

MPA Sites established by the North Pacific Council for Inclusion in the National System of Marine Protected Areas: Decision Options

11/6/09 DRAFT Discussion Paper for December 2009 NPFMC Meeting

On May 28, 2009, NMFS wrote a letter to the Council to initiate consultation with the Council regarding potential nomination of sites to the National System of Marine Protected Areas (MPAs) pursuant to Executive Order 13158. The letter included an attachment of eligible sites in the region as determined by the MPA Center. The letter and table are attached as [Attachment 1](#).

At its June 2009 meeting, the Council tasked staff to prepare a discussion paper and collaborate with NMFS on the MPA process and potential sites for inclusion. The Council also specifically requested that listed MPAs be broken out into individual sites, and discuss possible future changes to boundaries. This discussion paper was prepared to address these issues.

Background

Executive Order

In 2000, President Clinton signed Executive Order 13158, which requires the Department of Commerce and the Department of Interior to develop a national system of marine protected areas (MPAs) (see [Attachment 2](#)). A brief summary of Executive Order 13158 is provided below, followed by a discussion of issues affecting regional fishery management councils.

Section 1 defines the purpose of the Executive Order, which is to:

- strengthen the management, protection, and conservation of existing MPA and establish new or expanded MPAs;
- develop a scientifically based, comprehensive national system of MPAs representing diverse marine ecosystems, and the Nation's natural and cultural resources; and
- avoid causing harm to MPAs through federally conducted, approved, or funded activities.

Section 2 defines MPAs as an area of the marine environment (Great Lakes and coastal and ocean waters) reserved by Federal State, territorial, tribal or local law to provide lasting protection to resources. Section 3 mandates that each Federal agency shall take appropriate actions to enhance or expand protection of existing MPAs and establish or recommend new MPAs.

Section 4 mandates the Department of Commerce and the Department of Interior to develop a national system of MPAs, and provide guidance to Federal Agencies to enable and encourage the use of the following 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 resources for additional protection;
2. integrated assessments of ecological linkages among MPAs, including no-take marine reserves, to provide synergistic benefits;
3. biological assessment of the minimize size of no-take marine reserve area necessary to preserve representative habitats in different geographic areas;
4. an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources;
5. practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs;
6. identification of threats and user conflicts affecting MPAs, and management solutions;

7. assessment of economic effects of management solutions;
8. identification of opportunities to improve linkages with international MPAs;

This section also requires the Department of Commerce and Department of Interior to consult with states, tribes, and other entities, including the Regional Fishery Management Councils, as appropriate, in carrying out the above mentioned requirements.

To facilitate these purposes and requirements incorporated, the Executive Order requires NOAA to establish a MPA Center. The goal of the NOAA MPA Center is to develop a framework for a national system of MPAs and provide federal state, territorial, tribal, and local governments any information, technology, and strategies to support the system. In November 2008, the NOAA MPA Center published the framework for a national system of MPAs, which provided official MPA criteria and Classification System (Attachment 3), and defined 21 priority conservation objectives (list attached as Attachment 4).

Section 5 includes the ‘avoid harm’ provision. Specifically, the Executive Order states that “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.”

Section 6 of the Executive Order requires that Federal agencies, publish an annual report on the actions taken to implement the order, including a description of written comments by any person or organization stating that the agency has not complied with the Executive Order and a response to such comments by the agency.

Section 7 requires federal agencies to act in accordance with international law. Section 8 notes that the Executive Order does not alter existing authorities of states, territories, or tribes. It also notes that the Executive 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.

Framework

The Framework for the National System of MPAs provides comprehensive national goals and guidance for a variety of partnerships among federal, state, tribal, and local governments and stakeholders to develop an effective national system. It provides guidance for how existing MPA sites, programs, and stakeholders can work together at regional, national and international levels, and with public participation, to achieve common conservation objectives through comprehensive MPA planning, identification of enhanced or new MPAs that may be needed, and support for improved MPA science, stewardship and effectiveness.

The Framework outlines the following key components of the national system:

- National system goals and [priority conservation objectives](#) (PCOs)
- MPA eligibility criteria and other key definitions
- Design and implementation principles
- A nomination process for existing MPAs to be included in the national system
- A science-based, public process for identifying conservation gaps in the national system
- A process for improving regional and ecosystem-based coordination of MPAs
- Mechanisms for national and international coordination
- Implementation guidance regarding federal agency responsibilities to avoid harm to resources protected by the national system of MPAs

- Mechanisms for monitoring, evaluating, and reporting on national system progress and priorities

According to the MPA Center, the national system of MPAs provides a comprehensive mechanism for coordinating MPAs managed by a diverse set of federal, state, and other agencies. The MPA national system will benefit the nation's conservation efforts and participating MPAs, providing those sites with a means to address issues beyond their boundaries. Examples of some of these benefits include:

- Enhanced stewardship through better coordination, public awareness, and enhanced site management capacity
- Building partnerships for MPAs to work together toward common conservation objectives
- Increased support for marine conservation through the recognition provided by the national system
- Protecting representative ecosystems and resources from all the nation's ecosystem and habitat types
- Identifying gaps in current protection of ocean resources to help inform future MPA planning
- Transparent process for MPA planning that is science-based and includes a commitment to balanced stakeholder involvement

NMFS Policy Directive

In February 2009, NMFS published a policy directive to establish a process for consulting with the Councils on (1) whether sites established by Council action should be included in the National System of MPAs, and (2) when to add, modify, or remove MPAs from the National System. The Policy Directive ([Attachment 5](#)) details steps in the consultation process for the initial listing, as summarized below:

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

Issues of Concern

In previous discussions, the Council had identified three major areas of concern with the implementation of the Executive Order and the MPA Framework Process. These concerns are 1)

the authority of the Councils in making decisions about MPAs they developed, 2) how the ‘avoid harm’ provision of the Executive Order will be interpreted and evaluated, and 3) the gap analysis being prepared by the MPA Center and how it will be used by NOAA and impact the Council’s management of fisheries.

1. Authority of the Councils

Regional Fishery Management Councils are not considered to be Federal agencies (notwithstanding their status as ‘executive agencies’ of the Department of Commerce) and thus a topical reading of the Executive Order would lead one to conclude that they may not have much authority regarding the implementation of the Executive Order. However, only the Regional Fishery Management Councils have the authority to establish new MPAs related to fisheries management within the EES, or modify the management of fisheries within MPAs. The Executive Order does not change this authority.

Under the Magnuson-Stevens Act, the Secretary’s authority (i.e., NMFS) is limited to approving, disapproving, or partially disapproving an FMP or amendment developed and submitted by the councils, except in very limited situations when a council fails to develop a plan or amendment for a fishery that requires conservation and management (MSA Section 304c). It is the councils who are responsible for the design and management plans for MPAs related to fisheries management; NMFS does not have the authority to implement or modify new MPAs for fisheries, without a FMP or amendment submitted by a council.

Concerns had been raised previously about the status of councils’ recommendations regarding possible inclusion of MPA sites in the National MPA System. While the councils can only make recommendations at this point, the NOAA Policy Directive does provide an opportunity for councils to explain their rationale for particular recommendations. The Policy Directive however, does assert that NMFS can make changes from the Council’s recommendation, so long as NMFS can provide justification for these changes. Presumably, this would include the possibility of NMFS adding MPAs to the National MPA System without a positive recommendation for inclusion of MPAs from a council.

Concern had also been expressed about the possibility of other federal actions that may affect the council authority over MPAs. For example, in June 2006, President Bush used the Antiquities Act to proclaim 140,000 square miles of the Northwestern Hawaiian Islands area as a national monument. The area was renamed the Papahānaumokuākea Marine National Monument in 2007, and commercial fishing will be phased out in the area by 2011. However, it should be noted that the Antiquities Act apparently cannot be used to designate special areas in Alaska and Wyoming due to subsequent land claims acts. It remains unclear as to whether designation as an MPA in the National MPA System might bestow authority over activities in that MPA to NOAA and/or the MPA Center, outside of council authority.

2. Avoid Harm Provision

Section 5 of the MPA Executive Order states that *“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.”*

The provision to ‘avoid harm’ will require other agencies to reassess how their activities affect fishery MPAs that are part of the National System. For example, federal agencies that permit

petroleum exploration or extraction would be required to ensure that these activities would avoid harm to resources protected by MPAs to the extent practicable (e.g., red king crabs in Nearshore Bristol Bay if it were part of the National MPA System).

The ‘avoid harm’ provision is also a new requirement for fisheries agencies. All existing MPAs for fisheries management were developed by the Regional Fishery Management Councils pursuant to their authority established by the Magnuson Stevens Act. However, neither the Magnuson Stevens Act nor guidelines for implementing the provisions of the Act include a requirement that fishing activities avoid harm to resources within an MPA to the maximum extent practicable. The mandate to avoid harm is an entirely new requirement set forth by the Executive Order.

Because the NMFS conducts, approves, and funds activities that would affect MPAs, NMFS will be required to identify these activities, which would likely include research and fisheries. NMFS approves regulations that manage fishing activities in the EEZ, so the agency would be required to ensure that the fisheries avoid harm to the maximum extent permitted by law and to the maximum extent practicable.

The framework leaves the definition of ‘affect’, ‘avoid harm’, and “to the extent permitted by law and to the maximum extent practicable” up to the individual Federal agencies. At this point, NMFS has not prepared any guidance on how these terms might be defined, interpreted, or analyzed.

Additionally, the existing framework provides no information about what resources are protected by an MPA, or where the boundaries of MPAs are, making it difficult if not impossible to assess if authorized activities such as fishing would have any affect on resources in the MPA. Unless the resource(s) protected by an MPA are identified, analysts will have difficulty evaluating the affects of federal activities on these resources.

So, how do MPAs established by Regional Fishery Management Councils meet the ‘avoid harm’ provision? Quite simply, we don’t know. No evaluation has ever been done relative to this new provision, and the fisheries and regulations may have changed substantially since the closure area was implemented. It is not clear if any of the federal agencies intend to review the list of eligible MPAs to determine if activities, such as fishing, will avoid harm to MPA resources to the maximum extent practicable. Without an evaluation of how these activities meet the provision before becoming part of the list, the Councils and NMFS may find themselves targets of bad press or advocacy campaigns that generate enormous public pressure to take action.

Analysis of how eligible MPAs meet the avoid harm provision could provide the Regional Fishery Management Councils with additional information to consider as part of the nomination process. Such an evaluation would also provide councils with an opportunity to consider changes in fishery regulations to meet the avoid harm provision. This could be a very large analysis, however, as it may need to take into account the entire fishery management program to evaluate what may be ‘practicable’.

After the initial MPA list is published, Councils may want to integrate the ‘avoid harm’ evaluation within standard NEPA/RIR analyses done for ongoing actions. The councils commonly implement management measures that modify fishing activities within MPAs, and it should be standard practice to consider the direction and magnitude of the changes relative to harming resources protected by MPAs in the region. Even minor changes in TAC, allocation, effort, gear type or limits, target fisheries, or even implementation of new MPAs, could potentially redistribute effort or effects on MPAs. Just as analysts currently evaluate the effects of

changes on essential fish habitat, an evaluation of ‘avoiding harm to resources within MPAs to the extent practicable’ could be added to standard analyses. This could require substantial additional staff time or resources.

3. Gap Analysis

The NOAA MPA Center is in the process of collecting information to conduct an assessment of gaps in the achievement of 21 Primary Conservation Objectives (PCOs) established in the Framework for the National System of MPAs. Of concern is that the Primary Conservation Objectives were developed by the NOAA MPA Center, and these are not the same as the objectives of the MSA National Standards. The mismatch between these will create issues for the Councils once the gaps are identified by the NOAA MPA Center.

Given the broad array of PCOs, one can easily imagine that everywhere in the ocean will be identified as needing an additional MPA, including no-take marine reserves, to achieve all of these objectives. When addressing the essential fish habitat guidelines the councils concluded that everywhere in the ocean is essential habitat for one fish species or another. The MPA Center will likely come to the same conclusion, particularly when the PCOs are much broader in scope than just fish habitat.

