



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL OCEAN SERVICE**  
 Silver Spring, Maryland 20910

MAY 7 2002

APR 26 2002

PFMC

Dr. D.O. McIsaac  
 Executive Director  
 Pacific Fishery Management Council  
 2130 SW Fifth Avenue  
 Portland, Oregon 97201

Dear Dr. McIsaac:

Thank you for your letter inquiring about funding support from the National Marine Protected Area (MPA) Center for the Pacific Fisheries Management Council's (Pacific Council) marine reserves initiative.

We apologize for our late formal response. When we received your letter, we had informally discussed the National MPA Center's inability to respond to the Pacific Council's needs due to its lack of an annual budget. Using funds from the Center's FY 2002 appropriation of \$3 million, we are seeking partnerships to develop MPA tools, education, and science that can be shared with the entire community of MPA stakeholder groups. For example, the Center is working with the National Marine Fisheries Service (NMFS) and the South Atlantic Fishery Management Council to develop education workshops on MPA science for fishers. Similar possibilities for partnership projects may exist within the Pacific Council's larger proposal.

We are interested in collaborating with the Pacific Council on its plans to evaluate marine reserves as a management tool. Representatives from the National Oceanic and Atmospheric Administration (NOAA) and the Department of Interior (DOI) will be attending the Annual Council Chair and Executive Directors' meeting in Sitka, Alaska, in May 2002, to provide a presentation on the National MPA Center and its activities. Joseph Uravitch, the Acting Director of the National MPA Center, and Rebecca Lent, the Deputy Assistant Administrator for Fisheries will be contacting you to set up an evening meeting in Sitka to discuss strategies of mutual benefit.

We look forward to continuing to work with the Councils, as well as other stakeholders, to develop additional information, tools, and strategies for effective use of MPAs.

We appreciate your continued interest in promoting the sustainable use of our Nation's valuable marine resources.

Sincerely,

*John Oliver*  
 William T. Hogarth, Ph.D.  
 Assistant Administrator  
 for Fisheries

*Margaret A. Davidson*  
 Margaret A. Davidson  
 Acting Assistant Administrator  
 for Ocean Services and Coastal  
 Zone Management



**PACIFIC FISHERY MANAGEMENT COUNCIL**

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Portland, Oregon 97201

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www.pcouncil.org

*Call 5/18/01*  
*(Signature)*  
EXECUTIVE DIRECTOR  
Donald O. McIsaac

AIRMAN  
Jim Lons

June 18, 2001

Ms. Margaret A. Davidson  
Assistant Administrator  
National Ocean Service  
1305 East West Hwy  
Silver Spring, MD 20910-3282

Dear Ms. Davidson:

At the recent Council Chairmen's Meeting in Key West, Florida, we followed with great interest the presentation of Roger Griffis on the Marine Protected Area (MPA) initiative. As a potential solution to the current West Coast groundfish fishery crisis, the Pacific Council has been very interested in establishing marine reserves. Our intended result is very consistent with the intent of Executive Order 13158, recently endorsed by the Bush Administration. The purpose of this letter is explore the possibility of a mutually beneficial relationship between the NOAA MPA effort and the Pacific Council marine reserves initiative.

At the Chairmen's Meeting, a Marine Protected Areas Budget Request Fact Sheet was distributed and spoken to. In "The Solution" segment it states:

***"Funding for this initiative will allow NOAA (to) complete the following important tasks:***

- ***Support ...partnerships with ...Regional Fishery Management Councils ...on MPAs."***

Several of the challenges described in this fact sheet, and in other material distributed, seem directly consistent, even perhaps duplicative, with the detailed proposal (attached) the Pacific Council has put forward to coordinate and establish marine reserves on the West Coast in a lead role. Your stated intent to support regional Councils in establishing marine protected areas, together without initiative to establish marine reserves, lead us to believe a relationship of mutual benefit is possible.

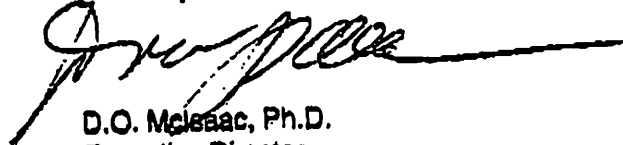
Please review our detailed proposal with regard to potential support from the MPA program. We would obviously like to hear that you could fully fund our proposal as part of your overall effort. However, in the event our total budget request may be outside the bounds of what could be endorsed to the Pacific Council, we would like consideration of funding assistance to accomplish core functions. These core functions would include Tasks I.A., portions of Tasks I.B-G, III.E., the "get the data" segments of III.B and III.D., and portions of III.C. In the event segments III.B. and III.D. are elements you intend to directly fund, we propose your consideration of \$600,000 in funding assistance for the remaining elements alluded to above.

Ms. Margaret Davidson  
June 18, 2001  
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We hope that support from the MPA budget can begin to launch this important project. Given a significant contribution of support from the MPA effort, many options become available from several alternative funding sources for completing the remaining financial support necessities for a comprehensive West Coast effort. In addition, there is a possibility that a component of CY 2002 funding for the Pacific Council could be applied to this project. However, we do need to start with strong seed funding, and would like to think that the MPA program can at least help with that provision.

Let me thank you in advance for your response.

Sincerely,



D.O. McIsaac, Ph.D.  
Executive Director

DOM:kla

Enclosure

c: Dr. William Hogarth  
Dr. Rebecca Lent  
Ms. Donna Darm  
Council Members  
John Coon  
Council Staff Officers

**WRITTEN TESTIMONY OF**

**Timothy R. E. Keeney  
Deputy Assistant Secretary for Oceans and Atmosphere  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce**

**before the**

**House Subcommittee on Fisheries Conservation, Wildlife and Oceans  
House Resources Committee**

**May 23, 2002**

Chairman Gilchrest and members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the role of marine protected areas as a promising marine resource management tool and to report on the progress being made by the Department of Commerce in implementing the Marine Protected Areas (MPA) Executive Order #13158 of May 26, 2000. MPAs can be an important and versatile tool in meeting multiple objectives for conservation and resource use in the marine environment. They are most effective when used in combination with, and as a complement to, other management measures. MPAs are, however, not without controversy. I will describe some of the current sources of confusion surrounding MPAs and how they are used, and highlight what NOAA is doing through the implementation of the Executive Order (E.O.) to encourage this healthy and evolving national debate.

Last June, Secretary of Commerce Donald Evans issued a statement on MPAs in which he announced the Administration's decision to retain the MPA E.O. He expressed the Administration's commitment to "improving conservation and research to preserve our great marine heritage" with \$3 million in first time funding for the Department "to support MPA activities consistent with existing law." He underscored the need to "harmonize commercial and recreational activity with conservation" and "declared that we can do both." Subsequently, \$3 million was appropriated for MPA activities in FY 2002; and, again in the President's FY 2003 Budget, the Administration has requested to retain the \$3 million in funding for MPA activities. The E.O. charts a course of action for the development of a scientifically based, comprehensive national system of MPAs, representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources. Similarly, it offers a useful set of organizing principles for us to follow in achieving these aims. I want to reaffirm the Administration's commitment to working with the Subcommittee to address both the challenges and opportunities related to this resource issue. Today I would like to discuss several things, including some basic details about MPAs, such as what they are, how they are used, and some common misconceptions about them. In addition, I would like to discuss NOAA's charge under the E.O. and the status of the MPA Executive Order implementation.

## **What are MPAs and some common misconceptions?**

The term '*MPA*' is broadly used to describe specific marine areas that are given some sort of special protection for marine resources. The term itself has been used for over two decades, while the concept of using MPAs for allocating and managing marine resources has been around for centuries. There are many different types of MPAs in use around the world today. They come in a wide range of shapes, sizes, and management characteristics, established for different purposes with varying types of protection and uses.

MPAs can be unique tools in marine resource management because they can shift the emphasis from the traditional single-species focus to the protection of a specific area or habitat. In so doing, they can often help meet multiple goals and objectives in a single area. MPAs are an important and frequently used tool for fishery management, with examples including area and seasonal fishing closures for the protection of habitat, or closures for restoration of depleted stocks. Other types of MPAs maintain biodiversity and functioning ecosystems, protect sensitive habitat and endangered species, preserve historically or culturally important submerged archaeological resources, or provide valuable opportunities for science, recreation, and education in natural areas. MPAs designed to increase scientific knowledge or protect biodiversity and MPAs designed for recreational or fishery-enhancement purposes are not mutually exclusive.

Last month, NOAA Assistant Administrator for Fisheries, Dr. William Hogarth testified on MPA policy before the U.S. Commission on Ocean Policy. Dr. Hogarth described how much of the current confusion and controversy regarding MPAs stems from the continued uncertainty about the *terminology* used to define what is an MPA or what activities will be prohibited if an MPA is established. The controversy also stems from the mistaken belief that there is some specific percentage of the marine environment targeted to be set aside from all use, as well as the perception that MPAs are synonymous with the complete prohibition of all extractive activities, such as fishing, mining, etc.

I am aware of the concerns the topic raises at all levels and agree with Dr. Hogarth's observations, especially with regard to the perception that MPAs are synonymous with total prohibitions. The perception that all MPAs are 'no-take' reserves, when in fact MPAs can encompass (sometimes within the same site) a wide variety of management approaches and allowable uses, is perhaps the greatest point of confusion regarding MPAs.

