

**MARINE MAMMAL COMMISSION**  
**4340 EAST-WEST HIGHWAY, ROOM 905**  
**BETHESDA, MD 20814**

14 February 2007

Mr. Joseph Uravitch  
National MPA Center  
N/ORM, NOAA  
1305 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Uravitch:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Draft Framework for Developing the National System of Marine Protected Areas (71 *Federal Register* 55432). The Commission concurs with Executive Order 13158, signed by President Clinton, that this system is essential for maintaining our nation's marine ecosystems in a healthy state and commends the National Oceanic and Atmospheric Administration (NOAA) Marine Protected Area (MPA) Center and the Department of the Interior for developing the framework. Resource and ecosystem conservation in the United States and elsewhere often have not worked well, and the Commission is anxious to see new conservation programs, procedures, and paradigms put into effect. With some modifications, described below, we believe the Framework for Developing the National System of Marine Protected Areas provides an important step forward. If implemented effectively, such a system could contribute a great many benefits to our nation, perhaps the most important of which is the opportunity to pass on to future generations the natural and cultural heritage bestowed upon us by our predecessors. The challenges in implementing an MPA system will be greater for our generation than in the past because the combination of population growth, technological development, and socioeconomic expansion places an ever-growing demand on finite marine resources.

## **RECOMMENDATIONS**

To address those challenges and ensure the future benefits of a national system of MPAs, the Marine Mammal Commission recommends that the MPA Center work with its federal, state, tribal, and other partners to—

- Adopt and implement the framework;
- Analyze marine managed areas to determine the level and nature of protection they provide and develop a more informative scheme for categorizing such areas so that the level of protection is evident;
- Establish specific, explicit, measurable, and precautionary goals for the national system based on the anticipated nature, size, and distribution of MPAs required to ensure healthy marine ecosystems; and
- Evaluate the current inventory of MPAs, identify gaps in the system based on target goals, and devise a strategy to address those gaps.

## **RATIONALE**

The information presented in the draft framework indicates that 90 percent of the existing MPAs in U.S. waters have been created since 1970 and that 85 percent of the existing MPAs were established by coastal states rather than by the federal government. A national system for MPAs is clearly needed to integrate these efforts, identify gaps in the system, set standards for protection and evaluation of effectiveness, and promote coordination. This need is particularly acute for areas that extend beyond the jurisdiction of a particular state. In view of the fact that marine protected areas are a relatively new tool for marine conservation and management, the national system will necessarily evolve and, it is hoped, expand over time to ensure the ultimate goal of sustainable and healthy marine ecosystems. In view of the many and increasing number of human activities affecting marine ecosystems, the Marine Mammal Commission recommends that the national system be established and implemented with all due haste.

The draft framework states, and we concur, that the existing sites vary widely in level of protection. Among other things, such variation fosters a significant potential for misunderstanding as to whether or not the marine environment is being given sufficient protection. In our view, the term “marine managed areas” could be interpreted in many ways, and the extent to which such areas actually bestow real protection is not clear. For example, if an area of the Bering Sea is off limits to crab fishing, that area might be considered a “protected area” under the definitions proposed in the framework. However, that same area might be fished extensively for pollock, cod, Atka mackerel, flatfish, and rockfish, and the risk of irreversible damage to the affected environment may be extensive, despite prohibitions on crab fishing. Importantly, identification of such areas on the basis of a single ecosystem component (e.g., a single species) does not ensure protection for the ecosystem at large. Historically, much of the need for marine protected areas was not to identify areas that were managed but rather to provide insurance because management strategies have often failed to achieve their goals. Arguably, all U.S. waters are managed to a degree, whether through sovereign claims of authority and jurisdiction that limit the activities of other countries; protection provided by the U.S. Navy, Coast Guard, and other services; control of oil, gas, and mineral exploitation; fishery restrictions; international restrictions on pollution; and so on. The issue here is whether the areas are nominally or functionally protected, and lumping no-take areas with all other managed areas precludes such distinction. For that reason, the Marine Mammal Commission recommends that the MPA Center analyze marine managed areas to determine the level and nature of protection they provide and develop a more informative scheme for categorizing such areas so that that actual level of protection is evident.

Whether and to what extent the national system actually contributes to our long-term goal of maintaining healthy marine ecosystems will depend, in part, on the nature, size, and distribution of the involved MPAs. The areas identified in the MPA Center’s inventory comprise about one percent of U.S. waters (out to the 200-nautical-mile limit of the Exclusive Economic Zone), with no-take areas limited to only 0.04 percent. We assume that the latter figure does not include the Northwestern Hawaiian Islands Marine National Monument proclaimed by President Bush (Presidential Proclamation 8031). As discussed in a recent National Research Council report on this topic (National Research Council 2001), alternative levels of protection have been suggested ranging

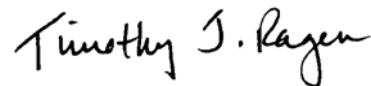
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up to 20 percent of our marine areas. To our knowledge, a rigorous analysis has not been completed to estimate the amount of area that should be incorporated into MPAs to ensure that they achieve their intended goals. Nonetheless, the contrast between the 20 percent figure and the 0.04 percent identified in the MPA Center inventory suggests that serious consideration must be given to the setting of specific goals for the MPA system. Even with the best scientific effort, estimating the amount of habitat that needs protection will always involve some level of uncertainty, and the goals established should be precautionary to take that uncertainty into account. Making these goals explicit also will be essential for assessing the effectiveness of our MPA management strategy. For these reasons, the Marine Mammal Commission recommends that the MPA Center work with its federal, state, tribal, and local partners to establish specific, science-based precautionary goals for the national system based on the anticipated nature, size, and distribution of MPAs required to maintain healthy marine ecosystems throughout U.S. waters.

Once those goals have been established, the next essential step will be to compare the existing inventory to those goals as a basis for identifying important gaps. The framework identifies such a “gap analysis” as an essential element of the national system. The Commission concurs with that need although it would be better addressed after specific goals are set. To that end, the Marine Mammal Commission recommends that the MPA Center work with its partners to carry out a science-based analysis of existing gaps in the system with the aim of both identifying those shortcomings and developing strategies to address them.

Please contact me if you have any questions about these recommendations and comments.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

#### Reference

National Research Council. 2001. Marine Protected Areas: Tools for Sustaining Ocean Ecosystems. National Academy Press, Washington, DC.