For example, imagine an overlay of the areas used by managed fish stocks for reproduction, larval sources, nursery grounds, high priority fishing grounds, foraging grounds, and other areas for maintaining size/age structure of fishes -- together with overlays of areas with high diversity, ecologically important geological features, critical habitat areas of threatened and endangered species, bycatch mitigation areas, and other areas for education and research. When these overlays are compared with the existing MPAs in each region, major gaps will likely exist. These gaps are not due to councils failing to do their jobs to conserve and manage fisheries, but because the objectives of the MSA and the Executive Order are different, and only area-based management measures are considered.

As staff understands it, the gap analysis as envisioned by the MPA Center will evaluate the existing protection offered by existing MPAs without necessarily considering the overall conservation program developed by a council. The gap analysis will evaluate only the use of one tool, MPAs. Yet the PCOs can be achieved by the management program without MPAs. For example, if fishing mortality is low, MPAs may be entirely unnecessary to maintain natural age/sex structure of populations.

NMFS will be in an interesting situation when gaps are identified by its own agency, specifically the NOAA MPA Center. Will NMFS or the NOAA MPA Center try to convince Councils to take actions needed to address the PCO gaps identified, even though these actions are not required under the MSA? Will this be a ‘consultative process’, established with another policy directive? Or will NMFS just set the gap analysis aside and not take any action? Or will NMFS exercise Section 304 of the MSA and establish new MPAs as mandated by the Executive Order, without action from the Councils to initiate these changes? These concerns have been expressed at various meetings, and remain regardless of whether or not Council MPA sites are included in the National System of MPAs.

4. Marine Spatial Planning

The Council had also expressed concern regarding the interaction of the marine spatial planning initiative from the Ocean Policy Task Force. At this point, it is unclear how the National MPA System might be used in marine spatial planning.

Discussion of Sites Eligible for Nomination to MPA System

The list of eligible sites supplied by the NMFS letter contained errors and omissions. Several sites should not have been listed at all and many apparently eligible sites were not on the list, for example:

- The halibut longline closure area is managed by the IPHC, not NMFS
- Area 512 is subsumed within the Nearshore Bristol Bay trawl closure.
- The Steller sea lion closures are not adequately distinguished.
- Many sites listed actually consist of multiple, individual sites.
- Many sites incorrectly state that recreational fishing is restricted.

Rather than attempt to correct the table attached to the letter, it made more sense to start over. Table 1 provides a comprehensive revised table, listing individual sites within each named closure area. There are a total of 251 individual sites listed. Although not listed on the table, these areas in total encompass 988,817 nm², which equates to about 97% of the Alaska EEZ. Note that we have added several new columns to the table to provide additional information. Of importance, specific resources protected by individual MPA sites are listed to the extent possible on a spreadsheet. In some cases, these sites were designed to protect essential fish habitat for a variety of species using the benthic habitat at this site. While not listed individually for all sites (given space limitations on the spreadsheet), these fish species would also be considered the resources protected at these sites. Listing the resources that the MPAs are designed to protect should enhance the ability of federal agencies to assess potential actions on resources protected by MPAs should any or all of these sites become part of the National System of MPAs.

In addition to these closure areas on the list, there are other closure areas in the EEZ that were not included because they either did not meet the MPA criteria, or are under a different agency authority. For example, there are several fishery management closure areas in the EEZ established by the Alaska Department of Fish and Game as part of the FMP delegated authorities to the State. These closures include: 1) the 10 nm closures to commercial crab fishing around St. Lawrence, King and Little Diomed Islands, as well as the Norton Sound subsistence area; and 2) the large closure areas for scallop dredging throughout different areas of the EEZ.

Some closure areas do not appear to meet the definition of MPA or the criteria established by the MPA Center. These closure areas include those areas that close to fishing once a bycatch trigger is reached (COBLZ, etc), harvest limit areas, trawl testing zones, research areas, other types of designated marine managed areas. These sites do not appear to meet the definition of MPAs in that they do not provide 'lasting protection' for the natural or cultural resources.

The Steller sea lion protection measures include a complex array of various closure areas to reduce disturbance and possible competition for prey resources (Figures 1-3). These areas include 3 nm no transit and no groundfish fishing zones, no pollock, Pacific cod, or Atka mackerel fishing in foraging areas (Seguam and Bogoslof CH areas), 20 nm closures around haulouts (to hook and line, pot, and trawl gear in the pollock, Pacific cod, or Atka mackerel fisheries), and a suite of gear and fishery specific closures. Certain gear types and sectors are prohibited from fishing in certain areas of SSL critical habitat for pollock, Pacific cod, and/or Atka mackerel. Some of these areas clearly meet the MPA criteria (no-transit zones and no groundfish fishing areas) and some probably would not (closures around Unalaska and Akutan to hook and line catcher vessels > 60' LOA participating in the Pacific cod fishery). The rest seem to fall into an indeterminate category (e.g., fishery specific closures to some gear types but not others, the GOA Atka mackerel fishery area closure, etc.).

Some Steller Sea lion protection closure areas likely meet the MPA criteria established in the MPA Framework. These areas include 1) the 3-nm no transit and no groundfish fishing zones, 2) the Seguam and Bogoslof foraging areas closed to pollock, Pacific cod and Atka mackerel fishing, and 3) the closures around BSAI and GOA rookeries and haulouts that are closed to pollock, cod, and mackerel fishing with trawl gear. The rookery and haulout trawl closures showing the closure area by fishery are listed in [Table 2](#).

MPA Nomination Options

It is clear that the Council has established many MPAs that meet the MPA Center criteria. The question is, which ones (if any) should the Council recommend be included in the national system? The Council could recommend that all MPAs meeting the criteria be included, or no MPAs be included, or a subset of MPAs be included with justification why some were excluded.

Option 1: No Action. No closure areas/sites developed by the Council would be included in the National System of MPAs at this time. ([Figure 4](#))

Possible rationale for choosing option 1: Under the existing MSA process, additional fishing restrictions can only be developed by the Councils subject to approval by NMFS. But once an MPA is part of a national system, federal agencies (including NMFS) must take action to assure that federally approved activities (e.g., fishing) avoid harm to MPA resources.

The Council may wish not to nominate sites at this time, and wait for policy guidance from NMFS on the interpretation and definition of ‘affect’, ‘avoid harm’, and “to the extent permitted by law and to the maximum extent practicable”. At that time, the Council may want to re-evaluate the sites relative to the avoid harm provision prior to making a recommendation on sites for inclusion in the National System of MPAs. The Council may recommend option 1 due to future uncertainty associated with putting a closure area on a national list, to the management complications implicit in listing an MPA site and the responsibilities it creates to manage all federal actions that may “harm” the site, and (however unlikely) to potentially lose or diminish its authority over management of fisheries in the area.

Option 2: Recommend the Council’s quasi marine reserves be included in the National System of MPAs. ([Figure 5](#))

There are several areas/sites developed by the Council for fisheries management that for all practical purposes serve as marine reserves off Alaska. These areas include all the Seamounts, the AI Coral gardens, Bowers Ridge, the GOA coral HAPC areas, the Sitka Pinnacles, and the Steller sea lion 3-mile no transit zones around rookeries.

None of these closure areas meet the exact criteria for no-take marine reserve because regulations allow recreational and/or subsistence fishing within the boundaries of most areas. Nevertheless, the likelihood of recreational or subsistence fishing occurring in these offshore locations is virtually nil, so they function as no-take reserves.

Possible rationale for choosing option 2: The Council may wish to nominate those sites that function as no-take marine reserves, as these are the sites that the Council has deemed require the most protection from resource removal and habitat disturbance. This would get the Council ‘a seat at the table’ at future meetings where MPAs in Alaska are discussed, evaluated against the PCOs, and provides other benefits to resources protected by Council-developed MPAs. Should

the Council lose, or have to share, authority over spatial management of fisheries in the future, these sites would have the lowest impacts on federally managed fisheries.

Option 3: Recommend that those closures areas/sites with stable boundaries and/or regulations (i.e., those unlikely to change in the near future) be included in the National System of MPAs. (Figure 6) Thus, sites with boundaries with possible changes in the near future would be excluded. The areas with boundary changes that may possibly change in the near future, or are currently under consideration by the Council for change, include the Steller sea lion areas (excluding the no transit zones), the Northern Bering Sea Research Area, the Saint Matthew Island Habitat Conservation Area, the Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area, Pribilof Islands Habitat Conservation Zone, and the Nearshore Bristol Bay Trawl Closure. All other sites would be included in the National System.

Possible rationale for choosing option 3: The Council may wish to nominate all sites that have stable boundaries, thus providing additional benefits as described under option 2. The Council would then have the ability to recommend adding the remaining sites at a later date when boundaries were finalized and stable.

The Council sometimes changes area closure boundaries to address changing conditions or management objectives. Several areas are currently being re-evaluated for possible boundary change. The boundaries of the Steller sea lion areas may be modified in the coming years relative to a new ESA Section 7 Biological Opinion on the potential impacts of fisheries on their survival and critical habitat. In October 2009, the Council voted to modify the boundaries of the Northern Bering Sea Research Area as well as the boundary edge near St. Matthew Island Habitat Conservation Area. The Council agreed to review the Nunivak Island, Etolin Strait, and Kuskokwim Bay habitat Conservation Area boundaries a few years after implementation. The Pribilof Islands Habitat Conservation Zone boundaries may change as part of the blue king crab rebuilding plan. Changes to the Nearshore Bristol Bay closure are being contemplated to address concerns about Pacific walrus and subsistence activities, and a discussion paper will be reviewed by the Council in December 2009. Similarly, the Council has discussed the possibility of withdrawing the Salmon FMP, and thus the boundaries of the area would be defined under a different authority than through a Council FMP.

This option would add a relatively broad array of MPAs to the National System, without having to repeatedly revise the boundaries of sites contained in the inventory. The national framework currently only lists MPA site names, and does not currently include the boundaries, so modifications to the boundaries or regulations within the MPA would not affect its standing on the list, unless the MPA no longer met the criteria for MPAs and the agency requested that it be removed from the list. Rather, modifications would be required to the inventory.

Option 4: Recommend that all eligible sites be included in the National System of MPAs (Figures 7-9).

Possible rationale for choosing option 4: The Council may wish to nominate all sites that are eligible for the National System. This would provide the most comprehensive benefits (as described by the MPA Center) to resources protected by MPAs.

Attachment 1: NMFS letter to the NPFMC initiating the MPA nomination process.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

May 28, 2009

Eric Olson, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501

Dear Mr. Olson:

We are writing to initiate consultation with the Council regarding the potential nomination of sites to the National System of Marine Protected Areas (MPAs) pursuant to Executive Order 13158. The National Oceanic and Atmospheric Administration's MPA Center has begun the process of soliciting nominations for sites to be included in the National System of MPAs by inviting managing entities to submit nominations. For purposes of the Executive Order, the National Marine Fisheries Service (NMFS) is considered the managing entity for sites established through the Magnuson-Stevens Fishery Conservation and Management Act. NMFS intends to collaborate with the Council to consider the possibility of nominating any such sites off Alaska.

Enclosed are several documents that are pertinent to this discussion:

- A cover letter from the MPA Center inviting NMFS to nominate sites to the National System;
- A list developed by the MPA Center of Council management areas that appear to meet the criteria for inclusion in the National System of MPAs (we should treat this list as a starting point that may need to be revised to reflect existing management areas accurately);
- Background information including a checklist from the MPA Center for evaluating whether existing MPAs meet priority conservation objectives for the National System of MPAs; and
- A national NMFS policy regarding consultation with the Fishery Management Councils for potential nominations of areas established through the Magnuson-Stevens Act.

The prospect of designating sites as MPAs has raised a number of questions that have been discussed at Council meetings and by the Council Coordinating Committee. Our understanding is that nominations to the National System of MPAs may be submitted on a rolling basis, so there is no firm deadline for Council action on this issue, and the Council has the flexibility to start the process of considering potential nominations at your convenience. We look forward to working with you to consider the implications of MPA designation and determine how best to proceed.

