

Revised Draft

Framework for Developing the National System of Marine Protected Areas



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Revised Draft Framework for Developing the National System of Marine Protected Areas

I. EXECUTIVE SUMMARY.....	1
II. FOR MORE INFORMATION AND TO SUBMIT COMMENTS.....	3
III. INTRODUCTION	3
A. BACKGROUND.....	3
B. DEVELOPING THE FRAMEWORK	6
C. BENEFITS OF AN EFFECTIVE NATIONAL SYSTEM.....	6
IV. DEFINING THE NATIONAL SYSTEM OF MPAS	9
A. NATIONAL SYSTEM PURPOSE	9
B. NATIONAL SYSTEM GOALS AND PRIORITY CONSERVATION OBJECTIVES.....	9
C. NATIONAL SYSTEM DESIGN AND IMPLEMENTATION PRINCIPLES	11
D. MPA ELIGIBILITY CRITERIA.....	13
E. MPA CATEGORIES.....	16
V. BUILDING THE NATIONAL SYSTEM OF MPAS	18
A. SUMMARY AND SEQUENCE	18
B. NOMINATION PROCESS FOR EXISTING MPAS.....	18
C. THE OFFICIAL LIST OF MPAS	20
1. Adding MPAs to the List and National System.....	20
2. Removing MPAs from the List and National System.....	21
D. IDENTIFYING NATIONAL SYSTEM CONSERVATION GAPS.....	21
E. ESTABLISHING NEW NATIONAL SYSTEM MPAS	23
VI. IMPLEMENTING THE NATIONAL SYSTEM OF MPAS	24
A. ENHANCING REGIONAL COORDINATION AND COLLABORATION	24
1. Improving MPA Stewardship, Science and Effectiveness.....	27
2. Regional MPA Planning.....	28
B. NATIONAL AND INTERNATIONAL COORDINATION	29
C. EVALUATING NATIONAL SYSTEM EFFECTIVENESS	30
D. FEDERAL AGENCY RESPONSIBILITIES TO AVOID HARM	31
E. TRACKING AND REPORTING.....	33
F. MPA FEDERAL ADVISORY COMMITTEE	35
G. ROLE OF THE NATIONAL MPA CENTER IN THE NATIONAL SYSTEM	35
VII. GLOSSARY OF KEY TERMS	36
VIII. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS.....	39
IX. APPENDICES.....	i
APPENDIX A. ACRONYMS AND ABBREVIATIONS USED	i
APPENDIX B. EXISTING U.S. MPA PROGRAMS, FEDERAL MPA INITIATIVES, TRIBAL, AND INTERNATIONAL EFFORTS	ii
APPENDIX C. RESPONSE TO COMMENTS ON THE DRAFT FRAMEWORK FOR DEVELOPING THE NATIONAL SYSTEM OF MPAS	vii
APPENDIX D. REVISED DRAFT ENVIRONMENTAL ASSESSMENT	xvii

I. Executive Summary

Increasing impacts on the world's oceans from development, overfishing, a changing climate, and natural events are straining the health of coastal, Great Lakes, and marine ecosystems. Impacts to these intricately balanced environments include declining fish populations, degradation of coral reefs and other vital habitats, threats to rare or endangered species, and loss of artifacts and areas that represent the United States' (U.S.) diverse cultural heritage. The effects of these losses are significant and jeopardize the social and economic fabric of the nation.

In the U.S. and around the world, marine protected areas (MPAs) are increasingly recognized as an important and promising management tool for mitigating or buffering some of these impacts. When used effectively and as a part of a broader ecosystem-based approach to management, MPAs can help to restore and maintain healthy Great Lakes and marine environments by contributing to the overall protection of critical marine habitats and resources. In this way, effective MPAs also can offer social and economic opportunities for current and future generations, such as tourism, biotechnology, fishing, education, and scientific research.

There are nearly 1,800 existing MPAs in the U.S. that have been established by federal, state, territorial, and local governments to protect and conserve the nation's rich natural and cultural marine heritage and sustainable production resources. These MPAs have been designated to achieve a myriad of conservation objectives, ranging from conservation of biodiversity hotspots, to preservation of sunken historic vessels, to protection of spawning aggregations important to commercial and recreational fisheries. Similarly, the level of protection provided by these MPAs ranges from no-take marine reserves to allowing multiple uses, including fishing.

Recognizing the significant role that U.S. MPAs play in conserving marine heritage and sustainable use, and the lack of a national framework for comprehensive MPA planning, coordination and support, Presidential Executive Order 13158 of May 26, 2000 (Order) calls for the development of a National System of Marine Protected Areas (national system). The Order clearly calls for a *national* and not a *federal* system, and requires collaboration with federal agencies, as well as coastal states and territories, tribes, Federal Fishery Management Councils, and other entities, as appropriate, including the MPA Federal Advisory Committee. It further specifies that the national system be scientifically based, comprehensive, and represent the nation's diverse marine ecosystems and natural and cultural resources.

In order to provide a roadmap for building the national system, the Order calls for the development of a framework for a national system of MPAs and establishes the National MPA Center (MPA Center) within the National Oceanic and Atmospheric Administration to lead its development and implementation. This Revised Draft Framework for Developing the National System of MPAs¹ (Revised Draft Framework) is the second draft. The first draft Framework has been revised with due consideration of over 11,000 comments and recommendations received during its September 2006 to February 2007 public comment period.

¹ The Revised Draft Framework is available for public comment for 30 days from the date of announcement in the *Federal Register*. For more information see the MPA Center's website <<http://www.mpa.gov>>.

The Revised Draft Framework recognizes that U.S. MPA programs can achieve more efficient, effective conservation of the nation's important natural and cultural resources by working together rather than separately, and that many solutions require collaboration across programs with their own individual mandates, levels of government, and even internationally. It 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, acknowledging and building upon the contributions of these foundation programs. In addition, the Revised Draft Framework outlines collaborative processes for MPA programs at all levels of government to work together at regional, national and international levels, 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 Revised Draft Framework outlines the following key components of the national system:

- A set of overarching national system goals and priority conservation objectives.
- MPA eligibility criteria and other key definitions.
- 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 by:
 - creating new or strengthening existing regional forums for MPA coordination,
 - identifying and catalyzing action to address shared priorities for improving MPA science, stewardship and effectiveness, and
 - developing collaborative, ecosystem-based MPA planning to identify and recommend MPAs for inclusion in the new national system.
- Mechanisms for national and international coordination.
- Implementation guidance regarding federal agency responsibilities to avoid harm to resources protected by national system MPAs.
- Mechanisms for monitoring, evaluating, and reporting on national system progress and priorities.

Through collaborative efforts among U.S. MPA programs and stakeholders, the national system can achieve the Order's goal of enhancing the comprehensive conservation of the nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations.

II. For More Information and to Submit Comments

Comments on this Revised Draft Framework for Developing the National System of Marine Protected Areas and the corresponding draft Environmental Assessment found in Appendix D of this document will be accepted if received by 11:59 p.m. EDT, 30 calendar days from the date of publication in the *Federal Register*.

An electronic copy of the Revised Draft Framework is available for download at <http://www.mpa.gov>. Please direct all questions concerning the Revised Draft Framework, as well as any requests for paper copies of the document to: Lauren Wenzel, NOAA, at 301-713-3100 x136, or via e-mail at mpa.comments@noaa.gov. E-mail requests should state either “Question” or “Paper Copy Request” in the subject line.

All comments regarding the Revised Draft Framework should be submitted to Joseph A. Uravitch, National MPA Center, N/ORM, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910. Comments submitted by e-mail are preferred; however, those submitted by mail and fax will also be accepted. Comments sent via e-mail should be sent to mpa.comments@noaa.gov, and all comments sent by fax should be sent to 301-713-3110. E-mail and fax comments should state “Revised Draft Framework Comments” in the subject line.

III. Introduction

A. Background

With the world’s largest Exclusive Economic Zone, the **United States**² (U.S.) coastal, marine and Great Lakes waters support an incredible diversity and wealth of life. These waters also play host to untold special places that represent our rich cultural heritage and connections to the sea. In the same way, myriad human uses, livelihoods, and other activities rely upon the sustained health of our nation’s vast natural and cultural heritage.

As human populations grow and use of marine resources increases, so do the pressures and stresses exerted on these intricately balanced ecosystems. Ensuring the long-term health of these ecosystems and the sustained benefits that humans depend upon requires comprehensive management approaches. In the U.S. and many other countries around the world, marine protected areas (MPAs) are increasingly being recognized and used as important tools for the conservation and sustainable use of marine resources, and an important component of a comprehensive management approach.

Recognizing the expanding role and importance of marine protected areas in the U.S., Presidential Executive Order 13158 of May 26, 2000 (Order) directs the Department of Commerce (DOC) National Oceanic and Atmospheric Administration (NOAA) and the Department of the Interior (DOI), in consultation with other federal agencies³, to develop a **National System of Marine Protected Areas** (national system).

² Important terms are bolded the first time they are used and defined in the Glossary found in Section VII of this document.

³ The Department of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the Department of Homeland Security, the National Science Foundation, and other pertinent federal agencies.

The Order specifies that this is to be a *national* and not a *federal* system and requires consultation with all **states** that contain portions of the marine environment, **tribes**, Federal Fishery Management Councils (FMC), and other entities, as appropriate, including the Marine Protected Area Federal Advisory Committee (MPA FAC) established by the Department of Commerce under the Executive Order. It further specifies that the national system be scientifically based, comprehensive, and represent the United States' (U.S.) diverse marine **ecosystems** and the nation's **natural** and **cultural resources**.

In order to provide a roadmap for building the national system, the Order calls for the development of a framework for a national system of MPAs and establishes the National MPA Center (MPA Center) within NOAA to develop the system and coordinate its subsequent implementation. This Revised Draft Framework for Developing the National System of MPAs (Revised Draft Framework) outlines collaborative processes for building an assemblage of existing MPA sites, systems, and **networks** established and managed by federal, state, tribal, or **local governments** and for collectively working together at the **regional** and national levels to achieve common objectives for conserving the nation's important natural and cultural resources. This second version of the draft Framework has been revised with due consideration of comments and recommendations received on the initial draft document during the September 2006 through February 2007 public comment period. After the comment period on this Revised Draft Framework, NOAA will publish the final Framework, again with consideration of input received.

For the purposes of the national system, the term "**marine protected area**" (MPA) is defined by the Order as, "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." The term MPA, as defined and further clarified and used in this document, is not synonymous with or limited to "no-take reserves" or "marine reserves." The term MPA used here denotes an array of levels of protection and conservation purposes, from areas that allow multiple use activities to areas that restrict take and/or access. An effective national system must include a science-based and **stakeholder**-informed approach to balancing the types and levels of MPA protections needed to meet the nation's goals for conserving **natural heritage**, **cultural heritage**, and **sustainable production** marine resources. The national system is intended to be inclusive of MPAs across the spectrum of levels of protection, from multiple use to no-take, recognizing that existing MPAs across this spectrum offer different values to the national system that can help meet its goals and objectives.

