

**Federal Agency Progress Report  
Under Executive Order 13158 on**

*Marine Protected Areas*

**Fiscal Year 2004**



September 2005

**[www.mpa.gov](http://www.mpa.gov)**

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## INTRODUCTION

Presidential Executive Order 13158 (May 2000) on Marine Protected Areas (MPAs) was a direct response to widespread demands for a more coordinated approach to using MPAs to conserve and manage marine resources. The Executive Order's purpose is to:

(a) strengthen the management, protection and conservation of existing marine protected areas and establish new or expanded MPAs; (b) develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources; and (c) avoid causing harm to MPAs through federally conducted, approved, or funded activities.

The Executive Order calls for each federal agency that is required to take actions under the order to prepare a public report. This report is a summary of the actions taken in fiscal year (FY) 2004 to implement the order across the federal agencies. The National Marine Protected Areas Center, located within the National Oceanic and Atmospheric Administration, was created by Executive Order 13158 to develop a national system of MPAs in coordination with the Department of the Interior, as well as other federal agencies, states, and stakeholders. For more detailed information on additional activities undertaken by the MPA Center to implement the order, visit <http://www.mpa.gov>.

## NATIONAL SYSTEM OF MPAs

The Executive Order requires that the National Marine Protected Areas Center develop a science-based, national system of marine protected areas that effectively conserves the nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations. Such a national system is needed to coordinate ecosystem-based management activities among the hundreds of federal, state, territory, and tribal MPA authorities with thousands of sites in U.S. waters and their countless MPA types, purposes, and terms.

In 2004, the MPA Center began to plan the process to engage the nation in a participatory dialogue to develop the framework for the national system, of which the expected recommendations made by the MPA Federal Advisory Committee will be a cornerstone. The framework will describe the rationale, goals and components of the national system, and the processes for designing and implementing it based on sound science and broad stakeholder input.

# INVENTORY OF MARINE MANAGED AREAS

The Marine Protected Areas Center is working with federal and state agencies to create the first inventory of marine-based management areas in the United States. This marine managed areas (MMA) inventory will provide a wide range of information to develop a comprehensive picture of the nation's marine managed areas. The MMA inventory will form a pool from which sites may later be considered for placement on the list of MPAs (called for by the Executive Order). Some inventory sites may not meet all of the criteria necessary for placement on the list of MPAs. However, these sites will remain on the MMA inventory.

The data collected in the inventory contain a general description and site characteristics such as location, purpose, and type of site; as well as detailed information on natural and cultural resources, legal authorities, site management, and regulations and restrictions.

The MMA inventory will:

- help regional, local, state and federal managers, scientists, non-governmental organizations, and others to better analyze and understand what sites exist and the management capabilities of those sites;
- compile data to assist in the analysis and assessments defined in the MPA Executive Order on issues such as threats to MMAs, and the effectiveness of MMAs in protecting natural and cultural resources; and
- provide a comprehensive information base to assist in the development of a national system of MPAs.

Examples of MMAs included in the inventory are national parks, national wildlife refuges, national marine sanctuaries, national estuarine research reserves, fisheries management areas, state beaches, and state parks.

The inter-agency MMA inventory team, made up of staff from NOAA and the Department of the Interior, held regular status meetings throughout 2004. The team is working with six federal programs and 32 of the 35 coastal and Great Lake states, territories and commonwealths in the data collection and review process. A data entry and editing website was completed in 2004 to provide a secure, password-protected, accessible, and user-friendly format for entering and reviewing data.

Since data collection for the MMA inventory began, federal programs have submitted information for nearly 300 areas and geographic information system (GIS) data for 97 percent of the areas has been obtained. The National Marine Sanctuary Program completed their data review and update in 2004, and nine states completed data collection and entry. Other federal programs continue to update their sites and the MMA inventory team continues to work with the remaining coastal and Great Lakes states to gather data, have that data reviewed, approved, and ultimately posted on <http://www.mpa.gov>. The MPA Center estimates that when the inventory is complete, there will be between 1,500 and 2,000 marine managed areas listed nationwide.

## MPA FEDERAL ADVISORY COMMITTEE

The Marine Protected Areas Federal Advisory Committee is authorized by Executive Order 13158 to provide expert advice to the Departments of Commerce and the Interior on the implementation of the order. It consists of individuals with diverse backgrounds and experience, who represent parties interested in the use and impact of MPAs as a management tool. The 30 Committee members are appointed by the Secretary of Commerce and represent a broad stakeholder community, including scientists, academia, commercial and recreational fishermen, other resource users, state and tribal resource managers, and environmentalists. In addition, nine federal agencies are represented by non-voting ex-officio members of the Committee (see Appendix B). The Committee is supported by the MPA Center.

In FY 2004, the MPA Federal Advisory Committee held meetings in San Mateo California; Key Largo, Florida; and Maui, Hawaii. Key activities and accomplishments of the Committee included:

- Electing Dr. Daniel Bromley, a professor of economics at the University of Wisconsin, as their chair, and Dr. Bonnie McCay, a professor in the

Department of Human Ecology at Rutgers University, as their vice-chair.

- Establishing three subcommittees to focus on: developing a national system of marine protected areas; stewardship and effectiveness of marine protected areas; and national and regional coordination of marine protected area efforts.
- Incorporating input from a variety of panels and speakers, including experts on Pacific Island MPA management, the cultural context for marine management, and spatial management by regional fishery management councils.
- Establishing an ad-hoc cultural resources working group to define cultural resources within the context of the national system of MPAs, and to discuss the ways in which cultural practices and beliefs should be addressed in MPA management.
- Generating reports from each subcommittee submitted to the full Committee for consideration.

The Committee made its first set of recommendations to the Secretaries of Commerce and the Interior in June 2005.



## **INTERAGENCY MPA WORKING GROUP**

The MPA Center has formed a working group to coordinate federal activities related to the Executive Order and to provide staff support to the federal agencies serving as ex officio members of the MPA Federal Advisory Committee. Agencies represented include Defense (Navy, Army Corps of Engineers), Interior, Commerce, Homeland Security (Coast Guard), Agency for International Development, State, Agriculture, and the Environmental Protection Agency (See Appendix C).