Sincerely,

Robert D. Mecum
Acting Administrator, Alaska Region

Enclosures





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

December 4, 2008

Ms. Heather Sagar
NOAA Fisheries
NMFS/OAA
1315 East West Highway
Silver Spring, MD 20910

Dear Heather:

Marine Protected Areas (MPAs) are a valuable tool for conserving significant natural and cultural marine resources and are increasingly used for a wide range of purposes, including protecting ecosystems, restoring fisheries, and conserving important cultural and historic resources. To enhance the effective use of MPAs in the U.S., the National Oceanic and Atmospheric Administration and the Department of the Interior, working with federal, state, territorial and tribal agencies, the MPA Federal Advisory Committee, and the public, have established a national system of MPAs. The national system of MPAs is a key requirement of Executive Order 13158 on marine protected areas, and is described in the *Framework for the National System of Marine Protected Areas of the United States of America*, which was released last week and is posted at www.mpa.gov.

I am writing to invite NOAA Fisheries to participate in this important marine conservation initiative by nominating eligible sites within your MPA program to become part of the national system. The national system will benefit participating state, territorial, federal and tribal MPAs through regional coordination to address common resource management issues, providing a mechanism to address local and regional MPA priorities through federal ocean management initiatives, raising awareness of MPAs and the ocean resources they conserve, and supporting targeted regional science and stewardship initiatives. To facilitate your response, this nomination package is being sent in hard copy as well as electronically.

The National Marine Protected Areas Center coordinates the national system and maintains an MPA Inventory, built from data provided by federal and state MPA programs. Based on an analysis of this data, the MPA Center has determined that the site(s) listed in the enclosed Program Summary Sheet are potentially eligible for the national system.

There are three entry criteria for the national system (plus a fourth for cultural heritage). Sites that meet all the criteria, listed below, are eligible for the national system.

1. Meets the definition of an MPA as defined in the Framework
2. Has a management plan (can be site-specific or part of a broader programmatic management plan; must have goals and objectives and call for monitoring or evaluation of those goals and objectives)



3. Contributes to at least one priority conservation objective as listed in the Framework
4. Cultural heritage MPAs must also conform to criteria for the National Register for Historic Places.

According to our records, the enclosed Program Summary Sheet includes a list of potentially eligible sites for your program that meet criteria #1 and #2. If you would like to nominate some or all of these sites to the national system, we ask that you provide documentation as to whether and how these sites meet criterion #3 (and #4, if applicable). Please see the enclosed checklist and instructions.

The MPA Center is committed to maintaining accurate and current records. Therefore, we ask that you review the attached information on the Program Summary Sheet and verify that the information is correct. In addition, member sites of the national system may be contacted following their acceptance to provide additional information that will help the MPA Center target its national system science and stewardship activities.

This letter is being sent to managers and designated points of contact for federal, state and territorial MPA programs. Please complete the checklist and any corrections to the Program Summary Sheet electronically by returning the attached excel spreadsheets. Copies of these documents are also attached in PDF format for readability.

Please email your nomination checklists to Lauren Wenzel at the MPA Center by **January 30, 2009**. Lauren can also respond to questions about completing the checklist or other issues related to the national system nomination process, and can be reached at 301-563-1136 or Lauren.Wenzel@noaa.gov.

Sincerely,



Joseph A. Uravitch
Director
National Marine Protected Areas Center

Attachments:

- Nomination Process Fact Sheet
- Checklist for Evaluating Whether Existing Marine Protected Areas (MPAs) Meet Priority Conservation Objectives for the National System of MPAs (in PDF and Excel)
- Instructions and Definitions Sheet for Checklist
- Definitions of Terms for Program Summary Sheet – Potentially Eligible MPAs for the National System of MPAs
- Benefits of a National System of Marine Protected Areas Fact Sheet
- Program Summary Sheet (List of Potentially Eligible MPAs) (in PDF and Excel)



Program Summary Sheet -

National Marine Fisheries Service Sites North Pacific FMC

Site Name	Management Agency	Level of Protection	Permanence	Constancy	Protection Focus	Primary Conservation Focus	Fishing Restriction	Management Plan Type	GIS Data	Vessel Traffic	Anchoring
Alaska Seamount Habitat Protected Area	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Habitat	Yes		Yes
Aruban Islands Coral Habitat Protected Area	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Habitat	Yes		Yes
Azorian Islands Habitat Conservation Area	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Habitat	Yes		Yes
Brewers Ridge Habitat Conservation Zone	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Habitat	Yes		Yes
Chum Salmon Sparing Area	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Seasonal	Focal Resource	Sustainable Production	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes	Yes
Cook Islet	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes	Yes
Gulf of Alaska Coral Habitat Protected Area	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Habitat	Yes		Yes
Gulf of Alaska Slope Habitat Conservation Area	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Habitat	Yes		Yes
Habitat Longline Closure Area	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	No		
Kodiak Island, Trois Other Than Pelagic Trawls - Type I Closures	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes	Yes
Kodiak Island, Trois Other Than Pelagic Trawls - Type II Closures	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Seasonal	Focal Resource	Sustainable Production	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes	Yes
Neahcove Beach Bay Trawl Closure	National Marine Fisheries Service	Zoned Multiple Use	Permanent	Year-round	Ecosystem	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes	Yes

Thursday, December 04, 2008

Program Summary Sheet - National Marine Fisheries Service Sites

North Pacific FMC

Site Name	Management Agency	Level of Protection	Permanence	Constancy	Protection Focus	Primary Conservation Focus	Fishing Restriction	Management Plan Type	GIS Data	Vessel Anchoring Traffic
Pribilof Island Area Habitat Conservation Zone	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Ecosystem	Sustainable Production	Commercial Fishing Restricted	Non-MPA Programmatic Habitat	Yes	Yes
Red King Crab Savings Area	National Marine Fisheries Service	Zoned Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes
Sitka Princess Marine Reserve	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Ecosystem	Sustainable Production	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Habitat	Yes	Yes
Southwest Alaska Trawl Closure	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial Fishing Restricted	Non-MPA Programmatic Habitat	Yes	Yes
Steller Sea Lion Protection Areas, Aleutian Islands Subarea - Groundfish	National Marine Fisheries Service	Zoned Multiple Use	Permanent	Year-round	Focal Resource	Natural Heritage	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes
Steller Sea Lion Protection Areas, Aleutian Islands Subarea - Squid Financing	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Natural Heritage	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes
Steller Sea Lion Protection Areas, Bering Sea Subarea - Ecodraft Area	National Marine Fisheries Service	Zoned Multiple Use	Permanent	Year-round	Focal Resource	Natural Heritage	Commercial Fishing Restricted	Non-MPA Programmatic Habitat	Yes	Yes
Steller Sea Lion Protection Areas, Bering Sea Subarea - Groundfish, Pollock, Pacific	National Marine Fisheries Service	Zoned Multiple Use	Permanent	Year-round	Focal Resource	Natural Heritage	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes
Steller Sea Lion Protection Areas, Bering Sea Subarea - Pollock Restriction Area	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Seasonal	Focal Resource	Natural Heritage	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes
Steller Sea Lion Protection Areas, Gulf of Alaska - Alaska National Closure	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Natural Heritage	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes
Steller Sea Lion Protection Areas, Gulf of Alaska - Groundfish, Pollock, and	National Marine Fisheries Service	Zoned Multiple Use	Permanent	Year-round	Focal Resource	Natural Heritage	Commercial and Recreational Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes
Various Protection Areas	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Seasonal	Focal Resource	Natural Heritage	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	No	Restricted

Program Summary Sheet -

**National Marine Fisheries Service Sites
North Pacific FMC**

Site Name	Management Agency	Level of Protection	Permanence	Constancy	Protection Focus	Primary Conservation Focus	Fishing Restriction	Management Plan Type	GIS Data	Vessel Traffic	Anchoring
Zone 1 (512) Closure to Trawl Gear	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Year-round	Focal Resource	Sustainable Production	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes	Yes
Zone 1 (516) Closure to Trawl Gear	National Marine Fisheries Service	Uniform Multiple Use	Permanent	Seasonal	Focal Resource	Sustainable Production	Commercial Fishing Restricted	Non-MPA Programmatic Fisheries	Yes	Yes	Yes

of sites: 26

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.

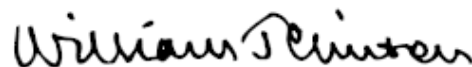
Sec. 6. Accountability. Each Federal agency that is required to take actions under this order shall prepare and make public annually a concise description of actions taken by it in the previous year to implement the order, including a description of written comments by any person or organization stating 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.

Attachment 3: National MPA classification system.

A Functional Classification System for Marine Protected Areas in the United States



The U.S. Classification System:
An Objective Approach for Understanding the Purpose
and Effects of MPAs as an Ecosystem Management Tool

Toward a Common Language for Marine Protected Areas

Faced with widespread declines in ocean health and a growing interest in place-based ecosystem management, many nations, including the United States, are establishing marine protected areas (MPAs) to conserve vital marine habitats and resources. Familiar examples of U.S. MPAs include national marine sanctuaries, national parks and wildlife refuges, many state parks and conservation areas, and a variety of fishery management closures. Over the past several decades, a variety of legal authorities and programs have been established at all levels of government resulting in a dramatic increase in the number of MPAs. More than 1,500 such federal and state/territory sites exist today.

This complex assortment of different MPA types and purposes poses many challenges to policy-makers and stakeholders alike. Chief among these is terminology. Although MPAs have long been used for decades in the U.S. as a conservation and management tool, the nation still lacks a straightforward and consistent language to accurately describe the many types of MPAs occurring in our waters and to understand their effects on ecosystems and the people that use them.

For example, the official programmatic names of many U.S. MPAs (such as sanctuaries, parks, preserves, or natural areas) rarely reflect the area's actual conservation purpose, allowable uses, or management approach. Similarly, the generic term "marine protected area" is frequently assumed in the policy arena to mean "no-take reserves," when in fact, no-take MPAs are rare in the United States. This chronic confusion over MPA terms continues to unnecessarily complicate the critically important national dialogue about whether, when, and how to use this promising ecosystem management tool.

In response, the National Marine Protected Areas Center has developed a Classification System that provides agencies and stakeholders with a straightforward means to describe MPAs in purely functional terms using five objective characteristics common to most MPAs:

- Conservation Focus
- Level of Protection
- Permanence of Protection
- Constancy of Protection
- Ecological Scale of Protection

For most MPAs in the U.S. and elsewhere, these five functional characteristics provide an accurate picture of why the site was established, what it is intended to protect, how it achieves that protection, and how it may affect local ecosystems and local human uses. Combining elements of several domestic and international MPA classification schemes, this new approach to describing U.S. MPAs is intended to augment, but not replace official programmatic names and terms. It is designed to provide a neutral, intuitive, common language with which to describe, understand, and evaluate proposed and existing MPA sites, networks and systems.

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What is a Marine Protected Area?

“Marine protected area” is an umbrella term that encompasses a wide variety of approaches to U.S. place-based conservation and management. The official federal definition of an MPA in Executive Order 13158 is: “any area of the marine environment that has been reserved by federal, state, tribal, territorial, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.” Specific operational criteria for several key terms within this broad definition (for example, “protection” and “lasting”) have been developed by the National MPA Center based on guidance from the MPA Federal Advisory Committee, governmental agencies, and the public. The criteria were published as part of the framework for developing the national MPA system, which was released in July 2006 and available for public comment for 145 days.

In practical terms, marine protected areas are delineated areas in the oceans, estuaries, and coasts with a higher level of protection than prevails in the surrounding waters. MPAs are used extensively in the U.S. and abroad for a variety of conservation and management purposes. They span a range of habitats including areas in the open ocean, coastal areas, inter-tidal zone, estuaries, and Great Lakes waters. They vary widely in purpose, legal authorities, agencies and management approaches, level of protection, and restrictions on human uses.