"Based on evidence from existing marine area closures in both temperate and tropical regions, marine reserves and protected areas will be effective tools for addressing conservation needs as part of integrated coastal and marine area management."

"MPAs, areas designated for special protection to enhance the management of marine resources, show promise as components of an ecosystem-based approach for conserving the ocean's living assets."

"Integration of management across the array of federal and state agencies will be needed to develop a national system of MPAs that effectively and efficiently conserves marine resources and provides equitable representation for the diversity of groups with interests in the sea."

Committee on the Evaluation, Design, and Monitoring of Marine Reserves and Protected Areas in the United States, Ocean Studies Board, Commission on Geosciences, Environment, and Resources, National Research Council, /Marine Protected Areas: Tools for Sustaining Ocean Ecosystems./ Washington, D.C.: National Academy Press. 2001.

While MPAs are an important tool for marine conservation, other types of management approaches also are needed to address the breadth of challenges related to marine conservation. Like other tools, MPAs should be selected and designed to meet specific conservation goals. Efforts to develop the national system must be both coordinated and integrated within the larger, evolving ecosystem-based approaches to managing marine resources. Neither the national system nor the Order establish any new legal authorities to designate or manage MPAs, nor do they alter any existing federal, state, local, or tribal MPA laws or programs. Each MPA or program that participates in the national system will continue to be independently managed by its respective agency or agencies, as will any new sites that eventually may be established by those authorities. The national system is therefore envisioned as a “system of sites and systems” that will be developed to achieve conservation and management objectives that could not be accomplished by individual MPAs or MPA programs working independently.

Furthermore, the requirements outlined in the Order, which provides the legal authority for establishing the national system, apply only to the actions of federal agencies. The Order does not regulate the actions of states or tribes, or alter any existing state, local, or tribal authorities or treaties regarding the establishment or management of MPAs or marine resources under their jurisdiction. Finally, nothing in this document is to 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, tribes, or local governments.

While the Order’s requirements apply only to federal agencies, the full and ongoing participation of state, tribal, and local governments is critical to an effective national system. Given the importance of the marine resources they manage and their wealth of experience in doing so, building and implementing the national system in partnership with state, tribal, and local governments is a major emphasis of the Draft Framework. A full description of this range of existing U.S. MPA programs, federal MPA initiatives, tribal, and international efforts can be found in Appendix B. In light of this breadth of existing U.S. MPA responsibilities, the Order recognizes the need and calls for a national, rather than federal, system of MPAs with a geographic scope that spans the United States’ waters of the Pacific Ocean, including the Bering Sea; Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea; Arctic Ocean; and the Great Lakes.

By establishing an effective structure for working together, the national system will help to increase the efficient protection of important marine resources; contribute to the nation’s overall social and economic health; support government agency cooperation and integration; and improve the public’s access to scientific information and decision-making about the nation’s marine resources. It affords all system members the protections of Section 5 of the Executive Order (“avoid harm”). The collaborative efforts of the national system also are intended to benefit the participating federal, state, tribal and local government partners through the identification of shared priorities for improving MPA effectiveness and the development of partnerships to provide assistance in meeting those needs. Finally, the national system provides a foundation for cooperation with other countries to conserve resources of common concern.

B. Developing the Framework

The MPA Center is engaging the nation in a participatory dialogue to develop the Framework in order to ensure that the national system represents the nation's interests in the conservation and sustainable use of its natural and cultural marine resources. To this end, the MPA Center continues to work with and solicit input from federal, state, tribal and local government partners, stakeholder groups, and the general public about their perspectives on the national system.

Ongoing recommendations and comments from the MPA FAC, states, tribes, federal agencies, FMC representatives, and non-governmental stakeholders have provided the foundation of information on which this document is constructed. Moreover, some of the text included in this document has been adapted from the recommendation documents and reports submitted by the MPA FAC and states.

The MPA Center led a broad and inclusive public scoping process to develop the initial draft Framework, which was released for public comment in September 2006. Specific recommendations were sought and received from the MPA FAC, composed of 30 individual members of the public representing the range of the nation's MPA stakeholders and geographic areas; an MPA State Advisory Group convened by the Coastal States Organization and the MPA Center; and the Federal Interagency MPA Working Group, which provided ongoing, coordinated advice from federal agencies on the implementation of the Order. The MPA Center also held a series of five regional public dialogue meetings around the country to provide stakeholders with an opportunity to include their input and advice, and three regional state workshops to solicit their views. All feedback, comments, and recommendations received during the scoping process were reviewed and considered in the development of the initial Draft Framework and copies of these and other related materials can be found at <http://www.mpa.gov>.

The Draft Framework was available for public comment between September 2006, and February 2007. In response, the MPA Center received over 11,000 comment submissions comprised of approximately one hundred unique comments. Comments were received from state government agencies, industry and conservation organizations, tribal groups, various advisory bodies, and members of the public from around the country. In addition, in April and October 2007, the MPA Center solicited and received additional advice and comments from the MPA FAC about options for revising the Framework. This second version Draft Framework was written with due consideration of all comments received during the comment period, and the subsequent recommendations from the MPA FAC.

At the close of the comment period for this document, the MPA Center will again review and give due consideration to all comments received. Based on that review, the document will be revised, and the MPA Center will release the final Framework and initiate implementation.

C. Benefits of an Effective National System

A national system may offer numerous benefits above and beyond the benefits realized by participating MPA sites and programs. These benefits accrue to the nation as a whole, as well as at regional and local levels. Moreover, they include both extractive and non-extractive benefits. Although both are important, non-extractive benefits are diffuse and difficult to

measure in monetary terms. The following list reflects some of the potential benefits from the creation and effective management of the national system.⁴

Enhanced Conservation

1. **Representativeness** – A national system will significantly boost ongoing efforts to preserve the natural and cultural heritage of the United States by ensuring that the diverse characteristics of the natural and social environment of the nation’s seas are addressed in a systematic way. The representation of all ecosystem or habitat types in all the nation’s marine regions, which includes the Great Lakes, within a single system will help ensure that the full complement of biodiversity and valued areas will be protected.
2. **Connectivity** – The national system provides an opportunity to protect networks of MPAs that are ecologically connected. An ecological network is a set of discrete MPAs within a region that are connected through dispersal of reproductive stages (eggs, larvae, spores, etc.) or movement of juveniles and adults. Properly designed and located, these networks can link sources and sinks for many marine organisms, which may be essential for some local populations to persist. Planning at the national and regional scales provides an opportunity to address connectivity for many different marine organisms at different spatial scales.
3. **Enhanced stewardship** – The national system can help protect MPAs against the harmful effects of onsite or offsite activities through enhanced regional coordination, public awareness, site management capacity, recognition of these MPAs as important conservation areas, and the application of the protective measures in Section 5 of the Executive Order.

Social and Economic Benefits

1. **Increased tourism** – the establishment and recognition of the national system could be an incentive for increased tourism and visitation of some MPAs, as well as an increase in visitation of areas system-wide.
2. **Sustained fisheries** – One goal of the national system is supporting sustainable production. Improved regional coordination and support for management using MPAs could lead to more and better fishing opportunities for both commercial and recreational fishermen as a result of species recovery, spillover and seeding effects, habitat protection, conservation of old-growth age structure and genetic diversity, establishment of reference sites to examine the regional effects of fishing, and better information on access opportunities.
3. **Maintained coastal community identity** – Creation of the national system could foster social stability by helping to maintain cultural heritage and economic viability.
4. **Non-extractive uses** – Creation of the national system could create additional system-wide non-consumptive benefits, such as aesthetic, bequest, and spiritual values; opportunities for viewing and photographic marine wildlife; wilderness experiences;

⁴ Adapted from MPA FAC October 2007

scientific research; education; and appreciation of natural resources and the importance of their management.

Public Awareness, Understanding and Education

1. Increased support for marine conservation – The national system recognizes the immense value of our nation’s oceans and coasts, and could help boost marine protection by helping to elevate the public profile of MPAs as a management tool. The designation of existing MPAs to the national system could enhance the stature of these sites within their management agency and their local communities, as well as nationally and internationally. This designation also could build political support for investment in MPAs. Recognition of protected area sites in other national or global systems (e.g., United Nations Educational, Scientific, and Cultural Organization’s World Heritage Sites, Ramsar Wetland sites, and National Wilderness System sites) has had similar results.
2. More effective and efficient outreach - The national system will be an important and efficient mechanism for increased public awareness and understanding of the importance of marine resources and conservation efforts. Coordinated outreach efforts will increase the impact of outreach by individual MPAs, and could result in cost savings. Including worthy, but currently little known, sites in the national system could bring increased recognition and visibility to these areas.
3. Promotion of cultural heritage – Participation in the national system elevates and enhances the recognition and appreciation of the cultural heritage value of MPA sites.
4. Enhanced educational opportunities – The creation of the national system will present enhanced opportunities for natural and cultural heritage education. This could include onsite education and interpretation, as well as classroom and web-based resources. The national system will be a valuable tool for educating students and visitors about the nation’s diverse marine and coastal ecosystems and cultural resources.
5. Enhanced research opportunities – The national system will provide scientists and managers more opportunities to understand marine ecosystems and human interactions with them under different management regimes.

Enhanced Coordination and Strategic Direction

1. Shared national system conservation objectives – The national system will focus on specified priority objectives (see Section IV (B)). By providing a focus for national and regional conservation efforts, these shared objectives will help build consensus about priority conservation actions, and ultimately increase the effectiveness of the diverse conservation efforts of federal agencies, states, tribes and non-governmental partners.
2. Improved gap analysis and planning – The formation of the national system will help highlight gaps in coverage of MPAs in certain regions. This will inform future planning efforts to create MPAs to fill the existing identified gaps.
3. Enhanced inter-agency cooperation – The creation of the national system will be the framework for increased cooperation among the diverse agencies across all levels of government with management authority for the different types of MPAs that comprise the national system. The existence of national system MPAs in the same region is intended

to stimulate cooperative efforts in planning, research and monitoring, sharing of equipment and personnel, enforcement efforts, and educational campaigns.

IV. Defining the National System of MPAs

A. National System Purpose

The purpose of the national system is to support the effective stewardship, conservation, restoration, sustainable use and public understanding and appreciation of the nation's significant natural and cultural marine heritage and sustainable production marine resources with due consideration of the interests of and implications for all who use and care about our marine environment.

B. National System Goals and Priority Conservation Objectives

The national system's goals and objectives are designed to address the requirements of the Order to develop a comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the nation's natural and cultural resources. These goals, which are all of equal importance, have been designed with input and recommendations of the MPA FAC and other stakeholders to meet the purpose of the national system relative to the conservation of the nation's natural heritage, cultural heritage, and sustainable production marine resources (Table 1).

These goals and priority 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. The national system as a whole will work collectively to achieve these goals and objectives. It is not expected that any individual MPA, MPA program or system should address all goals or objectives.

