

MINUTES
Marine Protected Areas Federal Advisory Committee Meeting
October 10-12, 2006
Newport, Oregon

TUESDAY, OCTOBER 10, 2006

The Committee Convened at 8:35 AM

Meeting Opening

Lauren Wenzel, Designated Federal Official, opened the meeting and turned the meeting over to Chair Dan Bromley. Dr. Bromley asked for a motion to approve the minutes for the April 2006 meeting. George Lapointe moved that the minutes be approved; Mark Hixon seconded the motion. The minutes were approved.

Dr. Bromley reviewed the agenda. He also announced that he and Vice Chair Bonnie McCay both planned to step down as officers of the Committee after this meeting, and that elections would be held at this meeting for a new Chair and Vice Chair.

Subcommittee Reports

Each Subcommittee was asked to provide an update on their work since the April meeting. Tony Chatwin reported on Subcommittee 2, Incentives and Implementation. The Subcommittee had a series of conference calls, with the main focus on the issue of setting additional criteria for MPAs to enter the national system, and/or having tiers within the national system to recognize management effectiveness and significance of MPAs. Steve Murray reported on Subcommittee 3, Natural and Social MPA Science. The Subcommittee identified the need for a work product to describe the relationship between MPAs and ecosystem approaches to management at the Corpus Christi meeting, and has drafted a short paper on the issue for consideration by the full Committee at this meeting. The Subcommittee has also identified two possible focus areas to take up next, and will select either monitoring and evaluation or the role of MPAs within a broader spatial planning context. Max Peterson reported on Subcommittee 1, Identifying Regional Priorities for Conservation. This Subcommittee decided to adopt a case study approach to identify "best practices" in regional coordination, and has reviewed and summarized 11 examples.

Draft National System Framework

Joe Uravitch, Director of the National Marine Protected Areas Center, thanked the Committee for their recommendations delivered last May, and noted that many of these had been incorporated into the draft Framework. The Framework was released in late September, and the Secretaries of Commerce and the Interior sent letters with the document to the Governors of coastal states and tribal leaders. The agencies have set a 145-day comment period (ending February 14) for public comments.

Jonathan Kelsey, National System Coordinator, gave a presentation on the development of the draft Framework and its contents. Mr. Kelsey emphasized that the national system will be partnership driven to support existing efforts and improve future decisions through cooperation. The draft framework includes national system goals and objectives, and criteria that define an MPA. The draft framework also proposes a National System Steering Committee made up of federal, regional, state and tribal representatives to help set priorities for National System efforts and communicate regional needs. The draft framework will be out for public comment through February 14, and the National Marine Protected Areas Center aims to complete the final framework by the end of 2007.

FAC members had questions about many aspects of the draft framework. Some members expressed concerns about the potential size of the national system of MPAs being up to 1,500 sites. They felt this would be unwieldy and difficult to effectively manage. There were many questions about the number and status of existing marine managed areas in U.S. waters. Other comments included a concern about the definition of "lasting" in the draft framework as "established with the intent at the time of designation to provide permanent protection." Several members felt that this would feed public perceptions that all MPAs become permanent. There were also several questions about the proposed National System Steering Committee's role, and how this would be different from the Advisory Committee's role. Other issues raised included how the "avoid harm" provision in the Executive Order might serve as an incentive to MPAs to become part of the national system, and the importance of identifying priorities and incentives.

MPAs, Ecosystem Approaches to Management, and Ocean Zoning

Gail Osherenko provided an overview of ocean governance and ocean zoning issues. She noted that in the U.S., the oceans are common property resources held in trust for the benefit of the community (current and future) and cannot be permanently converted to private property. However, governments can use regulatory authority to provide security for activities requiring substantial long-term investment. Currently, ecological damage and user conflicts are caused by fragmentation of management authority, spatial mismatches between the scale of governance and ecological systems, and temporal mismatches between governance and ecological processes. Several countries are applying marine spatial planning in parks or for multiple ocean uses. Members commented that zoning on land often fails to protect ecological resources, and that the current zoning approaches in the marine environment need to be strengthened in order to provide needed protection.

