

NATIONAL SYSTEM OF MARINE PROTECTED AREAS

The National Marine Protected Area (MPA) Center is currently seeking formal nominations for sites for potential inclusion into the National System of Marine Protected Areas (National System). Creating the National System is a directive of Presidential Executive Order 13158 signed on May 26, 2000 and is guided by a public process within the *Framework for the National System of Marine Protected Areas of the United States of America* (Framework) (Agenda Item C.3.b, Attachment 1). The National System is designed to create overarching goals and priority conservation objectives, improve regional and ecosystem-based coordination between existing MPAs managed by state, tribal, and Federal entities, and to establish a science-based process for identifying gaps in the national system. To assist the Council and the public, the National MPA Center has provided a series of fact sheets on the benefits of the National System (Agenda Item C.3.b Attachment 2), joining the National System (Agenda Item C.3.b Attachment 3), and the nomination process (C.3.b, Attachment 4).

The National System is being developed through an ongoing public nomination process. The first nomination period was focused on state MPAs and Federal MPAs within the programs of the National Marine Sanctuaries, the National Parks, and the National Wildlife Refuges. The first nomination period occurred in early-2009 and resulted in the adoption of 225 charter sites including 63 state MPAs in California and 19 in Washington. The current second round of nominations is focused on input from the eight Regional Fishery Management Councils.

On March 9, 2009, the National Marine Fisheries Service (NMFS) issued a Policy Directive (Agenda Item C.3.b, Attachment 5) to provide guidance and clarification on the Council nomination process. The Policy Directive, calls for the MPA Center and NMFS Regional Offices to send each Council a letter (Agenda Item C.3.b, Attachment 6) that includes a list of potential sites that meet the criteria specified in the Framework. The Council process is expected to occur over two Council meetings. At the first meeting (September 2009) the Pacific Council is scheduled to consider the proposed list and develop initial recommendations on nominations. The public is provided a comment period before the Council makes final recommendations to NMFS and the MPA Center at its next meeting (November 2009).

Based in part on discussions at recent meetings of the Council Coordination Committee, the Council may be particularly interested in jurisdictional questions surrounding the process by which MPA sites within the National System are modified or removed from the list, as well as, the science-based process the National MPA Center will use to identify conservation gaps in the National System.

Regarding the modification or removal of sites in the National System, language in the Framework (pages 29-30) indicates that MPAs may be removed from the list without any additional jurisdictional authority involvement. However, the NMFS Policy Directive seems to describe a process for removing sites from the National System that follows a similar iterative process as the nomination process whereby the Council requests removal through a two-meeting process followed by consultation between NMFS, the MPA Center, and the public before the MPA Center removes the site from the National System. The Council is on record advocating no

new jurisdictional authority beyond the Magnuson-Stevens Fishery Conservation and Management Act for MPA determination in west coast Federal waters (Agenda Item C.3.b, Attachment 7). Appropriate MPA Center and NMFS staff are scheduled to attend the Council meeting to clarify any changes in jurisdictional process.

The Council's science-based decision process implies interest in the MPA Center science used to identify conservation gaps and resulting recommended improvements to any MPAs on the west coast. In an April 30, 2009 letter from Dr. Mark Hixon, Chair of the MPA Federal Advisory Committee (FAC) provides FAC recommendations on assessing ecological resilience and conservation gaps within the National System (Agenda Item C.3.b, Attachment 8). The Council and its Scientific and Statistical Committee would likely welcome the opportunity to further review these recommendations and any other science or proposed analyses behind these important determinations.

Council Action:

Provide Guidance to Council staff on Development of a Public Review Draft of MPA sites to be Submitted for the National System of MPAs.

Reference Materials:

1. Agenda Item C.3.b, Attachment 1; *Framework for the National System of Marine Protected Areas of the United States of America* (**Executive Summary only**, the full document is available in electronic format on the Briefing Book CD and at <http://www.mpa.gov>).
2. Agenda Item C.3.b, Attachment 2, *Benefits of a National System of Marine Protected Areas*.
3. Agenda Item C.3.b, Attachment 3; *Joining the National System of MPAs, FAQs*.
4. Agenda Item C.3.b, Attachment 4; *Implementing the National System, Nomination Process*.
5. Agenda Item C.3.b, Attachment 5; NMFS Policy Directive 01-114, *Regional Fishery Management Council Consultation in MPA Nomination Process*.
6. Agenda Item C.3.b, Attachment 6; August 14, 2009 letter and list of potential MPA sites from Mr. Barry Thom to the Council.
7. Agenda Item C.3.b, Attachment 7, February 13, 2007 letter from Dr. Donald McIsaac to Mr. Joseph Uravitch re: Council comments on the Draft Framework.
8. Agenda Item C.3.b, Attachment 8; April 30, 2009 letter from Dr. Mark Hixon, providing FAC recommendations on assessing ecological resilience and conservation gaps.
9. Agenda Item C.3.d, Public Comment.

Agenda Order:

- a. Agenda Item Overview
- b. Marine Protected Areas (MPA) Center Report
- c. Reports and Comments of Management Entities and Advisory Bodies
- d. Public Comment
- e. **Council Action:** Provide input to the National MPA Center on the Nomination Process for the National System of MPAs.

PFMC
08/27/09