Prioritization of Conservation Objectives

Given the magnitude of the task of building a comprehensive national system, the MPA Center will follow a gradual implementation process based on the iterative achievement of the prioritized conservation objectives as outlined in the table below. In this way, building the national system will begin focused on a subset of the highest priority (near-term) objectives for each goal, and as completed move on to the next highest priority conservation objectives for each goal.

These conservation objectives listed below were prioritized by the MPA FAC, with minor revision by the MPA Center, for near-term, mid-term, and long-term implementation based on:

1. the availability of existing scientific or other data necessary to achieve the objective,

Natural Heritage: *The nation's biological communities, habitats, ecosystems, and processes, and the ecological services, uses, and values they provide to this and future generations.*

Cultural Heritage: *The cultural resources that reflect the nation's maritime history and traditional cultural connections to the sea, as well as the uses and values they provide to this and future generations.*

Sustainable Production: *The renewable living resources and their habitats, including, but not limited to, spawning, mating, and nursery grounds, and areas established to minimize incidental by-catch of species, that are important to the nation's social, economic, and cultural well-being.*

2. the importance of the objective, i.e., its relative urgency and significance as compared to the other objectives, and
3. the effort necessary to achieve the objective, in this case the ability to complete the nomination of existing areas and identification of conservation gaps relative to the objective(s) within 1-3 years.

Table 1. Priority Conservation Objectives

Goal 1: 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 this and future generations through ecosystem-based MPA approaches.	
Priority Conservation Objectives for Goal 1	
Conserve and manage key reproduction areas and nursery grounds	Near Term
Conserve key biogenic habitats	
Conserve areas of high species and/or habitat diversity	
Conserve ecologically important geological features and enduring/recurring oceanographic features	
Conserve and manage critical habitat of threatened and endangered species	
Conserve and manage unique or rare species, habitats and associated communities	Mid Term
Conserve and manage key areas for migratory species	
Conserve linked areas important to life histories	Long Term
Conserve key areas that provide compatible opportunities for education and research	

Goal 2: 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 values they provide to this and future generations through ecosystem-based MPA approaches.	
Priority Conservation Objectives for Goal 2	
Conserve key cultural and historic resources listed on the National Register of Historic Places (NRHP)	Near Term
Conserve key cultural historic resources determined eligible for the NRHP or listed on a State Register	
Conserve key cultural sites that are paramount to a culture's identity and/or survival	
Conserve key cultural and historic sites that may be threatened	Mid Term
Conserve key cultural and historic sites that can be utilized for heritage tourism	
Conserve key cultural and historic sites that are under-represented	Long Term

Goal 3: 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 by-catch of species, that are important to the nation’s social, economic, and cultural well-being through ecosystem-based MPA approaches.	
Priority Conservation Objectives for Goal 3	
Conserve and manage key reproduction areas, including larval sources and nursery grounds	Near Term
Conserve key areas that sustain or restore high priority fishing grounds	
Conserve and manage key areas for maintaining natural age/sex structure of important harvestable species	Mid Term
Conserve key foraging grounds	
Conserve and manage key areas that mitigate the impacts of bycatch	
Conserve key areas that provide compatible opportunities for education and research	Long Term

Achievement or completion of each conservation objective will include the following activities:

1. identification of existing MPAs that contribute to that objective and nomination of those MPAs to the national system, and
2. identification of associated conservation gaps in the national system.

Specific processes for each of these activities are described in later sections of this document. Nonetheless, in practicality it is unlikely that all objectives within the same timeframe designation (e.g., near term) will be able to be addressed simultaneously due to varying complexity of implementation and available staffing and funding resources.

To ensure that partners and stakeholders are kept informed of the status of building the national system, the MPA Center will publish, on an as needed and sequential basis, ‘priorities announcements’ that list the specific subsets of the near-term, mid-term, and long-term national system conservation objectives for each goal as targets for building the national system.

C. National System Design and Implementation Principles

The following principles are intended to guide the decisions and actions of agencies and stakeholders in building and implementing an effective national system. These principles have been adapted from recommendations of the MPA FAC and the World Conservation Union (IUCN) report, “Establishing networks of marine protected areas: A guide for developing national and regional capacity for building MPA networks” (WCPA/IUCN, 2007).

National System Design Principles

Design principles will be used to guide the identification of priority conservation gaps in the national system (Section V (D)) and regional MPA planning (Sections VI (A) (2)).

1. **Prioritized resource conservation targets** – focus first on conservation objectives that are of highest priority based on significance and urgency, availability of existing scientific and other data, and ability for objectives to result in action in the near term (< 3 years).
2. **Representativeness:**
 - a. geographically representative – represents the range of geographic regions of the nation.
 - b. ecologically representative – represents the range of marine and coastal biological diversity (from genes to ecosystems) and associated physical environment within the region or nation.
 - c. culturally and/or historically representative – represents the range of cultural and/or historic resources and values of a particular ecosystem or region, or the nation.
 - d. levels of government – includes areas managed by federal, state, tribal, and local governments, and communities.
3. **Replication** – Includes multiple sites to ensure continued representation in the face of harmful impacts.
4. **Precautionary design** – Decisions are based on the best information currently available from natural science, social science, customary and local knowledge, and other information, rather than delaying the process to await more and better information. Where information is limited, decisions should reflect a precautionary approach.
5. **Resilience** – Designed to maintain ecosystems’ natural states and to absorb shocks, particularly in the face of large-scale and long-term changes (such as climate change).
6. **Viability** – Inclusion of self-sustaining, geographically dispersed component sites of sufficient extent to ensure population persistence through natural cycles of variation.
7. **Connectivity** – Maximize and enhance the linkages among individual MPAs, groups of MPAs within a given eco-region, or MPA networks in the same and/or different regions.

National System Planning and Implementation Principles

Planning and implementation principles will guide national system efforts under Section VI, “Implementing the national system,” including regional coordination and MPA planning.

1. **Cooperation and coordination** – Fosters cooperation and coordination among federal, state, tribal, local, and other management entities to reduce administrative costs, promote efficiency, and effectively utilize existing management infrastructure.
2. **National scope, ecosystem and regional scale** – Embraces regional and ecosystem approaches to planning, participation, and implementation. Provides a mechanism for coordinating across regions, nationally, and where appropriate, internationally.
3. **Adaptive management** – Employs a systematic process for continually improving [national system] management policies and practices by learning from the outcomes of operational programs. Its most effective form—‘active’ adaptive management—employs management programs that are designed to experimentally compare selected policies or practices, by evaluating alternative hypotheses about the system being managed.⁵
4. **Monitoring and assessment** – Promotes sound monitoring and evaluation at the site and system levels to assess management effectiveness, relying on established evaluation processes and methodologies, where possible.

⁵ (British Columbia Forest Service, <<http://www.for.gov.bc.ca/hfp/amhome/Amdefs.htm>>)

5. **Compliance and enforcement** – Promotes effective compliance with and enforcement of MPA regulations through design recommendations for MPAs and networks, capacity building, public education and other mechanisms.
6. **Balanced stakeholder involvement** – Provides meaningful opportunities for input from and participation by the nation’s MPA stakeholders, including the general public.
7. **Active outreach and education** – Raises awareness and understanding of MPAs and stewardship of marine resources.
8. **On-site and off-site influences and impacts** – Recognizes and seeks appropriate mechanisms to address both on-site and off-site influences, including impacts to coastal and marine resources from land-based activities.
9. **Respecting local and indigenous values** – Considers and addresses local values, including those of indigenous cultures.
10. **Appropriate access and compatible uses** – Provides opportunities for appropriate access to and/or compatible use of marine resources consistent with conservation goals and objectives.

D. MPA Eligibility Criteria

To be eligible for nomination to the national system, existing MPAs must meet the following three (four for cultural sites) criteria, shown in Figure 1 and described in more detail below:

1. Meet the definitional criteria of an MPA, including each of its key terms – area, marine environment, reserved, lasting, and protection.
2. Support at least one priority goal and conservation objective of the national system.
3. Have a management plan.
4. Cultural heritage MPAs also must conform to criteria for the National Register of Historic Places.

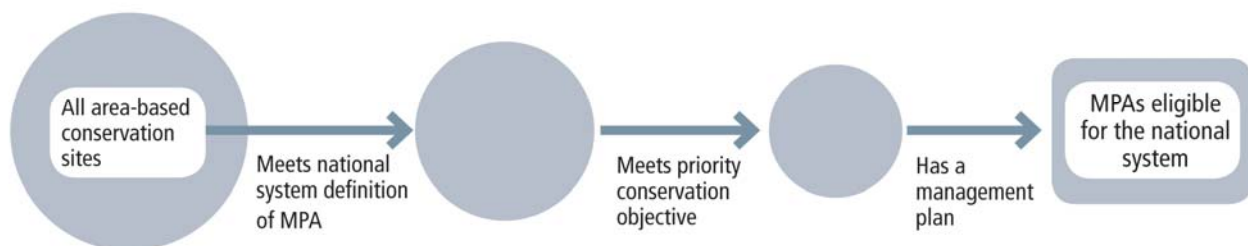


Figure 1. Eligibility Criteria for the National System

Additional sites not meeting the management plan criterion can be evaluated for eligibility to be nominated to the system on a case-by-case basis based on their ability to fill gaps in national system coverage of the priority conservation objectives and design principles described in Sections IV (B) and (C), respectively. To the extent practicable, the MPA Center intends to assist otherwise qualified sites that do not meet the management plan criteria to develop or strengthen management plans.

Definitions of MPA and its Key Terms

With the goal of standardizing the term “marine protected area” for the purposes of the national system, the Order defines an “MPA” as, “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.”

Without further clarification, the key terms of “area,” “marine environment,” “reserved,” “lasting,” and “protection” found in the MPA definition are subject to a range of interpretations and lead to an uncertain scope for the national system. The definitions of key terms for “MPA” listed below were guided by recommendations from stakeholders, including the MPA FAC, as well as the analysis of existing place-based conservation efforts (Table 2).

For the purposes of the national system, the key terms of the MPA definition are defined as follows:

Table 2. Definitions of Key Terms

Key Term	Definition
Area	Must have legally defined geographical boundaries, and may be of any size, except that the site must be a subset of the U.S. federal, state, local or tribal marine environment in which it is located. Application of this criterion would exclude, for example, generic broad-based resource management authorities without specific locations and areas whose boundaries change over time based on species presence. The area must be one over which the U.S. has jurisdiction, consistent with international law.
Marine environment	<p>Must be: (a) ocean or coastal waters (note: coastal waters may include intertidal areas, bays or estuaries); (b) an area of the Great Lakes or their connecting waters; (c) an area of submerged lands under ocean or coastal waters or the Great Lakes or their connecting waters; or (d) a combination of the above. The term “intertidal” is understood to mean the shore zone between the mean low water and mean high water marks. An MPA may be a marine component part of a larger site that includes uplands. However, the terrestrial portion is not considered an MPA. For mapping purposes, an MPA may show an associated terrestrial protected area.</p> <p>For the purposes of the national system, NOAA and DOI intend to use the following definition for the term “estuary”: “Part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage, and extending upstream to where ocean derived salts measure less than 0.5 parts per thousand during the period of average annual low flow.” Application of this criterion would exclude, for example, strictly freshwater sites outside the Great Lakes region that contain marine species at certain seasons or life history stages unless that site is a component of a larger, multiunit MPA.</p> <p>Upon request, the agencies will work with individual federal, state and tribal MPAs and programs to examine unique conditions which may affect applicability of the term “estuary” or “coastal waters” for sites that have national or regional significance or representativeness.</p> <p>Estuarine-like sites on tributaries of the Great Lakes will be considered for inclusion if they are located within the eight-digit USGS cataloging unit adjacent to a Great Lake or its connecting waters.</p>
Reserved	Must be established by and currently subject to federal, state, local, or tribal law or regulation. Application of this criterion would exclude, for example, privately created or maintained marine sites.

