

Testimony of Dr. William T. Hogarth
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at the Regional Meeting of the

U.S. Commission on Ocean Policy
Marine Protected Area Policy Panel

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I appreciate the opportunity to appear before this Commission again to discuss issues related to the management of marine resources. When I last appeared before you in Charleston, I described some of the controversies associated with marine fisheries and the steps NOAA is taking to address both the real and perceived problems surrounding living marine resource management. Today, I will focus on a topic that in some quarters is no less controversial – *marine protected areas*. To assist the Commission in formulating ocean policy recommendations for the role of MPAs I would like to discuss with you:

- the meaning of the term itself,**
- common misperceptions surrounding MPAs,**
- the status of the MPA Executive Order implementation, and**
- MPA-related activities of the Departments of Commerce and the Interior.**

As you have already heard and no doubt will hear many more times over the coming months, our Nation's coastal and marine resources face a very uncertain future. MPAs are being promoted strongly by many dedicated individuals and organizations from the public, non-governmental, scientific, and private sectors as the ideal solution for addressing the threats society's ever-increasing demands pose to the long-term sustainability of the marine environment. At the same time many equally-dedicated individuals and organizations view MPAs as the last straw in a long series of actions to limit, control, and deny access to users of ocean resources. In reality, MPAs can be effective in some cases and for some purposes, while in other situations they cannot achieve success without significant resource commitments or complementary conservation measures in surrounding waters. In my view much of the current confusion and tension regarding MPAs stems from:

- the continuing uncertainty on the *terminology* used to define what is an MPA, or what activities will be prohibited if an MPA is established; and
- the mistaken belief that there is some *specific percentage* of the marine environment targeted to be set aside from all use.

I have personally heard these points expressed many times over the past two years and believe they will be a continuing source of controversy until we take steps to address the confusion. I believe the Commission also can play an important role in this regard, as I will detail below.

Last June, Secretary of Commerce Donald Evans issued a statement on MPAs that expressed the Administration's commitment to "*improving conservation and research to preserve our great marine heritage.*" He announced the Administration's decision to retain the MPA Executive Order and underscored the need to "*harmonize commercial and recreational activity with conservation.*" This Commission can greatly aid in these efforts through its ongoing examination of competing demands for ocean resources, current and future threats to the marine environment, and the improvements needed in the acquisition and analysis of scientific information to manage the seas responsibly. Your guidance on the role and design of MPAs will be critical, not only in how effective current and future MPAs are in achieving their individual goals, but also in how they might contribute as part of regional networks and a national system. I believe the Commission can advance the objective consideration of MPAs by providing clear recommendations for weighting the balance sought by resource management agencies at all levels – meeting human needs for ocean resources while ensuring that these very same resources are sustained for the benefit of future generations.

What are MPAs and how are they used?

Before describing the MPA Executive Order and activities we have undertaken to implement it, I want to provide some background on MPAs in general. The term '*MPA*' is broadly used to describe specific marine areas given some sort of special protection. The term itself has been used for over two decades, while the concept of using MPAs for allocating and managing marine resources has been around for centuries. There are many different types of MPAs in use around the world today. In the United States many governmental entities at the national, state, county, local, and tribal levels have the authority to create and manage MPAs. They come in a wide range of shapes, sizes, and management characteristics, established for different purposes with varying types of protection and uses, including:

- **discrete sites that restrict consumptive uses, such as underwater parks set aside by states or localities for recreational divers, or areas identified by fishery management councils to protect spawning aggregations;**
- **limited-use zones where certain extractive techniques, such as bottom-tending gear or wire fish traps, are prohibited; and**
- **large conservation-oriented areas, such as the Channel Islands National Park or the Florida Keys National Marine Sanctuary.**

MPAs are an important tool for fishery management, with examples including area and seasonal fishing closures for protection of essential habitat, or closures for restoration of depleted stocks. Other types of MPAs may also provide biodiversity protection and conservation of sensitive habitats and endangered species, the preservation of historically or culturally important submerged archaeological resources, or provide valuable scientific, recreational and educational opportunities to academia and the public. MPAs may be called reserves, parks, sanctuaries, refuges, fishery management zones, seashores, wildlife preserves, critical habitats, and conservation areas. Sometimes the same term is used to describe distinctly different types of MPAs. The wide array of ill-defined terms to describe MPAs contributes to the high level of confusion among both proponents and detractors.