The Interagency MPA Working Group was re-activated in FY2004 after a three year hiatus. It met twice, focusing on updating federal agencies on the MPA Center's activities supporting the Executive Order, and coordination of federal agency outreach on MPAs. The working group also decided to hold a workshop on the national system of MPAs for federal agencies in FY2005.

# APPENDIX A

## Agency and Program Reports

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### DEPARTMENT OF COMMERCE

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#### National Marine Protected Areas Center

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The National Marine Protected Areas Center was established by Executive Order 13158 on marine protected areas to coordinate the development of an effective national system of marine protected areas in the U.S. by working with public and private partners. The MPA Center is located within the National Oceanic and Atmospheric Administration, and is directed to work cooperatively with the Department of the Interior and to consult with other federal, state and tribal agencies and stakeholder groups. The MPA Center's mission 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.

Key responsibilities of the MPA Center include:

- Producing an inventory of marine managed areas (federal and state sites)
- Supporting the MPA Federal Advisory Committee
- Coordinating with federal, state, and tribal agencies to develop an effective national system of MPAs;
- Providing training and technical assistance to MPA sites to increase their effectiveness; and
- Conducting targeted research, assessment and analysis of natural and social science issues affecting MPAs.

For FY2004, key accomplishments of the MPA Center included:

- Completing the Strategic Plan for the MPA Center.

- Working with 35 coastal states and federal agencies to gather data and conduct quality assurance/quality control for the marine managed area inventory. In FY04, data collection and entry for the inventory was completed for the National Marine Sanctuary Program and nine coastal states.
- Holding three meetings of the MPA Federal Advisory Committee to advise NOAA and the Department of the Interior on the implementation of Executive Order 13158.
- Completing a social science research strategy to guide social science research needed for effective MPA design, establishment and management, and conducting two regional workshops to identify regional social science priorities.
- Developing and distributing a classification system that describes different types of MPAs. This tool will be used to analyze the information in the marine managed areas inventory.
- Redesigning and expanding the U.S. website on MPAs, <http://www.mpa.gov>, a comprehensive site with information on the inventory, Federal Advisory Committee, terminology, and other MPA Center activities.

For more information on activities conducted by the MPA Center in FY04, visit <http://www.mpa.gov>.

#### National Marine Sanctuary Program

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##### Mission and Authority

The National Marine Sanctuary Program's strategic plan (April 2005) states that the mission of the program is to "identify, protect, conserve, and enhance the natural and cultural resources, values, and quali-

ties of the National Marine Sanctuary System for this and future generations throughout the nation.” The National Marine Sanctuary Act, the primary authority under which the National Marine Sanctuary System is managed, identifies the purpose of the program as “to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System” [Sec. 301(b)(1) of the National Marine Sanctuaries Act, Title 16, Chapter 32, Sections 1431 et seq. United States Code as amended by Public Law 106-513, November 2000]. The National Marine Sanctuary Program is the primary implementing agency under Executive Order 13158 for federal waters in the U.S. exclusive economic zone.

#### **FY 2004 Activities Related to Coordination with Marine Protected Areas Center**

As a principal Federal implementing authority, the National Marine Sanctuary Program has developed an ongoing and close collaboration with the MPA Center. In FY 2004, highlights of the collaboration between National Marine Sanctuary Program and the MPA Center included:

- National Marine Sanctuary Program personnel participated in a number of internal MPA Center meetings and workshops.
- National Marine Sanctuary Program personnel have attended, as observers, all the MPA Federal Advisory Committee meetings, participating more actively in the deliberations when invited to do so by the Federal Advisory Committee.
- The National Marine Sanctuary Program has been active participants in the development of the MMA inventory, and provided Sanctuary-related data and information in support of the development of the MMA database.
- The National Marine Sanctuary Program funded a joint project with the MPA Center related to the expansion of the MMA inventory to Canadian waters of the Gulf of Maine, Scotian Shelf, and Bay of Fundy, conducted by the Canadian Department of Fisheries and Oceans.
- The National Marine Sanctuary Program has also co-sponsored, with the MPA Center, the Coastal Zone Canada 2004 conference and participated in a number of joint sessions at that conference.

## **National Estuarine Research Reserve System**

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#### **Mission and Authority**

The National Estuarine Research Reserve System is a network of 26 estuarine areas that are protected for long-term research and education. Established under section 315 of the Coastal Zone Management Act of 1972 as amended, the reserve system is a partnership between the National Oceanic and Atmospheric Administration (NOAA) and state agencies and universities. Reserve sites are nominated by the governor of a coastal state, designated by NOAA, and ongoing programs are implemented by state agencies and universities with support from NOAA. The National Estuarine Research Reserve System strategic plan (2002) states that the mission of the reserve system is “to promote stewardship of the Nation’s estuaries through science and education using a system of protected areas.” To this end, reserves implement locally relevant research, education, and resource stewardship programs as well as system-wide programs in coastal monitoring, research, and training for coastal decision makers.

#### **FY 2004 Activities Related to Coordination with Marine Protected Areas Center**

As the NOAA partner for the National Estuarine Research Reserve System, the Estuarine Reserves Division collaborates with the MPA Center. In FY 2004, highlights include:

- Estuarine Reserves Division personnel participated in several MPA Center meetings and workshops.
- The National Estuarine Research Reserve System contributed information on reserve sites to the MMA inventory.
- Together, staff of the Estuarine Reserves Division and the MPA Center provided information about the MPA Executive Order, the work of the Federal Advisory Committee, and the MPA Center to reserve managers.
- Estuarine Reserves Division staff provided input for presentations, materials, and policy papers developed by the MPA Center.

- Estuarine Reserves Division staff assisted with the development and delivery of training on project design and evaluation provided by the MPA Training and Technical Assistance Institute to MPA managers including reserve staff.

