

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 United States shares a number of common resources with both neighboring and distant countries. For instance, migratory species (e.g., whales, sea turtles, pelagic fishes, and some 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 among systems in other countries can mutually benefit the United States and international MPAs through coordination of efforts, information and capacity sharing, and technical assistance. Along with sharing common resources, the United States 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 United States 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 (NAMPAN) and the exchange of training and technical assistance with other nations. The national system can facilitate a dialogue and develop collaborative efforts between the United States and other countries to complement and support the work of MPA programs.

APPENDIX C. PROGRAMMATIC ENVIRONMENTAL ASSESSMENT

Lead Agency:

Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service

Cooperating Agency:

Department of the Interior, National Park Service



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Purpose and Need for this Programmatic Environmental Assessment

The purpose of this Programmatic Environmental Assessment (PEA) is to fulfill the requirements of Executive Order (EO) 13158, which are to develop, design and build a National System of Marine Protected Areas (MPAs).

Executive Order 13158 on MPAs

Executive Order 13158 on Marine Protected Areas (2000) calls on the Department of Commerce and the Department of the Interior (DOI), in consultation with other federal agencies and stakeholders, to develop a national system of marine protected areas (MPAs) to enhance the conservation of the nation's natural and cultural marine heritage. The Executive Order created the National Marine Protected Areas Center (MPA Center) within the National Oceanic and Atmospheric Administration (NOAA) to coordinate this effort. 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 National System of MPAs

Currently, nearly 1,700 marine areas have been identified in the United States (U.S.). These areas are managed under the authority of hundreds of federal, state and territorial (state), tribal, and local laws and regulations. Familiar examples of MPAs include national and state marine sanctuaries, parks, wildlife refuges, and some fishery management areas. This patchwork of protected areas is an important component of the nation's marine conservation mission, but would be greatly enhanced by the improved coordination and integration across sites and MPA programs that a national system will provide.

The National System of MPAs (national system) will be built collaboratively by existing MPA sites and systems through partnerships at the ecosystem, regional, and national levels. The national system will focus on supporting shared priorities for enhancing coordination and stewardship of partner MPA sites and systems in order to improve effectiveness. The national system may ultimately include some new areas vital to the conservation of significant natural and cultural marine resources. These may be identified by national system partners through regional planning or other processes, and will be based on the best available science and stakeholder involvement.

Any new MPAs would need to be designated through an existing federal, state, tribal, or local authority, as the Executive Order provides no authority to create new MPAs.

Need for Action

The Executive Order calls on the MPA Center to develop a Framework for the national system (Framework). The first draft was published for public comment in September 2006, and was

revised after due consideration of comments and recommendations received. A second draft was published for an additional round of public comment during March-May 2008, and again has been revised with consideration of input received. This PEA has also been revised based on comments received during the 2006-2008 comment period.

The purpose of the Framework is to serve as a “road map” for developing the national system that will specify a common vision, and common goals, objectives, and criteria for the national system, as well as the process for partnerships among federal, state, tribal, and local government agencies and stakeholders to develop it. While the Executive Order and the Framework document are non-regulatory, the MPA Center developed this PEA to provide federal and state agencies, tribes, and other stakeholders with the best available information on the potential impacts of the Framework document during its two public comment periods.

Scope of this Analysis

This PEA considers the programmatic environmental consequences of proposing the Framework. As previously described, the Framework itself only lays out a strategic process to achieve a national system of MPAs. The Framework itself does not propose any new MPAs, nor does it create or recommend any new authority under which they may be designated.

The consideration of designating additional MPAs or expanding existing MPAs will occur solely at the discretion of the state, federal, tribal, and local agencies which have the authority to develop different MPAs to fulfill their own missions and implement the national system. As such, any potential site-specific environmental, economic, and social impacts cannot be meaningfully analyzed until these agencies consider individual MPA proposals under their own authorities. Therefore, the potential effects of any detailed regional, state, or local MPA alternatives proposed by a federal agency under this Framework would be further analyzed under NEPA at the time they are proposed, including in environmental assessments tiered from this PEA as appropriate.

