposal that meets the scientific guideline would be accepted by the BRTF, or the first one that does gets accepted (probably unrealistic) or any proposal that doesn't ultimately will not get considered. Fish and Game and State Parks also need to get their act together (and guidance) at the BEGINNING of the process. They effectively scuttled some agreements at the last minute because we didn't have their guidance till later, and many thought it was ineffective anyway." Another member called for "stricter rules on preferred science guideline adherence," and suggested that, "all proposals should have met all science guidelines minimally, with a percentage of preferred size reserves required."

19. *Evaluating Public Comment:*
RSG members were asked to evaluate the role of public comment in the process by selecting all applicable descriptors from a list and/or providing their own descriptor[s]. The results are as follows:

Descriptor of Public Comment Process	Response Percent	Response Count
Necessary	88.6	39
Informative	72.7	32
Helpful	61.4	27
Tedious	50.0	22
Excessive	40.9	18
Divisive	31.8	14
Other (please specify)	27.3	12
Distracting	22.7	10
Balanced	9.1	4

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Responses for "Other" were largely focused on the amount of time devoted to hearing public comment. Some RSG members felt that too much time was spent on hearing public comment. For example, one such member wrote that, "Verbal testimony needs to be limited to reasonable amount of time." Another felt that "It was informative to a certain extent. But after awhile, it was rare that we heard anything new." Still another member suggested that there was "Too much of a belief in quantity rather than quality." At the same time, other RSG members expressed a conflicting view. One such member wrote: "I would have appreciated more time be given to speakers." Another member felt that, "It didn't matter what the public said, what can you say in 30 seconds?"

Several RSG members also commented on the inclusion of children in the process. One member suggested that this amounted to "propaganda." Along the same lines, another member described the public comment process as "great theatre as both sides tried to use the process to their advantage."

20. *The Role of Information:*
Question 20 asked respondents to rate their level of agreement with various statements related to the role information played in shaping their work; their responses were as follows:

Question 20	Work Group 1	Work Group 2	Work Group 3	Cumulative
a) All RSG members had full access to relevant information they needed in order to participate effectively in this collaborative process	4.75	2.70	4.62	4.05
b) The information used was of a sufficient quality for the outcomes of the process	4.44	2.10	4.58	3.78
c) The information used can be characterized as the best available	4.00	1.60	4.15	3.44
d) The expertise provided by the I-Team was appropriate	5.00	3.70	4.46	4.42
e) The expertise provided by the SAT was appropriate	3.88	2.30	5	3.76
f) The agreement(s) reached were improved as a result of information integrated into the process	4.31	3.10	4.58	3.93
g) Information was made available in a timely fashion	3.19	1.50	3.77	2.91
h) The rationale for the SAT guidelines on size, spacing and habitat representation was well documented and clearly presented	4.13	2.20	5.08	3.88
i) Socioeconomic data was well documented and clearly presented	2.75	2.40	3.54	2.88

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Question 20	Work Group 1	Work Group 2	Work Group 3	Cumulative
j) The Regional Profile was a legitimate effort to build an information base	4.31	3.11	4.85	4.10
k) There was sufficient opportunity for participants to contribute to the fact-finding effort	3.75	2.10	4.50	3.43
l) By the end of the process the scientific evidence of the benefits of creating a network of MPAs in Southern California had been well established	4.06	2.40	4.15	3.58

21. The Role of Information and Analysis in the RSG Process

RSG members were given the opportunity to elaborate on the role information played in shaping their work through an open-ended question with the following prompts:

- How did the new information you absorbed shape and/or alter your point of view?
- What information was most compelling?
- What key information was most lacking?
- Were there any data sets or analyses that stood out as being particularly complete or helpful?
- Were there any data sets or analyses that stood out as being particularly incomplete or unhelpful?
- Was there any information that you did not fully understand?

Group One Comments on the Role of Information

Members of Work Group One had only positive comments in regards to the interactive suite of GIS tools know as Marine Map. One respondent described Marine Map as "extremely helpful in providing information necessary to create maps that met the science guidelines and minimized socioeconomic impacts." Another member of Group One wrote, "Marine Map was quite helpful and probably the single best tool made available to us."

Group One members had more mixed commentary on the content, focus, underlying assumptions and methodology employed in the Ecotrust Analysis. While one Group One member described the Ecotrust data as "helpful," most other Group One comments on Ecotrust expressed one or more critiques. Specific concerns expressed about Ecotrust analysis were the "worst-case impact nature of the information", and the "lack of third party verification."