MPAs designed to increase scientific knowledge or protect biodiversity and MPAs designed for recreational or fishery-enhancement purposes are not mutually exclusive. The success of any type of MPA is based on the protection it provides to ensure a healthy marine ecosystem. MPAs can be unique tools in the marine resource management toolbox, because they shift the emphasis of marine resource management from the traditional single-species focus to protection of a specific area or habitat and can often help meet multiple goals and objectives. For example, in the living marine resource arena that I am most familiar with, NOAA Fisheries has over three dozen sites established under our various authorities to provide lasting protection to marine species on a year-round basis. Many other sites exist seasonally or are of short duration. While very few of our sites restrict all fishing, we in NOAA Fisheries consider all of them MPAs. MPAs are a valuable tool for fisheries, as they are for submerged cultural resource protection, conservation of marine biodiversity, and many other purposes.

In my experience MPAs are best used in combination with, and to complement, other management tools. However, the integration of these various tools is often quite challenging. In Charleston I mentioned the difficulty we face in meeting the requirements of both the Magnuson-Stevens Act and the Endangered Species Act with their related, yet at times conflicting, mandates. As the Commission reviews the laws that serve as our current ocean governance framework I recommend that

you also consider ways to better integrate MPAs with other existing approaches for the conservation of marine resources.

MPAs by themselves are not a panacea for improved marine resource management.

They are an additional tool that places an emphasis on spatial parameters. MPAs are most effective when used in conjunction with other management measures and are difficult to develop in isolation. At the onset in considering the use of MPAs we must identify the management problem to be solved and examine the range of potential solutions. Design, placement, and implementation need to be considered within the context of a variety of parameters, including socio-economic considerations of affected users and associated communities, in order to form an integrated ecosystem approach for marine resource management. MPA use and design also benefits from a consideration of oceanographic regimes, larval source and sink areas, pollution threats, effects of fishing on ecosystem processes both inside and outside the potential protected area, recreational carrying capacity, and many other factors.

If established, MPAs must be adequately supported, particularly in two key areas:

- the enforcement of any conservation measures that have been enacted; and**
- the monitoring of effectiveness to verify that the site is fulfilling the goals for which it was created.**

To do otherwise will result in designation of ineffective “paper parks.” The issue of adequate enforcement is especially important to note in these times of heightened security concerns along our shores. A unique aspect of MPAs is that conservation efforts are focused over discretely defined areas, which allows for the use of techniques such as satellite-based vessel monitoring systems to increase the effectiveness of surveillance and enforcement efforts.

A point I must emphasize is that maximum stakeholder participation is an overarching need through all phases of considering, establishing and managing MPAs. The National Research Council’s 2001 report on MPAs stressed the need to involve all potential stakeholders from the beginning and enlist the support of the community. They stated: “*A fundamental lesson learned from experience throughout the world is that attempts to implement MPAs in the absence of general community support invariably fail.*” Improved public dialogue is especially necessary to determine the specific type of protections to be considered for a particular area. Perhaps the greatest point of confusion regarding MPAs is the perception that MPAs are synonymous with the complete prohibition of all extractive activities, that is that all MPAs are ‘no-take’ reserves. As I’ve noted above, MPAs can encompass a wide temporal, spatial, and protective range of options, sometimes within the same

site. This Commission’s insight on the specific criteria that define what constitutes an MPA, from among the numerous area-based regulatory programs governing human activities in the marine environment, would be most welcome.

The MPA Executive Order: Fiction and Fact

Executive Order 13158 on Marine Protected Areas was issued in May of 2000. Since then I have spoken at several meetings, primarily of commercial or recreational fishing interests, on the MPA Executive Order and MPAs generally. I have learned from painful experience that it is wiser to state up front what the Executive Order **does not** do, before explaining what it does. It does not:

- designate new sites,
- create new authorities or change existing ones,
- focus solely on ‘no-take’ reserves,
- set specific targets,
- restructure existing programs,
- supercede or ignore best available science, or
- “Federalize” state or local programs.

The MPA Executive Order does:

- define ‘MPA’ for the purposes of the Order;
- call for improving science and coordination;
- support a science-based, network approach to managing marine resources;
- support measuring effectiveness of existing MPA sites;
- call for public participation throughout all stages of MPA consideration;
- call for the establishment of a Federal MPA Advisory Committee to advise the Secretaries of Commerce and the Interior;
- recognize that Federal agencies, states, fishery management councils, and others have been designing, implementing, and refining MPAs for a long time and need to better coordinate their actions;
- challenge these groups to ask **themselves whether they are doing as much as they can, in the most efficient way they can, to manage the resources the public has entrusted them with; and encourage consideration of MPAs as an important aspect of any marine resource management strategy.**

The Federal MPA initiative is a collaborative effort between NOAA and the Department of the Interior that seeks to partner with Federal, state, tribal and territorial agencies and other stakeholder groups to help provide consistent information, tools, and services to build a framework for a comprehensive system of MPAs in our Nation’s waters. The

initiative is designed to collect information on existing marine protected sites in each region; increase coordination and effectiveness among the assortment of existing sites to better meet increasing demands; and help local, state, Federal, and tribal authorities most effectively use MPAs to meet their goals.