Description of Proposed Action and Alternatives

Alternatives Considered, but Rejected

In considering alternatives for proposing the Framework, the following three were selected as constituting a reasonable range of alternatives for this PEA: “Alternative A: Take No Action,” “Alternative B: Propose the Draft Framework for Developing the National System of Marine Protected Areas” and “Alternative C: Propose the Framework for the National System of Marine Protected Areas of the United States of America.” Numerous other possible alternatives were, however, considered by NOAA for analysis, but ultimately rejected. For example, a wide range of alternatives would have resulted from all the possible permutations of changes in the Framework’s approach to meeting the various requirements of the MPA Executive Order. Several factors led to the determination that the approach of analyzing a wide range of many potential alternatives should be rejected.

First, the Framework lays out a series of processes for U.S. MPA programs, managing entities, authorities, and other stakeholders around the country to work together to determine eligible MPAs and the most appropriate, specific approaches for developing the national system. Because the Framework is focused on managing entity and stakeholder processes to determine specific approaches and actions, the environmental consequences of these permutations cannot be predicted to be significantly different than Alternative C.



Second, and most important, the processes outlined in the elements of the Framework are based on input received from consultations with and recommendations from MPA stakeholders around the country, including the MPA Federal Advisory Committee, as required by the Executive Order. Creating a range of alternatives that are either independent of these consultations or consider only some of the recommendations received would not meet the requirements of the Executive Order.

Therefore, having considered additional alternatives for proposing the Framework for the national system, NOAA has determined that the three alternatives described below constitute a reasonable and practical range of alternatives for assessing the anticipated environmental consequences of fulfilling the need to develop the Framework.

Alternative A: Take No Action

Under this alternative, NOAA would not propose a Framework as required by the MPA Executive Order. The MPA Executive Order would stand alone without any further detail of the processes necessary for developing the national system. There would be no description of processes for identifying and including existing MPAs in the national system, working with MPA programs to collaboratively identify and address common stewardship needs, or identifying place-based gaps in protection.

Alternative B: Propose the Draft Framework for Developing the National System of Marine Protected Areas

NOAA proposed the first draft of the Framework published in September 2006. As noted by the MPA Federal Advisory Committee and many public comments, this draft document lacked a strategic focus to describe how the national system would target priority conservation objectives; lacked design and implementation principles to guide development of the system; and provided only a minimal description of how the national system would be coordinated and conduct gap analyses on a regional basis.

Alternative C: Propose the Framework for the National System of Marine Protected Areas of the United States of America (Preferred)

This alternative would fulfill the directive of the MPA Executive Order to develop a Framework. The Framework provides guidance for developing the national system and therein implementing key elements of the Executive Order. The full descriptions of the proposed national system elements and associated processes are contained in the Framework and summarized here as:

- Summary of authority for developing the Framework and national system.
- Overview of key U.S. MPA programs and related initiatives.
- Key definitions for developing the national system.
- Goals and objectives for the national system.
- Sequence and steps for implementing the Framework.
- Process for identifying, nominating, and including MPAs in the national system.

- Options for building collaborative efforts to enhance stewardship and regional coordination of MPAs.
- Process for identifying conservation gaps in the national system.
- Maintenance of the official List of National System MPAs.
- Process for implementing the “avoid harm” provision.
- Options for evaluating effectiveness of the national system.
- Mechanisms for tracking and reporting national system progress and priorities.

Description of Affected Environment

The geographic extent of the Framework and the nation’s existing MPAs that it aims to support span the United States’ territorial waters and Exclusive Economic Zone 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. This environment encompasses the entire range of the nation’s marine ecosystems, including their natural heritage, cultural heritage, and sustainable production resources and functions, goods, and services. The following are general descriptions of five valued environmental components that may be affected programmatically by the Framework. More detailed descriptions of specific affected environments will be given in future tiered analyses based on future consideration of MPAs which may occur under the authority of individual state, federal, tribal, and local agencies.