The lack of a companion, non-consumptive economic study was also a point of contention. For example, one member wrote that "the economic reports on where and how much the fishing interests used a particular region were not particularly well done and were in fact used more as a weapon by commercial fishing stakeholders than as a tool to help with the process. There was no

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third-party verification of the information. I think the economic data introduced into the south coast process was the single biggest impediment to attaining an array which met SAT guidelines." Another member felt that, "consumptive economic data did not account for fishing behavior and therefore was an inaccurate portrayal of impact, and resulted in angering many poorly informed members of the public." Still another member suggested that, "the socioeconomic data needs to be expanded to include ancillary businesses that support recreational activities like sport diving, kayaking etc. This was really lacking in certain geographies (i.e. Orange County/Laguna Beach) and the socio-economic information was incomplete."

Other information that members described as missing or lacking includes:
- Specific harvest data: "Recording area is too broad. Where fisher's fished should have been tied to harvest data so that the real areas of importance could be identified,"
- Biologic modeling: "Could have been used more. The information on sources and sinks coming out of that effort could have been used better,"
- Kelp and rocky bottom information: "was flawed and missing", and
- Other fishery management restrictions.

Group Two Comments on the Role of Information

The members of Work Group Two were varied in their responses to this question. The most positive comments Group Two members made about the role of information were related to Marine Map and one specific data layer ("data that was particularly complete: shallow water sans kelp").

Group Two member critiques on data and information included a variety of concerns about specific data layers and data gaps, the timing and pacing of information representation, and a "moving target" with respect to objectives for kelp.

One Member of Group Two thought socioeconomic data was well documented but poorly presented and was critical of data on habitat "deeper than 100 feet…spillover data on California lobster, and the size and spacing connection of Santa Barbara Channel Islands to the coast of Ventura and Santa Barbara County." Another member felt that "spatial coverage of data was plagued with gaps and misclassification." Among the areas called out for potential coding and misclassification problems were areas where rip-rap exists above the water level and within "benthic data in many areas." Bird, mammal, and water quality data were also called out as needing improvement.

Another Group Two member wrote that there was "not enough time for folks with day jobs and lack of familiarity with the science to get up to speed. There should have been joint meetings between the SAT and the RSG. More information should have flowed both ways!"

Another Group Two member was frustrated with the "the constant shifting of acceptable SAT goals." The "mis-representation of the data-skewed graphs." was also a cause for concern. Another member wrote, "There was plenty of information provided, some timely, some not so much."

The representation of kelp designation was a major concern mentioned by several Group Two members. One observed that the aerial representation was over-weighted. One noted the efforts of some RSG members to self-fund more up to date data: "A small number of us paid to have a kelp study done in Laguna as Marine Map did not reflect what was really there, it was disregarded." Another concern was the use and metric of mean MPA size.

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<u>Group Three Comments on the Role of Information</u>

More than half of Work Group Three respondents praised Marine Map. One member wrote, "When employed by the most skilled of the RSG members the Marine Map tool was amazing in defining the best scientific rationale for each MPA and the network."

Other information presented in the analysis was also called out for praise. One respondent wrote that "the research analysis done on marine ecosystems including the biodynamics, larval transport, food transport and understanding currents, upwelling etc. was very compelling."

Group Three members concerns about data and analysis included the coverage and scope of socioeconomic information, the linkage of estuarine and marine ecosystems, the exclusion of cumulative impact assessment of multiple types of takes, and pace and method of data presentation.

Several members of Work Group Three were critical of socio-economic data generated by the Ecotrust analysis. Two concerns expressed were the reliance of the methodology on self-reporting by the fishing community and the focus on consumptive versus non-consumptive uses. According to one member, "Socioeconomic data was near to useless due to its focus and dishonest participation from the fishermen. It also ignored the increases in revenue bound to happen after the MPAs are established." Another member felt that, "The scientific evidence was reasonably well presented, it was the economic argument/evidence that was lacking…The single most glaring absence of information was an estimate of positive socioeconomic benefits. There was a concentration of the negative ones but no effort made to study the positive ones."

As far as specific information that members felt was either lacking or missing, one respondent wrote that "The estuarine, lagoon, and bay interface with the marine ecosystem is very complex. I thought this area was glossed over and needed more discussion." This same respondent added that "A lot of fisheries type data seemed to be exempted from the process - from my perspective, for political reasons."