MPAs may be called reserves, parks, sanctuaries, refuges, fishery management zones, seashores, wildlife preserves, and conservation areas. Sometimes the same term is used to describe distinctly different types of MPAs. The wide array of ill-defined terms to describe MPAs contributes to the high level of confusion among both proponents and detractors. This in turn creates contention, often where it need not exist.

In considering the use of MPAs, as well as other resource management tools, we must clearly identify the management problem to be solved and examine the range of potential solutions

before determining that an MPA should be implemented. The success of any type of MPA is based on the protection it provides to ensure a healthy marine ecosystem and by the level of stakeholder participation and community support that can be achieved. We also know that once established, MPAs must be adequately supported, particularly in two key areas: the enforcement of any conservation measures that have been implemented and the monitoring of effectiveness to verify that the site is fulfilling the goals for which it was created.

### **How MPAs are used at NOAA.**

NOAA uses MPAs as a tool to manage fisheries and other marine resources for a number of reasons. Among these reasons are rebuilding fish populations; maintaining healthy fish stocks; restoring and protecting marine habitats; recovering protected species; protecting areas for the purposes of science, education, and cultural and historic resources; and conserving the integrity of marine ecosystems on which healthy fish populations and protected species depend.

More specifically, we use MPAs to protect fish spawning areas; conserve essential fish habitats; and restore endangered, threatened, and depleted marine mammal, sea turtle, and fish populations. NOAA also uses MPAs to conserve areas for their ecological, recreational, cultural, scientific, and educational value under our authorities to establish national marine sanctuaries and, in partnership with coastal states, national estuarine research reserves. Our MPAs cover a wide gamut, ranging in size, purpose, and level of protection. Those related to the management of living marine resources form the largest category, both in terms of number and area. Only a small portion of these sites are fully restricted in terms of extractive activities.

Each living-marine-resource-management MPA is designed to fulfill particular objectives, such as rebuilding a distinct stock of commercially or recreationally targeted fish, recovering an endangered marine mammal or turtle species, or protecting a sensitive coral reef ecosystem. Unlike other types of MPAs, fisheries-management and related MPAs may not be designed to exist in perpetuity. Upon fulfilling its intended management objective, a particular MPA may be reduced in size or level of protection or may be discontinued. Temporary fishery closures or restrictions are still considered MPAs because they have been created as an area-based protection to fulfill a specific conservation objective. NOAA monitors and reviews all of its MPAs to ensure they are achieving their management objective and strives to implement changes in a timely manner where they are warranted.

NOAA also uses MPAs to provide valuable research on the status of species and habitats. For example, NOAA Fisheries is currently involved in several projects in the southeast region to monitor the status of reef fish and coral reef habitats in the Florida Keys National Marine Sanctuary (in conjunction with the Sanctuary), Oculina Bank Habitat Area of Particular Concern off the Eastern central coast of Florida, and the Hind Bank Marine Conservation District in the U.S. Virgin Islands. These MPA monitoring activities help the agency complete the annual Status of Fisheries report, a public document that details the status of managed stocks. More importantly, these types of MPAs provide valuable information regarding the characteristics of fish stocks and their habitats, such as rebuilding and recovery times, historical abundance levels,

and population structure. This information can then be incorporated into fishery management plans for improved management. In addition, MPAs such as the Monitor National Marine Sanctuary and the Thunder Bay National Marine Sanctuary have been designated for the coordinated protection and management of submerged cultural resources, enabling researchers to further understand and build on the historical record made possible by the existence of these underwater shipwrecks.

### **Our charge under the MPA Executive Order**

Signed on May 26, 2000, the MPA Executive Order stems directly from the recognition that the widespread interest in establishing MPAs among many federal and state agencies poses a tremendous opportunity for conservation. To this end, the E.O. directs the Department of Commerce and the Department of the Interior (DOI) to work closely with other federal, state, local, and tribal authorities, non-governmental partners, and stakeholders to coordinate and share information, tools, and strategies, and provide guidance on the use of technical and scientific studies to strengthen the effectiveness of existing MPAs. This includes support from evaluating the management effectiveness of existing MPA sites. The E.O. also directs the Department of Commerce and the Department of the Interior to develop a science-based framework for a national system of MPAs representative of the Nation's diverse natural and cultural ocean and coastal resources. The Order makes it clear that our mission and activities are intended to support existing agency programs and statutory authorities and not to duplicate, overshadow, or interfere with them. Nonetheless, it is important to emphasize what the Executive Order does not do. It does not:

- designate new sites,
- create new authorities or change existing ones,
- focus solely on 'no-take' reserves,
- set specific targets for habitat protection,
- restructure existing MPA programs,
- supercede or ignore best available science, or
- "Federalize" state or local programs.

The MPA E.O. defines 'MPA' for the purposes of the Order as "any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein."

In identifying the development of a science-based framework and network approach for managing marine resources, the Order challenges us to improve science and coordination and encourages the use the various existing authorities associated with the many types of MPAs, as an important aspect of marine resource management strategy.

The E.O. recognizes that resource managers from Federal, State, and local agencies, tribes, regional fishery management councils, and others have been designing, implementing, and

refining MPAs for decades and directs the Department of Commerce/NOAA and the Department of Interior to seek their expert advice and recommendations.

The E.O. calls for the establishment by the Department of Commerce of an MPA Federal Advisory Committee, which I will discuss in more detail shortly.

NOAA and DOI agencies are directed also to establish a publicly-accessible web site, [mpa.gov](http://mpa.gov), for disseminating information on MPAs and to publish and maintain a list of MPAs.

### **Status of Executive Order Implementation**

The \$3 million appropriated by Congress in FY 2002 to the National Oceanic and Atmospheric Administration has enabled the agency to build the foundation necessary to carry out the E.O., including the establishment of the National MPA Center called for in the Order. Housed in the NOAA Ocean Service, the MPA Center receives staff level support from the NOAA Fisheries and NOAA Research agencies, as well as from the Department of the Interior's Minerals Management Service, National Park Service, Fish and Wildlife Service, and Geological Service.

The Center has co-located its Science Institute with the NOAA Fisheries Laboratory in Santa Cruz, California, and its Training and Technical Assistance Institute with the NOAA Coastal Services Center in Charleston, South Carolina. Both Institutes are actively working to fill some of the key information gaps regarding MPAs, and are forming diverse partnerships with other agencies, academia, and industry. The MPA Center and its two thematic Institutes are dedicated to the principle of leveraging external capacity by working closely with institutions already engaged in various aspects of MPA design, management, and evaluation.

With the appropriated funding, the Center has begun to focus on the national need for consistent information, education, science and analysis, and technical assistance and training on MPAs that the E.O. was envisioned to address. The Center has allocated these funds to focus on the national need for communication, education, and information (\$950,000); science, analysis, and inventory (\$1,150,000); and training and technical assistance (\$900,000). Funds are being used in all three of these categories to engage stakeholders as called for in the FY2002 Marine Protected Areas Spending Plan for the Engagement of Stakeholder Groups, which was approved by House and Senate Appropriations Committees in March 2002. The National MPA Center will also play an instrumental role in helping to facilitate broad engagement in planning and public involvement processes for identifying, assessing, and evolving toward a more comprehensive and integrated network of MPAs. The following are some specific examples in three broad areas of what we have been able to accomplish since approval of the E.O. in May 2000 in engaging stakeholders, building the scientific foundation, and building capacity.

#### **1. Engaging Stakeholders:**

The 2001 National Academy of Sciences report on MPAs stressed the need to involve all potential stakeholders through all phases of consideration and implementation MPAs if they are



to be successful and achieve their goals. In recognition of the importance of maximum involvement, NOAA continues to engage a broad range of stakeholders in a national discussion on the potential of MPAs to conserve marine resources, while using these national and regional forums to gain input on needs and concerns surrounding MPA use. For example:

**Advisory Committee** - The E.O. calls for the Department of Commerce to establish an MPA Federal Advisory Committee. We expect this Committee to be one of the key avenues for engaging stakeholders at the national level. The planned 25-member Committee would advise the Secretary of Commerce and the Secretary of the Interior on the development of a national system of MPAs. Establishing the Advisory Committee has involved two rounds of nominations and dedicated efforts of a joint NOAA-Department of Interior review team. Selecting a group of individuals representing the wide range of commercial and non-commercial interests and scientific disciplines related to the coastal, marine and Great Lakes environments from the nearly 350 well-qualified applicants has proven to be quite a challenge. We are nearing completion of this selection process. Once background checks are completed and formal appointments by the Secretary of Commerce are made, the first meeting of the Committee will convene.

**Users' Guide To MPA Terms and Types** - There is considerable confusion about how MPAs are used and for what purpose. In order to create a common language among all participants in the MPA discussion, the MPA Center Science Institute is developing a simple "users' guide" to the many types and purposes of MPAs and to the growing body of scientific and policy terms used to describe them.

