

## ***Appendix B. Existing U.S. MPA Programs, Federal MPA Initiatives, Tribal, and International Efforts***

The nation's existing suite of MPA sites, programs, authorities, and systems at all levels of government are the fundamental components of the national system. The recognition of and full participation by these federal, state, tribal, and local government programs are critical to the national system's success. Working together, these existing programs and authorities, federal MPA coordination initiatives, and linkages to international MPA initiatives will make important contributions to and receive benefits from the development of an effective national system. This section provides an overview of these major efforts and generally describes their respective roles in the national system.

### **A. U.S. MPA Programs and Authorities**

MPAs in the U.S. are managed by a number of agencies and programs at federal, state, tribal, and local government levels. This section provides a brief summary of these programs and describes the nature of their role in the development of the national system.

#### **Federal and Federal/State MPA Programs**

Currently, there are several federal and one federal/state partnership MPA programs in the U.S. Each has one or more specific legal mandates that it is required to fulfill. Many of these programs have established and actively manage systems of MPAs designed to fulfill their responsibilities to the nation. As described below, these federal MPA programs include DOI's National Park System and National Wildlife Refuge System, and NOAA's National Marine Sanctuary System, National MPA Center, and National Marine Fisheries Service programs, while the National Estuarine Research Reserve System is composed of NOAA/state partnerships.

*National Park System:* The National Park System is administered by DOI's National Park Service with a mission to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. The National Park System preserves unimpaired natural and cultural resources and values representative of the nation's ocean heritage in superlative natural, historic, and recreation areas in every region. The National Park System currently contains 72 ocean and Great Lakes parks.

*National Wildlife Refuge System:* The U.S. Fish and Wildlife Service's (FWS) mandate is to provide the federal leadership to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of people. The mission of the National Wildlife Refuge System, a program within the DOI FWS, is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the U.S. for the benefit of present and future generations of Americans. There are 177 ocean and Great Lakes refuges.

*National Marine Sanctuary System:* Under the National Marine Sanctuaries Act, NOAA establishes areas of the marine environment that have special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or aesthetic qualities as national marine sanctuaries to: (A) improve the conservation, understanding, management, and wise and sustainable use of marine resources; (B) enhance public awareness, understanding, and appreciation of the marine environment; and (C) maintain for future generations the habitat

and ecological services, of the natural assemblage of living resources that inhabit these areas. There are currently 13 established national marine sanctuaries.

*National Marine Protected Areas Center (MPA Center):* The mission of the MPA Center is to facilitate the effective use of science, technology, training, and information in the planning, management, and evaluation of the nation's system of marine protected areas. The MPA Center is housed within NOAA and coordinates across NOAA programs, as well as with pertinent federal, state, tribal, and local MPA and MPA-support agencies. At the federal level, the MPA Center coordinates closely with DOI. The MPA Center's specific national system roles are described in detail in Section VI (A)(I) of this document.

*National Marine Fisheries Service (NOAA Fisheries Service) Programs and Federal Fishery Management Councils (FMC):* Under a number of statutory authorities, NOAA Fisheries Service establishes and manages MPAs to rebuild and maintain sustainable fisheries, conserve and restore healthy marine habitats, and promote the recovery of protected species, including marine mammals and anadromous fish. These sites fall under four major categories: Federal Fisheries Management Zones, Federal Fisheries Habitat Conservation Zones, Federal Threatened and Endangered Species Protected Areas, and Federal Marine Mammal Protected Areas. FMCs have been established for the stewardship of fishery resources through the preparation, monitoring, and revision of fishery management plans. These FMCs enable states, the fishing industry, consumer and environmental organizations, and other interested persons to participate in and advise on the management of marine fisheries, and to take into account the social and economic needs of the states. FMC-recommended actions are subject to review and approval by the Secretary of Commerce through a delegation of authority to NOAA's Fisheries Service. NOAA Fisheries Service is responsible for the promulgation of site-specific regulations to delineate MPA boundaries and establish associated protective measures.