Overview of the U.S. MPA Classification System

The MPA Classification System uses five key functional characteristics to describe any MPA. Taken together, these characteristics influence the site’s effects on local ecosystems and human users, and thus its role in contributing to the conservation of healthy marine ecosystems. Among these five site characteristics, the first two—the site’s Conservation Focus and its Level of Protection—reflect many of the issues of greatest interest to stakeholders in local, regional, and national MPA dialogues.

(a) Conservation Focus *(one or more)*

- Natural Heritage
- Cultural Heritage
- Sustainable Production

(b) Level of Protection Afforded *(one attribute)*

- Uniform Multiple-Use
- Zoned Multiple-Use
- Zoned with No-Take Area(s)
- No Take
- No Impact
- No Access

(c) Permanence of Protection *(one attribute)*

- Permanent
- Conditional
- Temporary

(d) Constancy of Protection *(one attribute)*

- Year-round
- Seasonal
- Rotating

(e) Ecological Scale of Protection *(one attribute)*

- Ecosystem
- Focal Resource

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Detailed User's Guide to the Classification System

This section describes how to interpret and use the MPA Classification System. Much of the information needed to classify and understand any specific MPA in the U.S. is publicly available through NOAA's National Inventory of Marine Managed Areas, which contains more than 1,500 individual sites and is available on www.MPA.gov. Other relevant information can be found in official programmatic documents including management plans, regulations, designation documents, and statutes. The MPA Center will use these data sources to publish a complete classification of U.S. MMAs and MPAs.

The MPA Classification System can be applied to a single MPA site, or to individual management zones established within a larger MPA site. In a zoned MPA, each zone is classified independently based on its own characteristics and attributes. The overall MPA site then reflects the aggregate characteristics of its component management zones. Four of the five classification characteristics require unique, site-specific selections for the associated attribute options. One (Conservation Focus) allows multiple attribute selections in recognition of the complexity and variety of MPA applications. MPA examples are presented here for illustrative purposes only and may not always correspond to specific local sites.

(a) Conservation Focus (select all attributes that apply to the MPA or zone)

Most MPAs have legally established goals, conservation objectives, and intended purpose(s). Common examples include MPAs created to conserve biodiversity in support of research and education; to protect benthic habitat in order to recover over-fished stocks; and to protect and interpret shipwrecks for maritime education. These descriptors of an MPA are reflected in the site's Conservation Focus, which represents the characteristics of the area that the MPA was established to conserve. The Conservation Focus, in turn, influences many fundamental aspects of the site, including its design, location, size, scale, management strategies and potential contribution to surrounding ecosystems. U.S. MPAs generally address one or more of these areas of Conservation Focus:



Natural Heritage: MPAs or zones established and managed wholly or in part to sustain, conserve, restore, and understand the protected area's natural biodiversity, populations, communities, habitats, and ecosystems; the ecological and physical processes upon which they depend; and, the ecological services, human uses and values they provide to this and future generations.

Examples: Natural Heritage MPAs include most national marine sanctuaries, national parks, national wildlife refuges, and many state MPAs.



Cultural Heritage: MPAs or zones established and managed wholly or in part to protect and understand submerged cultural resources that reflect the nation's maritime history and traditional cultural connections to the sea.

Examples: Cultural Heritage MPAs include some national marine sanctuaries, national and state parks, and national historic monuments.



Sustainable Production: MPAs or zones established and managed wholly or in part with the explicit purpose of supporting the continued extraction of renewable living resources (such as fish, shellfish, plants, birds, or mammals) that live within the MPA, or that are exploited elsewhere but depend upon the protected area's habitat for essential aspects of their ecology or life history (feeding, spawning, mating, or nursery grounds).

Examples: Sustainable Production MPAs include some national wildlife refuges and many federal and state fisheries areas, including those established to recover over-fished stocks, protect by-catch species, or protect essential fish habitats.



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(b) Level of Protection (select the one attribute that applies to the MPA or zone)

MPAs in the U.S. vary widely in the level and type of legal protections afforded to the site's natural and cultural resources and ecological processes. Any MPA, or management zone within a larger MPA, can be characterized by one of the following six levels of protection, which will directly influence its effects on the environment and human uses.



Uniform Multiple-Use: MPAs or zones with a consistent level of protection and allowable activities, including certain extractive uses, across the entire protected area.

Examples: Uniform multiple-use MPAs are among the most common types in the U.S., and include many sanctuaries, national and state parks, and cultural resource MPAs.



Zoned Multiple-Use: MPAs that allow some extractive activities throughout the entire site, but that use marine zoning to allocate specific uses to compatible places or times in order to reduce user conflicts and adverse impacts.

Examples: Zoned multiple-use MPAs are increasingly common in U.S. waters, including some marine sanctuaries, national parks, national wildlife refuges, and state MPAs.



Zoned Multiple-Use With No-Take Area(s): Multiple-use MPAs that contain at least one legally established management zone in which all resource extraction is prohibited.

Examples: Zoned no-take MPAs are emerging gradually in U.S. waters, primarily in some national marine sanctuaries and national parks.



No-Take: MPAs or zones that allow human access and even some potentially harmful uses, but that totally prohibit the extraction or significant destruction of natural or cultural resources.

Examples: No-take MPAs are relatively rare in the U.S., occurring mainly in state MPAs, in some federal areas closed for either fisheries management or the protection of endangered species, or as small special use (research) zones within larger multiple-use MPAs. Other commonly used terms to connote no-take MPAs include marine reserves or ecological reserves.



No Impact: MPAs or zones that allow human access, but that prohibit all activities that could harm the site's resources or disrupt the ecological or cultural services they provide.

Examples of activities typically prohibited in no-impact MPAs include resource extraction of any kind (fishing, collecting, or mining); discharge of pollutants; disposal or installation of materials; and alteration or disturbance of submerged cultural resources, biological assemblages, ecological interactions, physiochemical environmental features, protected habitats, or the natural processes that support them.

Examples: No-impact MPAs are rare in U.S. waters, occurring mainly as small isolated MPAs or in small research-only zones within larger multiple-use MPAs. Other commonly used terms include fully protected marine (or ecological) reserves.



No Access: MPAs or zones that restrict all human access to the area in order to prevent potential ecological disturbance, unless specifically permitted for designated special uses such as research, monitoring or restoration.

Examples: No-access MPAs are extremely rare in the U.S., occurring mainly as small research-only zones within larger multiple-use MPAs. Other commonly used terms for no access MPAs include wilderness areas or marine preserves.

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(c) Permanence of Protection (select the one attribute that applies to the MPA or zone)

Not all MPAs are permanently protected. Many sites differ in how long their protections remain in effect, which may in turn profoundly affect their ultimate effects on ecosystems and users.

Permanent: MPAs or zones whose legal authorities provide some level of protection to the site *in perpetuity* for future generations, unless reversed by unanticipated future legislation or regulatory actions.
Examples: Permanent MPAs include most national marine sanctuaries and all national parks.

Conditional: MPAs or zones that have the potential, and often the expectation, to persist administratively over time, but whose legal authority has a finite duration and must be actively renewed or ratified based on periodic governmental reviews of performance.
Examples: Conditional MPAs include some national marine sanctuaries with 'sunset clauses' applying to portions of the MPA in state waters

Temporary: MPAs that are designed to address relatively short-term conservation and/or management needs by protecting a specific habitat or species for a finite duration, with no expectation or specific mechanism for renewal.
Examples: Temporary MPAs include some fisheries closures focusing on rapidly recovering species (e.g. scallops).

(d) Constancy of Protection (select the one attribute that applies to the MPA or zone)

Not all MPAs provide year-round protection to the protected habitat and resources. Three degrees of constancy throughout the year are seen among U.S. MPAs.

Year-Round: MPAs or zones that provide constant protection to the site throughout the year.
Examples: Year-round MPAs include all marine sanctuaries, national parks, refuges, monuments, and some fisheries sites.

Seasonal: MPAs or zones that protect specific habitats and resources, but only during fixed seasons or periods when human uses may disrupt ecologically sensitive seasonal processes such as spawning, breeding, or feeding aggregations.
Examples: Seasonal MPAs include some fisheries and endangered species closures around sensitive habitats.

Rotating: MPAs that cycle serially and predictably among a set of fixed geographic areas in order to meet short-term conservation or management goals (such as local stock replenishment followed by renewed exploitation of recovered populations).
Examples: Rotating MPAs are still rare in the U.S. They include some dynamic fisheries closures created for the purpose of serially recovering a suite of localized population to harvestable levels.



(e) Ecological Scale of Protection (select one attribute that applies to the MPA or zone)

MPAs in the U.S. vary widely in the ecological scale of the protection they provide. MPA conservation targets range from entire ecosystems and their associated biophysical processes, to focal habitats, species, or other resources deemed to be of economic or ecological importance. The ecological scale of a site's conservation target generally reflects its underlying legal authorities and, in turn, strongly influences the area's design, siting, management approach, and likely effects.

Ecosystem: MPAs or zones whose legal authorities and management measures are intended to protect all of the components and processes of the ecosystem within its boundaries.

Examples: Ecosystem-scale MPAs include most marine sanctuaries, national parks and national monuments.

Focal Resource: MPAs or zones whose legal authorities and management measures specifically target a particular habitat, species complex, or single resource (either natural or cultural).

Examples: Focal-resource MPAs include many fisheries and cultural resource sites, including some national wildlife refuges and marine sanctuaries.

For Additional Information

Charles M. Wahle, Ph.D.
Director, MPA Center Science Institute
Santa Cruz and Monterey, California
(831) 242-2052
charles.wahle@noaa.gov

Joseph A. Uravitch, A.I.C.P.
Director, National Marine Protected Areas Center
Silver Spring, MD
(301) 563-1195
joseph.uravitch@noaa.gov

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Attachment 4. Primary Conservation Objectives of the National MPA Framework.



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The framework for a comprehensive, science-based and effective national system of marine protected areas (MPAs) in U.S. waters was recently released by NOAA and the Department of the Interior. The national system will include eligible existing MPAs across all levels of government, as well as those established in the future by agencies to protect important habitats and resources.

NATIONAL SYSTEM PRIORITY CONSERVATION OBJECTIVES

To ensure the National System of MPAs supports the conservation of our nation's natural and cultural marine heritage and sustainable production marine resources, overarching conservation objectives for the national system were developed.

The conservation objectives were developed and prioritized with input and recommendations of the Marine Protected Areas Federal Advisory Committee (FAC) and other stakeholders. When prioritizing each objective, the following were considered:

1. the availability of existing scientific or other data necessary to achieve the objective
2. the importance of the objective
3. the effort necessary to achieve the objective

Prioritization of these conservation objectives are intended to guide the development of the comprehensive national system, including identification of both existing MPAs to be included, and conservation gaps which might be addressed through the establishment of new MPAs.

Building the national system will begin focused on a subset of the highest priority (near-term) objectives for each of the national system's three goals:

- **Natural Heritage:** Advance comprehensive conservation and management of the nation's biological communities, habitats, ecosystems, and processes, and the ecological services, uses, and values they provide to present and future generations through ecosystem-based MPA approaches.
- **Cultural Heritage:** Advance comprehensive conservation and management of cultural resources that reflect the nation's maritime history and traditional cultural connections to the sea, as well as the uses and value they provide to present and future generations through ecosystem-based MPA approaches.
- **Sustainable Production:** Advance comprehensive conservation and management of the nation's renewable living resources and their habitats (including, but not limited to: spawning, mating, and nursery grounds, and areas established to minimize incidental bycatch of species) and the social, cultural, and economic values and services they provide to present and future generations through ecosystem-based MPA approaches.

continued on back

NOAA's National Marine Protected Areas (MPA) Center's mission is to facilitate the effective use of science, technology, training, and information in the planning, management, and evaluation of the nation's system of marine protected areas. The MPA Center works in partnership with federal, state, tribal, and local governments and stakeholders to develop a science-based, comprehensive national system of MPAs. These collaborative efforts will lead to a more efficient, effective use of MPAs now and in the future to conserve and sustain the nation's vital marine resources.