<p>Lasting</p>	<p>For natural heritage and cultural heritage MPAs, the site must be established with the intent at the time of designation to provide permanent protection. This definition recognizes that subsequent to establishment, MPA designation and level of protection may change for various reasons, including natural disasters that may destroy or alter resources, or changes in societal values. Should any of these changes occur, the status of the MPA relative to the national system could be re-evaluated.</p> <p>Sites and/or protections that must have a specific legislative or other administrative action to be decommissioned shall be considered to have been established with the intent to provide permanent protection. For example this would include sites that include a requirement for periodic renewal contingent on evaluation of effectiveness, with no specified expiration date.</p> <p>For sustainable production MPAs, the site must be established with the intent at the time of designation to provide, at a minimum, the duration of protection necessary to achieve the mandated long-term sustainable production objectives for which the site was established.</p> <p>For all MPAs, the site must provide the same level and type of protection at a fixed location and fixed and regular period of any duration during a year.</p>
<p>Protection</p>	<p>Must have existing laws or regulations that are designed and applied to afford the site with increased protection for part or all of the natural and submerged cultural resources therein for the purpose of maintaining or enhancing the long-term conservation of these resources, beyond any general protections that apply outside the site.</p> <p>Application of this criterion would exclude restricted areas that are established for purposes other than conservation. For example, the term would not include areas closed for navigational safety, areas closed to safeguard modern man-made structures (e.g., submarine cable no-anchor zones), polluted shellfish-bed closure areas, areas closed to avoid fishing gear conflicts, and areas subject to area-based regulations that are established solely to limit fisheries by quota management or to facilitate enforcement.</p>

Priority Goal and Objective of the National System

An MPA’s conservation purpose must specifically contribute to at least one of the priority goals and objectives published by the MPA Center as current conservation targets, as described in Section IV (B) above, in order to be included in the national system.

Management Plan Criteria

In order to be eligible for nomination to the national system, an MPA must have a management plan that:

Has been developed at one of the following scales:

- a site-specific MPA management plan,
- part of a larger MPA programmatic management plan,
- component of a broader, non-MPA programmatic management plan (e.g., fishery management plan or species recovery plan), or
- a verbal or written community agreement⁶.

⁶ Given the unique nature of community agreements, whether verbal or written, the requirement for these management agreements to include conservation goals and monitoring and evaluation components may be met through traditional or science-based approaches.

Includes both of the following components:

- specified conservation goals, and
- process or requirement for monitoring and evaluation of goals.

National Register of Historic Resources Criteria

Cultural resources can include archeological resources, cultural landscapes, and structures as well as ethnographic resources with tribal or traditional cultural meaning, value and use. Given the cultural resource management community's widespread acknowledgement of the standards developed by the National Park Service for inclusion of a cultural resource in the National Register of Historical Places (NRHP), the national system will integrate core elements of those standards into its criteria for MPAs with cultural marine resources. As such, the cultural marine resources within those MPAs must be historic, defined as at least 50 years of age, unless otherwise determined to be unique to the nation's maritime history or traditional connections to the sea as defined by the NRHP. In addition the resources must also meet the following NRHP evaluation criteria:

"The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in history or prehistory."

E. MPA Categories

The set of national system MPA categories listed below in Table 3 are intended to provide a limited set of user-friendly terms for communicating generally about the purpose of and level of protection of MPAs that become a part of the national system⁷. In addition, these categories will also be useful for:

1. partitioning the national system into manageably sized groups of comparable sites to ease identification of shared technical or other assistance;
2. packaging sites based on comparable conservation objectives and levels of protection to facilitate identification of gaps in conservation; and
3. providing a logical framework for organizing and monitoring how sites added to the national system contribute to the system's conservation objectives.

⁷ A more detailed categorization scheme useful for more in-depth analysis is provided at MPA.gov website.

The MPA Center will work with the respective managing agency(ies) to determine the most appropriate category for the MPAs as they become a part of the national system. This categorization will not in any way supersede the designated name or title of the MPA, as established by law.

Table 3. National System MPA Categories

National System Purpose	MPA Category	Protection and Use Sub-category*	Management Goal(s)
Conserve Marine Heritage	Marine Natural Heritage Areas	Natural Heritage Conservation Areas	Conserve or restore significant marine natural resources, habitats, and processes, and the ecosystem values, services, and uses they provide to present and future generations.
		Natural Heritage Reserve Areas	Strongly protect significant marine natural resources, habitats, and processes, and the ecosystem values, services, and uses they provide to present and future generations.
	Marine Cultural Heritage Areas	Cultural Heritage Conservation Areas	Conserve marine cultural resources and provide compatible opportunities and uses for present and future generations.
		Cultural Heritage Reserve Areas	Strongly protect cultural resources and provide compatible spiritual, traditional, scientific, educational, and recreational opportunities and uses for present and future generations.
	Marine Natural and Cultural Heritage Areas	Natural and Cultural Heritage Conservation Areas	Conserve or restore significant marine natural and cultural resources, habitats, and processes, and the ecosystem values, services, and uses they provide to present and future generations.
		Natural and Cultural Heritage Reserve Areas	Strongly protect significant marine natural and cultural resources, habitats, and processes, and the ecosystem values, services, and uses they provide to present and future generations.
Sustain Marine Production	Marine Sustainable Production Areas	Sustainable Production Conservation Areas	Achieve the sustainable harvest and/or restoration of marine species and the social, cultural, and economic values and services they provide to present and future generations.
		Sustainable Production Reserve Areas	Strongly protect important biological, geological, or ecosystem features needed to achieve the sustainable harvest and/or restoration of marine species and the social, cultural, and economic values and services they provide to present and future generations.

Conservation Areas: Multiple uses allowed; however, uses and activities may be restricted or zoned, and access limited as necessary to meet site management goals.

Reserve Areas: No extractive uses allowed, except permitted scientific and educational uses; destructive or disruptive activities limited; other uses and activities may be restricted or zoned, and access limited, as necessary to meet site management goals.

V. Building the National System of MPAs

A. Summary and Sequence

Building the national system will involve two major sets of activities:

1. the identification, nomination, and inclusion of existing MPAs in the national system and on the official List of MPAs, and
2. the identification of national system conservation gaps relative to the conservation objectives and national system design criteria outlined in Sections IV (B) and (D) above.

Given the magnitude of the task of developing the national system, the MPA Center will follow an iterative process to build the system gradually over time. The sequence of the iterative process for two major sets of national system building activities is as follows (a more thorough description of each activity can be found in subsequent subsections):

1. As described in Section IV (B)(1), the MPA Center will publish, on an as needed and sequential basis, subsets of the near-term, mid-term, and long-term national system conservation objectives for each goal to guide the identification of existing MPAs that are eligible for nomination to the national system, as well as the analysis and identification of conservation gaps.
2. The MPA Center will lead a nation-wide nomination process for eligible existing MPAs that contribute to the subset of targeted conservation objectives, and include those MPAs in the national system that are successfully nominated and accepted.
3. The MPA Center will lead a collaborative region-by-region process to identify conservation gaps relative to the subset of targeted conservation objectives and national system design criteria. Conservation gaps will be used to inform the development of recommendations for new MPAs through regional MPA planning described in Section VI (A), and can also be used by agencies and stakeholders to guide their efforts to establish new MPAs.
4. Upon completion of the nation-wide nomination process and region-by-region conservation gap identification for the targeted subset of conservation objectives, or at such other time that resources and capabilities allow, the MPA Center will publish the next iterative set of conservation objectives to serve as targets for building the national system.

B. Nomination Process for Existing MPAs

The process for nominating and including eligible MPAs into the national system is as follows (see Figure 2 for summary):

1. The MPA Center will review sites in the U.S. Marine Protected Areas Inventory and identify and publish the set of sites that meet the MPA eligibility criteria outlined in Section IV (D), within the scope of the subset of conservation objectives being targeted for completion at that time. The MPA Inventory (see www.mpa.gov) is a refinement of the earlier Marine Managed Areas Inventory, which was a broader collection of place-based management areas in U.S. waters.
2. The MPA Center will send the managing entity or entities⁸ for those sites found to be eligible a letter of invitation to nominate, including the rationale for eligibility.
3. The managing entity or entities will be requested to consider and make nominations of identified sites for inclusion in the national system.

The managing entity or entities also may 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 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 for unsolicited sites are justified adequately.
5. The MPA Center will notify the public, via the *Federal Register* and other means, of the set of sites nominated for inclusion in the national system, and provide the opportunity to comment on the eligibility of nominated sites relative to the eligibility criteria and any additional justification.
6. The MPA Center will receive, evaluate and forward public comment to the relevant managing entity or entities, which will reaffirm or withdraw (in writing to the MPA Center) 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 MPAs (see below) comprising the national system, and made available to the public via the Federal Register and other means.

⁸ In most cases, management authority for an MPA lies with one agency or program; however, in certain instances, such as the federal/state National Estuarine Research Reserve System and state/tribe co-management arrangements, authority is formally shared or split among two or more entities. Similarly, Federal Fishery Management Councils have a unique role with the National Marine Fisheries Service in the process for establishing federal fishery management zones and federal fisheries habitat conservation zones. In these cases where there are explicit agreements and/or legislation governing shared management authority or other formal relationships, the multiple managing entities shall be consulted throughout the nomination process.

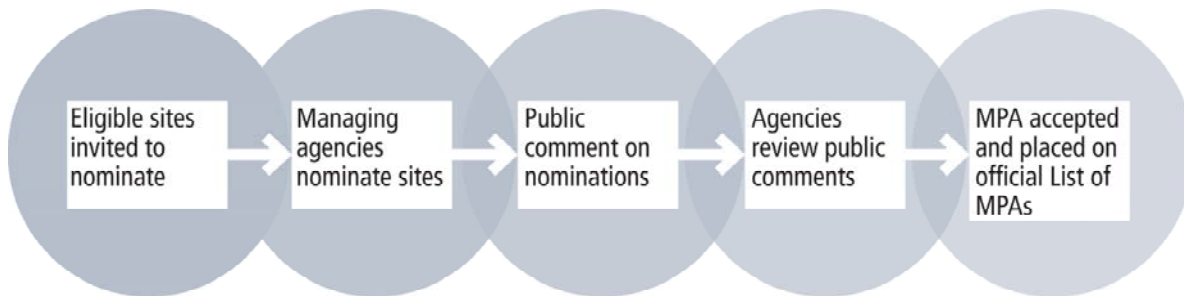


Figure 2. Summary of Nomination Process

Where non-governmental stakeholders, including the general public, may have an interest in the nomination of certain MPAs beyond the public comment process describe in Section V above, they are encouraged to contact the respective managing entity or entities to share their perspectives about nomination. Similarly, where government agencies have an interest in the nomination of eligible MPAs for which they do not have management authority, they are encouraged to consult with the respective managing entity or entities.