*National Estuarine Research Reserve System (NERRS):* The mission of the NERRS is to promote stewardship of the nation's estuaries through science and education using a system of protected areas. The NERRS, which is currently made up of 27 sites, is a unique partnership program between NOAA and the coastal states to protect estuarine land and water, which provides essential habitat for wildlife; offers educational opportunities for students, teachers, and the public; and serves as living laboratories for scientists. With its unique state/federal partnership, the NERRS participation with the national system will require close consultation and coordination with the NOAA Estuarine Reserves Division and state agency or university staff of NERRS sites.

*National Monuments:* In June 2006, President Bush established the Northwestern Hawaiian Islands Marine National Monument under Presidential Proclamation 8031 (71 FR 36443, June 26, 2006) under the authority of the Antiquities Act (16 U.S.C. 431). This was the Nation's first marine national monument. The Monument – renamed the Papahānaumokuākea Marine National Monument, to reflect Hawaiian language and culture in March 2007 -- is approximately 100 nautical miles wide and extends approximately 1,200 miles from northwest to southeast around the NWHI. In December 2006, the Secretaries of Commerce and the Interior and the Governor of Hawai'i signed a Memorandum of Agreement to jointly manage Federal and State lands and waters within the Monument as Co-Trustees, to collectively conserve and manage Monument natural and cultural resources.

## **State and Local Government MPA Programs**

Each U.S. coastal state also has a variety of MPA programs and authorities, often at both the state and local government levels. State MPA programs can include: Historic Preservation offices; Fish and Wildlife agencies; Coastal Zone Management programs; Fishery Management agencies; Parks and Recreation agencies, and other authorities. MPAs are used by states for a variety of purposes ranging from managing fisheries, recreation, tourism, and other uses to protecting ecological functions, preserving shipwrecks, and maintaining traditional or cultural connections to the marine environment. In addition, local governments within coastal states, such as counties and other municipalities, have programs that establish and manage MPAs for protecting marine species, nursery grounds, shellfish beds, and other important natural and cultural resources. Similar to their federal analogs, some state MPA programs have also developed and continue to manage their existing sites as systems of MPAs.

Given the significant coastal and marine resources under state jurisdiction, the large number of state MPAs – roughly 83 percent of the national total – compared to federal sites, and the potential impacts and benefits to states from MPAs located in federal waters, full state participation in the development of the national system is critical to its success. It is important to note, however, that state and local government participation in the national system is voluntary under the Order. The MPA Center will work closely with states to determine their interest in participating. State government agencies, programs, and authorities that elect to participate in the national system will be full partners and have an equal voice in decision-making to set priorities for collaborative efforts at the regional and national level.

## **Tribal MPA Authorities, Programs and Linkages**

Tribal governments have an integral role to play in resource management, legally, culturally and economically. The Order “does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian tribes,” and calls on NOAA and DOI to “consult with...tribes...and other entities to promote coordination of federal, state, territorial, and tribal actions to establish and manage MPAs.” Because the federal government has a trust responsibility to all federally recognized tribes, conservation goals and management practices for MPAs should be established through government-to-government consultations.

In addition, several Indian tribes in Western Washington and the Great Lakes have treaty-reserved fishing rights. These tribes share co-management authority and responsibility for marine resources in their usual and customary fishing areas with the federal government and/or states depending on the specific resource and area identified. Tribes that have sole management authority may choose to establish MPAs as a tool to meet conservation goals for areas where they have management responsibilities. For areas where tribes share co-management authority with the federal government and/or states, any entity wishing to establish MPAs must do so through government-to-government consultations. The MPA Center will work closely with tribes to determine their interest in participating. Tribal governments that elect to participate in the national system will be full partners and have an equal voice in decision-making to set priorities for collaborative efforts at the regional and national levels.