Office of Ocean and Coastal Resource Management, NOAA Ocean Service, 1305 East West Hwy, (N/ORM) Silver Spring, MD 20910

NATURAL HERITAGE OBJECTIVES

NEAR TERM

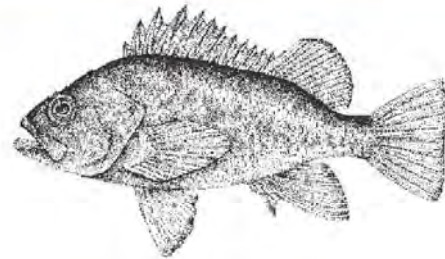
Conserve and manage:

- Key reproduction areas and nursery grounds
- Key biogenic habitats
- Areas of high species and/or high diversity
- Ecologically important geological features and enduring/recurring oceanographic features
- Critical habitat of threatened and endangered species

LONGER TERM

Conserve and manage:

- Unique or rare species, habitats and associated communities
- Key areas for migratory species
- Linked areas important to life histories
- Key areas that provide compatible opportunities for education and research



CULTURAL HERITAGE OBJECTIVES

NEAR TERM

Conserve and manage:

- Key cultural and historic resources listed on the National Register of Historic Places (NRHP)
- Key cultural historic resources determined eligible for the NRHP or listed on a State Register
- Key cultural sites that are paramount

LONGER TERM

Conserve and manage:

- Key cultural and historic sites that may be threatened
- Key cultural and historic sites that can be utilized for heritage tourism
- Key cultural and historic sites that are under-represented

SUSTAINABLE PRODUCTION OBJECTIVES

NEAR TERM

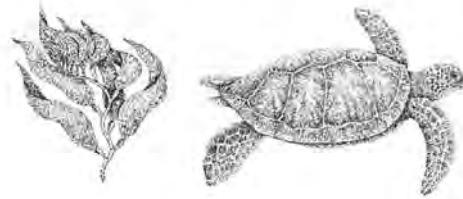
Conserve and manage:

- Key reproduction areas, including larval sources and nursery grounds
- Key areas that sustain or restore high priority fishing grounds

LONGER TERM

Conserve and manage:

- Key areas for maintaining natural age/sex structure of important harvestable species
- Key foraging grounds
- Key areas that mitigate the impacts of bycatch
- Conserve key areas that provide compatible opportunities for education and research



For more information on the priority conservation objectives, and on the National System of MPAs, visit www.mpa.gov

Dr. Charles Wahle
Senior Scientist
Monterey, CA
(831) 242-2052
Charles.Wahle@noaa.gov

Lauren Wenzel
National System Coordinator
Silver Spring, MD
(301) 563-1136
Lauren.Wenzel@noaa.gov

Rondi Robison
Conservation Planner
Monterey, CA
(831) 645-2701
Rondi.Robison@noaa.gov



Office of Ocean and Coastal Resource Management, NOAA Ocean Service, 1305 East West Hwy (N/ORM), Silver Spring, MD 20910

Attachment 5. NMFS Policy Directive for MPA Nominations.

Department of Commerce • National Oceanic & Atmospheric Administration • National Marine Fisheries Service

<i>NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 01-114-01</i> <i>EFFECTIVE DATE: March 9, 2009</i>
<i>Fisheries Management</i>
<i>Regional Fishery Management Council Consultation in MPA Nomination Process</i>
NOTICE: This publication is available at: http://www.nmfs.noaa.gov/directives/ .
OPR: F/SF (A. Risenhoover) Certified by: F (J. Balsiger) Type of Issuance: Initial
<i>SUMMARY OF REVISIONS:</i>

1.0 Introduction

In the United States and around the world, marine protected areas (MPAs) are increasingly recognized as an important and promising management tool for mitigating or buffering impacts to the world's oceans from human activities. Presidential Executive Order 13158 of May 26, 2000 (Order) calls for the development of a National System of Marine Protected Areas (National System) and directs the establishment of a National MPA Center within NOAA to lead its development and implementation. The Order requires collaboration with federal agencies as well as coastal states and territories, tribes, regional fishery management councils (Councils), and other entities as appropriate, including the MPA Federal Advisory Committee. (The collaborative process described in this policy applies only to sites established through conservation and management measures per the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801 *et seq.* (MSA), as a result of Council action.)

The Order further specifies that the National System be scientifically based, comprehensive, and represent the nation's diverse marine ecosystems and natural and cultural resources.

The National System provides the first comprehensive mechanism for coordinating MPAs managed by diverse federal, state, territorial, tribal, and local agencies to work toward national conservation objectives. The National System will benefit the nation's collective conservation efforts and participating MPAs, providing those sites with a means to address issues beyond their boundaries. The National System should benefit participating MPAs by enhancing stewardship, building partnerships, increasing support for marine conservation, fostering more effective and efficient outreach, promoting cultural heritage, and protecting MPA resources. The National System should benefit the nation by protecting representative ecosystems and resources, enhancing connectivity among MPAs, identifying gaps in current protection of ocean resources, providing new educational opportunities, enhancing research opportunities, and improving international coordination.

The National System outlines a science-based, transparent process for identifying gaps in current protection efforts where new or enhanced MPAs may be needed to address resource conservation needs. Effective stakeholder review and consultation is critical to this process. The National System does not provide any new authority for establishing or managing MPAs, but lays out design and implementation principles that will guide the development of the system. These principles include a commitment to balanced stakeholder involvement, respect for local and indigenous values, and adaptive management.

Additional information about Marine Protected Areas, the National Framework for a National System of MPAs, and the nomination process can be found at:
<http://www.mpa.gov>.

2.0 Objective

The objective of this policy directive is to establish the process for consulting with Councils:

1. on whether sites that were established under the authorities of the MSA as a result of Council action should be nominated to be included in the National System, and
2. when adding, modifying, or removing MPAs in the National System.

To provide a roadmap for building the National System, the Order calls for the development of a framework for a National System. The 2008 Framework for the National System of MPAs of the United States of America (Framework) is the result of a multi-year development effort. The Framework proposes a National System that is, initially, an assemblage of existing MPA sites, systems, and networks established and managed by federal, state, tribal, or local governments. The Framework outlines several key components of the National System, including:

- A set of overarching National System goals and priority conservation objectives;
- MPA eligibility criteria and other key definitions; and
- A nomination process for MPAs to be included in the National System.

MPA eligibility criteria are:

1. Meets the definition of an MPA as defined in the Framework.
2. Has a management plan (can be site-specific or part of a broader programmatic management plan; must have specified conservation goals and call for monitoring or evaluation of those goals).
3. Contributes to at least one priority conservation objective as listed in the Framework.
4. Cultural heritage MPAs must conform to criteria for the National Register of Historic Places.

Additional information about the Framework can be found at:
http://www.mpa.gov/national_system/final_framework_sup.html

3.0 Overview of Nomination Process

As established in the Framework, the nomination process includes the following steps:

1. The MPA Center will review sites in the U.S. MPA Inventory and identify the set of sites that, on initial review, meet the three (or four, for cultural sites) MPA eligibility criteria described above. Information on whether sites meet criterion 3, supporting at least one priority goal and conservation objective of the National System, will be provided by the managing entity as part of the nomination process. The MPA Inventory (www.mpa.gov) is a refinement of the early NOAA Marine Managed Areas Inventory, which was a broader collection of place-based management areas in U.S. waters.
2. For those sites that are potentially eligible, the MPA Center will send the managing entity or entities a letter of invitation to nominate the site, including the rationale for eligibility. In the case of sites established through conservation and management measures per the MSA, the managing entity is NOAA Fisheries.
3. The managing entity or entities will be asked to consider nominating identified sites for inclusion in the National System and provide any additional information required to evaluate site eligibility relative to meeting priority conservation objectives. The managing entity may also provide a brief justification and nomination for (a) unsolicited sites believed to meet the requirements for entry into the National System, or (b) other sites that do not appear to currently meet the management plan eligibility criterion but are deemed to be a priority for inclusion based on their ability to fill gaps in national system coverage of the priority conservation objectives and design principles.
4. The MPA Center will review the set of nominated sites to ensure that nominations are sufficiently justified.
5. The MPA Center will notify the public, via the *Federal Register* and other means, of the sites nominated for inclusion in the National System and provide the opportunity to comment on the eligibility of nominated sites (or sites that have not been nominated) relative to eligibility criteria and any additional justification. The MPA Center will work with the managing entities to ensure adequate public involvement, including public meetings and tribal coordination, as appropriate.
6. The MPA Center will receive, evaluate, and forward public comment to the relevant managing entity or entities, which will then have the opportunity to reaffirm or withdraw the nomination based on public comment received and any other factors deemed relevant.
7. The MPA Center will review the final determination for each nomination, consult as necessary with the managing entity or entities should there be any discrepancies, and accept mutually agreed upon MPAs into the National System.
8. MPAs that are accepted into the National System will be listed in the official List of National System MPAs comprising the National System and made available to the public via the *Federal Register*, the website <http://www.mpa.gov>, and other means.

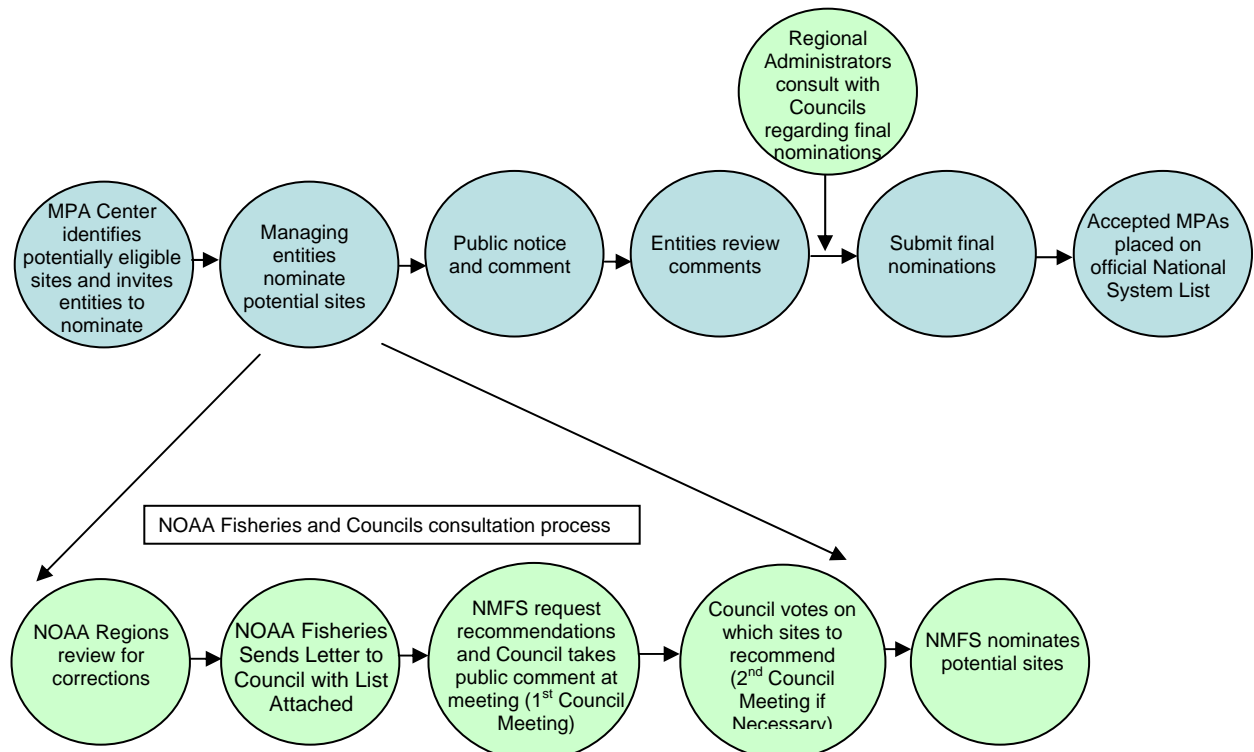
4.0 Process to Consult with Regional Fishery Management Councils in MPA Nominations and Revisions to Designations

The Councils have a unique and important role as partners with NOAA Fisheries in fisheries management, which includes establishing federal fishery management plans and plan amendments and habitat conservation areas. Therefore, the Councils will be a key

partner with NOAA Fisheries in nominating sites to the National System and, conversely, identifying sites that should be removed from the National System due to management or other changes. Through a transparent process, NOAA Fisheries will consult with the Councils and nominate fisheries sites to the National System. This process applies only to sites established through conservation and management measures per the MSA as a result of Council action. Figure 1 shows how the Council consultation process fits within the overall nomination process. Because of the need for a transparent consultation process, MSA sites will be nominated and accepted into the National System as indicated below.