C. The Official List of MPAs

1. Adding MPAs to the List and National System

Pursuant to Section 4(d) of the Order, and to ensure that agencies, organizations, and the general public are aware of the MPAs that make up the national system, the MPA Center will maintain a List of MPAs. The List of MPAs will be the official inventory of all MPAs that have been formally included in and recognized as part of the national system of MPAs under Section V (B), above. In addition, MPAs on the List of MPAs are those sites that are the subject of Section 5 of the Order, “Agency Responsibilities,” as described in Section VI (D) of this document.

The List will include the following information for each national system MPA:

- a) name,
- b) location,
- c) national system MPA category,
- d) boundaries,
- e) resources protected,
- f) authorizing legislation,
- g) regulations,
- h) managing authority or program,
- i) name of point of contact, and
- j) relevant contact information

The MPA Center will regularly publish an updated, summary version of the List of MPAs in the *Federal Register*, and will make it available to the public at <http://www.mpa.gov> or by request.

2. Removing MPAs from the List and National System

MPA sites or systems that have been included in the List of MPAs may be removed at any time by written request of the managing agency(ies) or the MPA Center for reasons including:

1. the MPA ceases to exist (e.g., the legal authority or regulations expire);
2. the MPA no longer meets the national system MPA eligibility or other relevant criteria;
3. the managing authority requests removal; or
4. other circumstances pending review.

All requests from managing agencies or the MPA Center to remove an MPA from the national system must be made in writing, will become part of the public record, and will be published at <http://www.mpa.gov> and in the *Federal Register* for comment. Upon receipt by the MPA Center of a request to remove an MPA from the national system, the respective managing agency(ies) and the MPA Center will enter into a dialogue on the proposal. Any comments received from the public relating to the removal of an MPA from the national system will be forwarded to the managing agency(ies) for its consideration in making its final determination to have the site removed from the national system. Upon completion of all obligations by the respective managing agency(ies), the MPA will be removed from the List of MPAs and all information referencing the site will be removed from national system materials and archived in the national system information on the website.

D. Identifying National System Conservation Gaps

The nation's suite of existing MPAs is a significant contribution to the building of a comprehensive and representative national system. The critical next step toward achieving the national system's conservation objectives is the identification of conservation gaps, as called for in Section 4 (a) of the Order, to inform the efficient, effective establishment of new MPAs or the enhancement of existing MPAs. Conservation gaps identified herein can be used by existing federal, state, tribal, and local MPA agencies and others to guide their future efforts to establish new or strengthen existing MPAs using their independent authorities and processes. In addition, the gaps identified through this process will be used to inform regional planning and collaboration that may ensue as described under Section VI (A) below.

This section outlines the process for identifying gaps in the national system. The process will be implemented iteratively, relative to targeted national system conservation objectives, and on region by region bases as described below. Conservation gaps in the national system may exist in a number of forms and can be generally described as:

Representation gaps: where a particular species, habitat, cultural resource, or ecosystem is either un-represented or under-represented in the national system relative to ensuring lasting conservation or sustainable production.

Ecological gaps: where representation of a particular species, habitat, or ecosystem in the national system is of inadequate ecological condition, or not protected respective to its movements or specific conditions necessary for lasting conservation or sustainable production.

Management gaps: where the management regimes (management objectives or governance types) of MPAs in the national system do not fully provide for lasting conservation or sustainable production of a particular species, habitat, cultural resource, or ecosystem.⁹

Efforts to identify conservation gaps will include the collection and analysis of the best readily available scientific information and analyses, and the subsequent identification of marine natural and cultural resources, habitats, and ecosystems, and corresponding coarse-scale areas found in need of enhanced and/or new protection. Gaps will be assessed relative to fully achieving the national system conservation objectives and design principles outlined in Sections IV (B) and (C), respectively.

Gap identification efforts will be focused at the regional scale, and will be collaborative, involving MPA-related and other agencies at various levels of government, FMCs, and other organizations and institutions in synthesizing and analyzing existing scientific information and established conservation priorities. The effort to identify conservation gaps will include opportunities for review and comment by the public, the MPA FAC, relevant federal agencies, state and tribal governments, and the national system Steering Committee (Steering Committee) described in Section VI (B).

The MPA Center also will work with existing or incipient regional marine entities and initiatives to coordinate with their broad management efforts, as appropriate. Efforts to identify gaps also will consider and include relevant international participation and linkages. The effort aims to provide government agencies with a program-neutral opportunity for collaborative assessment and planning, while ensuring that stakeholders are both informed and involved.

The MPA Center will work with diverse partners, as appropriate, through the following process to identify gaps in fully achieving the national system's conservation objectives:

1. Publish, on an as needed and sequential basis, subsets of the near-term, mid-term, and long-term national system conservation objectives listed in Section IV (B) as iterative targets for conservation gap identification. The same published subsets of conservation objectives also serve to guide iterative identification of eligible existing MPAs for nomination to the national system.
2. Aggregate, map, and describe the existing data and analysis about species, habitats, cultural resources, ecosystems or other pertinent information on regional bases around the nation relative to the targeted national system conservation objectives.
3. Map and describe, on regional bases around the nation, the location and management attributes of existing MPAs that contribute to achieving the targeted national system conservation objectives.
4. Integrate species, habitat, cultural resource, and ecosystem analysis, and location and management attributes of existing MPAs to identify, map, and describe national system conservation gaps relative to targeted conservation objectives and design principles.

⁹ Adapted from: Nigel Dudley and Jeffrey Parish (2006). Closing the Gap. Creating Ecologically Representative Protected Area Systems: A Guide to Conducting the Gap Assessments of Protected Areas Systems for the Convention on Biological Diversity. Secretariat of the Convention on Biological Diversity. Montreal, Technical Series no. 24, vi + 108 pages

5. Provide identified gaps and background information to the public for comment.
6. Seek input on identified gaps from federal agencies, states, and Tribal leaders with management authority in the corresponding region.
7. Seek input on identified gaps from the Steering Committee.
8. Provide identified gaps, background information, and a summary of all public and Steering Committee comments received to the MPA FAC for consideration and development of prioritized recommendations to DOC and DOI.
9. Upon consideration of all input and recommendations, the MPA Center will publish prioritized national system conservation gaps and corresponding descriptive information for use by agencies and stakeholders. Information about the conservation gaps identified will be maintained on the <<http://www.mpa.gov>> website.

Finally, while the publication of these identified conservation gaps is a major step toward building a comprehensive national system, significant additional evaluation of these gaps and other information is necessary prior to any resulting establishment of new MPAs or change to existing MPAs' governance. Specifically, agencies and stakeholders will need to work together under the auspices of appropriate MPA authorities to evaluate these gaps and the related societal and economic considerations. Moreover, establishment of new MPAs or changes to the governance of existing MPAs must follow relevant processes under established authorities.

Through the national system, the MPA Center can serve as a resource to assist agencies and stakeholders with such analyses and regional planning processes, as described in Section VI (A) below. Similarly, identified gaps will be considered by the MPA Center and the Steering Committee in prioritizing national system science and stewardship actions.

E. Establishing New National System MPAs

Although the Framework lays out the processes for identifying conservation gaps in the national system (see Section V (D)) and developing recommendations for new or enhanced MPAs through collaborative ecosystem-based MPA planning (see Section VI (A)(2)), neither the Order nor the Framework provides authority to designate or establish new MPAs, or alter protections afforded by existing MPAs.

These national system processes are intended, however, to offer a more collaborative, systematic and comprehensive approach to MPA planning than currently exists. As such, any resulting recommendations for new or enhanced MPAs that stem from these processes offer agencies with MPA management authority valuable guidance for taking independent or cooperative action to meet their mandates and requirements for establishing and/or managing MPAs. Moreover, such processes and recommendations offer stakeholders valuable opportunities and information to meaningfully engage with MPA decision-making efforts.

New MPAs that may eventually be established based upon these national system recommendations would subsequently be considered for inclusion in the national system pursuant to the eligibility criteria and nomination process outlined above. Stakeholder participation in the designation process for new MPAs is unchanged by the national system, and occurs as specified through the required public consultation processes associated with the authorized designation process.

VI. Implementing the National System of MPAs

Over time, as MPA sites, programs, and systems are added to the national system, efforts to implement the national system - both regionally and nationally – will be initiated. A major emphasis of the MPA Center will be to facilitate and support collaborative implementation efforts with participating MPA sites and programs, pending available resources. The timing of the implementation efforts described below may be sequential, simultaneous, or otherwise, depending on resources available and the priorities of national system partners. National system implementation components, guided by the national system’s planning and implementation principles described in Section IV (C), include:

- *Enhancing regional coordination and collaboration* – formalizing new and/or supporting existing regional mechanisms to provide for effective, efficient coordination and collaboration among participating MPA sites, systems, and programs.
 - *Improving MPA stewardship and effectiveness* – identifying and prioritizing shared needs for improvements in MPA science, management, and stewardship at regional and national levels and catalyzing partnerships and action to address identified priorities.
 - *Regional MPA planning* – developing and applying the natural and social science information, decision-making tools, and stakeholder engagement processes to collaboratively evaluate conservation gaps identified in the national system and make recommendations about the need for new and/or enhanced MPAs
- *National and international coordination* – establishing and implementing a National System Steering Committee to serve to link across regions where resource conservation and MPA planning and management issues span regional boundaries, and identifying and pursuing international MPA linkages to the national system.
- *Evaluating national system effectiveness* – providing technical and scientific support for fostering sound monitoring and evaluation programs at the participating MPA site or system level, as well as development of a set of standards and protocols for assessing broader national system effectiveness.
- *Federal agency responsibilities to avoid harm* – providing guidance regarding Section 5 of the Order, which requires federal agencies to “avoid harm” to the natural and cultural resources protected by MPAs that become part of the national system.
- *Tracking and reporting* – maintaining the MPA.gov website, and producing a biennial State of the National System report, and other mechanisms for communicating national system activities, progress and plans.

A. Enhancing Regional Coordination and Collaboration

Within the national system, effective regional coordination and collaboration is critical for sharing information and experiences, identifying common priorities and collaborative solutions for enhancing the effectiveness of existing sites, and improving planning and decision-making for new MPAs. In the same way, effective regional collaboration must also include making necessary linkages to other marine management initiatives and collaboration mechanisms. For example, the federal Seamless Network initiative, the developing U.S. Integrated Ocean Observing System, Federal Fishery Management Councils, Inter-State Fishery Management Commissions, and ongoing or planned regional ocean or Great Lakes initiatives by state governors may offer opportunities for efficiently strengthening MPA collaboration.