Numerous opportunities to enhance coordination and collaboration with tribes on issues related to MPAs are possible through the development of the national system. Some of these opportunities could include a range of potential partnerships aimed at the sharing of information; enhancing technical, scientific, and management capacity; and developing conservation strategies for marine resources of mutual concern. The MPA Center and national system partners, many of whom have ongoing relationships with tribes, will consult with tribal

governments to determine their interest in participating in the national system, and will work with them to develop appropriate mechanisms and protocols.

## **B. Linkages to Related Federal MPA Initiatives**

There are several other significant federal MPA Initiatives that are either directly or indirectly linked to the development of the national system. These efforts make important contributions to and can benefit from the development of the national system. This section provides an overview of each of these efforts and further describes their relationship and role in the development of the national system.

### **MPA Federal Advisory Committee**

The MPA FAC is authorized by the Order to provide expert advice and recommendations to DOC and DOI. The MPA FAC is comprised of 30 non-federal members representing diverse perspectives and areas of expertise, including natural and social science, commercial and recreational fishing, tribal, state government, oil and gas, tourism, environmental organizations, and others. The MPA FAC also includes ten federal ex officio members to provide information and support from agencies managing, supporting, or potentially affecting MPAs. The MPA FAC completed its first report in June 2005, which provided recommendations on the goals, objectives, principles, and structure of the national system. The MPA FAC will continue to advise DOC and DOI on aspects of developing and implementing the national system. Information on MPA FAC members and its work products are posted at <http://mpa.gov/fac/fac.html>.

### **The Federal Interagency MPA Working Group**

The Order directs DOC and DOI to work closely with the other federal agencies to develop the national system. To provide a mechanism for this coordination, the MPA Center established the Federal MPA Working Group, which includes representatives from the Departments of Commerce, the Interior, Defense, Homeland Security, State, Agriculture, Environmental Protection Agency, National Science Foundation, and the U.S. Agency for International Development. The Federal MPA Working Group meets several times a year to provide input on policy issues related to national system development, coordinate activities related to the Order, and support the work of the MPA FAC. In addition, members of the Federal MPA Working Group will serve as members of the National System Steering Committee (see Section VI (B)).

### **U.S. Ocean Action Plan**

The U.S. Ocean Action Plan (USOAP) outlines a variety of actions for promoting the responsible use and stewardship of ocean and coastal resources for the benefit of all Americans. A Cabinet-level "Committee on Ocean Policy" (COP) was established by Executive Order 13366 (December 17, 2004) to coordinate the activities of executive branch departments and agencies regarding ocean related matters in an integrated and effective manner to advance the environmental and economic interests of present and future generations of Americans. The President further directs the executive branch agencies to facilitate, as appropriate, coordination and consultation regarding ocean-related matters among federal, state, tribal, local governments, the private sector, foreign governments, and international organizations. Subcommittees of the COP also have been formed as part of the ocean governance structure described in the USOAP, including the Subcommittee on Integrated Management of Ocean Resources (SIMOR) and the Joint Subcommittee on Ocean Science and Technology. Many of the activities outlined in the USOAP and the subsequent work plans of the COP's subcommittees complement efforts to develop the national system. Similarly, many of the

collaborative actions under the national system may offer opportunities to help advance the USOAP. As these efforts proceed, the MPA Center will work closely with SIMOR to evaluate progress and plans for developing the national system in order to ensure coordination and consistency with the USOAP's governance structure and overall approach.

In support of this effort, the USOAP calls on National Parks, National Wildlife Refuges, National Marine Sanctuaries, and National Estuarine Research Reserves to, "coordinate and better integrate the existing network of marine managed areas." Many of these sites overlap or lie adjacent to each other and a history of collaboration between parks, marine sanctuaries, refuges, and reserves provides a model for this expanded network. Although these sites were created under separate agency authorities and statutory mandates, they are united by their proximity and similar science and management priorities. These actions to coordinate and better integrate efforts have been aptly named and are hereafter referred to as the "Seamless Network" initiative. The Seamless Network concept reflects the Administration's emphasis on greater scientific and programmatic coordination between ocean agencies, and complements efforts to implement the MPA Executive Order. In addition, the USOAP calls on the National Park Service to adopt an Ocean Parks Stewardship Action Plan. Both the Seamless Network and Ocean Parks Stewardship Action Plan are described below.