**Outreach to Fishermen** - The National Marine Fisheries Service in collaboration with the MPA Center and NOAA Sea Grant Program will be holding a national conference on MPAs, called "RecFish II", in Florida in February 2003. The meeting is designed to enable the recreational fishing community to discuss their concerns regarding MPAs and provide an opportunity to contribute to a white paper for consideration by the MPA Federal Advisory Committee and other bodies. Earlier this year, the MPA Center Science Institute was instrumental in building a two-way dialogue with the fishing community on the west coast regarding the uses of MPAs and the underlying science and socioeconomic issues. The two Fishermen's Forums served to inform this key stakeholder group about the costs and benefits of MPAs, demonstrated the importance of effective participation in MPA planning processes, and provided a model for similar Forums in other parts of the country. And at the end of May, representatives from the MPA Center will brief the Chairs and Executive Directors of the Fishery Management Councils at their invitation on the E.O., the Center's current activities and work plans, and the legal authorities associated with the design and management of federal MPAs.

**mpa.gov Web Site** - The various components of the mpa.gov web site continue to develop in scope and size, particularly the virtual MPA library, maps, and background information on existing sites. The MPA Center plans to conduct a major revision of the web site to reflect the evolution in experience gained since the site was unveiled in 2000.

**Education Workshops** - The Center is working with other NOAA programs in sponsoring a series of educational workshops for site-based educators to increase the awareness and understanding of MPAs among site interpreters, K-12 grade students, teachers, and the general public. The first MPA workshop was held in November 2001 in Maryland and two more are planned for California and Minnesota in September 2002.

## **2. Building the Scientific Foundation:**

Most MPA legislation and policy requires science-based decision making in both the design, management and evaluation of MPAs. Relevant science ranges from oceanography, ecology, population dynamics, pollution threats, effects of human activities on marine processes, and carrying capacity, to aspects of the human dimension such as economic impacts, social systems, and cultural heritage.

**Social and Natural Science Strategies** - The human dimension is critically important in the effective design and management of sites, and in their long-term support by the affected communities. Recognizing the growing demand to base MPA design and management on sound and transparent science, the MPA Center is developing parallel strategy documents on the natural and the social science needs for MPAs. In April, the MPA Center's Science Institute convened a workshop attended by over 80 scientists and practitioners from across the U.S. and Canada to identify information gaps and research priorities to form the basis for a social science strategy. This, along with a natural science strategy, expected in late 2002, will help guide the allocation of limited resources toward filling the most important information gaps.

**Collection of Information on Existing U.S. Sites** - Before assessing how existing MPAs might contribute as part of regional networks and a national system, it is first necessary to determine what currently exists. NOAA and the Department of the Interior have begun building a comprehensive database of marine areas under federal, state, territorial, tribal, and local management. Profile information for about 280 sites from five federal programs within NOAA and DOI has been collected. This information has been posted on the web site in mapped and text formats. A State Advisory Group has been established to provide guidance and recommendations as the team moves on to initiate the collection of state and territorial data.

**Measuring MPA Effectiveness and Lessons Learned** - A second factor in assessing regional MPA networks or establishing a national system is determining the effectiveness of existing sites. Increasingly, MPA agencies are required, whether by law, policy or stakeholder demands, to demonstrate that MPAs are effective in meeting their goals and objectives. To this end, NOAA's MPA Center Science Institute is working with a variety of domestic and international partners to develop practical measures of MPA effectiveness, and to provide a single, publicly-accessible web site for monitoring results and trends in the health of protected ecosystems. Related to measuring effectiveness is the evaluation of the approaches used to establish MPAs by various authorities. In the past few years, a number of high-profile efforts have been undertaken to plan and establish MPAs, some more successful than others. In an effort to learn from these experiences, and to ultimately improve meaningful stakeholder

engagement in MPA planning, the MPA Center Training and Technical Assistance Institute is conducting an analysis of the lessons learned from six recent processes in the U.S.

### **3. Building Capacity:**

**MPA Needs Assessment** - A major, comprehensive national needs assessment was completed in March 2002 by the NOAA Coastal Services Center in cooperation with the National MPA Center. The assessment targets the needs of coastal and marine resource managers for information, skills, tools and processes to foster the effective management of MPAs at all levels of government and marine uses.

**Facilitate External Training** - The Training and Technical Assistance Institute will continue to populate the database for existing training and technical assistance providers. This database will be used to refer requests for training and technical assistance to appropriate providers. The Institute will also work with established providers to modify training so that it addresses MPA issues and MPA staff needs.

**Fishery Management Council Technical Support** - The Training and Technical Assistance Institute has been providing a range of technical support for the South Atlantic Fishery Management Council as the Council moves forward with their decision to use MPAs as a management tool to aid in the recovery of severely over-fished deepwater snapper-grouper species in the region.

### **Conclusion**

We all share concerns about the increased demands being placed on living marine and submerged cultural resources and the mounting threats to the quality and abundance of these resources. Finding a way to meet our needs from the ocean while ensuring that these resources are sustained for the benefit of future generations is a challenge we all must confront. Science and experience indicate that MPAs can be effective tools to help manage, protect, and sustain the nation's valuable marine resources, as well as the people and economies that depend on them, but they are not a panacea to solve all management challenges. Many challenges remain as we implement the Executive Order, including finding ways to better integrate MPAs with existing authorities and approaches for meeting resource conservation goals. We welcome the Subcommittee's involvement in this evolving national dialogue regarding the role of MPAs as a management tool. Thank you Mr. Chairman. I would be pleased to answer any questions

# National Marine Protected Area Center – FY2002 “Building the Foundation”

Meeting of Federal Fishery Management Council  
Chairs and Executive Directors

Sitka, Alaska

May 28-30, 2002

Joseph A. Uravitch, A.I.C.P.  
Acting Director  
National Marine Protected Area Center  
National Oceanic & Atmospheric Administration

National MPA Center

## Administration Charge to the MPA Team

- Our stewardship responsibility is to balance conservation with commercial and recreational activity – we can do both.
- Improve conservation and research to preserve America's marine heritage – a national treasure that must be protected and dutifully maintained.
- Agency MPA designations must (be based on existing statutory authority) and use well planned processes secured by grass roots support.

-- Secretary of Commerce Donald Evans, June 4, 2001

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**National MPA Center**  
**Executive Order Tasks**



**Work with federal agencies and other partners to:**

- Develop a science-based framework for a national network of MPAs.
- Coordinate and share information, tools, strategies.
- Seek the expert advice and recommendations of states, territories, tribes, regional Fishery Management Councils, resource managers, and other interested parties and organizations.
- Establish a web site for MPA information including the MMA database and MPA list

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**National MPA Center**  
**What the Executive Order Does Not Do**

- Does not designate any new sites.
- Does not create any new federal authorities.
- Does not change any state, local or tribal authorities.
- Does not restructure existing programs.
- Does not focus only on 'no take' reserves.
- Does not target specific areas.

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**National MPA Center**

## **Program & MPA Center Responsibilities**

### Agency Programs

- MPA designation
- MPA management
- MPA improvements

### National MPA Center

- Information
- Tools & training for improved stewardship
- Strategies for effective design and management of the nation's MPA network

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**National MPA Center**

## **2002 Foundation Documents & Actions**

### **Outreach, Education & Information**

- Communication Plan
- Education Plan
- Federal Advisory Committee
- Web Site Enhancements
- National & Regional Information Networks

### **Training & Technical Assistance**

- Needs Assessment
- Network of Service Providers
- Integrated Service Provision

### **Science & Analysis**

- Natural Science Strategy
- Social Science Strategy
- MMA Site Database – Federal, State, Territorial & Tribal Sites
- Science Working Group

### **Initiative Management**

- Establish MPA Center
- Fiscal & Management Systems
- Staff the Organization
- Inter-Agency Coordination
- Staff Training

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## National MPA Center Organization



**Headquarters**  
Silver Spring, MD  
Joseph Uravitch, Acting Director

- Operational policy
- Inter-governmental & stakeholder coordination
- Advisory Committee
- MMA database

**Science Institute**  
Santa Cruz, CA  
Charles Wahle, Acting Director

- Targeted research
- Workshops on MPA design and management
- Habitat characterization
- Threat & conflict assessments
- Policy analysis

- Outreach
- Education
- Information
- Web Site

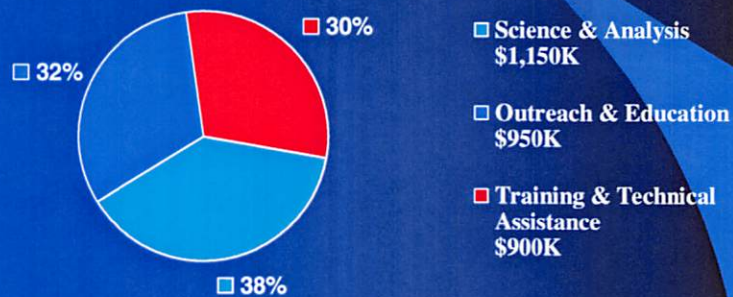
**Training & Technical Assistance Institute**  
Charleston, SC  
Ginger Hinchcliff, CSC Coordinator

- Technology & issue-based training and assistance
- Process training
- Needs Assessment

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## National MPA Center Distribution of Funding

\$3,000,000 for FY2002



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**National MPA Center**  
Determining Scientific Needs, Doing the Work  
**Science and Analysis**