The national system will use U.S. **large marine ecosystems** (LME) as the broadest framework for regional planning and collaboration, recognizing that certain of these regions do not efficiently or fully encompass the political regions of the U.S. that would be necessary for effective collaboration (Figure 3). For example, the three LMEs associated with the state and federal waters off Alaska can be combined for the purposes of regional MPA collaboration, as could the U.S. waters of the Caribbean and Gulf of Mexico. Nonetheless, these regions are intended to serve as the broadest framework for regional collaboration, recognizing that other established regions whether biophysical (e.g., biogeographic regions) or political (e.g., FMC regions) may be nested within LMEs and may serve as more appropriate scales for MPA planning and collaboration.

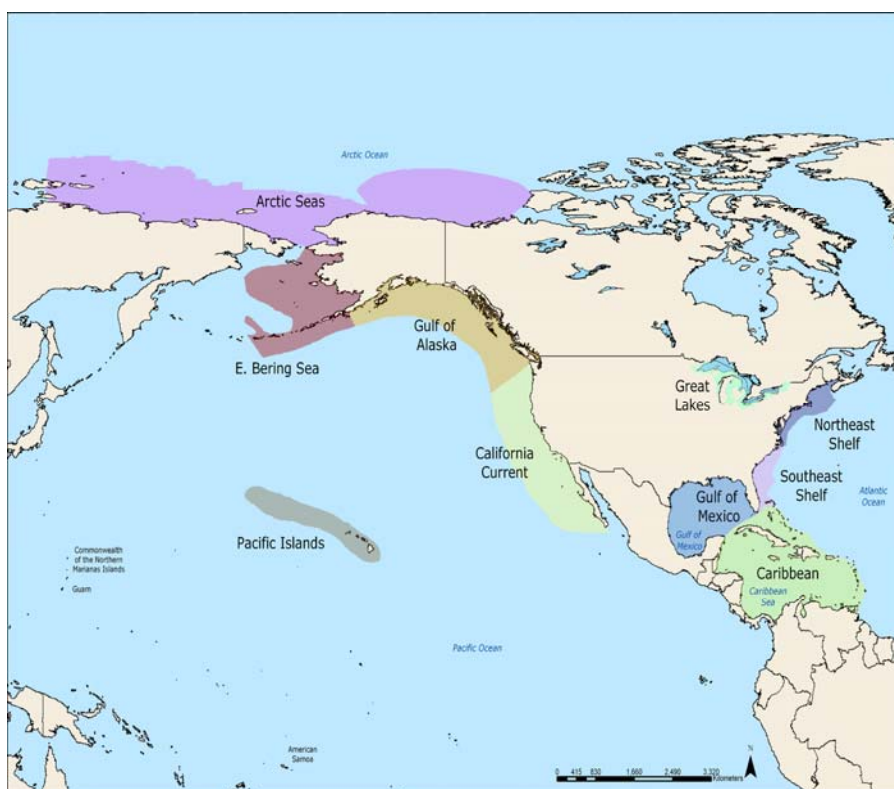


Figure 3. NOAA ecosystems of the U.S.¹⁰

The national system's regional collaboration framework will be built at the broadest level around the following regions, each encompassing state and federal waters as relevant:

- Alaska: Gulf of Alaska, East Bering Sea, and Arctic Seas large marine ecosystems
- California Current: California, Oregon, Washington
- Great Lakes: Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, and New York
- Gulf of Mexico and Caribbean: Texas, Louisiana, Mississippi, Alabama, Florida, U.S. Virgin Islands, Puerto Rico, and Navassa Island

¹⁰ Burgess, J., et al. 2005. NOAA's Ecosystem Approach to Management. NOAA Ecosystem Goal Team. Silver Spring, MD.

- Northeast: New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine
- Pacific Islands: Hawai'i, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Pacific Remote Insular Areas (Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Wake Island, and Palmyra Atoll)
- Southeast U.S: Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, and New Jersey

A variety of approaches exist for enhancing regional MPA coordination and collaboration. The appropriate mechanism for any particular region depends in large part on its biophysical and political characteristics, and the specific goals for which the coordination and collaboration are being initiated. Through the national system, the MPA Center will work with all participating state, tribal, and federal MPA sites and programs, and existing regional entities in each region to establish and/or formalize an appropriate regional MPA coordination and collaboration mechanism, such as a regional MPA working group, forum, or dialogue.

In doing so, the MPA Center will consult with participating agencies and entities in the region to determine the most suitable type (e.g., informal, formal) of coordination and collaboration and the appropriate regional scale. This includes identifying existing regional MPA and related marine coordination initiatives and determining efficient ways to complement or integrate with those efforts, while ensuring opportunities for all national system partners to be represented.

The facilitation of formalized regional coordination and collaboration mechanisms for the national system is intended to provide a forum for MPA agencies to work together to:

1. develop regional MPA effectiveness and stewardship strategies that identify and prioritize shared needs for improving the effectiveness of existing MPAs in the region (see Section VI (A)(1) below);
2. catalyze collaborative initiatives and projects to address identified science and stewardship needs;
3. further evaluate identified national system conservation gaps, undertake collaborative, ecosystem-based MPA planning, solicit stakeholder input, and make specific recommendations about the need for the establishment of new MPAs (see Section VI (A)(2) below);
4. facilitate continued and new managerial collaboration among MPAs across regional, national, and international boundaries, to promote consistent approaches to monitoring, enforcement, emergency response, threat abatement, and coordination with other countries and international organizations (such as through trans-boundary MPAs), and ensure compliance with international law;
5. coordinate ecosystem and/or regional input to the national system and recommend annual and longer term regional science and other priorities based on shared MPA needs across the region;
6. develop informal and formal partnerships to achieve economies of scale. For instance, arrange for the sharing of technical and financial resources for monitoring, surveillance, enforcement, staff training, etc.; and
7. develop and implement strategies for engaging and informing stakeholders about regional MPA planning, effectiveness and stewardship activities.

1. Improving MPA Stewardship, Science and Effectiveness

A significant purpose of the Order is to “strengthen the management, protection, and conservation of existing [MPAs]...” As such, a major emphasis of the national system is to provide support for the shared science, technical, education, and other priority stewardship needs of partner MPA programs in order to enhance the national system’s effectiveness. With this in mind, collaborative efforts should work to enhance the effectiveness of and provide benefits to existing efforts of MPA programs without creating additional responsibilities that detract from the important work of partners in meeting their existing programmatic and other requirements.

Formalizing regional coordination mechanisms via the national system offers a unique forum for collaboration to improve the effectiveness and stewardship of existing MPAs by identifying common needs across MPA programs. To this end, the MPA Center will consult with participating federal, state, and tribal agencies through formalized regional MPA coordination and collaboration forums to develop regional MPA Stewardship, Science and Effectiveness Strategies (Strategies). These Strategies will identify, inventory, and prioritize shared science, education, research, management, and other needs for improving MPA stewardship, science and effectiveness. Wherever possible, these Strategies shall incorporate or build upon relevant priorities previously identified through other mechanisms so as to avoid duplicative efforts.

The development of Strategies is intended to provide an efficient mechanism for the MPA Center to work with participating MPA sites and programs to gather information that will serve as the basis for catalyzing collaborative actions to address shared priorities. Moreover, the priorities identified in the regional Strategies will be aggregated by the MPA Center into a national set of priorities and used to catalyze large-scale projects and initiatives.

The following are examples of the types of priority science and stewardship issues that may be identified and addressed through the development of regional Strategies and subsequent collaborative actions among MPA programs to improve MPA effectiveness:

1. Enhancing MPA management capacity
 - a. management plan development and review;
 - b. enforcement and compliance practices;
 - c. best practices for meaningful stakeholder involvement; and
 - d. sustainable financing mechanisms.
2. Improving MPA science and research
 - a. investigating regional, ecosystem, and site connectivity;
 - b. developing science-based tools for MPA site, network, and system design;
 - c. building collaborative strategies for establishing biophysical, social, and economic baselines for MPAs and monitoring trends in these conditions; and
 - d. examining the effects of invasive species on MPAs.
3. Promoting outreach and education
 - a. developing educational programs;
 - b. improving awareness and understanding of the importance of marine resources and the role of MPAs in marine management; and
 - c. improving public stewardship of marine resources through volunteer programs and other efforts.

4. Improving the evaluation of MPA effectiveness
 - a. training and technical assistance on developing relevant indicators and protocols for monitoring and evaluating management effectiveness for MPAs and networks of MPAs;
 - b. identifying consistent indicators for examining marine habitat and resource recovery and social and economic conditions associated with MPAs; and
 - c. synthesizing recovery trajectories for marine resources to aid managers, stakeholders, and the public in interpreting monitoring results and understanding habitat restoration and MPA recovery.

Possible mechanisms to support collaborative action on priority MPA effectiveness and stewardship topics, pending availability of funds, could include:

1. training and workshops;
2. direct technical assistance and tools;
3. contractual or grant funding;
4. best practices or technical publications;
5. sharing of knowledge and experience across MPA sites and programs;
6. clearinghouse for research on MPA issues;
7. targeted research;
8. facilitation of linkages with international MPA programs and activities; and
9. other mechanisms as identified.

2. Regional MPA Planning

The establishment or enhancement of regional MPA coordination forums via the national system offers an opportunity for agencies and stakeholders to look beyond their individual jurisdictions, mandates, and interests, and consider regional and/or ecosystem-based approaches to MPA planning.

To this end, the MPA Center will work with regional, national, and, where applicable, international partners, where interested, to develop and apply the natural and social science information, decision-making tools, and stakeholder engagement processes to collaboratively evaluate conservation gaps identified in the national system and make recommendations about the need for new and/or enhanced MPAs.

Such an ecosystem-based MPA planning effort could include, but is not limited to, the following critical planning steps or components:

1. An evaluation and synthesis of national system design principles and conservation gaps and other regional and/or programmatic marine conservation targets, in order to more comprehensively establish regional conservation objectives to guide ecosystem-based planning.
2. The characterization of natural and cultural marine resources, including the important natural resources, habitats, ecosystems, ecological processes, and cultural resources in the region.

3. An assessment of human uses and their impacts, including the documentation and characterization of the patterns, intensity, and significance of human uses; existing governance framework; and assessments of conflicts, compatibilities, and potential impacts of human uses on marine ecosystems.
4. The development and use of decision-tools to identify and recommend areas in need of additional protection.
5. Facilitation of stakeholder outreach and engagement processes to ensure the public and other stakeholders are informed of planning activities and have an opportunity to provide input into the decision-making process.
6. Development of recommendations for new or strengthened MPAs to meet regional and national priority conservation objectives, and recommended mechanisms and processes for relevant MPA authorities in establishing new MPAs or otherwise implementing recommended actions.