Natural Heritage Resources

The nation’s existing MPAs, whether managed by federal, state, tribal, or an inter-governmental collaboration of entities help to conserve and restore the wealth of U.S. natural marine environments, including but not limited to, kelp forests, warm and cold water coral reefs, rocky intertidal areas, offshore banks and seamounts, estuarine areas, the Great Lakes waters, deep sea vents, and sand and mud flats. In these marine environments, MPAs play an important role in protecting the significant natural biological communities, endangered and threatened species, habitats, ecosystems, processes, and the ecological services, uses, and values they provide to this and future generations. These various components of the nation’s marine environment are critical to maintaining the integrity and health of marine and coastal ecosystems. Oftentimes managing for one of these elements means protecting the others. For example, to effectively manage endangered or threatened species, the habitat they rely upon must also be protected.

Sustainable Production Resources

Existing U.S. MPAs are also designed and established with the intent to help ensure the sustainability of the renewable living resources and their habitats, including, but not limited to, spawning, mating, and nursery grounds, and areas established to minimize bycatch of species that are important to the nation’s economy and the livelihoods and subsistence needs of its citizens. MPAs can help to sustain commercial and recreational fisheries by controlling fishing effort, protecting critical stages in the life history of fishery species, conserving genetic diversity of exploited species, reducing secondary impacts of fishing on essential fish habitat and other species, and ensuring against fisheries collapse (Murray et al. 1999; NRC, 2001). MPAs may allow site-



specific regulation of selected species, selected gear types, or fishing methods. Certain MPAs or zones within MPAs may be fishery reserves that protect all or nearly all species from fishing. Many studies indicate that abundance and size of target species increase in marine protected areas that limit extractive use (Dugan and Davis, 1993; Crowder et al., 2000; Halpern, 2003).

Cultural Heritage Resources

The nation's existing MPAs preserve and protect important cultural resources. These cultural resources 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. Examples include archeological sites that contain significant cultural artifacts; sunken historic ships, aircraft, or other vessels; and areas important to specific cultures. Protecting cultural resources in MPAs reduces the chance that artifacts will be removed or damaged from modern-day commercial or recreational activities. Unlike many biological communities that have some level of resilience to recover from degradation, once cultural sites are damaged, the information and value of these non-renewable resources may be lost forever. MPAs are an important tool for conserving cultural resources by monitoring the environment for change and stabilizing deteriorating structures. MPAs also encourage actions to find, preserve, and interpret the associated artifacts that may otherwise be inaccessible to the public. By protecting marine sites that are important to the nation's diverse cultures, existing U.S. MPAs preserve a part of history for future generations.

Current Governmental Management Structure

The past several decades have witnessed a dramatic increase in the use of MPAs as a conservation and management tool to protect the nation's most important natural and cultural marine resources and areas. Over 90 percent of U.S. MPAs were established after 1970 (National MPA Center Marine Protected Area Inventory, 2008). The growth in MPAs has not only resulted in increased protections to certain natural and cultural marine resources, but also brought about a significant number of new MPA programs and authorities at all levels of government, each with their own requirements, levels of protection, and associated terms.

These programs and the MPA sites that they manage are components of a complex sociopolitical landscape that features diverse institutions, governance structures, and processes. They include, for example, federal programs such as the National Marine Sanctuaries and National Parks; tribal MPA authorities and co-management arrangements with states; state programs such as fish and wildlife, coastal zone management, and historic preservation; and other governmental approaches to MPAs.

Each of these programs has its own mandate it is required to fulfill. These mandates often overlap in both geographic scope and the conservation purposes for which they were established. In addition, while many existing MPA programs comprise a system of MPAs, there are a limited number of mechanisms in place to coordinate MPA efforts across ecosystem, regional, national, or international levels among MPA programs and levels of government. This is not to say that no such coordination is happening. In fact, there are a number of good examples of existing MPA sites and programs in a common geography working together, which serve as excellent models. However, there is no overarching MPA framework for facilitating and promoting such coordination across levels of government and at an ecosystem or regional scale around the nation. Similarly, the effectiveness of the existing

suite of MPAs in contributing to the long-term sustainability of important resources, habitats and ecosystems, and the services and values they provide, is largely yet to be determined.