Figure 1. Summary of Nomination Process

Nomination Process



4.1 NOAA Fisheries Service and Regional Fishery Management Council Consultation for Nomination to National System. [Steps in brackets correspond to the overall nomination process discussed in Section 3.0]

- [Steps 1, 2] The MPA center will send NOAA Fisheries a list of sites that are eligible to be included in the National System.
- [Step 3] After receiving the list of eligible sites from the MPA Center, NOAA Fisheries will notify each Council, by letter, of those sites that fall within each Council's jurisdiction.
- [Step 3] In consultation with the appropriate Regional Administrator, each Council will establish a process for reviewing the list of eligible sites, including providing opportunity for public comment at Council meetings. The Council process is expected to occur over the course of two consecutive Council meetings, and conclude with a Council vote on a proposed list of sites to be included in the National System. Should an MPA fall in an area where two Councils or Regions have jurisdiction, the Council or Region that has the lead on the FMP implementing the MPA will nominate the site. The Council recommendations should be documented in a letter to the Regional Administrator and include the following:
 - For sites that a Council recommends be included in the National System, the Council should provide any additional supporting information as required by the MPA Center (<http://www.mpa.gov/pdf/national-system/nominationpackage1208.pdf>)
 - For sites that a Council recommends not be included in the National System, the Council should include a brief justification for that conclusion.
 - Note: The Councils may also use this process to nominate additional sites that are not currently on the list of eligible sites for inclusion in the National System.
- [Step 3] The Regional Administrator will review the Council's recommendation and prepare the proposed list of sites for submission to the MPA Center. NOAA Fisheries will justify the reasons for any changes from the Council's recommendations and in such a case will provide the required supporting information to the MPA Center.
- [Steps 4, 5] NOAA Fisheries will submit the nominations to the MPA Center for review and publication in the Federal Register and provide opportunity for public comment
- [Step 6] After the public comment period has ended, the MPA Center will provide the comments received back to NOAA Fisheries, which will in turn share the public comments received with the applicable Councils.
- [Step 6] The Regional Administrators will coordinate with the respective Council to review the comments and determine whether changes should be made to the list of nominated sites. Council recommendations for changes to the list of nominated sites should be documented in a letter to the Regional Administrator, including any required supporting information required by the MPA Center. It is expected that this process would occur over the course of one Council meeting.
- [Steps 7, 8] The Regional Administrator will review the Council's final recommendation and a final list of sites for submission to the MPA Center. NOAA Fisheries will justify the reasons for any changes from the Council's

recommendations and in such a case will provide the required supporting information to the MPA Center.

4.2 Regional Fishery Management Council Consultation for Modifying or Removing MPAs

Participation in the National System does not constrain the managing entity from changing its

management of the MPA. The managing entity has the ability to, within its own authorities and processes, add or reduce levels of MPA protection, change the size of an MPA, or make other changes. It is expected that a similar consultation process between NOAA Fisheries and the Council as described in section 4.1 would be followed for modifying or removing sites from the National System, although the process may be modified to fit into the overall management process that a Council is following.

In general, to make changes to the National System, the managing entity will provide all significant updates to the MPA Center, but would not be required to re-nominate a site in the case of changes. If NOAA Fisheries and the appropriate Council determine that an MPA no longer meets the National System MPA criteria, then the MPA would be removed from the system by following the procedures established by the MPA Center.

MPA sites that have been included in the List of National System MPAs may be removed at any time by the MPA Center in response to a written request from the managing entity for reasons including:

- The MPA ceases to exist;
- The MPA no longer meets National System MPA eligibility criteria; or
- The managing entity requests removal

All requests from managing entities or actions by the MPA Center to remove an MPA from the National System will be published at www.mpa.gov and in the *Federal Register* for comment. Any comments received will be forwarded to the managing entity for consideration in making its final determination for removal. Upon request of the managing entity, and based upon a supporting rationale, the MPA will be removed from the List of National System MPAs.

For additional detail on the process that the MPA Center will follow for adding, modifying, or removing sites from the National System, refer to the MPA Framework at: http://www.mpa.gov/national_system/final_framework_sup.html

The duration of this policy directive will be indefinite because the National System will be continuously updated with new MPA designations or revisions to existing MPA designations

This policy directive's objective will be attained when the above-described consultation process is carried out effectively on a routine basis

Procedural directives will be issued to implement this policy as needed.

References

This policy directive is supported by the references listed in Attachment 1.

/s/ Jim Balsiger
2/23/2009
Assistant Administrator for Fisheries (acting)

Attachment 1

References:

Framework for the National System of Marine Protected Areas of the United States of America

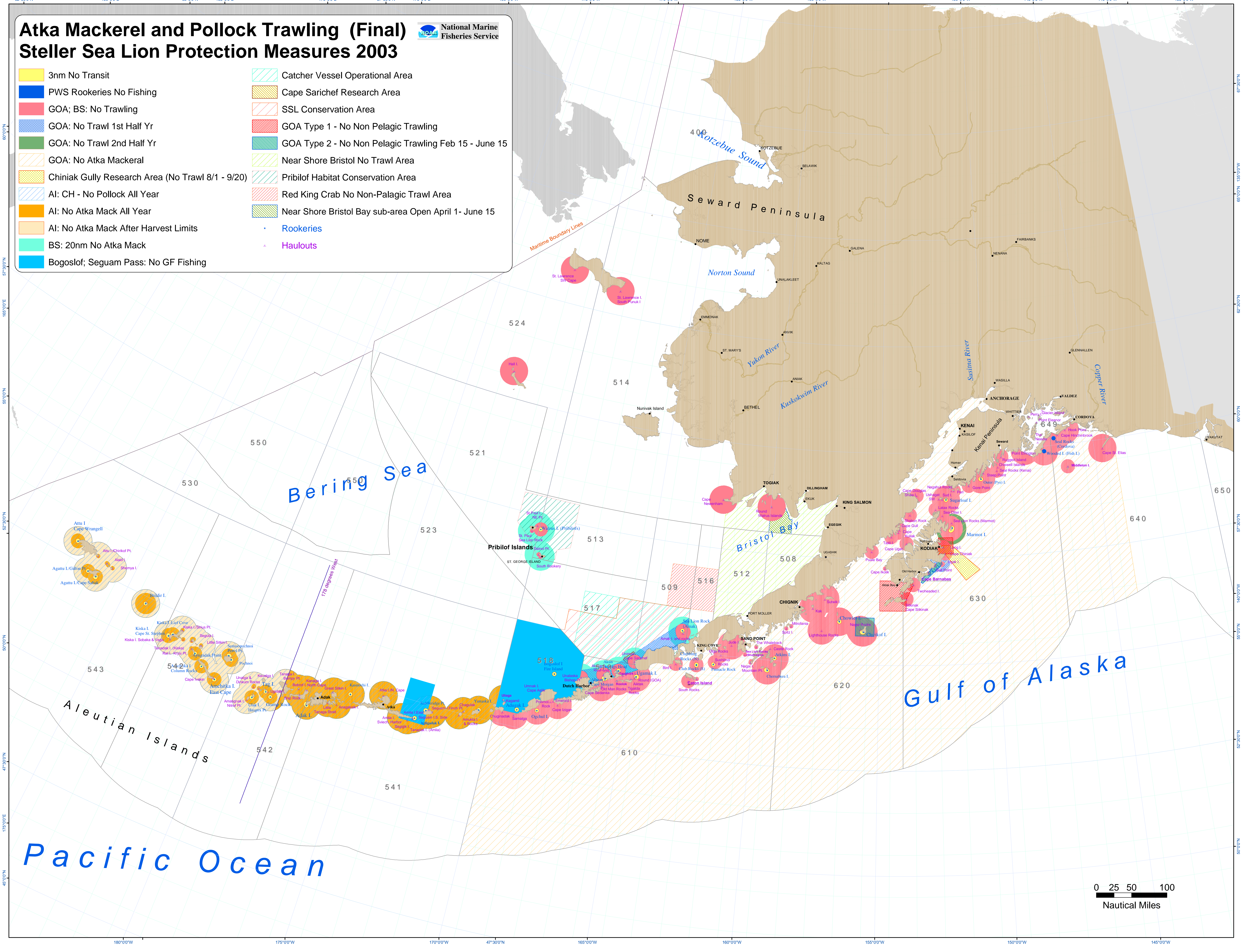
Presidential Executive Order 13158

Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801 et seq.

Atka Mackerel and Pollock Trawling (Final) Steller Sea Lion Protection Measures 2003



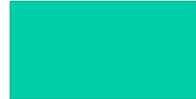
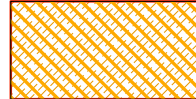