B. National and International Coordination

National Coordination

In addition to enhancing regional coordination of MPAs, a corresponding national level effort is needed. Such an effort will represent and promote the priorities and issues of the various ecosystems and regions that make up the nation, as well as look more broadly at important national and international trends, developments, and priorities. National coordination also will serve to link across regions where resource conservation issues and MPA planning and management span regional boundaries. Coordination at the national level will be facilitated by the MPA Center, as required by the Order, and also include the establishment of a National System Steering Committee (Steering Committee) described below.

The Steering Committee should, where possible, be composed of one representative each of federal, state, tribal, and local government and Federal Fishery Management Council within the region and the members of the Federal Interagency MPA Working Group.

The Steering Committee will:

1. provide advice to the MPA Center on annual and long-term priorities and plans for national system support to sites and regions, based on regional stewardship and other priorities and the recommendations of the MPA FAC;
2. identify management issues and other priorities that require inter-regional, national, and/or international coordination or efforts; and
3. review and provide comment on conservation gaps identified at the ecosystem, regional, and/or national levels.

Regional representatives to the Steering Committee will be selected by the participating MPA program agencies in the region. Each federal agency also will maintain an appointed member to the Federal Interagency MPA Working Group, who also serves on the Steering Committee.

International Coordination

In addition to U.S. MPA programs and authorities, there are numerous international MPA efforts and linkages that can contribute to and benefit from the national system. The U.S. shares a number of common resources with both neighboring and distant countries. In recognition of

these important international connections, Section 4(a) of the Order calls on federal agencies to identify opportunities to improve “linkages with, and technical assistance to, international [MPA] programs.”

For instance, migratory species (like whales, sea turtles, pelagic fishes, and birds) rely on the marine and coastal waters of multiple countries during various stages of their life. There are also a number of international law and policy issues regarding our underwater cultural heritage. For example, certain cultural resources that rest in the seabed of U.S. MPAs, such as sunken military craft and associated contents that have not been abandoned, have a protected sovereign status, and permanent right, title, and interest may be vested in the flag country. To strengthen international coordination on MPA issues, the MPA Center, representing the national system of MPAs; and the Steering Committee, in coordination with the State Department and internationally-relevant regional forums, can seek to enhance existing or establish new linkages with efforts in other countries, in accordance with international law. Such linkages should be focused on issues of mutual benefit to U.S. and international MPAs and MPA programs, such as policy coordination, collaborative activities, information and capacity sharing, and technical assistance.

C. Evaluating National System Effectiveness

Monitoring and evaluating management effectiveness is a key component of an effective, adaptively-managed national system. To this end, the Order calls for “practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs.” Monitoring and evaluation efforts of the national system are focused on measuring the effectiveness of the national system in achieving its objectives, and the contributions of participating MPAs and MPA programs in achieving those objectives. It is not a function of the national system to monitor or evaluate individual MPAs or MPA programs, although the national system can provide assistance to MPA programs to assist them in better evaluating their own efforts. Stakeholders with an interest in participating in the monitoring of individual MPAs or MPA program should consult with the respective managing entity or entities.

The national system’s approach to evaluating effectiveness will include:

1. technical and scientific support for fostering sound monitoring and evaluation programs at the participating MPA site or system level;
2. development and implementation of a set of standards and protocols for assessing broader national system effectiveness. In order to be efficient and effective, the development of such standards and protocols requires significant input and advice from participating national system MPA sites and systems; and
3. cooperation with existing or developing observation, monitoring and evaluation programs.

The natural and social science data currently collected and used by MPA sites and systems to monitor and evaluate their own effectiveness will not only help in their adaptive management efforts, but also will contribute to the analysis of the national system’s success in meeting its goals. The national system will aim to support the tools and technical assistance needed by partner MPA sites and systems to effectively monitor and evaluate their own effectiveness. It will not create new protocols or programs that require sites or systems to undertake new or expanded activities.

With advice from the MPA FAC, the Steering Committee, national system MPA partners in the regions, and science and management experts, the MPA Center will develop and publish guidance for monitoring and evaluating the effectiveness of the national system. These guidelines will provide an integrated approach for monitoring the biophysical, socioeconomic, and governance elements of the national system and include a set of indicators and performance measures for assessing its effectiveness, including the benefits provided to participating MPA sites and systems.

In addition, if identified as stewardship priorities by participating MPA sites and systems, training and technical assistance efforts targeted at monitoring and evaluation can be developed, such as establishing relevant sets of natural and social science indicators and protocols.

The results of monitoring and evaluating the national system will be used to adaptively manage the system and identify future focus areas for stewardship and other initiatives, including but not limited to: conservation gaps, technical and other forms of assistance in support of MPA sites and programs, and necessary changes to the national system's goals, objectives, or other components.

D. Federal Agency Responsibilities to Avoid Harm

Section 5 of the Order calls for federal agencies to “avoid harm” to the natural and cultural resources protected by MPAs that become part of the national system. Each federal agency is responsible for its own implementation of its responsibilities under Section 5.

The Order states:

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.

Implementation

To implement Section 5 of the Order:

- The MPA Center will collect, maintain, and make publicly available via the MPA Center's website, <<http://www.mpa.gov>>, and *Federal Register* notices, all relevant regulatory and resource information for MPAs that are subject to agency requirements under Section 5, in the form of a List of National System MPAs. MPAs included in the List are those that have satisfied the requirements outlined in Sections IV (B) and (D) of the Framework and are officially a part of the national system of MPAs. Information maintained for each MPA on the List will include: site name, location, boundaries, resources protected, regulations, management authority/program, and point of contact.
- Federal agencies shall: (1) identify their activities that affect the natural or cultural resources protected by national system MPAs, and (2) to the extent permitted by law and to the maximum extent practicable avoid harm to those resources. Both of these activities should be accomplished through existing natural or cultural resource management or review authorities and procedures, including, but not limited to those under:
 - National Environmental Policy Act;

- Coastal Zone Management Act;
 - National Historic Preservation Act;
 - Endangered Species Act;
 - Federal Water Pollution Control Act (a.k.a. Clean Water Act);
 - Marine Mammal Protection Act;
 - National Wildlife Refuge System Administration Act;
 - National Park Service Organic Act;
 - Rivers and Harbors Act;
 - Sunken Military Craft Act;
 - National Marine Sanctuaries Act (a.k.a. title III of the Marine Protection, Research, and Sanctuaries Act);
 - Magnuson-Stevens Fishery Conservation and Management Act;
 - Outer Continental Shelf Lands Act;
 - Coral Reef Conservation Act;
 - Energy Policy Act of 2005; and
 - Other pertinent statutes and Presidential Executive Orders.
- Upon receipt of a federal agency's request for assistance, the MPA Center will work to facilitate support for policy, coordination, and/or legal assistance as needed on addressing MPAs through existing agency review processes;
 - As needed, the MPA Center, working with federal agencies, will produce voluntary technical guidance and best practices on priority issues to assist federal agencies in their determination of impacts to marine resources protected by national system MPAs and options for avoiding harm. The MPA Center also will work with federal agencies to provide clear public outreach materials to educate and inform the public on the requirements of Section 5.
 - Federal agencies will report their actions to implement Section 5, any comments received, and responses to such comments on an annual basis as part of the agency report required by Section 6 of the Order. The MPA Center, as required by the Order, will post these reports on the <<http://www.mpa.gov>> website.

Activities to Be Considered

The implementation of Section 5 is governed by existing authorities, each with its own threshold and/or trigger for requiring individual federal agencies to identify, review, mitigate or otherwise alter their activities based on impacts to natural or cultural resources. The Order does not provide any new authority for any Federal agency or the MPA Center to review activities of any other Federal agency, or alter standards for existing review. As such, the thresholds and/or triggers for agency action under Section 5 are the same as those listed under any existing authority or authorities that normally require agency review of a proposed activity. The new requirement provided by Section 5 is that agencies must now ensure that their activities avoid harm to the natural and cultural resources protected by MPAs included in the national system when fulfilling their existing requirements for identifying, reviewing and implementing their activities.

Furthermore, there are no singular definitions for the terms used to describe the requirements under Section 5, including but not limited to: "avoid harm," "affect," or "to the extent permitted by

law and to the maximum extent practicable.” Instead, the meaning of any of these terms, as applied to an agency’s requirements under Section 5, in any instance, is dependent on the agency’s interpretation, consistent with any required compliance with the legal framework for the resources protected by the MPA and any other applicable natural or cultural resource review or protection authorities or procedures.

Pursuant to Section 5 of the Order, agency requirements apply only to the natural or cultural resources specifically afforded protection by the site as described on the List of MPAs. For sites that have both a terrestrial (i.e., an area that falls outside of the definitional boundaries of ‘marine’) and marine area, only the marine portion and its associated protected resources will be included on the List of MPAs and subject to Section 5 of the Order.

To implement Section 5, each federal agency shall identify its activities that affect the natural or cultural resources protected by national system MPAs through the existing natural and cultural resource review processes normally required for these activities. Similarly, the determination of whether an agency in taking such actions is avoiding harm to those resources, to the extent permitted by law and to the maximum extent practicable, will be made by the individual agency using its existing natural and cultural resource review processes and/or authorities.

Comment and Response on Agency Actions

Comments from any person, organization, or government entity concerning federal agency compliance with Section 5 should be directed to the relevant lead federal agency for the action or actions that are the subject of the comments. Each agency shall make a determination on the response and take appropriate action. Similarly, any requests for information regarding compliance with Section 5, including those under the Freedom of Information Act (FOIA), should be directed to the lead agency for the action or actions that are the subject of the request. Any comments or requests for information received by the MPA Center or any federal agency in regard to another agency’s compliance with this Section shall, pursuant to FOIA procedures, be forwarded in a timely manner to the relevant responsible agency for its consideration, with due notice given to the sender.

Reporting and Periodic Review

As required under *Section 6. Accountability* of the Order, “Each Federal agency that is required to take actions under the 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 comments by the agency.” These annual reports will be posted at <http://www.mpa.gov>. In addition, on a biennial basis, the MPA Center will consolidate agency annual reports into a biennial “State of the National System of MPAs” report. The biennial report will include an assessment of overall progress to develop the national system of MPAs and the effectiveness of meeting its stated goals and objectives, including those related to Section 5 of the Order. More information on the biennial report can be found below in Section VI (E) of this document.

E. Tracking and Reporting

Tracking and reporting of the national system are important activities for communicating regional and national accomplishments and priority future efforts in need of support. In order to

track and report progress, the MPA Center will coordinate a 'Biennial State of the National System of MPAs' progress report and post all available data and assessments on the <<http://www.mpa.gov>> website. In addition, the MPA Center will work with the Steering Committee and participating MPA sites and programs to determine how best to comprehensively track overall national system priorities once efforts to establish it have been initiated. Additional information on these efforts is described below.