Social, Economic and Cultural Benefits

MPAs in the United States and its territories provide social, economic, and cultural benefits by protecting resources and environments. These benefits come in many forms, both tangible and intangible and direct and indirect. Direct, tangible benefits may include supporting the socioeconomic well-being of communities tied to our nation's fisheries by enhancing stocks for sustainable harvest and recreational opportunities. These communities provide significant inputs to the U.S. economy and many have long and storied historical connections to the marine environment. MPAs that ensure sustainable production have the intangible benefit of promoting cultural continuity and identity, which is instrumental in maintaining healthy communities.

By protecting key resources and habitats, MPAs can also promote greater economic returns from tourism through enhanced visitor experiences. These direct economic benefits are inextricably linked with the intangible quality of visitor experience. Good water quality, abundant living resources, and scenic, aesthetic ocean environments attract visitors to coastal areas around the globe. These visitors engage in diverse activities that include non-extractive uses of the marine environment, such as scuba diving, snorkeling, wildlife watching, boating, and surfing, as well as extractive uses such as fishing. All of these activities rely on healthy marine environments. U.S. MPAs help ensure that marine environments will continue to draw the visitors that have become critical to many coastal economies. For example, in Monroe County, Florida, location of the Florida Keys National Marine Sanctuary and other marine-related parks and wildlife refuges, the estimated total tourist contribution to the economy (1995-1996) is over 60 percent (English et al., 1996).

MPAs also provide direct, tangible benefits by providing opportunities for research and education. Certain MPAs feature academic and applied monitoring of short-term events and long-term environmental trends, as well as biomedical research (Salm et al, 2000).

MPAs can provide hands-on experience and outdoor laboratories for bringing classroom studies to life. MPA educational programs have the potential to promote public awareness of the importance of marine ecosystems and their many benefits.

MPAs also protect historic connections to our nation's heritage that are critical to social and cultural continuity. People and communities are connected to marine resources, including both natural and cultural features. These connections are affirmed through direct practice, oral and written narrative, and everyday discourse. MPAs can enhance cultural connectivity to places by ensuring their protection for future generations, allowing traditional cultural practices, promoting awareness of our nation's heritage, and acknowledging existence and bequest values inherent in marine resources.

Environmental Consequences of Proposed Action and Alternatives

As previously noted, the Framework only provides a strategic process for establishing the National System of MPAs, rather than proposing any specific action itself. Therefore, at a programmatic level, the environmental consequences of the proposed action and alternatives are negligible.



The specific environmental, economic, social, and cumulative impacts of proposed new or expanded MPAs later proposed by a federal agency under this Framework would be further analyzed under NEPA at the time they are proposed, including in environmental assessments tiered from this PEA as appropriate.

Alternative A: Take No Action

Environmental Impacts

Taking no action would result in no predictable direct or indirect environmental impacts, either positive or negative. The ‘Take No Action’ alternative would not allow for the realization of the benefits expected from the proposed Framework’s greater integration and coordination of conservation efforts among existing authorities and sites.

Socioeconomic Impacts

Taking no action would result in no predictable direct socioeconomic impacts, either positive or negative. The ‘Take No Action’ alternative would not allow for the realization of the benefits expected from the proposed Framework’s greater integration and coordination of conservation efforts among existing authorities and sites.

Alternative B: Propose the Draft Framework for Developing the National System of Marine Protected Areas

Environmental Impacts

The Draft Framework would not be expected to result in adverse impacts on the environment. The Draft Framework proposed to coordinate the activities among federal, state, tribal, and local MPA sites and systems to reduce administrative costs and promote efficiency and the effective use of existing management infrastructure for marine resource protection. However, because of the lack of a strategic focus within this alternative, the expected beneficial long-term environmental impacts and improved quality of the nation’s marine resources would not be as great as those under Alternative C.

Socioeconomic Impacts

Similar to Alternative C, the proposed Draft Framework would not be expected to result in adverse socioeconomic impacts. However, because of the lack of focused design and implementation principles, and a clear vision for regional coordination, there is less potential, relative to Alternative C, for long-term positive socioeconomic impacts from promoting integration among government authorities, enhancing knowledge and awareness of MPAs as a tool of ecosystem-based management, and supporting processes for incorporating stakeholders and communities in ecosystem management.