- First U.S. database of Federal, State & tribal Marine Managed Areas -- State & tribal work initiated in FY2002
- Analyses of state, territorial and tribal MPA policies
- Natural and social science strategies – guidance for management agencies, funders and scientists to strengthen MPA science foundation
- Research partnerships – Cowcod reserve evaluation; CA MPLA Science Team; Pelagic predator MPAs; Pacific Integrated Assessment (FY2003)
- Effectiveness measures clearinghouse with Council on Environmental Cooperation



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**National MPA Center**  
Strengthening Stewardship Capabilities  
**Training and Technical Assistance**



**Technical Assistance**

- South Atlantic FMC marine protected area siting project
- National Marine Sanctuary Program management plan updates & boundary reviews
- Southeast Coast and Ocean Margin Program bathy/habitat (Oculina Bank, Gray's Reef, Charleston Bump)

**Training for MPA Site Staff**

- Workshops with Estuarine Reserves, FMCs, Sea Grant, Marine Sanctuaries to assess needs
- Database of existing training and technical assistance providers and referrals
- Conflict management, needs assessment and public issues training

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**National MPA Center**  
**Increasing Awareness and Understanding of MPAs**  
**Outreach to Stakeholders**

- MPA Federal Advisory Committee
- State, tribal, and FMC outreach
- Commercial and recreational fishing communities
  - Workshops in cooperation with NMFS in FY2003
- Participation in the meetings of stakeholder organizations
- Federal Inter-Agency MPA Working Group



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**National MPA Center**  
**Increasing Awareness and Understanding of MPAs**  
**Information Sources**

- **mpa.gov** web site
  - Monthly updates
  - Bi-annual major revisions
  - MMA database
- **Virtual MPA library**
  - Web sites
  - Publications
  - Meetings and symposia
- **National and regional information clearinghouses**
  - Planned for FY2003

**Marine Protected Areas of the United States**

Foreword • Introduction

What is a Marine Protected Area (MPA)?

What MPAs Provide the Nation

The Challenges

The National MPA Initiative

The MPA List and Inventory

The MPA Library

The MPA Center

The MPA Advisory Committee

Agency Progress Reports

"An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations"  
(Executive Order 13176)

**March Updates**

The MPA Library has added 17 references and 1 publication and 1 web site to its collections.

NOAA has issued a new Progress Report that includes recent MPA activities.

The World Wide Web site - mpa.gov - provides information on marine protected areas (MPAs) as required by Executive Order 13176. It is jointly managed by the U.S. Department of Commerce and the U.S. Department of the Interior.

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**National MPA Center**  
**Increasing Awareness and Understanding of MPAs**  
**Education**



- Regional “intermediaries” workshops with National Estuarine Research Reserve System, National Marine Sanctuary Program, Sea Grant
  - Wye River, MD - November 2001
  - Duluth, MN - September 2002
  - Morro Bay, CA – September 2002
  - Gulf of Mexico/Caribbean and Pacific Islands in FY2003
- Sherman’s Lagoon © MPA education poster



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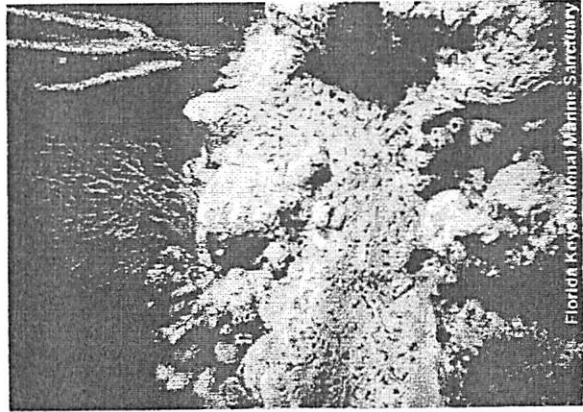
**National MPA Center**  
**2002 Priorities**



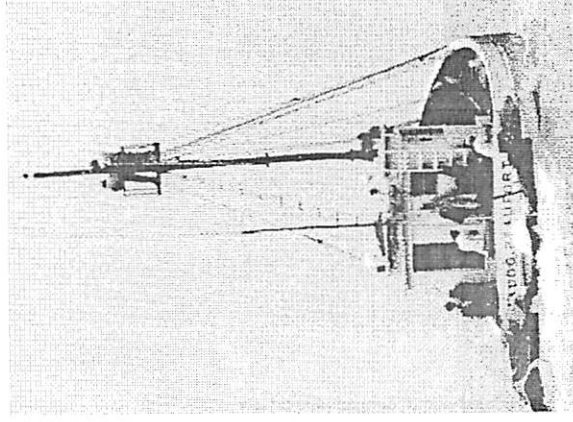
1. Consult with the public & stakeholder organizations
2. Establish the MPA Federal Advisory Committee
3. Provide easy access to MPA-related information
4. Strengthen the content of *mpa.gov*
5. Engage regional institutions in MPA education
6. Establish and implement a network of training and technical assistance service providers to strengthen MPA management
7. Add state and tribal sites to the U.S. MMA Database
8. Provide roadmaps for MPA-related science
9. Staff the MPA Center and its Institutes
10. Expand agency, public and private partnerships

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# Science-Based Marine Protected Areas: Getting There From Here



**Dr. Charles Wahle**  
**Acting Director**  
**MPA Center**  
**Science Institute**  
**Santa Cruz, CA**



**FMC Chairs and EDs Meeting: Sitka, May 2002**

*MPAC: information, tools and strategies for the nation's MPAs*

# ***Why Do We Need MPA Science At All?***

- ***Ad hoc*** MPAs in complex ecosystems can create more problems than they solve
- **Science-based decision making is fundamental to most MPA authorities**
- **Expert panels (e.g. NAS) are increasingly calling for a strong science foundation**
- **Our constituents demand and deserve it**

*MPAC: information, tools and strategies for the nation's MPAs*

# ***When Do We Need Science In MPAs?***

## **Throughout The Entire Life Cycle:**

- **Assessment of management problems**
- **Identification of key resources and habitats**
- **MPA siting and design**
- **Development of zones and regulations**
- **Resolution of emerging user conflicts**
- **Evaluation of existing MPA effectiveness**
- **Adaptive management**

# Science Needs Can Differ Among MPA Types

- **Biodiversity and Ecosystem Focused MPAs**
  - *E.g.*: sanctuaries, parks, refuges
  - *Science*: exploration, priority habitats, user impacts
- **Fisheries Management MPAs**
  - *E.g.*: area based closures
  - *Science*: stock assessment, socioeconomic, spillover, connectivity, monitoring and evaluation, fisheries integration
- **Protected Species MPAs**
  - *E.g.*: critical habitat
  - *Science*: migrations, life history phases, human interactions
- **Cultural Resource MPAs**
  - *E.g.*: sanctuaries, parks, monuments
  - *Science*: survey and inventory, historical human context

# **Are We There Yet In Our Current MPA Science Capacity?**

**At present, we lack critical scientific information  
on what we have and what we need, including:**

- The exact location, purpose, objectives and effectiveness of existing MPAs
- Key marine habitats, hotspots, etc.
- Gaps in current levels of protection
- Connectivity and ecological linkages among specific habitats and populations

# **Additional Cross-Cutting Science Needs**

- Common terminology, criteria and framework to plan, manage and evaluate MPAs
- Habitat maps and surveys
- Practical tools for site and network design
- Ecological and social impacts of MPAs
- MPA interactions with broader fisheries management measures



# **Filling The Gaps: The MPA Center's Science Institute**

- **Established Fall 2000**
- **Co-located with NMFS Santa Cruz Lab**
- **Small core staff (NOS, NMFS, *DOI*) augmented by visiting fellows and interns**
- **Mission: targeted science to inform decision making**
- **Focused on partnerships with agencies, academia and stakeholders**

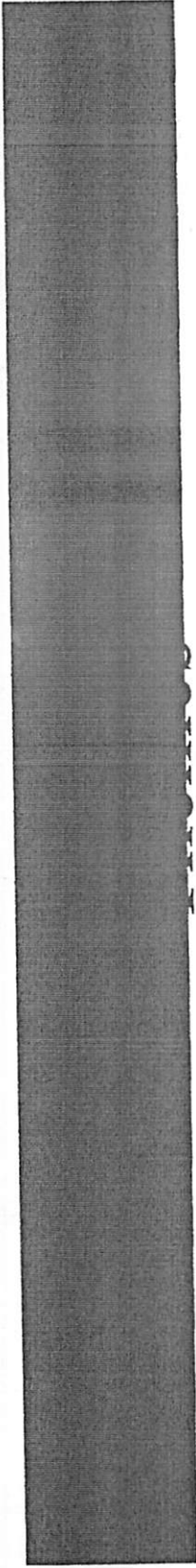
# **MPAC Science Institute: Four Priority Themes And Projects**

- I. National science strategies for natural and social research on MPAs**
- II. Tools to improve existing MPAs and to design new sites and networks**
- III. Methods to monitor, evaluate and adaptively manage sites through time**
- IV. Ways to meaningfully engage stakeholders in the national MPA dialog**

*MPAC: information, tools and strategies for the nation's MPAs*

# I. National MPA Science Strategies

- **Purpose:** identify key science information gaps and garner resources to fill them
- **Scope:** comprehensive national assessment of information needs in MPA design, management and evaluation
- **Target Audience:** MPA agencies, public and private funders, research partners
- **Focus:** parallel tracks for:
  - Natural Science → ecology, oceanography
  - Social Science → economics, anthropology, sociology
- **Timeline:** both draft strategies in late Fall 2002