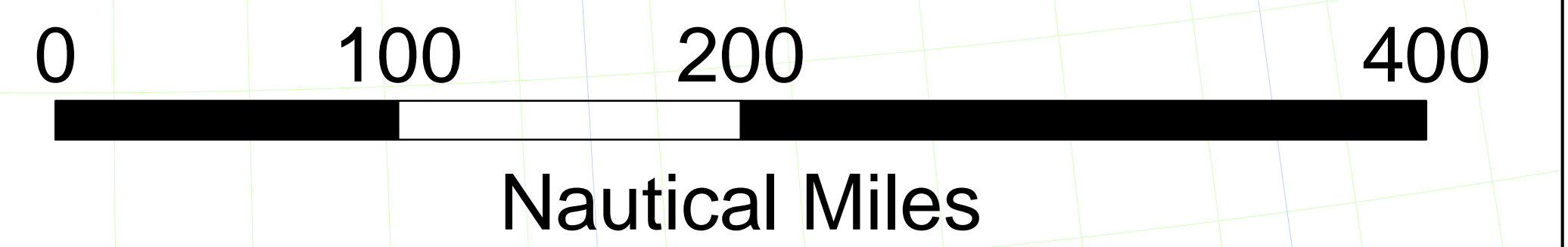
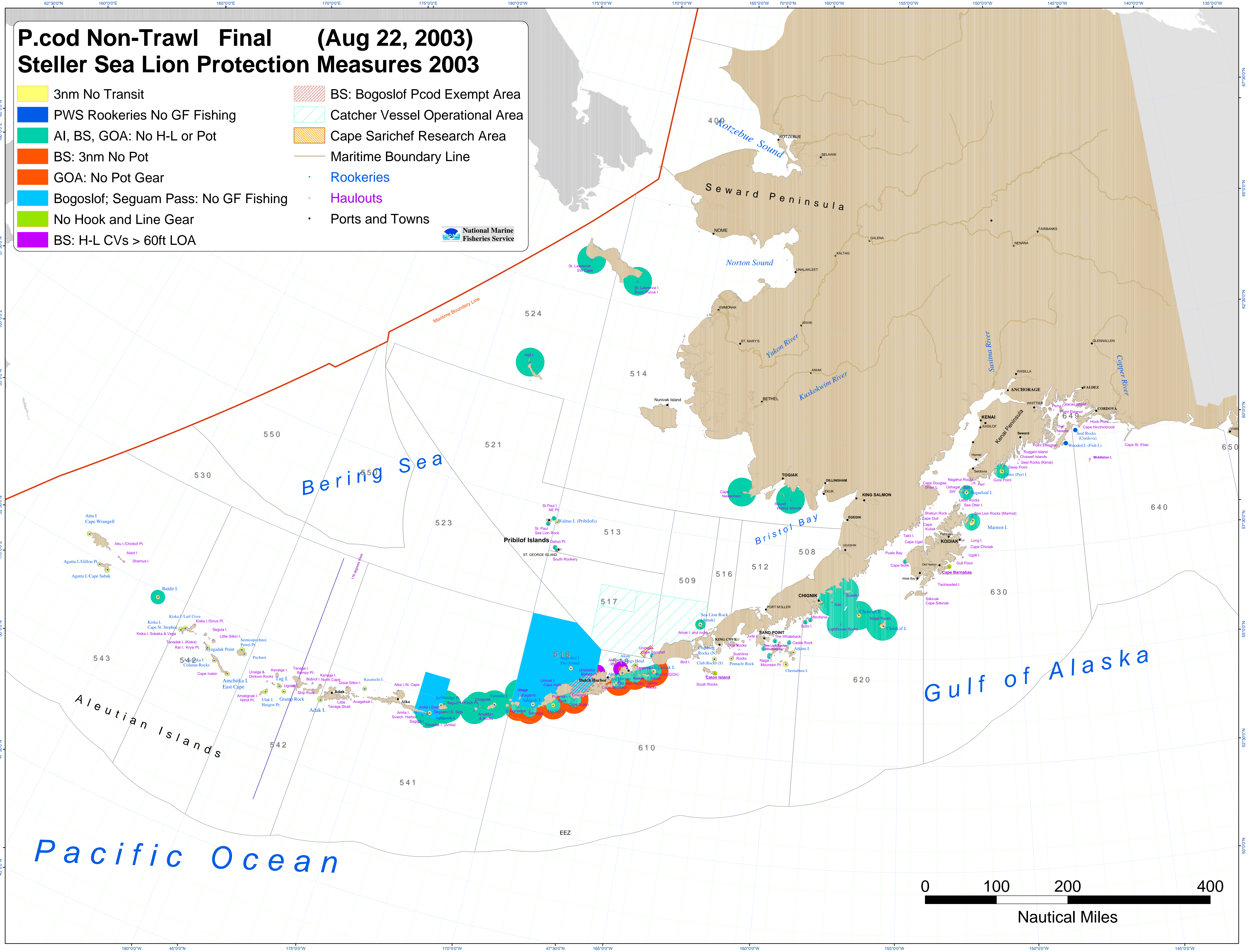
- | | |
|---|---|
| 3nm No Transit | Catcher Vessel Operational Area |
| PWS Rookeries No Fishing | Cape Sarichef Research Area |
| GOA; BS: No Trawling | SSL Conservation Area |
| GOA: No Trawl 1st Half Yr | GOA Type 1 - No Non Pelagic Trawling |
| GOA: No Trawl 2nd Half Yr | GOA Type 2 - No Non Pelagic Trawling Feb 15 - June 15 |
| GOA: No Atka Mackerel | Near Shore Bristol No Trawl Area |
| Chiniak Gully Research Area (No Trawl 8/1 - 9/20) | Pribilof Habitat Conservation Area |
| AI: CH - No Pollock All Year | Red King Crab No Non-Palagic Trawl Area |
| AI: No Atka Mack All Year | Near Shore Bristol Bay sub-area Open April 1- June 15 |
| AI: No Atka Mack After Harvest Limits | Rookeries |
| BS: 20nm No Atka Mack | Haulouts |
| Bogoslof; Segum Pass: No GF Fishing | |



0 25 50 100
Nautical Miles

P.cod Non-Trawl Final (Aug 22, 2003) Steller Sea Lion Protection Measures 2003

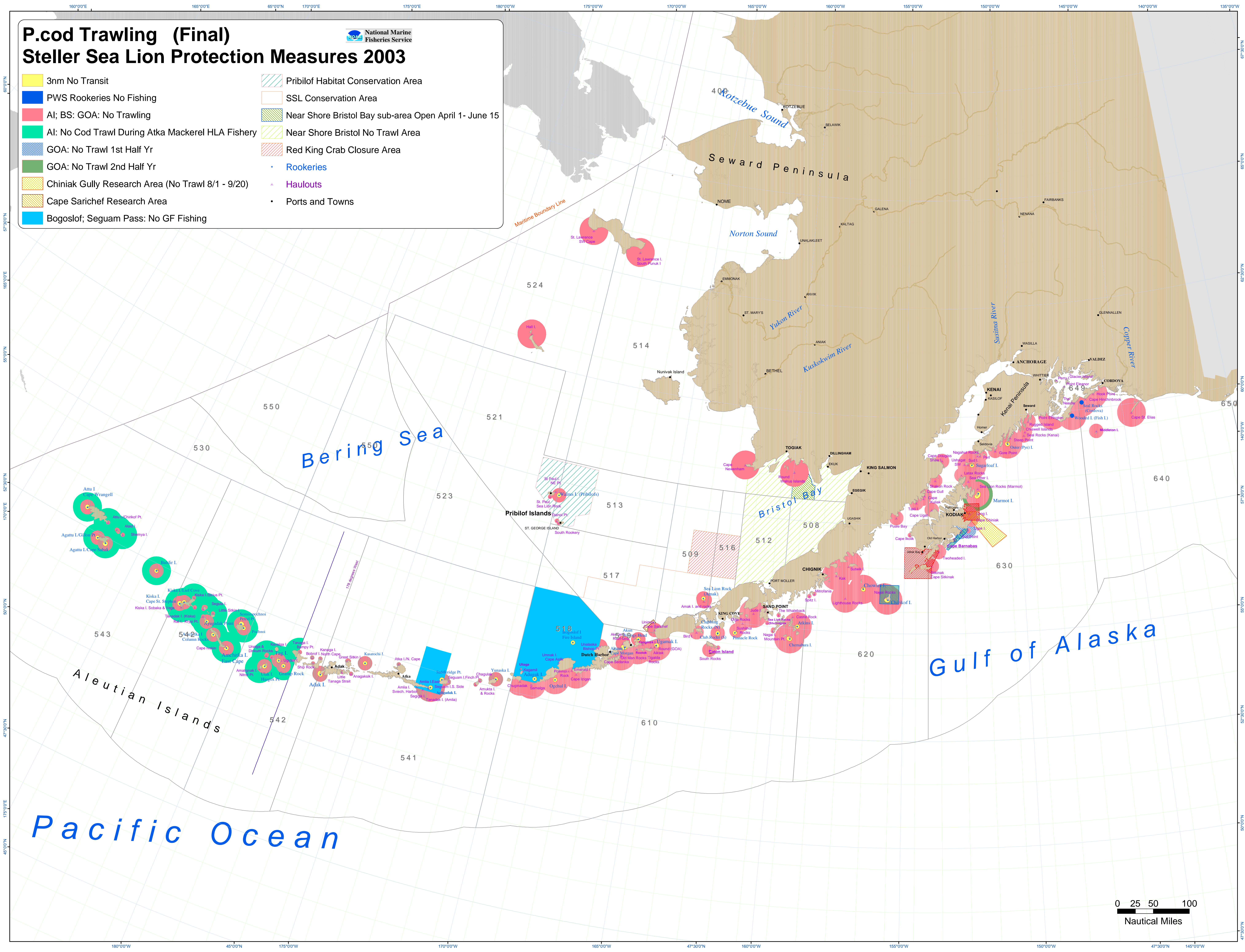
- | | | | |
|---|--------------------------------------|---|---------------------------------|
|  | 3nm No Transit |  | BS: Bogoslof Pcod Exempt Area |
|  | PWS Rookeries No GF Fishing |  | Catcher Vessel Operational Area |
|  | AI, BS, GOA: No H-L or Pot |  | Cape Sarichef Research Area |
|  | BS: 3nm No Pot |  | Maritime Boundary Line |
|  | GOA: No Pot Gear |  | Rookeries |
|  | Bogoslof; Seguam Pass: No GF Fishing |  | Haulouts |
|  | No Hook and Line Gear |  | Ports and Towns |
|  | BS: H-L CVs > 60ft LOA | | |



P.cod Trawling (Final) Steller Sea Lion Protection Measures 2003

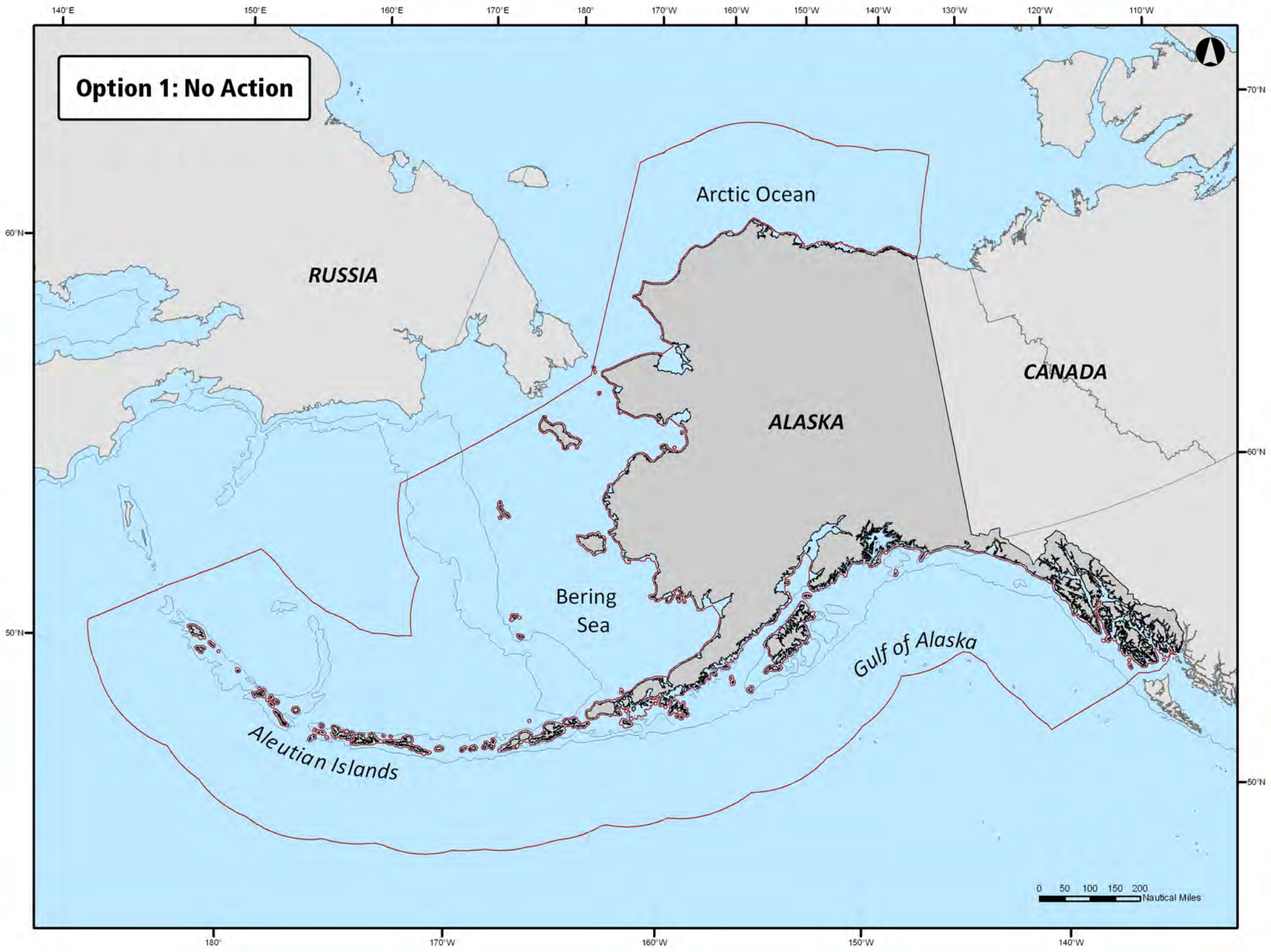


- 3nm No Transit
- PWS Rookeries No Fishing
- AI; BS: GOA: No Trawling
- AI: No Cod Trawl During Atka Mackerel HLA Fishery
- GOA: No Trawl 1st Half Yr
- GOA: No Trawl 2nd Half Yr
- Chiniak Gully Research Area (No Trawl 8/1 - 9/20)
- Cape Sarichef Research Area
- Bogoslof; Seguam Pass: No GF Fishing
- Pribilof Habitat Conservation Area
- SSL Conservation Area
- Near Shore Bristol Bay sub-area Open April 1- June 15
- Near Shore Bristol No Trawl Area
- Red King Crab Closure Area
- Rookeries
- Haulouts
- Ports and Towns