## National Marine Fisheries Service

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NOAA Fisheries is dedicated to protecting and preserving the nation's living marine resources and their habitat through scientific research, management and enforcement. We provide stewardship of these resources for the benefit of the nation, supporting coastal communities that depend on them, and helping to provide safe and healthy seafood to consumers and recreational opportunities for the American public. Our mission is to rebuild and maintain sustainable fisheries, promote the recovery of protected species, and protect and maintain the health of coastal marine habitats. To this end, NOAA Fisheries establishes protected areas as one of several tools to conserve and manage the marine resources it is responsible for.

NOAA Fisheries is responsible for the conservation and management of living marine resources under various authorities, including the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, the Marine Mammal Protection Act, and the Atlantic Coastal Fisheries Cooperative Management Act. Under the Magnuson-Stevens Fishery Conservation and Management Act, NOAA Fisheries has established sites for resource protection and fishery management in the U.S. exclusive economic zone. Under the Endangered Species Act, NOAA Fisheries has also established sites to protect endangered or threatened species and designated critical habitat for listed species. All these sites have been established by federal regulations in accordance with the specific authority. These regulations afford the sites with protections to promote fisheries sustainability, habitat conservation and restoration, and species protection and recovery.

Under the Magnuson-Stevens Fishery Conservation and Management Act, eight regional Fishery Management Councils submit resource management recommendations to the Secretary of Commerce

in the form of fishery management plans. Regulations implementing fishery management plans may include area-based management measures such as preventing overfishing or habitat destruction; protecting spawning aggregations or juvenile nursery habitat; or allowing stocks to rebuild. These areas may have restrictions on gear, catches, and fish size, or limitations on the time of year when fishing is allowed. Commercial and recreational fishing is allowed in most sites, but certain gear and fishing practices may be prohibited. The Endangered Species Act provides for designation of "critical habitat" for listed species, which may require special management considerations or protection. Critical habitat designations affect only federal agency actions or federally funded or permitted activities. Protecting critical habitats may be accomplished through regulations directly under the Endangered Species Act, or may be implemented through regulations in fishery management plans under the Magnuson-Stevens Fishery Conservation and Management Act, or through the Marine Mammal Protection Act.

All NOAA Fisheries sites are located in state or federal waters, between 0 and 200 miles off the coast of the United States. The size and protections afforded to these sites vary greatly depending on the objectives for which each site was established. The majority are gear-restricted areas (i.e., areas prohibiting the use of one or more fishing gear types) established to protect habitats, fishery stocks or species assemblages, and/or promote the recovery of threatened or endangered species. A few sites prohibit all fishing and anchoring within their boundaries. Additionally, sites may contain zoned areas that afford increased protections within a specific subset of the larger site. In the majority of cases sites represent areas that contain important ecological or biological features, such as spawning aggregation areas. Sites could also include particularly valuable habitats such as coral reefs or other habitats essential to the life history characteristics of particular managed species. Types of species protected include marine and anadromous managed fish species, invertebrates, aquatic plants, marine mammals, and sea turtles.

### **Key FY 2004 Activities**

- Supported MPA Center efforts in developing and orchestrating three meetings of the MPA Federal Advisory Committee, including provid-

ing a formal presentation on the nature and scope of NOAA Fisheries marine managed areas and on MPA issues of concern related to commercial and recreational fisheries and the conservation and management of living marine resources generally.

- Partnered with the MPA Center, other NOAA elements, and Department of the Interior counterparts in the refinement of draft MMA inventory criteria in response to public comments and in the issuance of final criteria, which resulted in the inclusion of numerous seasonal sites and those of limited duration.
- Worked closely with the interagency inventory team in refining the MMA inventory database, related geographical information, query capabilities, and public display.
- Augmented information on existing sites and cataloged new sites on over half of the marine

managed areas currently under NOAA Fisheries jurisdiction, which required the design and implementation of a quality assurance strategy and extensive involvement and review by regional managers and headquarters specialists (NOAA Fisheries expects to complete this effort in 2005 and presently has 97 sites included in the Inventory under four categories: *Federal Fisheries Management Zone*, *Federal Fisheries Habitat Conservation Zone*, *Federal Threatened/Endangered Species Protected Area*, and *Federal Marine Mammal Protected Area*. *Incorporation of new Inventory sites reflecting the designation of essential fish habitat and deep sea coral conservation areas is anticipated in FY 2006.*)

- Through continued efforts of the South Atlantic Fishery Management Council (for the snapper/grouper complex) and Pacific Fishery Management Council (for groundfish), considered the potential of marine reserve networks for fishery recovery and long-term sustainability.

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## DEPARTMENT OF DEFENSE

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Executive Order 13158 enhances the level of protection of significant natural and cultural resources within the marine environment and coordinates the development of an effective national system of marine protected areas in the United States. The Department of Defense is committed to marine resources protection through various programs and policies. All of the military services have active programs to comply with environmental and natural resources protection laws. Although most environmental legislation was not passed specifically for the protection of marine protected areas, the Department of Defense's compliance with the National Environmental Policy Act, Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions", Clean Water Act, Ocean Dumping Act, Oil Pollution Act, Coastal Zone Management Act, Magnuson-Stevens Fishery Conservation and Management Act Sikes Act, Executive Order 13112, "Coral Reef Protection, Endangered Species Act, and other statutes directly benefits marine resources.

As with all Department of Defense natural resources stewardship, it is and will continue to be our policy to ensure safe and environmentally responsible action in and around marine protected areas.

Department of Defense is not an implementing agency of Executive Order 13158, but conducts at-sea training and testing operations with an awareness of and sensitivity to the resources within MPAs and other sensitive marine resource management areas. In planning for needed harbor and anchorage maintenance and improvements, the Navy surveys the marine resources around its Atlantic and Pacific installations in Florida, Puerto Rico, Hawaii, Guam, Saipan, and Japan. As a result of these surveys, the Department of Defense has documented repeated instances where marine resources near military facilities are in significantly better condition (health, size, diversity, etc.) than those outside the area of military influence. Data from the Department of Defense marine surveys is captured for future use. In addi-

tion, the planning process for Department of Defense actions that could affect sensitive marine resources includes informing agencies concerned with natural resources management related to Essential Fish Habitat and other land and water management issues.

