

Summary of National Marine Sanctuaries Act and Executive Order on Marine Protected Areas

National Marine Sanctuaries Act

Under the National Marine Sanctuaries Act (also known as Title III of the Marine Protection, Research Sanctuaries Act of 1972), as amended, the Secretary of Commerce is authorized to designate and manage areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or aesthetic qualities as National Marine Sanctuaries. The primary objective of this law is to protect marine resources, such as coral reefs, sunken historical vessels, or unique habitats. The Act also directs the Secretary to facilitate all public and private uses of those resources that are compatible with the primary objective of resource protection. Sanctuaries, frequently described as national parks of the sea, are managed according to site-specific Management Plans prepared by the NOAA National Marine Sanctuary Program within NOAA's Ocean Service Division.

The Act also provides the necessary tools for protecting the designated marine areas. For example, if the Secretary finds a Federal action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Act requires the Secretary to recommend reasonable and prudent alternatives that can be used by the agency in implementing the action that will protect sanctuary resources.

The majority of national marine sanctuaries are designated through the administrative process. Thirteen areas have been designated National Marine Sanctuaries; one is pending. These sanctuaries include both nearshore and offshore areas. They provide protection for sensitive marine ecosystems, such as coral reefs and kelp forests, habitat used by important or vulnerable marine species, and historically significant shipwrecks and artifacts.

The Act has been amended many times since 1972 for, among other reasons, to modify how the sites are designated, and to give the Secretary the authority to issue special use permits, enhance the ability to enforce the Act, and establish civil liability for injury to Sanctuary resources. A complete listing of the current sanctuaries and information about their location, size, characteristics, and affected fisheries can be found at:

<http://www.sanctuaries.nos.noaa.gov/oms/oms.html>. This website includes additional links to each marine sanctuary, and a link to the legislation text:

<http://sanctuaries.noaa.gov/library/National/NMSA.pdf>

Effect on FMP Process: While fishing is prohibited in “no-take” marine reserves, it is permitted in many areas in National Marine Sanctuaries. Under NMSA, the Councils have the first opportunity of drafting fishery management actions applying within sanctuaries. Note that National Marine Sanctuaries are included in marine protected areas (MPA). MPA is a more general designation that covers a range of different use categories. See E.O. 13158 (Marine Reserves) below.

Executive Order 13158: Marine Protected Areas (MPA)

E.O. 13158, signed in May 2000, directs the Departments of Commerce and Interior to jointly develop a national system of MPAs. The purpose of the system is to strengthen the management, protection, and conservation of existing protected areas and establish new or expanded MPAs. The MPA system is to be scientifically based, representing diverse U.S. marine ecosystems and the nation's natural and cultural resources. Establishing such a system is intended to reduce the likelihood that MPAs are harmed by Federally approved or funded activities. See the following link for E.O. 13158 in its entirety: <http://ceq.eh.doe.gov/nepa/regs/eos/eo13158.html>.

E.O. 13158 defines MPAs as “any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part of all the natural and cultural resources within.” There are many different types of MPAs in U.S. waters, including National Marine Sanctuaries, fishery management zones (e.g., where use of specific types of fishing gear are restricted), national seashores, national parks, national monuments, critical habitats, national wildlife refuges, national estuarine research reserves, State conservation areas, State reserves, and many others. MPAs have different management characteristics and have been established for different purposes-to protect, maintain, or restore natural and cultural resources in coastal and marine waters. They have been used effectively both nationally and internationally to conserve biodiversity, manage natural resources, protect endangered species, reduce use conflicts, provide educational and research opportunities, and enhance commercial and recreational activities.

Interestingly, an MPA Federal Advisory Committee exists and is made up of individuals with diverse backgrounds and experience, who represent parties interested in the use of MPAs as a management tool. Committee members, 30 in all, are appointed by the Secretary of Commerce, and serve for four-year terms. They represent a broad stakeholder community, including scientists, academia, commercial fishermen, anglers, divers, state and tribal resource managers, the energy and tourism industries, and environmentalists. In addition, nine federal agencies are represented by non-voting ex-officio members of the committee. The committee's role is to provide expert advice and recommendations to the Secretaries of Commerce and the Interior on implementation of aspects of Section 4 of Executive Order 13158, the heart of the national MPA initiative.

More information and resources on MPAs can be found in at <http://mpa.gov>