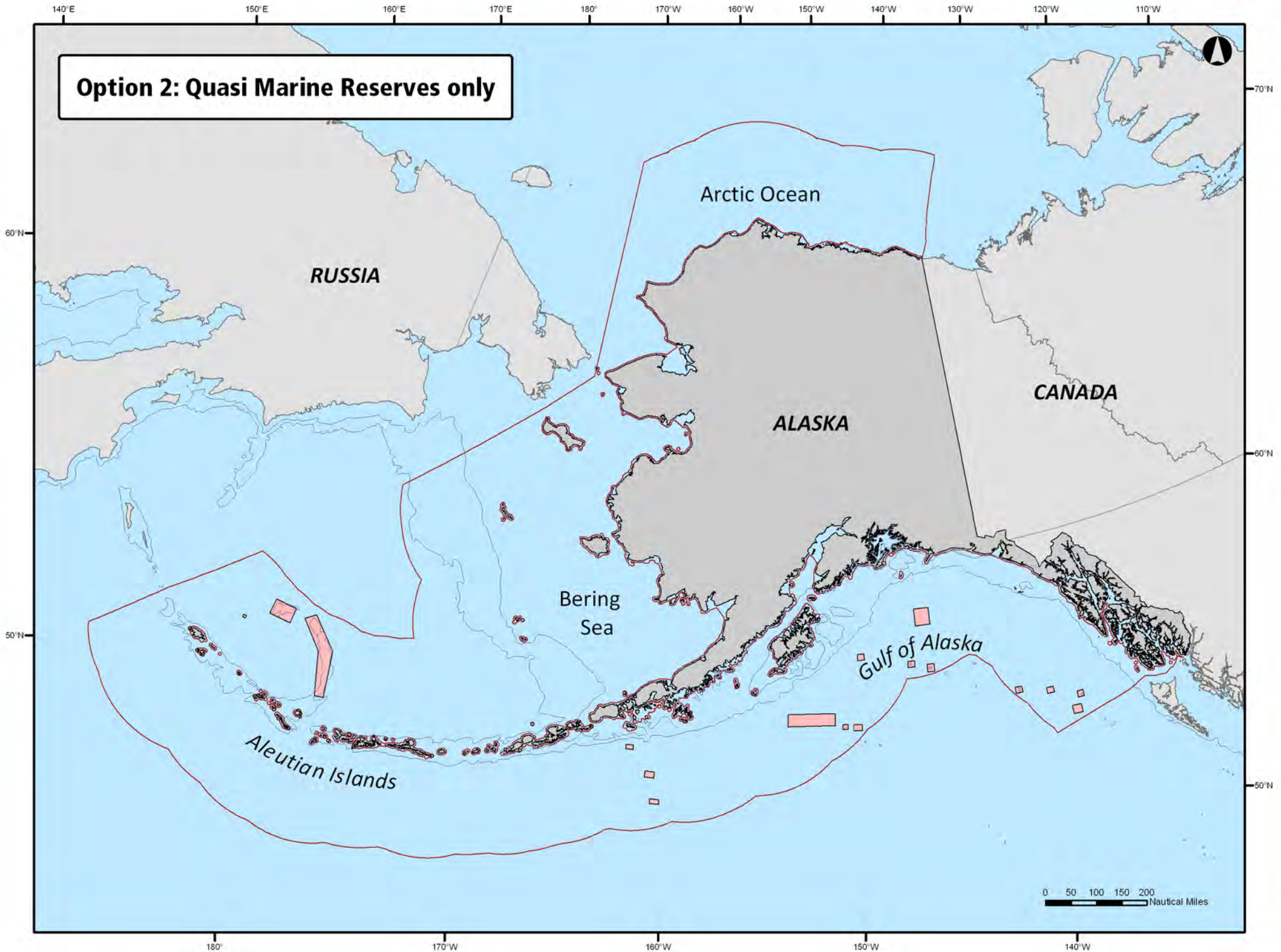


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Nautical Miles

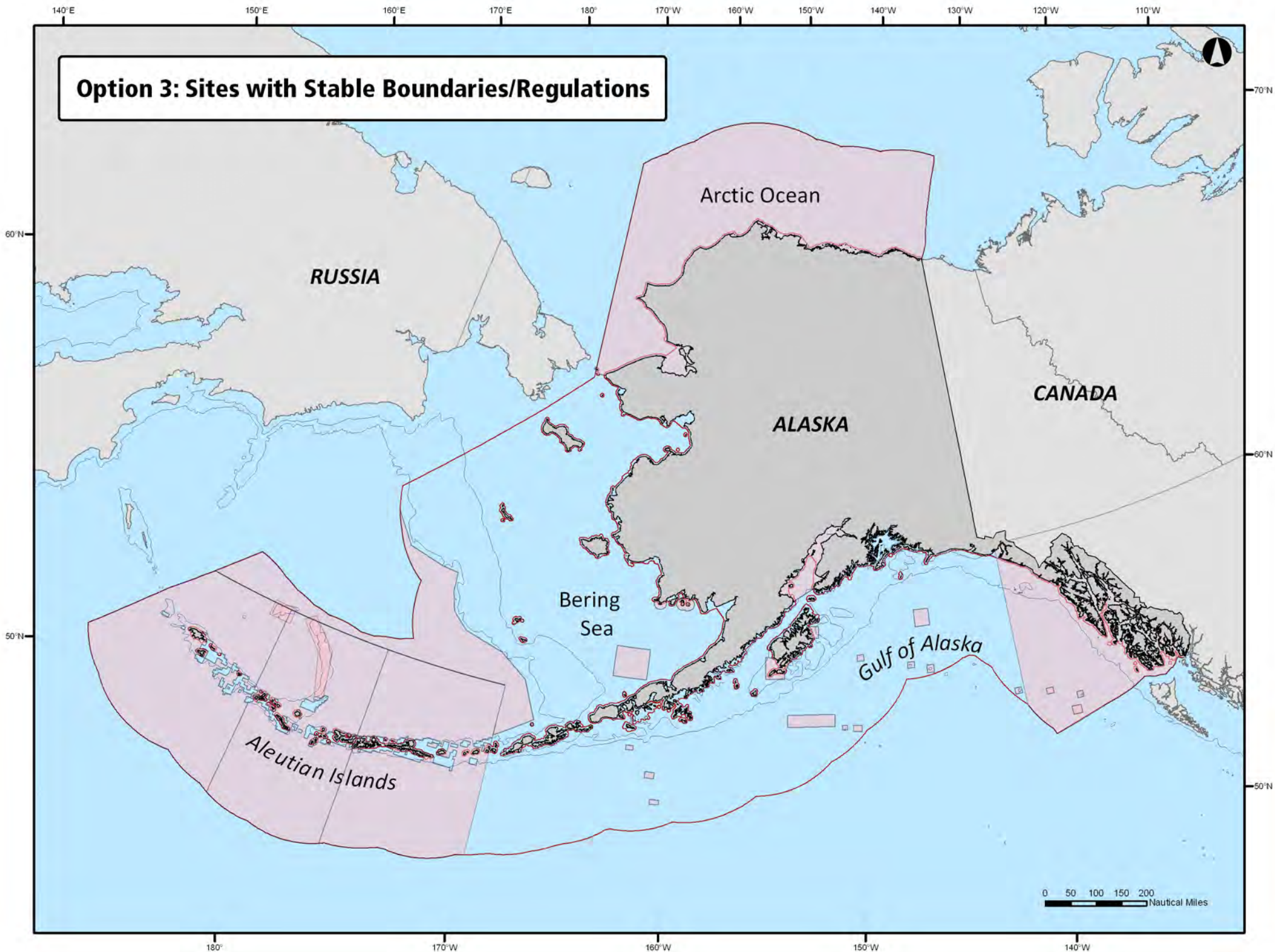
Option 1: No Action



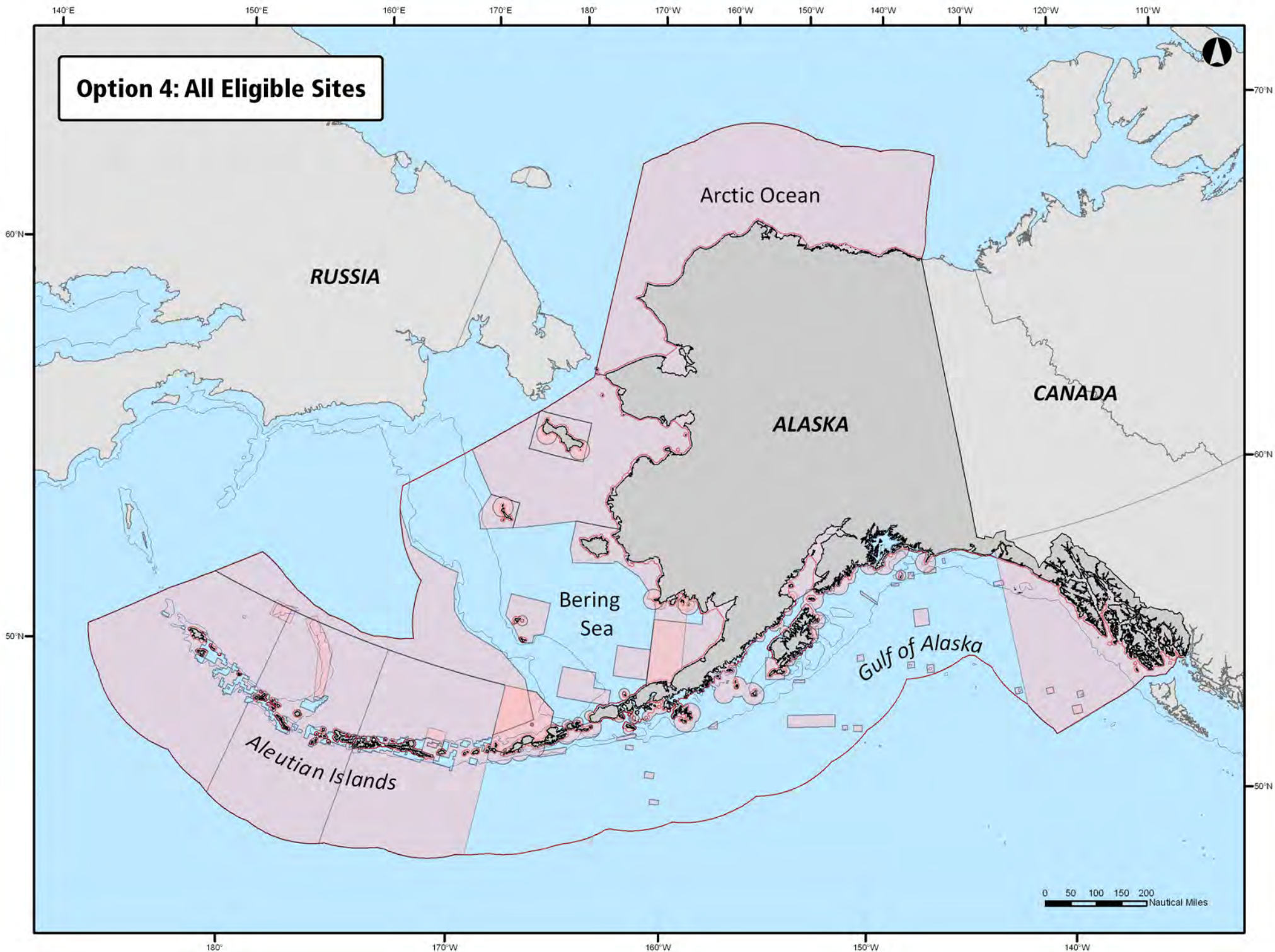
Option 2: Quasi Marine Reserves only



Option 3: Sites with Stable Boundaries/Regulations



Option 4: All Eligible Sites



Option 4: All Eligible Sites