Through the MPA initiative Interior and NOAA are working with governmental and non-governmental partners to:

- collect information on existing sites within U.S. waters;
- provide a sound scientific foundation and tools for MPA design, management, and evaluation;
- develop and maintain a website to provide access to information on MPAs;
- provide an open, equitable, and meaningful process to engage user groups and the American public on MPAs through stakeholder workshops and an MPA Federal Advisory Committee.

All of these activities will be conducted pursuant to existing statutory authorities.

NOAA's FY 2002 budget contained \$3 million to help implement these efforts. **The same level of funding is included in the President's request for FY 2003. FY 2002 funding has enabled the establishment of the *National MPA Center* called for in the Executive Order. Housed in NOAA's National Ocean Service, the MPA Center receives staff level support from the NOAA Fisheries and NOAA Research agencies, as well as from the Department of the Interior's Minerals Management, National Park, Fish and Wildlife, and Geological Services. With the appropriated funding the Center is beginning to focus on the national need for communication, education, information, science and analysis, and training and technical assistance on MPAs that the Executive Order was envisioned to address. The Center has co-located its Science Institute with the NOAA Fisheries Laboratory up the coast in Santa Cruz, and its Training and Technical Assistance Institute with the NOAA Coastal Service Center in Charleston, South Carolina. Additional institutes, on cultural resources for example, are under consideration in partnership with existing NOAA or Interior facilities. The National MPA Center will play an instrumental role in helping governmental agencies, non-governmental organizations, and stakeholders engage in a common planning and priority-setting process for identifying, assessing, and evolving toward a more comprehensive and integrated network of MPAs.**

Future Directions

Our science and experience indicate that MPAs can be effective tools to help manage, protect, and sustain the nation's valuable marine resources, as well as the

people and economies that depend on them. Integrating MPAs with existing authorities – how to best use MPAs in combination with other management tools to meet these goals – is a major challenge for ocean stewardship and for this Commission’s consideration. Last June, Secretary of Commerce Evans stated this Administration’s commitment towards preserving our Nation’s great marine heritage. Implementation of the MPA Executive Order with the Department of the Interior, other Federal agencies, and our partners in the states, tribes, councils, academia, industry, and the conservation community has not been easy, but I believe all parties in the ongoing debate on the role of MPAs have more in common than seems apparent on the surface.

We all share a deep sense of wonder, appreciation, and respect for the marine environment. We share concerns about increased demands placed on marine resources and mounting threats to the quality and quantity of these resources. The Executive Order has raised expectations and has made us all think a little differently about what kind of marine environment we expect to pass on to future generations. I welcome your involvement in this evolving debate regarding the role of MPAs and believe you can help us in taking our present-day collection of separate state, Federal, local, and tribal sites and crafting a national system of MPAs that reflects the importance we place on our marine resources.



FOR IMMEDIATE RELEASE
Monday, June 4, 2001

Statement by Secretary of Commerce Donald L. Evans Regarding Executive Order 13158, Marine Protected Areas

Washington, DC - "The Administration has decided to retain Executive Order 13158 on marine protected areas. America must strive to harmonize commercial and recreational activity with conservation. We can do both.

This Administration is committed to improving conservation and research in order to preserve our great marine heritage. It is a national treasure. It must be protected and dutifully maintained.

At the Department of Commerce alone, the President's budget included \$3 million in first time funding to support marine protected area activities consistent with existing law. If approved by Congress, these dollars can help us better manage this critical effort.

I also plan to appoint a Marine Protected Area Advisory Committee comprised of key experts and stakeholders. The membership will include academic, state and local, non-governmental and commercial interests. The process will be open and will draw on America's great reservoir of experience and expertise.

Past MPA designations like the Dry Tortugas in the Florida Keys were successful because they followed a well-planned process and secured grassroots support. The Dry Tortugas MPA offers a model for the years ahead.

Conservation can be balanced with commercial and recreational activity. It is our stewardship responsibility. We will work with the Department of Interior, the Environmental Protection Agency and other federal agencies to safeguard our valuable coastal and ocean resources for the tomorrows in which we all will live."

- Office of the Secretary
- Bureau of Export Administration
- Economics and Statistics Administration
- Bureau of Economic Analysis
- Bureau of the Census
- Economic Development Administration
- International Trade Administration
- Minority Business Development Agency
- National Oceanic & Atmospheric Administration
- National Telecommunications & Information Administration
- Office of the Inspector General
- Patent and Trademark Office
- Technology Administration
- National Institute of Standards & Technology