The manner in which data was weighted, scaled, and represented in Marine Map was a concern to some Group Three members. One noted: "One Ecotrust dataset (I believe) that was misleading were the heat maps in Marine Map that indicated the amount of fishing conducted in certain areas. It was not scaled by dollars or effort. So if a fishery that brought in 1% of the total revenue occurred in a particular place but fishing was conducted all the time in that particular place than it would appear bright red making it appear as if it was as valuable as another fishery that brought in 50% of total revenue. Also, the impacts of fishing and history of the fisheries would have been helpful to set the appropriate context." Another member suggested that "additional data layers on existing and future uses" were lacking.

Another type of analysis that was called as missing was to examine the cumulative impacts of multiple takes on the marine ecosystem.   One member wrote that the "SAT missed the boat on not analyzing the effect of multiple allowed takes on the MPA food web/ecosystem. This resulted in MPAs being created with potential success compromised by multiple allowed takes. The separation of pelagics from MPA effects was also not scientifically justified, considered over the whole network or in terms of effect on MPA food webs."

In addition, one member suggested information needed to be simplified and another wrote that "critical information for decision making was often not available when we needed it and we were forced to make (bad) decisions because of it."

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22. *Evaluation of the I-Team in Guiding the Process*

Question 22 asked respondents to rate their agreement with various statements related to the I-Team's role in guiding and facilitating the process, their responses were as follows:

Question 22	Work Group 1	Work Group 2	Work Group 3	Cumulative
a) The I-Team established and clearly explained the process structure	4.63	3.20	4.85	4.31
b) A training workshop in mutual-gains negotiation early in the RSG process would have been very helpful	4.53	3.50	4.54	4.05
c) The I-Team kept us on track and proceeding in a timely manner	4.63	3.70	4.54	4.33
d) The I-Team helped us manage technical discussions efficiently	4.13	3.70	3.54	3.67
e) The I-Team dealt with all the participants in a fair and unbiased manner	3.75	4.00	4.62	3.84
f) The I-Team made sure that the views and perspectives of all participants were considered in the process	4.31	4.20	4.15	4.07
g) The I-Team made sure that no one dominated the process or other participants	3.88	3.80	2.77	3.43
h) The I-Team helped the participants test the practicality of the options under discussion relative to SAT guidelines and socioeconomic impacts	4.19	3.44	3.33	3.59
i) The I-Team helped to establish and enforce ground rules for participant behavior	3.88	4.20	3.15	3.69
j) The I-Team encouraged participants to engage in interest-based, mutual-gain negotiations	4.56	4.22	3.46	3.95

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23. I-Team

RSG members were given the opportunity to elaborate on the subject of the I-Team's role in facilitating this process with the following prompts:

- Were there process decisions made by the I-Team that you feel may have helped move the process forward?
- Were there process decisions made by the I-Team that you feel detracted from the process?
- If there were times you felt the I-Team was particularly successful in making sure the perspectives of all participants were included in the process, please provide the context.
- If there were times you felt that the I-Team did not adequately ensure that the perspectives of all participants were being included in the process, please provide the context.

Group One Comments on the I-Team

The members of Work Group One varied in their responses to these questions. On the positive side, one member praised the I-Team for "building a harmonious environment for discussion and debate." This sentiment was echoed by another member who wrote that the I-Team "did a really good job of making sure all perspectives of all participants were heard." Still another member wrote that the I-Team staff were "dedicated, hard-working, and were doing the best they could under very trying circumstances." However, these same members tempered their praise by respectively critiquing the I-Team for conflicting DFG guidance, absenteeism (in the final Round Three meeting) and inconsistency in terms of voting.

Several other Group One members commented on the subject of voting – specifically regarding the vote on Proposal C[41]. For one member voting was "a big distraction," for another member it "detracted from the process," and for another member it "showed the bias of the I-Team for the non consumptive side." At the same time, another member criticized the I-Team for allowing the Lapiz group to include two arrays in Round Two and suggested that the I-Team "seemed to bend over backward to make sure the consumptive users stayed with process." Other critiques of the I-

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[41] Straw voting is generally when an informal count is taken to determine how individuals fall on the opinion spectrum of an issue. In the MLPA Initiative process, straw voting was used both to make procedural decisions and to test the scope of agreement regarding major decisions along the way. In the South Coast process, the I-Team devised a series of straw votes at various points in the MLPA Initiative process to help winnow the number of proposals on the table for deliberation. For more on the merits and drawbacks of straw voting, see main document.