#### *Seamless Network Initiative*

The USOAP calls on the four above mentioned MPA systems to work together, "to promote coordination of research, public education, and management activities at neighboring parks, refuges, sanctuaries, and estuarine reserves." Two federal interagency agreements are called for under this effort. The first is a general agreement that enables site-based, regional, and national collaborations among the partner agencies, and is currently under development. The second is a separate cooperative enforcement agreement signed in August 2005 among the National Wildlife Refuge System, National Park Service, National Marine Sanctuary Program and National Marine Fisheries Service. When implemented, these agreements will ultimately contribute to several important elements of the national system, such as the identification of science and stewardship priorities for enhancing MPA effectiveness through enhanced interagency cooperation and information sharing. The Seamless Network Initiative will also provide an ongoing coordination mechanism for these MPA systems in the development of the national system, and will build on existing collaborative efforts. In many cases these MPAs have ongoing collaborations and the Seamless Network will expand and enhance those relationships. The wider set of eventual national system partners such as other federal programs and state, tribal, and local government MPA sites and systems may benefit from this model. An active dialogue exists and will be maintained between the developing national system and the Seamless Network Initiative efforts in order to ensure that they complement one another.

#### *Ocean Parks Stewardship Action Plan*

The USOAP calls for the adoption of an Ocean Parks Strategy by the National Park Service. Key elements of this strategy include: characterizing marine species and habitats; evaluating and monitoring their condition; increasing the scientific understanding of how marine ecosystems function; and developing cooperative science based fishery management plans between parks and state agencies. This plan was issued in December 2006 and may be viewed at [http://www.nps.gov/pub\\_aff/oceans/Ocean\\_Park\\_ActionPlan.pdf](http://www.nps.gov/pub_aff/oceans/Ocean_Park_ActionPlan.pdf). This important effort offers opportunities for collaborative approaches between the National Park Service, the Seamless Network initiative, and the national system to address shared science and management priorities.

### **C. International MPA Programs and Authorities**

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. Marine ecosystems and their associated natural resources rarely align with the political boundaries of sovereign countries. Moreover, ecosystems often overlap with adjacent countries and some natural resources may move back and forth between 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.”

The U.S. shares a number of common resources with both neighboring and distant countries. 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 retain their protected sovereign status, and permanent right, title, and interest may be vested in the flag country.

Enhancing existing or establishing new linkages amongst systems in other countries can mutually benefit the U.S. and international MPAs through coordination of efforts, information and capacity sharing, and technical assistance. Along with sharing common resources, the U.S. also shares the consequences of potentially harmful activities occurring outside of U.S. waters, including pollution, over-harvesting of marine resources, and degradation of associated habitats. By coordinating with international MPA programs, the U.S. can minimize the harmful impacts of external activities and maximize the benefits of MPAs.

For U.S. MPAs, important international linkages include, but are not limited to, those relating to Canada, Mexico, and Russia, as well as those amongst multiple countries in the Arctic, Pacific Islands and Caribbean. Several legal mechanisms, such as bi-lateral and multi-lateral agreements and treaties, exist to address many of these resource management issues. For example, the International Maritime Organization’s Particularly Sensitive Sea Areas program and the Wider Caribbean Protocol Concerning Specially Protected Areas and Wildlife are two MPA-related international efforts of significance. The MPA Center and/or its federal partners are actively involved in a number of such efforts, including the Commission on Environmental Cooperation’s development of a North American MPA Network and the exchange of training and technical assistance with other nations. The national system can facilitate a dialogue and develop collaborative efforts between the U.S. and other countries to complement and support the work of MPA programs.