- 
- **Economics of MPAs**
  - **Use patterns**
  - **Attitudes, perceptions and beliefs**
  - **Community Organization**
  - **Governance and Institutional Structures**
  - **Cultural heritage and resources**

## **II. Improving and Designing MPA Sites And Networks**

**National inventory – MMA database**

**Integrated assessment of Pacific MPAs – NOS**

**Essential Fish Habitat EIS – NMFS + PFMC**

**Criteria for experimental MPAs – NMFS + CA**

**Priority habitats – Comm. On Environ. Coop.**

**Pelagic species and MPAs – PRBO**

**GIS decision-support tools – CSC (Packard \$)**

**Lessons learned project – CSC (Packard \$)**

### **III. MPA Evaluation And Adaptive Management**

- **Tools to measure effectiveness**
  - Biological, social and management criteria (CEC, NOS, NMFS)
- **Monitoring program design**
  - Cowcod closed area (NMFS)
- **Effectiveness results clearinghouse**
  - Synthesis of site and program trends (CEC)

## **IV. Stakeholder Engagement**

- **Users' Guide to MPA Terms and Types**
  - Eliminating confusion from the MPA dialog
- **Fishermen's Forum On MPAs**
  - Two-way dialog on issues and needs (PMCC, NMFS, others)
- **Pacific MPA Information Clearinghouse**
  - One stop shopping for MPA agency planning info (with COMPASS)

*MPAC: information, tools and strategies for the nation's MPAs*

# **Working With NMFS And The FMCs**

- **Co-location with NMFS Santa Cruz Lab**
- **Inclusion in all workshops and planning teams**
- **Part of integrated assessment of Pacific MPAs**
- **MPAC on PFMC's EFH EIS team**
- **Engaging fishermen**
- **Interagency MPA Science Council**
  - Social Science Roundtable
  - Natural Science Roundtable



# **The Vision For MPA Science**

- **Research needs highlighted by science strategies**
- **Innovative collaborations formed among agencies, academics and stakeholders**
- **Funding secured through cross-cutting budget initiatives and foundation support**
- **Research tracks tailored for different MPA needs**
- **Fundamental MPA issues tackled constructively**
- **MPA's become more effective and better understood management tool**



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**FOR IMMEDIATE RELEASE**

**Monday, June 4, 2001**

## Statement by Secretary of Commerce Donald L. Evans Regarding Executive Order 13158, Marine Protected Areas

**Washington, DC** - "The Administration has decided to retain Executive Order 13158 on marine protected areas. America must strive to harmonize commercial and recreational activity with conservation. We can do both.

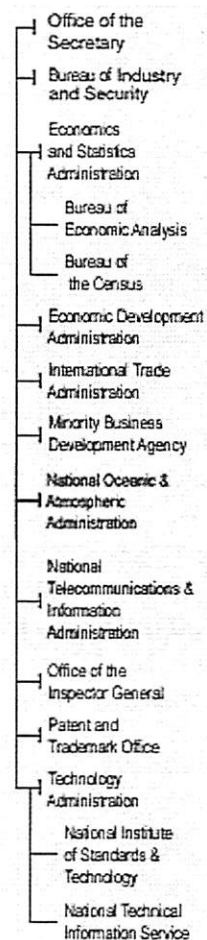
This Administration is committed to improving conservation and research in order to preserve our great marine heritage. It is a national treasure. It must be protected and dutifully maintained.

At the Department of Commerce alone, the President's budget included \$3 million in first time funding to support marine protected area activities consistent with existing law. If approved by Congress, these dollars can help us better manage this critical effort.

I also plan to appoint a Marine Protected Area Advisory Committee comprised of key experts and stakeholders. The membership will include academic, state and local, non-governmental and commercial interests. The process will be open and will draw on America's great reservoir of experience and expertise.

Past MPA designations like the Dry Tortugas in the Florida Keys were successful because they followed a well-planned process and secured grassroots support. The Dry Tortugas MPA offers a model for the years ahead.

Conservation can be balanced with commercial and recreational activity. It is our stewardship responsibility. We will work with the Department of Interior, the Environmental Protection Agency and other federal agencies to safeguard our valuable coastal and ocean resources for the tomorrows in which we all will live."



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The public can contact Secretary Evans by email at [devans@doc.gov](mailto:devans@doc.gov). Direct inquiries about this page to [webmaster@doc.gov](mailto:webmaster@doc.gov), or phone 202-501-0666 if urgent.

U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230

**Testimony of Dr. William T. Hogarth,**  
Assistant Administrator for Fisheries,  
National Oceanic and Atmospheric Administration  
at the Regional Meeting of the

**U.S. Commission on Ocean Policy**  
***Marine Protected Area Policy Panel***

Los Angeles, California  
April 19, 2002

I appreciate the opportunity to appear before this Commission again to discuss issues related to the management of marine resources. When I last appeared before you in Charleston, I described some of the controversies associated with marine fisheries and the steps we in NOAA are taking to address both the real and perceived problems surrounding living marine resource management. Today, I will focus on a topic that in some quarters is no less controversial – *marine protected areas*. To assist the Commission in formulating ocean policy recommendations for the role of MPAs I would like to discuss with you:

- the meaning of the term itself,
- common misperceptions surrounding MPAs,
- the status of the MPA Executive Order implementation, and
- MPA-related activities of the Departments of Commerce and the Interior.

As you have already heard and will no doubt hear many more times over the coming months, our Nation's coastal and marine resources face a very uncertain future. MPAs are being promoted strongly by many dedicated individuals and organizations from the public, non-governmental, scientific, and private sectors as the ideal solution for addressing and resolving the myriad threats to the long-term sustainability of the marine environment resulting from society's ever increasing demands. At the same time many equally dedicated individuals and organizations view MPAs as the final straw in a long series of actions taken to limit, control, and deny access to users of ocean resources. In reality, MPAs can be effective in some cases and for some purposes, while in other situations they cannot achieve success without significant resource commitments or complementary conservation

measures in surrounding waters. In my view much of the current confusion and tension regarding MPAs stem from:

- the continuing uncertainty on the *terminology* used to define what is an MPA, or what activities will be automatically prohibited if an MPA is established; and
- the mistaken belief that there is some *specific percentage* of the marine environment targeted to be set aside from all use.

I have personally heard these points expressed numerous times over the past two years and believe they will be a continuing source of controversy until we take steps to address the confusion. I believe the Commission can also play an important role in this regard, as I will detail below.

Last June, Secretary of Commerce Don Evans issued a statement on MPAs that expressed the Administration's commitment to "*improving conservation and research to preserve our great marine heritage.*" He announced the Administration's decision to retain the MPA Executive Order and underscored the need to "*harmonize commercial and recreational activity with conservation.*" This Commission can greatly aid in these efforts through its ongoing examination of competing demands for ocean resources, current and future threats to the marine environment, and the improvements needed in the acquisition and analysis of scientific information to manage the seas responsibly. Your guidance on the role and design of MPAs will be critical, not only in how effective current and future MPAs are in achieving their individual goals, but also in how they might contribute as part of regional networks and a national system. I believe the Commission can advance the objective consideration of MPAs by providing clear recommendations for weighting the balance sought by resource management agencies at all levels – meeting human needs for ocean resources while ensuring that these very same resources are sustained for the benefit of future generations.

### **What are MPAs and how are they used?**

Before describing the MPA Executive Order and activities we have undertaken to implement it, I want to provide some background on MPAs in general. The term '*MPA*' is broadly used to describe specific marine areas given some sort of special protection. The term itself has been used for over two decades, while the concept of using MPAs for allocating and managing marine resources has been around for centuries. There are many different types of MPAs in use around the world today.

In the United States many governmental entities at the national, state, county, local and tribal levels have the authority to create and manage MPAs. They come in a wide range of shapes, sizes, and management characteristics, established for different purposes with varying types of protection and uses, including:

- discrete sites that prohibit consumptive uses, such as underwater parks set aside by states or localities for recreational divers, or areas designated by fishery management councils to protect spawning aggregations;
- larger limited-use zones where certain extractive techniques, such as bottom-tending fishing gear or wire fish traps, are restricted; and
- multiple-use areas, such as the Channel Islands National Park or the Florida Keys National Marine Sanctuary.

MPAs are an important tool for fishery management, with examples including area and seasonal fishing closures for protection of essential habitat, or closures for restoration of depleted stocks. Other types of MPAs may also provide biodiversity protection and conservation of sensitive habitats and endangered species, the preservation of historically or culturally important submerged archaeological resources, or provide valuable scientific, recreational and educational opportunities to academia and the public. MPAs may be called parks, sanctuaries, refuges, fishery management zones, reserves, seashores, wildlife preserves, critical habitats, conservation areas, and privately owned and managed sites. This wide array of terms for the many different types of MPAs contributes to the high level of confusion amongst both MPA proponents and detractors.