Alternative C: Propose the Framework for the National System of Marine Protected Areas of the United States of America (Preferred)

Environmental Impacts

The Framework is not expected to result in adverse impacts on the environment. The Framework proposes to coordinate the activities among federal, state, tribal, and local MPA

sites and systems to reduce administrative costs and promote efficiency and the effective use of existing management infrastructure for marine resource protection.

Implementation of the Framework provides opportunities for shared information, resources, scientific expertise, and lessons learned for individual MPAs. The proposed Framework mostly involves a number of low or no impact activities that will positively affect the stewardship and management of individual MPAs and ultimately lead to beneficial long-term environmental impacts and improved quality of the nation's marine resources relative to Alternative A. Additional environmental analysis of future activities, as required under the National Environmental Policy Act (NEPA) and other acts and executive orders, would be prepared as necessary by the relevant entity or entities taking any such actions.

The Framework also promotes activities over time to identify gaps in protection of important marine resources and subsequent area-based conservation priorities that would be needed to manage and protect those resources. This component of the Framework is similarly comprised of a number of low or no impact activities that ultimately could lead to beneficial long-term environmental impacts relative to Alternative A. In order to realize these benefits, however, actions to implement new or increased protections would be needed. Activities taken by individual entities in the future, such as changes in MPA regulations or the establishment of new MPAs as a result of the implementation of the proposed Framework will undergo separate NEPA analysis by entities taking such actions as required and appropriate.

Socioeconomic Impacts

The proposed Framework is not expected to result in adverse socioeconomic impacts. The Framework provides guidance for the implementation of the national system. It does not establish new MPAs or directly affect the stewardship and management, including human uses and values, associated with existing MPAs. The socioeconomic impacts of, for example, the long-term cumulative effects of developing the national system will be assessed as necessary under NEPA and other federal mandates for specific actions taken by those entities or programs with the authority to establish and manage MPAs and/or alter MPA regulations.

In proposing to integrate the activities and conservation objectives among the various authorities, the Framework will have its most immediate effects upon the communication and organizational structures across the various levels of MPA governance. As a result, there is great potential, relative to Alternative A, for long-term positive socioeconomic impacts from promoting integration among government authorities, enhancing knowledge and awareness of MPAs as a tool of ecosystem-based management, and supporting processes for incorporating stakeholders and communities in ecosystem management.

Furthermore, the implementation of the national system as proposed by the Framework will have long-term positive impacts, relative to Alternative A, for participating MPA sites, their associated marine resources, and the wider ecosystems of which they are a part. The national system will seek to integrate natural heritage, cultural heritage, and sustainable production objectives in order to minimize adverse socioeconomic impacts and promote comprehensive MPA conservation and management. It will focus on improving the effectiveness of MPA design, management, and evaluation through dissemination and use of the best available science and tools.



Additional socioeconomic analysis as required under NEPA and other acts and executive orders, would be prepared by the relevant entity or entities as necessary for future specific actions.

Cumulative Effects

The Council on Environmental Quality regulations (40 CFR 1508.8) define cumulative effects as “impacts on the environment that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such actions.” At a programmatic level, the integration and coordination of federal, state, local and tribal agencies to improve MPA conservation and management are anticipated to have no significant adverse cumulative impact to environmental or socioeconomic resources. Relative to Alternative A, the proposed action has beneficial cumulative impacts to the resources that the National System of MPAs will protect. At a programmatic level, socioeconomic impacts are anticipated to be negligible (see above). Future tiered analyses on specific alternatives and resources will occur as entities consider future actions which fall under this Framework.

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Finding of No Significant Impact

The Council on Environmental Quality (CEQ) Regulations state that the determination

of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 CFR 1508.27). In addition, the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 Section 6.01b. 1 - 11 provides eleven criteria, including the same ten as the CEQ Regulations and one additional, for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?

NOAA expects the implementation of the proposed Framework will result in a number of activities that will positively affect the stewardship and management of individual MPAs and ultimately lead to beneficial long-term environmental impacts and improved quality of the nation's marine resources. The specific environmental, economic, social, and cumulative impacts of any proposed new or expanded MPAs later proposed by a federal agency under this Framework would be further analyzed as required by NEPA at the time they are proposed.

2. Can the proposed action reasonably be expected to significantly affect public health or safety?

No negative impacts to public health or safety are associated with these activities.