The U.S. Army Corps of Engineers operates and maintains 108 ocean dredged material disposal areas throughout the coastal U.S. including Alaska and Hawaii. The sites are used for the placement of approximately 65 million cubic yards of uncontaminated dredged material from coastal harbors and congressionally authorized navigation channels. Data about dredged material placement and the locations of the sites can be found at our web page <http://el.ercd.army.mil/odd/default.htm>.

Key responsibilities and FY 2004 accomplishments of the Department of Defense include:

- Inventorying resources and planning major Department of Defense actions so as to avoid or minimize impacts to marine resources;
- Participating as non-voting members of sanctuary advisory councils;
- Supporting the MPA Federal Advisory Committee.
- Although not specifically tied to MPAs, Department of Defense sponsored, initiated or completed the following research efforts in FY2004 demonstrating Department of Defense's commitment to protection of the marine environment:
  - "Marine Life of Johnston Atoll, Central Pacific Ocean," National World Press, 2003 by Phillip S. Lobel, 128 pp. The book was disseminated in FY2004.

- "An Assessment of the Condition of Coral Reefs Off the Former Navy Bombing Ranges at Isla De Culebra and Isla De Vieques, Puerto Rico, Geo-Marine, Final Report, April 2005." Survey work completed in FY2004.
- The Department of Defense has numerous subject matter experts in marine ecology and oceanography, especially within the Navy, that are available to provide expertise and support relative to coral reefs and other marine resources (e.g., Essential Fish Habitat, marine mammals, marine sanctuaries, and endangered species). Expert support at the higher-levels focuses on policy/regulatory issues such as how Department of Defense policies might be affected by the U.S. Oceans Action Plan and other initiatives, and how specific protective measures may resolve apparent conflicts between the Department of Defense's training needs and environmental protection policies, laws and regulations. At the local level, support includes providing the expertise to lead resource surveys, such as marine resource assessments accomplished for the U.S. east coast, including the Gulf of Mexico, and currently underway for the west coast, Hawaii, and vicinity of Diego Garcia in the Indian Ocean. The Navy has initiated efforts to improve coordination among other Services' federal and state subject matter experts also dealing with marine resources issues. With these initiatives and procedures currently in development, activity planners will find it easier to access the critical information and the skills of appropriate subject matter experts for their projects.

## DEPARTMENT OF HOMELAND SECURITY – U.S. COAST GUARD

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### **MPA Establishment, Protection and Management**

#### A. *Vessel Monitoring Systems (VMS)*

NOAA's National Vessel Monitoring System (N-VMS) is currently online and is being shared with

the U.S. Coast Guard real-time, either through N-VMS replication or via an alternate regional solution. This is a great development that has enhanced the effectiveness of the U.S. Coast Guard's enforcement oversight of marine protected areas (MPAs), and the U.S. Coast Guard supports the inclusion of

VMS in the development of any new MPA regulatory scheme.

#### B. *Ocean Steward*

The U.S. Coast Guard's marine protected species strategic plan, *Ocean Steward*, was republished this year. The strategic goal of *Ocean Steward* is to eliminate environmental damage and natural resource degradation associated with all maritime activities. The Coast Guard is accomplishing this goal in relation to marine protected areas through enforcement, education, and collaboration.

- 1) **Enforcement:** As the nation's primary at sea law enforcement agency, the Coast Guard is a leader in helping the nation recover and maintain its marine protected species populations. The Coast Guard enforces a wide variety of regulations designed to protect vital marine ecosystems and the marine wildlife that depend on them including the Northern right whale, Kemp's Ridley sea turtle, Hawaiian monk seal, Stellar sea lion, and a myriad of other threatened and endangered species. Typical efforts by Coast Guard vessels and aircraft include patrolling national marine sanctuaries and other protected areas, providing support to other agencies involved in disentanglement operations, and providing logistical support efforts to return rehabilitated animals to the wild. The Coast Guard works closely with federal, state and non-governmental agencies to help maintain a healthy, diverse and sustainable ocean environment. Our enforcement efforts in 2004 that focused on preserving protected areas consisted of the dedication of aircraft, boat and cutter resources at a cost of over \$34 million.
- 2) **Education:** The Sea Partners Campaign is the Coast Guard's marine environmental protection outreach and education program. Coast Guard staff were part of Sea Partners teams that operate from each of the 45 U.S. Coast Guard Marine Safety Offices located in port communities around the nation, including Puerto Rico and Guam. The primary objective of the Sea Partners Campaign is to educate communities at large in developing awareness of marine pollution issues and improving compliance with marine environmental protection laws and regulations. The Sea Partners Campaign education messages cover:

- a) Effects of oil, hazardous chemicals, waste and debris on the marine environment.
- b) How marine environmental protection laws and regulations apply to various marine users.
- c) Ways groups and individuals can take action to protect the marine environment.

The Sea Partners Campaign has targeted a wide range of audiences, including state, local and federal officials, merchant mariners, offshore industry personnel, ferry operators, recreational boaters, sport and commercial fishermen, seafood processors, local business owners, marina operators, students, scouts and teachers. The Sea Partners Campaign has developed working partnerships with the U.S. Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service, the Ocean Conservancy, the Marine Environmental Education Foundation and other agencies and organizations to expand outreach opportunities. Through the Sea Partners Campaign, the Coast Guard has been able to launch a public education and outreach program with the potential to make a substantial contribution to protecting the marine environment. In 2004 alone, Sea Partners reached an audience of over 300,000 people.

- 3) **Collaboration:** The U.S. Coast Guard, Pacific Area, convened an Over-flight Disturbance Mitigation Work Group with a goal of minimizing the impact of Coast Guard flight operations on protected birds and marine mammals. The work group was extremely effective in uniting two sets of expertise-aviation operational experts with protected marine resource experts-to develop initiatives to address over-flight disturbance concerns which will ultimately minimize actual and perceived disturbance. As a result of the work group, Air Station Sacramento and Air Station San Francisco are receiving biannual over flight disturbance mitigation training, provided on a rotational basis by the U.S. Fish and Wildlife Service and the National Marine Sanctuary staff. Both air stations have adjusted their operations and training regimes to avoid sensitive or protected habitats/areas, resulting in a decrease in nesting bird mortality.

