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Nomination of Marine Protected Areas  
Agenda item C.3

The National Marine Protected Area (MPA) Center is currently seeking formal nominations of sites for potential inclusion into the National System of Marine Protected Areas. The Council nomination process is expected to occur over two meetings. At its first meeting (September 2009) the Pacific Council is scheduled to consider the proposed list developed by the MPA Center and develop its initial nomination recommendations.

The MCA Center has provided a list of 52 sites. However, very little information is provided about these sites. Information is also provided on the nomination process, the removal process and the GAP identification process but many jurisdictional questions remain regarding these processes. Finally, the management implications of the requirement that MPAs must be managed to "avoid harm" to the natural and cultural resources of the MPA "to the maximum extent practicable" remains unclear.

Most area closures were adopted by the PFMC for specific management purposes such as the temporary protection of an overfished species or protection of rare or sensitive habitat important to the productivity of the managed species. In designating these areas as MPAs, unintended permanence or further restriction may be given to these areas and their boundaries in so far as they cannot be changed without going through the MPA process. The GAP analysis might determine that instead of seasonal closures or bottom trawl closures, the area should be a no fishing zone. It is unclear whether GAP modifications to the MPA system would go through the MPA process rather than the Council EFH, HAPC FMP or regulatory process. In the MPA process, the agency has determined it will consult with the Councils rather than approving, disapproving or partially approving Council recommendations. As such, the modification or removal of existing or GAP area closures from the MPA System may no longer be within the jurisdiction of the Council.

These are difficult issues. In order for the Council to better inform the public on these issues, it may be useful to direct staff to complete a White Paper which would attempt to provide the following information and analysis:

- 1) A list of all sites the Council wishes to further consider for nomination to the MPA system at this time. The list should include a detailed description of the site, its location, area, current restrictions and intended purpose of the restrictions. A map of the west coast, identifying the site locations would assist in this process.
- 2) Discussion of the potential impact to future management of these areas including the ability to remove or modify existing sites. Specific focus should be on the jurisdictional issues in the identification, modification and removal of MPA sites as well as GAP identification and designation of existing and new sites.
- 3) Discussion of the "Avoid Harm," provisions and its potential impact to management of the fisheries within these sites.
- 4) Identify the costs and benefits of a restricted area site in the MPA system including redundancy and conflict with Magnuson Stevens Act management, Marine Sanctuary management, Federal Ecosystem management, coastal zoning management and other potential, overlapping jurisdictions as appropriate.