3. Can the proposed action reasonably be expected to result in significant impacts to unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?

The Framework for the national system will not have significant adverse impacts on the areas listed above. It will provide a mechanism for coordination among existing marine protected areas, including those that protect significant natural and cultural marine resources. The Framework is expected to enhance the effectiveness of participating MPAs in contributing to national conservation objectives, such as the protection of spawning and nursery areas or the conservation of resources listed on the National Register of Historic Places.

4. Are the proposed action's effects on the quality of the human environment likely to be highly controversial?

While individual MPAs are often a contentious subject, the effects of the proposed Framework on the human environment are not likely to be controversial. The actions and activities associated with the various components of the Framework focus on promoting coordination, collaboration, opportunities for stakeholder input, and enhancing scientific understanding in support of the effective use of MPAs. These activities largely have little or no impact on the human environment, but are envisioned to positively affect the stewardship and management of individual MPAs and ultimately lead to beneficial long-term impacts on the human environment and improved quality of the nation's marine resources.

5. Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

The Framework's effects are not expected to involve unique or unknown risks. Work will focus on enhancing coordination; sharing best management practices, technologies and science; and establishing conservation partnerships across all levels of government and with stakeholders.



6. Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

The Framework does not establish a precedent for future actions with significant effects. Regional conservation gap analyses will identify ecologically and culturally significant areas that may require additional protection. However, the Framework does not have any authority to establish a new MPA or another type of protection for these areas. Any additional protection would be provided under existing federal, state, local or tribal laws, and would be subject to the required review processes under the respective authority.

7. Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?

The activities associated with the proposed Framework largely have little or no impact on the human environment, but are envisioned to positively affect the stewardship and management of individual MPAs and ultimately lead to beneficial long-term impacts on the human environment and improved quality of the nation's marine resources. By providing the first national geospatial database of MPAs across all levels of government, the national system will provide an opportunity to better understand the cumulative effectiveness of existing MPAs and to identify opportunities for collaboration. The cumulative effects of specific MPAs that may be proposed under the Framework will be analyzed in the NEPA analysis prepared for that proposed action.

8. Can the proposed action reasonably be expected to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources?

The Framework will not adversely affect any of the aforementioned areas. It will benefit significant scientific, cultural and historical resources and areas listed in or eligible for listing in the National Register of Historic Places, as the protection of these areas is included in the goals and objectives of the national system.

9. Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?

The Framework will not adversely affect endangered or threatened species or their critical habitat. The conservation of critical habitat for threatened and endangered species is an objective of the national system. The national system will provide tools for analyzing and mapping existing protected areas that contribute to the conservation of threatened and endangered species, as well as gaps in the protection of critical habitat where new MPAs may be needed.

10. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?

The Framework will not threaten any violation of Federal, state, or local law or requirements for environmental protection.

11. Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

The Framework will not result in the introduction or spread of any nonindigenous species. By providing a mechanism for regional coordination, it will help MPAs develop shared strategies and partnerships to prevent and contain the impacts of nonindigenous species.

List of Preparers and Agencies Consulted

Department of Commerce, National Oceanic and Atmospheric Administration
Department of the Interior, National Park Service

APPENDIX D. EXECUTIVE ORDER 13158

Executive Order 13158

Presidential Documents

Executive Order 13158 of May 26, 2000

Marine Protected Areas

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), National Park Service Organic Act (16 U.S.C. 1 et seq.), National Historic Preservation Act (16 U.S.C. 470 et seq.), Wilderness Act (16 U.S.C. 1131 et seq.), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), Coastal Zone Management Act (16 U.S.C. 1451 et seq.), Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), Marine Mammal Protection Act (16 U.S.C. 1362 et seq.), Clean Water Act of 1977 (33 U.S.C. 1251 et seq.), National Environmental Policy Act, as amended (42 U.S.C. 4321 et seq.), Outer Continental Shelf Lands Act (42 U.S.C. 1331 et seq.), and other pertinent statutes, it is ordered as follows:

Section 1. Purpose. This Executive Order will help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs). An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations. To this end, the purpose of this order is to, consistent with domestic and international law: (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.