At the end of Round 2, a total of 7 external and internal (gems groups) proposals were to be considered by the BRTF for the final Round of proposal deliberation. At this time, the BRTF requested that the RSG winnow the number of proposals. To do so, the I-Team generated a paper ballot and asked each RSG member to indicate which 5 proposals they wanted to advance to the next Round.

By a narrow margin, External Proposal C received the fewest votes, and by the decision rules stated by the I-Team and previously agreed upon by the RSG, was deemed excluded. This decision prompted a major backlash from conservation interests, who mobilized and pressed for re-inclusion of the proposal. The I-Team distributed a memo indicating that External C was back on the table. This in turn (predictably) motivated a much bigger backlash from the fishing community, causing the I-Team to reverse its reversal. Given the strong reaction to the voting process and the "double reverse," the Task Force, concerned about adequate representation of environmental interests, decided to place the question of all proposals back on the table.

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Team included: constantly changing incentives and ground rules, inconsistently enforcing ground rules and not ensuring adequate time for negotiations.

Group Two Comments on the I-Team

Members of Work Group Two also expressed frustration with voting and time constraints. For example, one member wrote that "voting disenfranchised large fractions of the RSG," while another member wrote that "the I-Team consistently struggled with the challenge of having to deliver results by an inflexible deadline....As a consequence, many essential steps were truncated or eliminated completely. Informational documents essential for informed decision making were NOT delivered in a timely fashion to the BRTF, the SAT, to the RSG nor the public. Decisions that should have been postponed for lack of timely document delivery were often made in haste. This was certainly a serious, persistent violation of the Bagley-Keene Open Meeting act, and destroyed the trust of many RSG members as well as many members of the public."

Several members also critiqued the clarity of the process. Others felt the I-Team didn't help participants test the practicality of proposals relative to socio-economic impacts – as one such member explained, "socio-economic impacts were so poorly presented that there's no way the I-Team could help participants" to do so.

Group Three Comments on the I-Team

The responses of members of Work Group Three were primarily concerned with voting, behavior ground rules and SAT guidelines.

One member described the voting process as "extremely discouraging" and further explained that "straw voting, which is supposed to be non-binding was used to make decisions when some stakeholders were under the impression that it was just an indication that they may be willing to consider such an outcome, for the sake of progress. The result was decisions they could not in fact live with."

Several members suggested that the I-Team didn't do enough to make consumptive users adhere to the ground rules for behavior. From the perspective of one such member, "facilitators could not control the obstinate fisherman. I was interrupted when I spoke and generally given no respect by the consumptive side." Along similar lines, another member wrote that the I-Team "did not act sufficiently to minimize delay, obstruction, and bullying tactics."

Several members were concerned that too much focus was placed on cross-interest negotiation when, according to one such member, "the primary emphasis should have been on meeting adequate, long-term science guidelines as mandated by the MLPA."

24. *Clarity of the RSG Process*

Question 24 asked respondents to rate their agreement with various statements related to the clarity of the process, their responses were as follows:

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Question 24	Work Group 1	Work Group 2	Work Group 3	Cumulative
a) Thinking back to the outset of the RSG process, I had a very clear understanding of the way in which proposals would be selected to move forward to the Task Force and Fish and Game Commission	3.88	2.10	4.31	3.58
b) Thinking back to the outset of the RSG process, I had a very clear understanding of the relationship between the final RSG proposals and the preferred alternative recommended by the Task Force	4.13	2.40	3.77	3.53
c) Thinking back to the outset of the RSG process, I was very confident that a negotiated agreement supported by the RSG would carry great weight with the BRTF as they deliberated to recommend a preferred alternative	4.44	3.90	4.77	4.35
d) Thinking back to the outset of the RSG process, I was very confident that a negotiated agreement supported by the RSG would carry great weight with the Commission as they deliberated to choose a preferred alternative.	4.25	3.80	4.62	4.36

25. Suggestions for Improving the Process

Group One Suggestions for Improving the Process

The members of Work Group One suggested improving this process in several ways, including: more balanced representation on the RSG and SAT; greater process clarity and stricter adherence to the process guidelines; and awarding the RSG greater decision-making power in approving the final IPA.

Some members suggested that the process would have been improved if the interests had been more balanced in both the SAT and RSG. One member wrote that "the SAT team was too closely aligned with the environmental interests and not receptive to input by the other interests" Another member called for "more balanced representation on the RSG," although this respondent didn't specify how RSG membership should have been changed.