## U.S. Fish and Wildlife Service, National Wildlife Refuge System

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The National Wildlife Refuge System, administered through the U.S. Fish and Wildlife Service within the Department of the Interior, includes the nation's largest system of lands managed for the benefit of wildlife, both above and below water. The mission of the National Wildlife Refuge System 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 United States for the benefit of present and future generations of Americans." Refuges are managed first for wildlife and the habitats they depend upon. But, they are also managed for today's Americans and for future generations to enjoy in their full and natural splendor.

In protecting our nation's wealth of natural resources, the Refuge System has chosen the "ecosystem approach" to natural resource management in its enabling legislation. The ecosystem approach addresses the health and biological integrity of the complete ecosystem rather than the historical "single species" protection. Historical management of individual Refuges focused on individual wildlife resources such as waterfowl, migratory birds, marine mammals, or endangered species. These species were specifically targeted for increased assistance because of vital habitats that are lost or impacted by a growing nation and global population. It is no coincidence that the loss of many of these same habitats are having a severe impact on our nations nearshore marine resources contributing to the impetus for a stepped-up, integrated, national system of marine protected areas. As the Refuge System advances by building capabilities for science-based ecosystem management, so too shall the protections of our nation's coastal and marine resources.

The National Wildlife Refuge System has identified over 170 sites as part of the marine managed area (MMA) inventory being compiled by the Marine Pro-

tected Areas Center. These sites are likely to meet the criteria being developed for marine protected areas, and to become part of the national system of MPAs. Refuge MMAs range geographically from above the Arctic Circle to below the equator. This system has significant coastal holdings with an estimated 30,000 coastal miles covering 20 million coastal acres, an estimated 4 million submerged land acres of which almost 3 million acres are in coral reef ecosystems, and some 300,000 marine acres as Congressionally-designated wilderness areas in 34 refuges.

The National Wildlife Refuge System works with many valuable partners and stakeholders in managing its coastal and marine holdings, including, but not limited to the National MPA Center, National Estuarine Reserves, National Park Service, U.S. Geological Survey, National Marine Sanctuary Program, U.S. Coast Guard, National Marine Fisheries Service, various non-governmental organizations, states, counties, and local entities. The Refuge System is an active and supportive federal player in the development of the national system of MPAs and is conducting both in-reach and outreach education on its marine and coastal program responsibilities. The Refuge System is pleased to work closely with the other members of the MPA Federal Advisory Committee and Interagency MPA Working Group, and with NOAA Special Projects on the MMA inventory.

Key activities for FY04 include:

- Providing information on the National Wildlife Refuge System to the MPA Federal Advisory Committee through formal presentations;
- Fielding numerous data collection projects for the MMA inventory to be completed in September 2005, and ensuring accurate figures on coastal and marine holdings;
- Engaging in cooperative management schemes with federal and state partners through Memoranda of Understanding and Memoranda of Agreements to collaborative manage our shared marine resources and holdings;
- Contributing staff expertise and our extensive



management experience and history to assist in developing criteria for MMA and the finer points of developing common standards in the MPA process to build the national system of MPAs.

Many of these activities will continue in FY 2005. In addition, the Refuge System plans to be an active participant in the federal and state workshops on the national system to be held in FY 2005.

## National Park Service

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Since the creation of Acadia National Park in 1916, marine resources in the National Park Service have grown to include more than three million acres of ocean and Great Lakes waters and 5,000 miles of coast. More than 57 million people visit the 40 Park units on the marine managed areas inventory to experience our nation's ocean heritage, including beaches, coral reefs, kelp forests, wetlands, glaciers, historic shipwrecks and other resources. The National Park Service is charged with conserving natural and cultural resources unimpaired for the enjoyment of current and future generations. Meeting this challenge in the ocean requires the National Park Service to grapple with complex issues that extend outside of park boundaries. The National Park Service recognizes that effective conservation and science-based management demand collaborative approaches between agencies, states, citizens, local communities, and academia, all working to protect our shared ocean heritage.

The National Park Service has begun to create a strong, science-based foundation for managing marine resources. In 2004, the National Park Service continued to conduct scientifically rigorous programs for assessing, monitoring and managing marine and estuarine resources, working with the states, U.S. Geological Survey, NOAA, universities and other partners.

Recognizing that national parks and national marine sanctuaries are united by their proximity and resource management concerns, the National Park Service and the NOAA National Marine Sanctuary Program are continuing to work under an interagency agreement to enhance their scientific and organi-

zational partnerships in adjacent and overlapping Sanctuaries and Parks. Following on the President's U.S. Ocean Action Plan, the national parks, national wildlife refuges, national marine sanctuaries, and national estuarine research reserves will develop a broader interagency agreement and strategy to foster partnerships on research, habitat mapping, monitoring, education, enforcement and other issues. These efforts will complement and be supported by efforts to implement Executive Order 13158. Finally, as stated in the President's U.S. Ocean Action Plan, the National Park Service will announce an Ocean Park Stewardship Strategy in 2005, which will continue to heighten the agency's scientific focus and organizational emphasis on marine resources.

### FY2004 Accomplishments

- National Park Service worked with the U.S. Fish and Wildlife Service and NOAA (National Marine Sanctuary Program and Fisheries) to draft a Memorandum of Agreement on cooperative law enforcement to enhance cross-training and cross-deputization of law enforcement personnel, and enable enforcement partnerships at adjacent and overlapping national marine sanctuaries, national parks, and national wildlife refuges. The agencies will sign the agreement in 2005.
- National Park Service worked closely with the MPA Center Science Institute in developing national and regional science strategies for cooperative marine ecology, oceanography, and social science research to support effective design and implementation of marine managed areas.
- Biscayne National Park developed a draft joint Fisheries Management Plan with the Florida State Fish and Wildlife Conservation Commission, scheduled for completion in 2005.
- National Park Service dedicated \$400,000 under the Natural Resource Challenge and staff support to document habitats and assess fish and invertebrate populations in marine reserves at Buck Island Reef National Monument and Virgin Islands Coral Reef National Monument, U.S. Virgin Islands, working with the NOAA National Center for Coastal and Ocean Science.
- Channel Islands National Park continued cooperative assessment, monitoring, education and enforcement activities with the California Depart-

ment of Fish and Game and the National Marine Sanctuary in newly established marine reserves.

