

HABITAT COMMITTEE REPORT ON  
NATIONAL SYSTEM OF MARINE PROTECTED AREAS

The Habitat Committee (HC) received an update on the National System of Marine Protected Areas (MPAs) from Ms. Lauren Wenzel, National System coordinator of the MPA Center. The HC has the following comments.

The HC welcomed the updates and clarification provided during the presentation, particularly on the following topics:

- The process of nominating MPAs to, and removing them from, the National System.
- The fact that the Executive Order that creates the National System is not legislative, cannot impose regulations, and only applies to Federal agencies. Therefore, the MPA Center does not have management authority; this authority rests with the agency or program that manages the MPA.
- The fact that the National System of MPAs does not supersede existing management authority.
- Clarification that the MPA Center is seeking NOAA General Counsel guidance on the definition of ‘avoid harm,’ and plans to release the draft guidance of ‘avoid harm’ to the Council for comment in the fall of 2010.
- Refocusing of the gap analysis towards mapping and assessing ecological resources on the West Coast.

The HC had a lively debate on the information provided, as we did in September 2009 when the HC debated the potential implications of nominating sites to the National System of MPAs. The HC supports the activities of cataloguing, coordinating, and collaborating that form the foundation of the National System (see on reverse, *C.3.c, Supplemental HC Report, September 2009*).

The HC recommends that the Council await issuance of the ‘avoid harm’ definition and clarification before considering nominations of NMFS- and Council-managed MPAs to the National System.

PFMC  
09/12/10

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The Habitat Committee (HC) reviewed information about the national system of marine protected areas (MPAs) and had the following comments.

The HC supports the activities of cataloging, coordinating, and collaborating that form the foundation of the National System of MPAs. We see potential benefits such as achieving national recognition for Council implementation of area-based protections, bringing resources to the table that can support Council ecosystem management initiatives, and resulting in more rigorous review of Federal activities that are proposed to occur in these areas.

The HC supports including all sites identified in the August 14, 2009 letter (from Acting NMFS Regional Administrator, Barry Thom, to the Pacific Council) in a public review draft for nomination to the national MPA system, and recommends the Council also consider nominating its other management zones that are not currently on the list, but which meet the national MPA system criteria.

Appointing areas to this system is expected to be an ongoing process, so this will not be the only opportunity to add, remove, or alter nominated sites. Acting now would benefit the Council by acknowledging previous Council actions in implementing place-based area management.

The implementation plan notes that *“the Framework lays out the processes for identifying conservation gaps in the national system ... and developing recommendations for new or enhanced MPAs through collaborative ecosystem-based MPA planning ... However, neither the Order nor the Framework provides authority to designate or establish new MPAs or alter protections afforded by existing MPAs.”* Despite this, the HC had a lively debate on the potential implications of participating in the national system. For example, it is still not clear what will be entailed in “collaborative ecosystem management,” or how development of an “effectiveness strategy” will guide management of MPAs. Further clarification of these points would be beneficial.

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