Other Group One members reported that the process could be improved by making the process and incentives clearer and by more strictly enforcing those guidelines. One such member summed it up as follows: "My top suggestion is to be more clear upfront on the planning guidance,

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ground rules for negotiations, and consequences/incentives for meeting those guidelines and adhering to the ground rules, AND to award/enforce those incentives/consequences throughout the entire process. It all comes down to clarity and consistency from leadership, which I do not feel was very well executed through the RSG process." Another member called for "Increased transparency and a more clear description of how the plans were going to be dealt with in the end."

Other Group One members advocated for giving the RSG a larger say in developing the final IPA. One member wrote that they were "not sure a BRTF was necessary." Similarly another member wrote that "the process itself was absolutely great, it was the implementation that lacked." One member recommended that the "RSG goal should have been to create one alternative for consideration by the Commission." Another member simply wrote "ALLOW THE STAKEHOLDERS TO VOTE!"

Group Two Suggestions for Improving the Process

Like Group One, Group Two members felt that more balanced representation was needed on the SAT (but did not mention the need for more balanced representation on the RSG), that the process should have been more consistent and that the stakeholders should have had more say in the final IPA. Several members also suggested that more time was needed to adequately address the issues at hand. One such member wrote, "More balanced SAT with clear dissenting opinion voice to RSG. DFG and Commission involvement with mitigation proposals to offset socioeconomic impacts of MPA proposals!!"

Other Group Two members felt the process could have been more consistent. For example one member wrote that "if the rules were in place before the game started and if the goal posts didn't keep moving this could have been a collaborative process that was well facilitated." Another member echoed this sentiment, saying "DON'T CHANGE THE RULES ONCE THE GAME STARTS."

This idea that the RSG should have been allowed to reach a final agreement was echoed by other Group Two members. For example, one member called for "Less manipulative planning, more funding and less inflexible dead lines, with a stronger determination to allow a truly collaborative, bottom-up stakeholder process to prevail. What we got instead was a top-down decision that bears all the flaws that lack of time and timely information brought to the process."

The need for more time was cited by several other members of Group Two. One member felt there was a need for "more time to get the true facts on the areas in question." Another member requested, "More opportunity to complete round 3 proposals coupled with a full RSG being present during the designing of any combined proposal as each component MPA was considered."

Group Three Suggestions for Improving the Process

Group Three members called for improving the balance of the RSG, greater emphasis on adherence to SAT guidelines as opposed to cross-interest support and generally expressed greater satisfaction with the process

Like Group One, several respondents recommended improving the balance of the RSG: "Ensure stakeholder representation numbers reflect goals of the act rather than oiling the squeaky wheel." Another member wrote "I think up and down voting with an imbalanced RSG group needs to be avoided, but I am not sure exactly how, at the moment."

Other members suggested that SAT minimal guidelines should be "force-followed by all groups, with better rational why they needed to be followed in order to comply with the goals of the MLPA."

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Another member made the following suggestion: "place greater emphasis (for RSG and BTF) on overall meeting adequate (not just minimum) long-term science and DFG guidelines instead of unwise over-emphasis on cross-interest support and short-term adverse economic effects."

Other Group Three members expressed satisfaction with the RSG process the way it was. As one member wrote: "Incredible process - imperfect, but looking back, its hard to make substantive suggestions for improvement. All interests were represented, thousands of little decisions were made to create the various MPA alternatives, and a few major decisions were made based on politics to create the final plan." Another member described it as "a well orchestrated process" and another member that "it was a very challenging undertaking that was carried out as well as could be expected."

References

Harty, J. (2010). *Marine Life Protection Act Initiative: South Coast Regional Stakeholder Group Online Survey and Lessons Learned.* Report to the Resources Legacy Foundation.

Orr, P., Emerson, K. & Keyes, D. (2008). Environmental Conflict Resolution Practice and Performance: An Evaluation Framework. *Conflict Resolution Quarterly.* Volume 25, Number 3. Wiley Periodicals, Inc.

Pomeroy, R. & Douvere, F. (2008). The Engagement of Stakeholders in the Marine Spatial Planning Process. Marine Policy, *32*, 816-822.

Susskind, L., & Cruikshank, J. (1987). *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes.* New York: Basic Books.

Susskind, L., McKearnan, S., & Thomas-Larmer, J. (1999). *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement.* Thousand Oaks, CA: Sage Publications.

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