- National Park Service entered information on all 40 National Park System sites required by the marine managed areas inventory, and provided data to site managers for verification and completion.

## Minerals Management Service

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The Minerals Management Service's responsibilities on the outer continental shelf are those of a minerals resource manager, not a general land manager. The Outer Continental Shelf Lands Act requires the Minerals Management Service to ensure the "protection of the human, marine, and coastal environments" in its decisions about where and when to conduct mineral leasing and in its regulation and

oversight of industry operations. In fulfilling this requirement, Minerals Management Service scientists, engineers and inspectors establish and enforce substantial environmental protections for specific sites and biological communities in areas leased for mineral development.

For FY 2004, key activities for Minerals Management Service included:

- Contributing staff expertise and our extensive scientific information to assist in developing criteria for marine managed areas (MMA) and in selecting appropriate Minerals Management Service site contributions;
- Working cooperatively with NOAA to manage the MPA website and support the National Marine Protected Areas Center; and
- Monitoring industry activities to ensure that Minerals Management Service environmental standards are met and that they are effective in protecting MPA resources.

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## DEPARTMENT OF STATE

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**Contact:** Margaret F. Hayes, (202) 647-3013, [havesmf@state.gov](mailto:havesmf@state.gov)

## Bureau of Oceans and International Environmental and Scientific Affairs, Offices of Oceans Affairs and Marine Conservation

The Offices of Oceans Affairs and Marine Conservation are responsible for developing and coordinating international marine protected area policy, particularly as it relates to the high seas. This issue has

increasingly come up in a variety of multilateral fora the State Department covers, including the United Nations Open-Ended Informal Consultative Process on Oceans and the Law of the Sea, the UN FAO Committee on Fisheries, and the IUCN World Conservation Congress. The Offices also attended the first meeting of the Convention on Biological Diversity Protected Areas Working Group in June 2005, where high seas marine protected areas were the main agenda item.

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## NATIONAL SCIENCE FOUNDATION

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### Division of Ocean Sciences

The National Science Foundation is an independent agency of the U.S. government responsible for promoting progress in science and engineering by fostering new ideas and research opportunities and supporting projects in basic scientific research, engineering and education. The National Science Foundation plays a critical role in supporting fundamental research, education and infrastructure at colleges, universities and other organizations across the country. Specifically, the Division of Ocean Sciences supports basic research and education to further understanding of the global oceans and their interactions with the earth and atmosphere.

Most of the research proposals sent to the National Science Foundation are unsolicited and peer reviewed in competition with other proposals addressing similar disciplinary activities. The National Science Foundation's broad support for basic research

provides opportunities for discovery in many fields, including those that may inform the design, placement and management of marine protected areas and help address other considerations as put forth in Executive Order 13158.

The National Science Foundation currently supports projects that will result in a better understanding of biological and oceanographic processes influencing marine populations. For example, in FY 2004, the National Science Foundation initiated support for research to design and develop population models of reef fish recruitment addressing spatial and temporal population connectivity. Using isotopes to "tag" fish embryos, coupled with DNA-based analyses, the project will allow measurement of dispersal distances of coral reef fish. The population models will improve our understanding of larval ecology and help to better design marine protected area networks. This research will continue in coming years, with additional efforts funded in FY 2005 to examine other aspects of behavior in reef fish larva.

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## U.S. ENVIRONMENTAL PROTECTION AGENCY

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Three major statutes form the legal basis for programs managed and conducted by the U.S. Environmental Protection Agency (EPA) that relate directly or indirectly to marine protected areas. Namely, these are the Clean Water Act; the Marine Protection, Research and Sanctuaries Act (also known as the Ocean Dumping Act); and the National Environmental Policy Act (NEPA). Below is a brief description of EPA's activities related to these statutes.

### **Marine & Ocean Discharges; and Ocean Discharge Criteria**

Under Section 312 of the Clean Water Act, the Vessel Sewage Discharge Program provides for designation of No-Discharge Zones. States can request EPA

to issue a regulation to establish No-Discharge Zones if they are needed to protect environmentally sensitive areas such as shellfish beds, coral reefs, or fish spawning areas.

Clean Water Act Section 301(h), added in 1977, allows publicly owned treatment works that discharge to marine waters to apply for a waiver of the Act's secondary treatment requirements, provided they can show that their discharge will not adversely affect the marine environment; including marine protected areas.

Under Clean Water Act Section 402, any discharge of a pollutant from a point source (e.g., a municipal or industrial facility) to the navigable waters of the United States or beyond must obtain a National Pol-

lutant Discharge Elimination System permit, which requires compliance with Technology and Water Quality-Based Treatment Standards. An National Pollutant Discharge Elimination System permit allows a facility to discharge a specified amount of a pollutant into a receiving water body under certain conditions. In addition to the individual National Pollutant Discharge Elimination System discharge permits, there are general National Pollutant Discharge Elimination System permits that cover offshore oil and gas exploration and production facilities, seafood processors, and storm water discharges.

Any discharge to the territorial seas or beyond must also comply with the Ocean Discharge Criteria established under Clean Water Act Section 403. These criteria specifically address impacts from such discharges on marine resources. Section 403 of the Clean Water Act provides for additional protection of ocean waters (i.e., waters of the territorial seas, the contiguous zone, and the high seas beyond the contiguous zone) from point source discharges. Under section 403(a), EPA or an authorized state may not issue a permit for a discharge into ocean waters unless the discharge complies with the guidelines (Ocean Discharge Criteria) established under Section 403(c). These guidelines provide a level of protection in addition to the technology or water-quality based requirements applicable to discharges into inland waters, and are intended to protect the marine environment.