MPAs designed to increase scientific knowledge or protect biodiversity and those sites designed for recreation or fishery-enhancement purposes are not mutually exclusive. The success of any type of MPA is based on the enhancement and protection it provides to ensure a healthy marine ecosystem. MPAs can be unique tools in the marine resource management toolbox, because they shift the emphasis of marine resource management from the traditional focus on a single species to protection of a specific area or habitat that can often help meet multiple goals and objectives. For example, in the living marine resource arena that I am most familiar with, NOAA Fisheries has over three dozen sites established under our various authorities to provide marine species lasting protection on a year-round basis. Many other sites exist seasonally or are of short duration. While very few of these sites restrict all fishing, we consider all of them MPAs. They are a valuable tool for fisheries, as they are for submerged cultural resource protection,

conservation of marine biodiversity, and many other purposes.

In my experience MPAs are best used in combination with, and to complement, other management tools. However, the integration of these various tools is often quite challenging. In Charleston I mentioned the difficulty we face in meeting the requirements of both the Magnuson-Stevens Act and the Endangered Species Act with their related, yet at times conflicting, mandates. As the Commission reviews the laws that serve as our current ocean governance framework I recommend that you consider ways to better integrate MPAs with other existing approaches for the conservation of marine resources.

MPAs by themselves are not a panacea for improved marine resource management. They are an additional tool that places an emphasis on spatial parameters. They are most effective when used in conjunction with other management measures and cannot be successful if developed in isolation. At the onset in considering the use of MPAs we must identify the management problem to be solved and examine the range of potential solutions. Then their design, placement, and implementation need to be considered within the context of a variety of parameters that include socio-economic considerations of affected users and associated communities, in order to form an integrated ecosystem approach for marine resource management. MPA use and design also requires a consideration of oceanographic regimes, larval source and sink areas, pollution threats, effects of fishing on ecosystem processes inside and outside the protected area, recreational carrying capacity, and many other factors.

If established, MPAs must be adequately supported, particularly in two key areas:

- the enforcement of any conservation measures that have been enacted; and
- the monitoring of effectiveness to verify that the site is fulfilling the goals for which it was created.

To do otherwise will result in designation of ineffective "paper parks." The issue of adequate enforcement is especially important to note in these times of heightened security concerns along our shores. A unique aspect of MPAs is that conservation efforts are focused over discretely defined areas, which allows for the use of techniques such as satellite-based vessel monitoring systems to increase the efficiency of surveillance and enforcement efforts.

A point I must emphasize is that maximum stakeholder participation is an overarching requirement through all phases of considering, establishing and

managing MPAs. The National Research Council's 2001 report on MPAs stressed the need to involve all potential stakeholders at the onset and enlist the support of the community. They stated: "*A fundamental lesson learned from experience throughout the world is that attempts to implement MPAs in the absence of general community support invariably fail.*" Improved public dialogue is especially necessary to determine the specific type of protections to be considered for a particular area. Perhaps the greatest point of confusion regarding MPAs is the perception that MPAs are synonymous with the complete prohibition of all extractive activities, that is that all MPAs are 'no-take' reserves. As I've noted above, MPAs can encompass a wide temporal, spatial and protective range of options, sometimes within the same site. This Commission's insight on the specific criteria that define what constitutes an MPA, from among the numerous area-based regulatory programs governing human activities in the marine environment, would be most welcome.

### **The MPA Executive Order: Fact and Fiction**

Executive Order 13158 on Marine Protected Areas was issued in May of 2000. Over the past two years I have spoken at a number of meetings, primarily before commercial and recreational fishing interests, on the MPA Executive Order and MPAs generally. I have learned from painful experience that it is wiser to state up front what the Executive Order **does not** do before explaining what it does. It does not require us to:

- designate new sites,
- create new authorities or change existing ones,
- focus solely on 'no-take' reserves,
- set specific targets,
- restructure existing programs,
- supercede or ignore best available science, or
- "Federalize" state or local programs.

The MPA Executive Order does:

- call for improving science and coordination;
- support a science-based, network approach to managing marine resources;
- support measuring effectiveness of existing MPA sites;
- call for public participation throughout all stages

of MPA consideration;

- call for the establishment of a Federal MPA Advisory Committee to advise the Secretaries of Commerce and the Interior;
- recognize that Federal agencies, states, fishery management councils, and others have been designing, implementing, and refining MPAs for a long time and need to better coordinate their actions;
- challenge these groups to ask themselves whether they are doing as much as they can, in the most efficient way they can, to manage the resources the public has entrusted them with; and
- encourage consideration of MPAs as an important aspect of any marine resource management strategy.

The Federal MPA initiative is a collaborative effort between NOAA and the Department of the Interior that seeks to partner with other Federal, state, tribal and territorial agencies and other stakeholder groups to help provide consistent information, tools, and services to build a framework for a comprehensive system of MPAs in our Nation's waters. The initiative is designed to collect information on existing marine protected sites in each region; increase coordination and effectiveness among the assortment of existing sites to better meet increasing demands; and help local, state, Federal, and tribal authorities most effectively use MPAs to meet their goals.

Through the MPA initiative Interior and NOAA are working with governmental and non-governmental partners to:

- collect information on existing sites within U.S. waters;
- provide a sound scientific foundation and tools for MPA design, management and evaluation;
- develop and maintain a website to provide access to information on MPAs;
- provide an open, equitable and meaningful process to engage user groups and the American public on MPAs through stakeholder workshops and an MPA Federal Advisory Committee.

All of these activities will be conducted pursuant to existing statutory authorities.



NOAA's FY 2002 budget included \$3 million to help implement these efforts. The same level of funding is included in the President's request for FY 2003. FY 2002 funding has enabled the establishment of the *National MPA Center* called for in the Executive Order. Housed in NOAA's National Ocean Service, the MPA Center receives staff level support from the NOAA Fisheries and NOAA Research agencies, as well as from the Department of the Interior's Minerals Management, National Park, Fish and Wildlife and Geological Services. With the appropriated funding the Center is beginning to focus on the national need for communication, education, information, science and analysis, and training and technical assistance on MPAs that the Executive Order was envisioned to address. The Center has co-located its Science Institute with the NOAA Fisheries Laboratory up the coast in Santa Cruz, and its Training and Technical Assistance Institute with the NOAA Coastal Service Center in Charleston, South Carolina. Additional institutes, on cultural resources for example, are under consideration in partnership with existing NOAA or Interior facilities. The National MPA Center will play an instrumental role in helping governmental agencies, non-governmental organizations, and stakeholders engage in a common planning and priority-setting process for identifying, assessing, and evolving toward a more comprehensive and integrated network of MPAs.

### **Future Directions**

Our science and experience indicate that MPAs can be effective tools to help manage, protect and sustain the nation's valuable marine resources, as well as the people and economies that depend on them. Integrating MPAs with existing authorities – how to best use MPAs in combination with other management tools to meet these goals – is a major challenge for ocean stewardship and for this Commission's consideration. Last June, Secretary of Commerce Evans stated this Administration's commitment towards preserving our Nation's great marine heritage. Implementation of the MPA Executive Order with the Department of the Interior, other Federal agencies, and our partners in the states, tribes, councils, academia, industry and the conservation community has not been easy but I believe all parties in the ongoing debate on the role of MPAs have more in common than seems apparent on the surface.

We all share a deep sense of wonder, appreciation and respect for the marine environment. We share concerns about increased demands placed on marine resources and mounting threats to the quality and quantity of these resources. The Executive Order has raised expectations and has made us all think a little

differently about what kind of marine environment we expect to pass on to future generations. I welcome your involvement in this evolving debate regarding the role of MPAs and believe you can help us in taking our present-day collection of separate state, Federal, local and tribal sites and crafting a national system of MPAs that reflect the importance we place on our marine resources.

## **Potential Department of Commerce/NOAA Authorities for Marine Protected Areas**

Marine protected areas (MPAs) are defined by Executive Order 13158 to be “any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.” A number of authorities might potentially meet this definition. To date, the MPA initiative team has limited their consideration to six Department of Commerce-related statutes (see type 1, below). Sites designated under these statutes can be found on the *MPA.gov* web site. This is not the official MPA list required to be compiled under the E.O. Additional statutes that have some potential aspects of MPAs have been identified below (see type 2).

### **Type 1 – DOC/NOAA Federal authorities for sites presently included in the *MPA.gov* database by the MPA team:**

- Coastal Zone Management Act, 16 U.S.C. 1451 et seq. Authority to establish National Estuarine Research Reserves.
- Endangered Species Act, 16 U.S.C. 1531 et seq. Requires agencies to protect endangered species and critical habitat. Authorizes implementation of control measures, development of Habitat Conservation Plans.
- Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. Authority to implement a variety of fishing control measures.
- Marine Mammal Protection Act, 16 U.S.C. 1362 et seq. Restricts takes of marine mammals by all persons subject to U.S. jurisdiction and authorizes the Secretary to regulate the take of marine mammals (impose control measures).
- National Marine Sanctuaries Act (also known as Title III of the Marine Protection, Research, and Sanctuaries Act), 16 U.S.C. 1431 et seq. Authority to create national marine sanctuaries and impose protective measures.
- Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. 5101 et seq. Authority to issue Federal regulations managing Atlantic coastal fisheries in a manner compatible with the Atlantic States Marine Fisheries Commission.

