

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON THE NATIONAL SYSTEM OF MARINE PROTECTED AREAS

The Scientific and Statistical Committee (SSC) reviewed background materials and a list of existing management areas currently nominated by National Marine Fisheries Service (NMFS) for inclusion in a national system of Marine Protected Areas (MPAs). This is the National Marine Protected Area Center's second round of site nomination review and the Council was asked to comment on the candidate area list for the West Coast by early November. The Council will review and comment on the nominations at the September meeting, followed by approval of the list at the November meeting. No representative from the MPA Center or its advisory board was available to present information to the SSC due to a scheduling conflict; however, Lisa Wooninck, Environmental Policy Specialist at the Monterey Bay National Marine Sanctuary was available to answer questions about the nomination process.

Executive Order 13158 (May 2000) requires the establishment of a national coordinated system of MPAs. The stated purpose of the national system of MPAs is to provide a framework for enhancing conservation objectives in marine managed areas and to improve coordination and communication among the many agencies that establish them. The MPA Center has no authority to alter fishery management activities in sites that are included in the national system.

The SSC was requested to review a list of potential sites for nomination developed by NMFS in August 2009. The list consists of areas managed as Essential Fish Habitat (EFH), including Habitat Areas of Particular Concern (HAPCs). National Wildlife Refuges, National Estuarine Reserves, Federal sites within the Marine Sanctuaries and National Park Service, and some state managed areas are already part of the national system. By adding EFH sites to the nomination list, current area management efforts will be explicitly evaluated in the selection of MPAs for the nationwide system, leading to a comprehensive inventory of managed sites. However, the SSC is concerned about costs to the Council process that may be incurred if EFH sites are considered critical components of a network of protected areas. Potential changes to both policy and procedure need to be articulated and considered.

The SSC was asked to comment on an upcoming gap analysis that will be conducted by the Center to evaluate whether the MPA System will meet all of its stated conservation and management objectives. Guidelines for MPA system design were provided in documents by Dr. Mark Hixon, Chair of the Federal MPA Science Advisory Board: "Guiding Principles for Ecological Gap Analysis of the National System of Marine Protected Areas" and "Ecological Resilience and Gap Analysis of the National System of Marine Protected "Areas." These documents provide guidance but not practical advice for choosing potential sites, and contain a number of conservation objectives that are different from the objectives of EFH designation. There are some overlaps in EFH criteria with the "Sustainable Production" objectives listed by the MPA Center, and some HAPC sites include habitat or diversity that meets the Center's stated "Natural Heritage" objectives. However, more information on scientifically-based criteria for site selection and the expectations for inclusion of additional sites to meet the MPA Center's objectives is needed.

In its February 13, 2007 letter to the National MPA Center, the Council lent its support for a comprehensive inventory of MPA sites “as ecosystem-based fishery management and place-based area management concepts are further investigated.” The inventory concept has now taken the form of a National System with process requirements for initial nomination of sites and changes to sites once they are included in the System. The SSC has the following questions regarding the implications of Council nomination of MPAs to the National System:

- What is the basis for the MPA Center’s choice of potential sites to be considered by NMFS and the Council for nomination to the National System?
- What are the implications of including certain areas in the National System and excluding others? For example, does exclusion of RCAs from the System imply that protections provided by Rockfish Conservation Areas (RCAs) will not be considered in the gap analysis?
- In cases of disagreement among the MPA Center, NMFS and/or the Council regarding the adequacy of justifications provided for site nomination and changes to sites once they are included in the National System, whose view will prevail?
- Will Council justification for changes to areas managed for fisheries be deemed adequate if it is based on the Council’s management needs? Is such justification expected to address MPA Center objectives as well? For instance, if the MPA Center’s gap analysis leads to future actions involving inclusion of Council-managed sites as part of an MPA network, would Council justification for modification to such sites require consideration of effects on the network?
- Future Council deliberations regarding modification to EFH and other existing area-based restrictions will need to adhere to the Council’s public process requirements. Changes to Council-managed sites included in the National System would also trigger public process requirements. To what extent are the public process requirements for modifying the National System redundant with the Council’s process or likely to slow or impede the Council decision making process?
- Are additional gap analysis documents being prepared that provide operational guidance?

In addition to receiving some comment from the Center on these questions, the SSC recommends that the Council continue dialogue with the MPA Center as it begins its first the gap analysis process on the west coast in 2009-2010. The SSC can assist the Council by providing feedback on documents intended to inform that process.

PFMC
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