Biennial "State of the National System of MPAs" Progress Report

On a biennial basis, the MPA Center, working with its national system partners, will develop and publish on the <<http://www.mpa.gov>>, a consolidated State of the National System progress report, in accordance with Section 6 of the Order. The report will consolidate and summarize the annual reports submitted by federal agencies for the period and will also include:

1. a list of existing national system MPAs and newly added or removed sites;
2. a summary of federal activities taken in support of the national system;
3. a summary of regional, national, and international planning efforts;
4. a summary of assistance provided to national system MPAs and outcomes;
5. an evaluation of the effectiveness of the national system in meeting its goals and objectives at the national and regional levels;
6. a summary of actions taken to implement Section 5 of the Order;
7. any recommendations developed by the MPA FAC during the period;
8. a description of public comments received and responses sent during the period; and
9. regional, national, and international priorities for future coordination, planning, technical and other types of support (see Section VI (B) of this document).

MPA.gov Website

As required by the Order, the website <<http://www.mpa.gov>> will be maintained to communicate and archive all information about the development and implementation of the national system. The website will house information about a variety of technical, scientific, governance, and other MPA topics relevant to the breadth of MPA stakeholders, including the MPA FAC. In addition, the website will house information on national system progress, priorities, and plans, including:

1. MPAs found to be eligible for nomination to the national system;
2. MPAs and MPA systems that have been included in the national system;
3. areas and resources identified as national system conservation gaps;
4. recommendations for new or enhanced MPAs resulting from regional MPA planning;
5. regional MPA science, stewardship and effectiveness strategies, and national and other priorities for improving stewardship and effectiveness;
6. international activities and commitments;
7. agency reports;
8. public comments received on MPA nominations to and removals from the national system; and
9. the official List of MPAs.

F. MPA Federal Advisory Committee

The MPA FAC is authorized by the Order to provide expert advice and recommendations to DOC and DOI on the development and implementation of the national system of MPAs. The MPA FAC is comprised of 30 non-federal members representing regionally-diverse perspectives and areas of expertise from all regions of the country, including natural and social science; commercial and recreational fishing; tribal, state governments; oil and gas; tourism; environmental organizations, and others. A full description of the MPA FAC can be found in Appendix B.

Throughout the development and implementation of the national system, the MPA FAC will continue to advise DOC and DOI on priority topics and issues as identified by the agencies. The MPA FAC also will provide recommendations to the MPA Center concerning national system conservation gaps, as described in Section V (D) above.

G. Role of the National MPA Center in the National System

The specific roles of the MPA Center in coordinating the national system are to:

1. provide coordination and facilitation of the national system as a whole (individual MPA programs and agencies remain responsible for administering their sites and systems);
2. build public and private partnerships and catalyze action to support identified science, stewardship, and effectiveness priorities of participating MPA programs;
3. coordinate processes to identify, nominate, and include eligible MPAs into the national system, remove MPAs from the national system, and maintain the List of MPAs;
4. facilitate the development and maintenance of regionally-appropriate MPA coordination mechanisms among participating programs, and where possible, maintain a Regional MPA Coordinator in the field to support such efforts;
5. develop, in consultation with participating programs, regional MPA Science, Stewardship and Effectiveness Strategies;
6. lead collaborative efforts to identify conservation gaps in the national system;
7. build and catalyze partnerships and actions to provide technical or scientific information, staff, or other support for collaborative ecosystem-based MPA planning in order to identify and recommend new or enhanced MPAs;
8. promote stewardship of the national system through effective outreach and education;
9. support the operation of the MPA FAC and the coordination of the Federal MPA Working Group and Steering Committee;
10. track, communicate, integrate, and recommend suggested MPA science and other national system priorities, needs, and commitments across the regional, national, and international levels;
11. develop an annual report, as required by the Order, a biennial "State of the National System of MPAs" report, and maintain comprehensive information about the national systems' priorities and progress on the <<http://www.mpa.gov>> website;
12. monitor and evaluate the effectiveness of the national system and implement adaptive management strategies based on results; and
13. maintain the <<http://www.mpa.gov>> website as a mechanism for communicating information about the national system.

VII. Glossary of Key Terms

The following are definitions of key terms as used in this Revised Draft Framework document. See Table 2 for the full definition of key terms in the definition of MPA.

Adaptive management - “A systematic process for continually improving management policies and practices by learning from the outcomes of operational programs. Its most effective form—‘active’ adaptive management—employs management programs that are designed to experimentally compare selected policies or practices, by evaluating alternative hypotheses about the system being managed.” (British Columbia Forest Service, <<http://www.for.gov.bc.ca/hfp/amhome/Amdefs.htm>>)

Area - Must have legally defined geographical boundaries, and may be of any size, except that the site must be a subset of the U.S. federal, state, local, or tribal marine environment in which it is located.

Biodiversity - The variety of living organisms in all their forms. Technically, biodiversity includes variety at three levels of biological organization: genetic variation within species, the variety of species, and the variety of ecological communities.

Conservation Area: Multiple uses allowed; however, uses and activities may be restricted or zoned, and access limited as necessary to meet site management goals.

Cultural Heritage - The cultural resources that reflect the nation's maritime history and traditional cultural connections to the sea, as well as the uses and values they provide to this and future generations.

[Marine] Cultural resource - A tangible entity that is valued by or significantly representative of a culture, or that contains significant information about a culture. Cultural resources for purposes of the MPA Executive Order are tangible entities at least 50 years in age that reflect the nation's maritime history and traditional cultural connections to the sea, such as archaeological sites, historic structures, shipwrecks, artifacts, and traditional cultural properties. Cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archaeological resources, cultural landscapes, structures, and ethnographic resources for MPA management purposes. Ethnographic resources include natural resources and sites with tribal or traditional cultural meaning, value and use.

Ecological Network – A set of discrete MPAs within a region that are connected through dispersal of reproductive stages (eggs, larvae, spores, etc.) or movement of juveniles and adults. The effective management of certain marine species may require networks of discrete MPAs encompassing regional collections of local populations linked by dispersal and movement, which may be essential for some local populations to persist. The creation of MPA networks must take into consideration other non-MPA areas that provide similar linkages, which does not necessarily imply additional management measures outside MPAs or the creation of a “super MPA” with boundaries encompassing all MPAs in the network.¹¹

Ecosystem – A geographically specified system of organisms, including humans and the environment and the processes that control its dynamics.

¹¹ MPA FAC, 2005.

Ecosystem approaches to management (or Ecosystem-based management) – A management approach that “looks at all the links among living and nonliving resources, rather than considering single species in isolation.” This approach “reflects the relationships among all ecosystem components, including humans and nonhuman species, and the environments in which they live. This system of management considers human activities, their benefits, and their potential impacts within the context of the broader biological and physical environment.”¹²

Extractive – Activities that remove or are intended to remove living or nonliving resources from an MPA.

Large Marine Ecosystems – Regions of ocean space encompassing coastal areas from river basins and estuaries out to the seaward boundary and continental shelves and the seaward margins of coastal current systems. They are relatively large regions on the order of 200,000km² or greater, characterized by distinct bathymetry, hydrography, productivity and trophically dependent populations.

Lasting – For natural heritage and cultural heritage MPAs, the site must be established with the intent at the time of designation to provide permanent protection. For sustainable production MPAs, the site must be established with the intent at the time of designation to provide, at a minimum, the duration of protection necessary to achieve the mandated long-term sustainable production objectives for which the site was established.

Local government – A legally-established unit of government at a level below state government, including but not limited to county, city, town, or village.

Management [managing] entity or authority – The federal, state, local, or tribal entity or entities with legal authority to designate, promulgate regulations for, and/or manage an MPA. In many cases, authority lies with one agency or program; however, in certain instances, such as the federal/state National Estuarine Research Reserve System and state/tribe co-management arrangements, authority is formally shared or split among two or more entities.

Marine environment – Must be: (a) ocean or coastal waters (note: coastal waters may include intertidal areas, bays or estuaries); (b) an area of the Great Lakes or their connecting waters; (c) an area of lands under ocean or coastal waters or the Great Lakes or their connecting waters; or (d) a combination of the above.

Marine Protected Area – 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. See also Area, Marine environment, Reserved, Lasting, and Protection.

Marine Reserve – A type of MPA where extractive uses are prohibited (also referred to as “no-take” reserve).

National System of MPAs – An assemblage of MPA sites, systems, and networks established and managed by federal, state, tribal, or local governments that collectively work together at the

¹² U.S. Commission on Ocean Policy (USCOP). 2004. An Ocean Blueprint for the 21st Century, Washington, D.C.

regional and national levels to achieve common objectives for conserving the nation's important natural and cultural resources.

Natural Heritage – The nation's biological communities, habitats, ecosystems, and processes, and the ecological services, uses, and values they provide to this and future generations.

[Marine] Natural resource – Any biological or physical component of the marine environment that contributes to the structure, function, or services provided by a marine ecosystem.

Network – A set of discrete MPAs within a region or ecosystem that are connected through complementary purposes and synergistic protections. A network of MPAs could focus on ecosystem processes, certain individual marine species, or cultural resources. For example, an ecological network of MPAs could be connected through dispersal of reproductive stages or movement of juveniles and adults.

Precautionary Approach - Where there are threats of serious or irreversible damage, lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The approach is concerned with avoiding risk that has not been assessed, i.e., uncertainty.

Protection – Must have existing laws or regulations that are designed and applied to afford the site with increased protection for part or all of the natural and submerged cultural resources therein for the purpose of maintaining or enhancing the long-term conservation of these resources, beyond any general protections that apply outside the site.

Region or Regional – An area inclusive of and determined by participating national system sites and systems that is based on common management interests, similar or linked ecological characteristics, and/or other factors that provide a foundation for meaningful coordination.

Reserve Area - No extractive uses allowed, except permitted scientific and educational uses; destructive or disruptive activities limited; other uses and activities may be restricted or zoned, and access limited, as necessary to meet site management goals.

Reserved – Must be established by and currently subject to federal, state, local, or tribal law or regulation.

Stakeholder – Individuals, groups of individuals, organizations, or political entities interested in and/or affected by the outcome of management decisions. Stakeholders may also be individuals, groups, or other entities that are likely to have an effect on the outcome of management decisions. Members of the public also may be considered stakeholders.

State – See United States.

Stewardship – Careful and responsible management to ensure goals and objectives are being achieved for the benefit of current and future generations.

Sustainable Production Resources – The renewable living resources and their habitats, including, but not limited to, spawning, mating, and nursery grounds, and areas established to minimize incidental by-catch of species, that are important to the nation's social, economic, and cultural well-being.

System – A set of MPAs connected by shared programmatic, administrative, or other organizing principles or purposes. A system of MPAs is not necessarily confined to a specific geographic area such as a region or ecosystem.

Tribe – A federally recognized American Indian or Alaska Native government.

United States – Includes the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam.

VIII. Administrative and National Policy Requirements

1. Nothing in Executive Order 13158 or this Framework 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, Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.
2. Neither Executive Order 13158 nor this Framework creates any right or benefit, substantive or procedural, enforceable in law or equity by a party against the U.S., its agencies, its officers, or any person.
3. Neither Executive Order 13158 nor this Framework diminishes, affects, or abrogates Indian treaty rights or U.S. trust responsibility to Indian tribes.
4. Federal agencies taking actions pursuant to Executive Order 13158 or under this Framework 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.



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