**Type 2 - Other DOC/NOAA Federal area-based management authorities with no sites in the MPA.gov web database:**

- Antarctic Conservation Act of 1978, 16 U.S.C. 2401-2412. Requirement to designate specially protected areas.
- Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. 2431-2444. Authority to implement a broad array of conservation measures.
- Atlantic Salmon Convention Act of 1982, 16 U.S.C. 3601-3608. Prohibits fishing for salmon in the North Atlantic beyond the territorial sea (12 miles). Authority to implement management measures.
- Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971i. Authority to impose management measures, including closures, in Convention area.
- Conservation of "Crown of Thorns" starfish, 16 U.S.C. 1211-1213. Authority to implement control measures, for the purpose of protecting certain coral reef resources.
- Control or elimination of jellyfish or sea nettles, 16 U.S.C. 1201-1205. Authority to implement control measures to control and eliminate seaweed and related pests.
- Northern Pacific Halibut Act of 1982, 16 U.S.C. 773-773k. Authority for implementation of management measures regarding North Pacific Halibut fishery.
- Tuna Conventions Act of 1950, as amended, 16 U.S.C 951 et seq. Authority to impose management measures, including closures, in Convention area.

## **Promulgation of Fishing Regulations under the National Marine Sanctuaries Act**

Per subsection 1434(a)(5) of the National Marine Sanctuaries Act (NMSA), the appropriate regional fishery management council is to be given the opportunity to prepare draft Sanctuary fishing regulations for the portion of the Sanctuary within the Exclusive Economic Zone. (Because the regulations would be promulgated under the authority of the NMSA, the regulations could cover all species, i.e., not just species for which there are Fishery Management Plans.) If the council decides to prepare such draft regulations, it is to use as guidance the national standards of sec. 301(a) of the Magnuson-Stevens Act to the extent that those standards are consistent and compatible with the goals and objectives of the Sanctuary. The Secretary of Commerce (delegated to NOAA) then decides if the draft regulations meet the goals and objectives of the Sanctuary and the purposes and policies of the NMSA. If the draft regulations are found to meet these criteria, they are to be published as proposed Sanctuary regulations. If the council declines to make a determination as to the need for fishing regulations in the Sanctuary, makes a determination that is rejected by NOAA, or does not prepare the draft regulations in a timely manner, then NOAA is to prepare the fishing regulations.

As indicated above, NOAA would promulgate the regulations under the authority of the NMSA. Accordingly, NOAA (the Sanctuary Program) would be responsible for compliance with the National Environmental Policy Act, Administrative Procedure Act, etc.

Note: In the case of some sanctuaries, the Sanctuary Program would need to amend the sanctuary's Designation Document to authorize promulgation of NMSA fishing regulations.

## Presidential Documents

Executive Order 13158 of May 26, 2000

### Marine Protected Areas

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), National Park Service Organic Act (16 U.S.C. 1 *et seq.*), National Historic Preservation Act (16 U.S.C. 470 *et seq.*), Wilderness Act (16 U.S.C. 1131 *et seq.*), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*), Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1362 *et seq.*), Clean Water Act of 1977 (33 U.S.C. 1251 *et seq.*), National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*), Outer Continental Shelf Lands Act (42 U.S.C. 1331 *et seq.*), and other pertinent statutes, it is ordered as follows:

**Section 1. Purpose.** This Executive Order will help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs). An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations. To this end, the purpose of this order is to, consistent with domestic and international law: (a) strengthen the management, protection, and conservation of existing marine protected areas and establish new or expanded MPAs; (b) develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources; and (c) avoid causing harm to MPAs through federally conducted, approved, or funded activities.

**Sec. 2. Definitions.** For the purposes of this order: (a) "Marine protected area" means any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.

(b) "Marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.

(c) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

**Sec. 3. MPA Establishment, Protection, and Management.** Each Federal agency whose authorities provide for the establishment or management of MPAs shall take appropriate actions to enhance or expand protection of existing MPAs and establish or recommend, as appropriate, new MPAs. Agencies implementing this section shall consult with the agencies identified in subsection 4(a) of this order, consistent with existing requirements.

**Sec. 4. National System of MPAs.** (a) To the extent permitted by law and subject to the availability of appropriations, the Department of Commerce and the Department of the Interior, in consultation with the Department

of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the National Science Foundation, and other pertinent Federal agencies shall develop a national system of MPAs. They shall coordinate and share information, tools, and strategies, and provide guidance to enable and encourage the use of the following in the exercise of each agency's respective authorities to further enhance and expand protection of existing MPAs and to establish or recommend new MPAs, as appropriate:

(1) science-based identification and prioritization of natural and cultural resources for additional protection;

(2) integrated assessments of ecological linkages among MPAs, including ecological reserves in which consumptive uses of resources are prohibited, to provide synergistic benefits;

(3) a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary to preserve representative habitats in different geographic areas of the marine environment;

(4) an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources, as appropriate;

(5) practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs;

(6) identification of emerging threats and user conflicts affecting MPAs and appropriate, practical, and equitable management solutions, including effective enforcement strategies, to eliminate or reduce such threats and conflicts;

(7) assessment of the economic effects of the preferred management solutions; and

(8) identification of opportunities to improve linkages with, and technical assistance to, international marine protected area programs.

(b) In carrying out the requirements of section 4 of this order, the Department of Commerce and the Department of the Interior shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs.

(c) In carrying out the requirements of this section, the Department of Commerce and the Department of the Interior shall seek the expert advice and recommendations of non-Federal scientists, resource managers, and other interested persons and organizations through a Marine Protected Area Federal Advisory Committee. The Committee shall be established by the Department of Commerce.

(d) The Secretary of Commerce and the Secretary of the Interior shall establish and jointly manage a website for information on MPAs and Federal agency reports required by this order. They shall also publish and maintain a list of MPAs that meet the definition of MPA for the purposes of this order.

(e) The Department of Commerce's National Oceanic and Atmospheric Administration shall establish a Marine Protected Area Center to carry out, in cooperation with the Department of the Interior, the requirements of subsection 4(a) of this order, coordinate the website established pursuant to subsection 4(d) of this order, and partner with governmental and non-governmental entities to conduct necessary research, analysis, and exploration. The goal of the MPA Center shall be, in cooperation with the Department of the Interior, to develop a framework for a national system of MPAs, and to provide Federal, State, territorial, tribal, and local governments with the information, technologies, and strategies to support the system. This

national system framework and the work of the MPA Center is intended to support, not interfere with, agencies' independent exercise of their own existing authorities.

(f) To better protect beaches, coasts, and the marine environment from pollution, the Environmental Protection Agency (EPA), relying upon existing Clean Water Act authorities, shall expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment. Such regulations may include the identification of areas that warrant additional pollution protections and the enhancement of marine water quality standards. The EPA shall consult with the Federal agencies identified in subsection 4(a) of this order, States, territories, tribes, and the public in the development of such new regulations.

**Sec. 5. Agency Responsibilities.** Each Federal agency whose actions affect the natural or cultural resources that are protected by an MPA shall identify such actions. To the extent permitted by law and to the maximum extent practicable, each Federal agency, in taking such actions, shall avoid harm to the natural and cultural resources that are protected by an MPA. In implementing this section, each Federal agency shall refer to the MPAs identified under subsection 4(d) of this order.

**Sec. 6. Accountability.** Each Federal agency that is required to take actions under this order shall prepare and make public annually a concise description of actions taken by it in the previous year to implement the order, including a description of written comments by any person or organization stating that the agency has not complied with this order and a response to such comments by the agency.

**Sec. 7. International Law.** Federal agencies taking actions pursuant to this Executive Order must act in accordance with international law and with Presidential Proclamation 5928 of December 27, 1988, on the Territorial Sea of the United States of America, Presidential Proclamation 5030 of March 10, 1983, on the Exclusive Economic Zone of the United States of America, and Presidential Proclamation 7219 of September 2, 1999, on the Contiguous Zone of the United States.

**Sec. 8. General.** (a) Nothing in this order shall be construed as altering existing authorities regarding the establishment of Federal MPAs in areas of the marine environment subject to the jurisdiction and control of States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Indian tribes.

(b) This order does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian tribes.

(c) This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,  
May 26, 2000.



Remarks of  
Patricia Morrison  
Deputy Assistant Secretary, Land and Minerals Management  
U.S. Department of the Interior  
Before  
North Pacific Fisheries Management Council  
Sitka, Alaska  
May 30, 2002

The Department of the Interior and Marine Protected Areas

Thank you, I appreciate the opportunity to appear before you today to discuss the Department of the Interior's views on the implementation of Executive Order 13158, Marine Protected Areas.

Value of Marine Environment

America's marine environment contains natural resources which provide food and fuel for all of its citizens. It supports recreational activities for millions of Americans. It provides routes for domestic and international commerce that are critical to our security and economic well being. Each of these uses is important to this country. We in the Department of the Interior do not view Executive Order 13158 as a vehicle for the elimination of environmentally sound uses from large areas of our marine environment. We do see the Executive Order as an opportunity to set aside discrete areas which have special natural or cultural resources or areas which have the potential to provide a continuing basis for environmentally and economically sustainable use of the marine environment. The Executive Order is clear in its concern that Marine Protected Areas not unnecessarily and adversely affect economies and cultures that depend on the marine environment. It requires the analysis of the effects of managing or creating Marine Protected Areas on social and economic systems and a balancing of the protection of special values with minimization of economic and cultural dislocation. We strongly agree with those premises. Further, we believe that these considerations should be made on the basis of the best available science and with full public review.

