


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver 
Executive Director

DATE: May 29, 2009

SUBJECT: MPA Nomination Process

ESTIMATED TIME 2 HOUR

ACTION REQUIRED

Receive status report on nomination process for MPAs

BACKGROUND

Back in 2000, President Clinton signed Executive Order 13158, which requires NOAA to establish a Marine Protected Area Center to develop a framework for a national system of marine protected areas (MPAs). The executive order is attached as Item C-5(a). In late November 2008, the final framework was published on the MPA Center's website (www.mpa.gov). In December, the Council received a report from Dr. Joe Uravich, Director of the MPA Center, about the National System of MPAs and the nomination process for the incorporation of existing MPAs, into the national system. Summary information on the framework and nomination process is attached (Item C-5(b)).

In February 2009, NMFS published a policy directive to establish a process for consulting with the councils on (1) whether sites established by Council action should be included in the National System of MPAs, and (2) when adding, modifying, or removing MPAs from the National System. The Policy Directive, attached as Item C-5(c), details steps in the consultation process for the initial listing, as summarized below:

- The MPA Center identifies eligible sites, and sends the list to NMFS.
- NMFS notifies the Council by letter of those sites within its jurisdiction.
- NMFS RA consults with the Council on a process for reviewing the list and providing public comment at Council meetings. The Council process is expected to occur over the course of two Council meetings, and conclude with a Council vote on a proposed list of sites to be included in the National System. Should the Council recommend any eligible site not be included, it must include a brief justification.
- NMFS RA reviews the Council recommendation and prepares the final list, including any justifications for any changes from the Council recommendations.
- NMFS RA submits this list to the MPA Center for publication in the Federal Register and provide an opportunity for public comment.
- NMFS will share the public comments with the Council.
- The Council reviews the comments and may recommended changes, and documents it in a letter that would include any information required by the MPA Center.
- The NFMS RA reviews the Council's final recommendation, and submits a final list of sites for submission to the MPA Center. NMFS will justify any changes from the Council's recommendation.

Late last week I received the letter from the NMFS Alaska Region RA, per bullet #2 in the policy directive noted above (please refer to Item C-5(d)). At this point it is my understanding that the Council is now in the position of determining whether and how to engage in the listing process per the policy directive, including the timeline for that process. While the policy directive makes reference to a “two-meeting” cycle by the Council, it seems likely that this process could take more than two meetings, and the Council needs to determine when to initiate in this process. My suggestion is that the Council request its staff, in collaboration with NMFS staff, to work on a discussion paper which further examines the issues and concerns associated with this process, and provides an initial evaluation of the potential sites for inclusion. The Council could review this paper in October and at that time determine an appropriate schedule for potential further analysis, public comment, and eventual action by the Council.