### **Ocean Dumping**

The Marine Protection, Research, and Sanctuaries Act, also known as the Ocean Dumping Act, prohibits the dumping of materials into the ocean that would unreasonably degrade or endanger human health or the marine environment. The Marine Protection, Research, and Sanctuaries Act implements the requirements of the London Convention, the international treaty governing ocean dumping. Note that the Ocean Dumping Act preempts the Clean Water Act in coastal waters or open coasts, and the Clean Water Act applies to estuaries.

Under the Marine Protection, Research, and Sanctuaries Act, transportation for the purposes of dumping in ocean waters requires a permit from EPA or, in the case of dredged materials, from the U.S. Army Corps of Engineers (subject to EPA's concurrence). EPA is also responsible for designating recommended ocean dumping sites for all types of materials. Virtually all

material disposed in the ocean in the United States today is dredged material (sediments) removed from the bottom of water bodies in order to maintain navigation channels and berthing areas. Other materials that are currently ocean disposed include fish wastes, human remains (e.g., ashes), and vessels. Certain materials, such as high-level radioactive waste, medical waste, sewage sludge, and industrial waste, may not be dumped in the ocean.

### **Cruise Ships' Sewage and Graywater Standards Development**

In 2000, Congress enacted Title XIV, "Certain Alaskan Cruise Ship Operations" as part of the appropriations act for the Departments of Labor, Health and Human Services, and Education. This law regulates the discharge of sewage and graywater from cruise ships capable of carrying more than 500 passengers that operate in the waters of the Alexander Archipelago; and the navigable waters within the State of Alaska and within the Kachemak Bay National Estuarine Research Reserve. Before this law was passed, there was considerable concern about cruise ships discharging untreated sewage and graywater into areas that were surrounded by Alaskan waters but were beyond three miles from shore. In these areas, known as doughnut holes, the discharge of sewage was unregulated. Title XIV sets requirements for discharges of sewage and graywater into Alaskan waters and the doughnut holes and authorizes EPA to also develop regulations.

To implement Title XIV, EPA is currently in the process of developing standards for discharges of sewage and graywater from cruise ships into Alaskan waters and expects to propose regulations in mid FY-2006. In addition, Title XIV currently restricts discharges of sewage and graywater from cruise ships in Alaskan waters until these regulations are in place and requires the U.S. Coast Guard to expand its current vessel inspection regime to include all discharge control equipment on covered cruise ships and requires sampling and testing of sewage and graywater discharges from covered cruise ships in Alaskan waters.

### **National Environmental Policy Act (NEPA)**

Title I of NEPA contains a Declaration of National Environmental Policy which requires the federal government to use all practicable means to create and maintain conditions under which man and nature

can exist in productive harmony. Section 102 requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. Specifically, all federal agencies, including the U.S. EPA, are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment. These statements are commonly referred to as environmental impact statements.

Section 102 also requires federal agencies to lend appropriate support to initiatives and programs designed to anticipate and prevent a decline in the quality of mankind's world environment, including the marine environment where marine protected areas may be found.

#### FY 2004 Accomplishments

- Appointed agency representative to the Marine Protected Areas Federal Advisory Committee; the Federal Interagency MPA Working Group,

and represented EPA at the fourth meeting of the MPA Federal Advisory Committee (Maui, Hawaii);

- Provided scientific and technical support to the MPA Federal Advisory Committee; MPA Center, and the Federal Interagency MPA Working Group;
- Started process to facilitate interactions between the MPA Federal Advisory Committee and MPA Center and the Ocean.US Executive Committee regarding the development of the U.S. Integrated Ocean Observing System, and the national system of marine protected areas; and
- The U.S. EPA will continue to actively support the activities of the MPA Federal Advisory Committee, the MPA Center, and the Federal Interagency MPA Working Group as we strive to develop a national system of marine protected areas.

## **APPENDIX B**

# **Marine Protected Areas Federal Advisory Committee**

### **Executive Committee:**

Dr. Daniel Bromley, Department of Agricultural and Applied Economics, University of Wisconsin (Chair)

Dr. Bonnie McCay, Department of Human Ecology, Rutgers University (Vice Chair)

Dr. Mark Hixon, Department of Zoology, Oregon State University (Subcommittee Chair – National System of MPAs)

Captain Robert Zales II, sport fishing (Subcommittee Vice Chair – National System of MPAs)

Mr. Lelei Peau, American Samoa Department of Commerce (Subcommittee Chair – Stewardship and Effectiveness)

Dr. Anthony Chatwin, The Nature Conservancy (Subcommittee Vice Chair – Stewardship and Effectiveness)

Mr. Mel Moon, Quileute Tribal Natural Resources Department (Subcommittee Chair – National and Regional Coordination of MPA Efforts)

Mr. Michael Nussman, American Sportfishing Association (Subcommittee Vice Chair – National and Regional Coordination of MPA Efforts)

### **Other Members:**

Dr. Tundi Agardy, Sound Seas

Mr. Robert Bendick, The Nature Conservancy

Mr. David Benton, Marine Conservation Alliance

Dr. Michael Cruickshank, Marine Minerals Technology Center Associates

Ms. Carol Dinkins, Attorney

Dr. Rod Fujita, Environmental Defense

Dr. Delores Garza, School of Fisheries and Ocean Science, University of Alaska

Mr. Eric Gilman, Blue Ocean Institute

Dr. John Halsey, Michigan Department of History, Arts and Libraries

Mr. George Lapointe, Maine Department of Marine Resources

Mr. Robert Moran, American Petroleum Institute

Dr. Steven Murray, Department of Biological Science, California State University, Fullerton

Mr. Terry O'Halloran, Tourism Business Solutions, LLC

Dr. John Ogden, Florida Institute of Oceanography, University of South Florida

Dr. Walter Pereyra, commercial fishing

Mr. Max Peterson, International Association of Fish and Wildlife Agencies (retired)

Mr. Gil Radonski, sport fishing

Dr. James Ray, Shell Global Solutions (US), Inc.