Department of the Interior Interests in the Marine Environment

The Department of the Interior has several diverse interests in Executive Order 13158. Through the National Park Service, the Fish and Wildlife Service, and most recently the Bureau of Land Management, the Department manages hundreds of marine areas reserved to provide lasting protection for their natural and cultural resources. In fact, the Fish and Wildlife Service manages 162 sites that are included on a preliminary inventory of marine managed sites, and the National Park Service manages an additional 39 sites. Through the Minerals Management Service, the Department manages the U.S. Outer Continental Shelf for the environmentally sound production of oil, natural gas and other minerals. Finally, the Minerals Management Service and the U.S. Geological Survey conduct significant programs of marine research.

## Emphasis on Sustainable Use

The Department strongly supports a basic premise of the Executive Order that Marine Protected Areas not only provide lasting protection for valuable resources but that they also support the environmentally and economically sustainable use of the marine environment. The Department has considerable experience with both of these concepts which we believe are not always mutually exclusive.

In its review of Executive Order 13158, the Department identified several principles that would guide its future activities.

## Executive Order Provides No New Authority

First, the Department believes that the Executive Order provides no new authority for Marine Protected Areas but appropriately recognizes the adequacy of existing authorities. The authorities for the management of existing Marine Protected Areas are contained in their charters and in the organic authorities of the agencies that manage them. In the case of the Department of the Interior, these sites are National Parks, National Wildlife Refuges, and a National Monument. We believe that existing authorities are sufficient for the Departments of Commerce and the Interior to effectively carry out the mandate of Executive Order 13158. We also believe these authorities are clear and well understood by the public. They should be the cornerstones of a Marine Protected Areas Program. We do not need to add a new layer of authorities to effectively manage Marine Protected Areas.

## Public Participation Is a Key to Success

Second, we believe that any actions of the Federal Government regarding Marine Protected Areas must fully involve the people most directly affected by those actions. The Department of the Interior has a long history of land management in the American West. That history has taught us that taking action without involving your neighbor is not a good idea. The Department most recently demonstrated its commitment to public participation in the Secretary's broad invitation for the public's involvement in the planning process for management of the many monuments established by the previous administration. We believe that public education and involvement should be major supporting activities for the Marine Protected Areas initiative.

## User Interests Must Be Included in the Advisory Committee

Third, we believe that the Marine Protected Areas Advisory Committee is an extremely important tool for both of the Secretaries. This Committee offers the opportunity for the various interest groups to advise the secretaries about the scope and direction of this program. We believe that it is critical that this Committee adequately represent the interests of the many marine user groups that may be affected by Marine Protected Area designations and management regimes.

## Inventory Is A First Step

We are about to initiate a process to inventory marine sites which States, localities, tribes and territories have set aside for the protection of one or more natural or cultural resources. This is a first step in a long process. At the end of this inventory of these sites and sites managed by Federal agencies, we must determine which are truly Marine Protected Areas, a process which highlights the importance of clear criteria and public understanding. Subsequently, we must determine if this patchwork quilt of protected areas approaches an effective "National System" as envisioned in the Executive Order. We see this as a long-term deliberative process in which good science and public review are critical. The Department believes that only after a thorough analysis of existing Marine Protected Areas and how they provide or do not provide for an effective "National System" should we consider the designation of new Marine Protected Areas.

## New Marine Protected Areas

The designation of new Marine Protected Areas is probably the facet of this program which arouses the greatest emotion. We believe that the designation of new Marine Protected Areas should be based, in considerable part, on needs identified from the inventory of existing protected areas, and on sound science and full public review. We believe that the Executive Order is clear about the considerations that must precede the designation of a new Marine Protected Area. Some of these considerations augment processes required for the designation of protected areas under Federal statutes and laws such as the National Environmental Policy Act.

## Effectiveness Monitoring Is Important

Finally, we believe that the Executive Order's requirement that Marine Protected Areas be monitored and evaluated for their effectiveness should be rigorously followed. This is an important process and should receive a considerable commitment of Program resources. We must be prepared to openly examine management regimes and protected area boundaries as part of this process and be prepared to take necessary steps to enhance the effectiveness of protected areas. As with all important components of this process, the evaluation of effectiveness should be based on the best available science and full public participation.

The Marine Protected Area Executive Order gives all Americans with an interest in the marine environment an opportunity to participate in managing it for the present and the future. We must ensure that all interests are represented in our deliberations. We must bring the best available science to the process. Finally, we must remember that these areas have a purpose, and that purpose is the ecologically and economically sustainable use of the marine environment for future generations. If we can successfully merge these requirements, we will develop a system that serves all Americans well.

**GULF OF MEXICO FISHERY MANAGEMENT COUNCIL**

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April 30, 2002

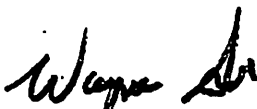
Admiral James D. Watkins  
Chairman  
US Commission on Ocean Policy  
1120 20<sup>th</sup> Street, NW  
Suite 200 North  
Washington, D.C. 20036

Dear Admiral Watkins:

I greatly appreciated the opportunity to testify before the Commission, and this opportunity to respond to additional questions. I have appended the questions and my response to this letter. I have also e-mailed the documents I referred to in my response as part of the record. If you need any clarification or additional material on issues my responses may raise, please feel free to call on me.

I wish you and the members of the commission the very best in carrying out their very important task. I am sure your deliberations will result in improvement of the national policies for ocean resources management.

Sincerely,



Wayne E. Swingle  
Executive Director

WES:plk

Attachment

c: Gulf Council, w/attachments  
Staff, w/attachments

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Attachment to letter to Admiral Watkins of April 30, 2002

QUESTIONS AND RESPONSES

**Question 1:** What, in your opinion, is the regional disposition of the fisheries industry to work in establishing a framework for Marine Protected Areas (MPAs)?

**Response:** The use of MPAs, in their broadest usage as areas where certain gear is prohibited to protect environmentally sensitive areas or prevent gear conflicts, is probably one of the most common types of fishery regulations utilized by the states and our Council. The Council has established almost 135,000 square nautical miles of MPAs (see enclosed document on Gulf MPAs). These MPAs include nursery grounds; habitat areas of particular concern (HAPCs); marine reserves established on spawning aggregation sites where all fishing is prohibited; and numerous areas where gear is prohibited to avoid gear conflicts or protect environmentally sensitive areas or fauna.

Almost all of our states periodically close their estuarine waters to shrimping during periods to allow the shrimp to grow to larger size before harvest is allowed. Florida instead closes certain areas permanently to shrimping. All the states close areas to protect environmentally sensitive areas such as submerged aquatic vegetation (SAV) and oyster reefs from propeller damage or from trawls, dredges, and other gear interfacing with the bottom. Therefore, all the commercial and recreational fishing industry is familiar with, and generally has accepted use of MPAs as management tools, particularly as a method for regulating gear use.

The establishment of marine reserves where all fishing is prohibited is a newer concept, and apparently less acceptable to the industries especially to certain elements of the recreational sector. They filed their objection through litigation opposed to establishing two of the reserves. However, where the Council has established such marine reserves they have had very valid conservation reasons, i.e., to prohibit fishing on snapper and/or grouper spawning aggregations where they are more vulnerable to capture. In the establishment of the Tortugas South and Tortugas North Marine Reserves all the stakeholders were so involved in that process over the extended development period that only one person filed an objection to the council for creating the reserves.

I am not sure what is meant in your question of "work in establishing a framework for MPAs." Currently all the coastal states, all the Fishery Management Councils, the National Ocean Service (through their sanctuary programs), the Fish and Wildlife Service (through their refuge programs), and the National Park Service have authority to establish MPAs. If the proposed framework is for creating authority for other entities to create MPAs then some of the industry will not be favorably disposed to that (as evidenced by the bill proposing the "Freedom to Fish Act").

I am aware there is a major media campaign by certain elements of the scientific community that are advocates for extensive areas of no fishing, marine reserves which in their view would solve most of the management problems. By the same token, there are other respected scientists that do not believe that to be true. I have enclosed a paper by Dr. Robert Shipp, a noted taxonomist, ecologist, and

student of life history information from our region, who concludes that most stocks, excluding some reef fish, are so migratory they are unlikely to benefit from marine reserves.

**Question 2: How would you enable an enforcement role for the Councils.**

**Response:** Having been in an administrative position with the state of Alabama's Department of Conservation and Natural Resources where I was classified as an enforcement officer for 12 years, and supervised the Alabama Marine Police for about 4 years, I really cannot see an active enforcement role for the Councils. All the Councils would definitely like a greater role in specifying the penalties for violations of rules. If NOAA General Counsel allowed this then the penalty schedule would provide for more occasions or conditions under which permits to fish would be revoked. Having spent 25 years on the Council, without seeing a significant increase in the NMFS enforcement capability, I (and the Chairmen of the 8 Councils) are of the opinion that politically the only way to increase the enforcement capability is to establish cooperative law enforcement agreements with the states and provide funding to the states for that purpose (see our council letter to Senator Hollings.

Enclosures: Document on Gulf MPAs  
MPA Document by Dr. Shipp  
Letter to Senator Hollings of 4/10/02