Ms. Barbara Stevenson, commercial fishing

Dr. Daniel Suman, University of Miami

Captain Thomas (Ted) Thompson, International Council of Cruise Lines

Ms. Kay Williams, Gulf of Mexico Fishery Management Council, commercial fishing

**Federal Ex-Officio Representatives:**

Marine Protected Areas Federal Advisory Committee

Department of Agriculture

Mack Gray, Deputy Undersecretary for Natural Resources and Environment

Department of Commerce

Mary Glackin, Assistant Administrator for Program Planning and Integration, NOAA

Department of Defense/Navy

Donald Schregardus, Deputy Assistant Secretary for Environment

Department of the Interior

Larry Maloney, Special Assistant, Office of the Assistant Secretary, Lands and Minerals Management

Department of State

Margaret Hayes, Director of Ocean Affairs

Department of Homeland Security

RADM Jim Underwood, Director of Operations Policy, U.S. Coast Guard

Environmental Protection Agency

Dr. Brian Melzian, Oceanographer/Project Officer

National Science Foundation

Dr. Joseph R. Pawlik, Associate Program Director, Biological Oceanography Program

U.S. Agency for International Development

Jacqueline Schafer, Deputy Assistant Administrator, Bureau for Economic Growth, Agriculture & Trade

## **APPENDIX C**

### **Inter-Agency Marine Protected Areas Workgroup**

**Chair:** Joseph Uravitch, Director, National Marine Protected Areas Center

#### **Commerce/NOAA:**

Brian Jordan, Cultural Resources Coordinator, National Marine Protected Areas Center

Jonathan Kelsey, National System Coordinator, National Marine Protected Areas Center

Dana Topousis, Communications Manager, National Marine Protected Areas Center

Lauren Wenzel, Federal Agency Coordinator, National Marine Protected Areas Center

Ralph Lopez, NOAA Fisheries

Laurie McGilvray, Director, Estuarine Reserves Division

Brad Barr, Senior Policy Advisor, National Marine Sanctuaries Program

Mitchell Tartt, National Marine Sanctuary Program

#### **Defense:**

Thomas A. Egeland, Director, Environmental Planning and Conservation Policy

Office of the Assistant Secretary of the Navy (Installations and Environment)

Elizabeth Phelps, Marine Scientist, Chief of Naval Operations

Beverley B. Getzen, Chief, Office of Environmental Policy, US Army Corps of Engineers

Lynn R. Martin, Institute for Water Resources, Army Corps of Engineers

Joseph Wilson, South Atlantic Division, U.S. Army Corps of Engineers

#### **Environmental Protection Agency:**

Brian Melzian, Atlantic Ecology Division, National Health and Environmental Effects Research Laboratory



**Homeland Security:**

LT Jeff Pearson, Commandant (G-OPL-5), US Coast Guard Headquarters

**Interior:**

Randal Bowman, Office of the Assistant Secretary, Parks and Fish and Wildlife

Larry Maloney, Office of the Assistant Secretary, Land and Minerals Management

Elizabeth Burkhard, Minerals Management Service

Jim Kendall, Minerals Management Service

Gary E. Davis, Visiting Chief Scientist, Ocean Programs, National Park Service

Cliff McCreedy, Natural Resource Stewardship and Science, National Park Service

Andrew G. Gude, Refuge Marine Programs, US Fish and Wildlife Service

Chris Pease, Chief, Branch of Wildlife Resources, US Fish and Wildlife Service

**State:**

Margaret F. Hayes, Director of the Office of Oceans Affairs

Bureau of Oceans and International Environmental and Scientific Affairs

Faith Kearns, AAAS Diplomacy Fellow

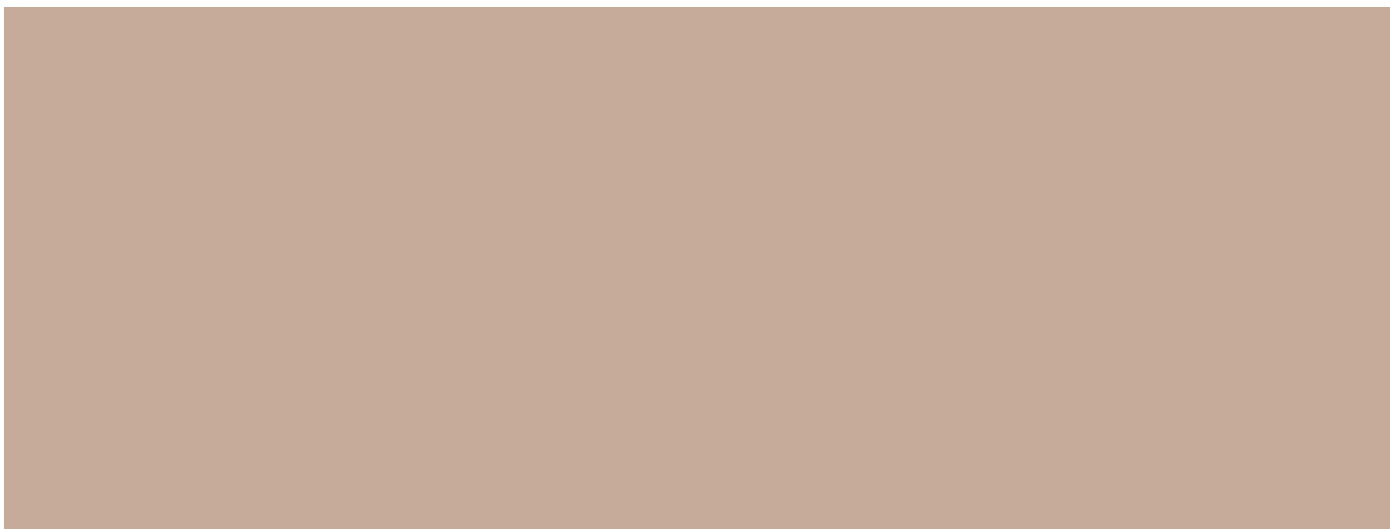
**USAID:**

Barbara Best, Coastal Resources and Policy Advisor

Bureau for Economic Growth, Agriculture & Trade

**Agriculture:**

Merlin Bartz, Natural Resources and the Environment



[www.mpa.gov](http://www.mpa.gov)

National Oceanic and Atmospheric Administration, National Marine Protected Areas Center, Silver Spring, Maryland