At 12:00, the Committee broke for a working lunch in subcommittees, followed by Subcommittee meetings.

The Committee reconvened at 3:00.

Announcements

Brian Melzian announced the availability of the first Integrated Ocean Observing System Development Plan (Jan 2006) and the "Ocean Views" newsletter produced by Ocean.US.

Charlie Wahle distributed a brochure from the National Marine Protected Areas Center on "The State of the Nation's Marine Managed Areas: The Emerging National Picture of Place-Based Conservation in U.S. Waters." The brochure addresses many questions about the number, type and area of marine managed areas that were raised in the morning session.

At the request of the Committee, who wanted more information on the terms of members as part of their consideration of leadership roles, Chair Dan Bromley read out the list of Committee members whose terms were expiring in October 2007.

Subcommittee 3 Report Out on Ecosystem Approaches to Management

Steve Murray introduced the draft paper produced by Subcommittee 3 in response to the Committee's charge from the Department of Commerce. The purpose of the paper is to describe the connection between MPAs and ecosystem approaches to management. It was initially drafted by Mark Hixon, with input from other Subcommittee members. Committee members provided feedback on the draft and sent it back to the Subcommittee for revisions.

Subcommittee 2 Request for Feedback

Tony Chatwin asked for guidance from the Committee to Subcommittee 2. He explained that the Subcommittee has been discussing different scenarios for implementing a national system, and what scenario would provide the best incentive for the national system to improve over time. These are: 1) status quo – about 1,500 sites; 2) creating tiers within the national system, based on performance criteria; and 3) tightening the entrance requirements for sites to become part of the national system. Committee members suggested that the Subcommittee focus initially on developing a list of incentives and benefits of the national system.

Public Comment

Public comments were heard from:

- Ben Entichnap, Oceana
- Melinda McComb, self

The Committee recessed for the day at 5:00 p.m.

WEDNESDAY, OCTOBER 11, 2006

Dr. Bromley called the Committee back to order at 8:05 a.m.

MPAs in Oregon

Mark Hixon introduced a panel of speakers who presented information on current MPA initiatives in Oregon. Jessica Hamilton, Governor Kulongoski's natural resources policy advisor presented information on the Governor's ocean conservation efforts. The Governor agrees with the US Commission on Ocean Policy about threats to marine ecosystems and believes that new state/federal partnerships and ecosystem approaches to management are needed to address these threats. The Governor supports the concept of a network of marine reserves, and has charged the Oregon Ocean Policy Advisory Council (OPAC) with providing recommendations about how to implement such a network. In addition, the Governor has proposed a national marine sanctuary encompassing all state waters off the Oregon coast, and has asked OPAC for advice relating to fishery management and the state/federal role in managing a sanctuary in Oregon waters. Ms. Hamilton also discussed the recent agreement among the governors of California, Oregon and Washington to enhance ocean governance. The three states have identified specific actions to be taken by March 2007.

Jim Good, Vice Chair of OPAC, provided an historical view of ocean policy and management in the state. Over the past few decades, Oregon has developed policies to address fisheries, oil spill contingency planning, marine mining, and comprehensive area-based ocean planning. In 2002, OPAC recommended that Oregon establish a limited network of marine reserves. The current OPAC is now debating the 2002 OPAC recommendation on marine reserves. Mr. Good said that the current emphasis for marine reserves is to create research reserves to test the concept and answer research questions.

Scott McMullen, Chair of OPAC, presented his personal views as a fisherman on the reserve process. He used the analogy of farming to describe an ecosystem that is heavily disturbed but highly productive, which he likened to bottom trawling. He also noted that fishing impacts have lessened over the years due to better methods and fewer fishing boats. Mr. McMullen described the Rockfish Conservation Area, a no-trawling area that varies from year to year.

Following the presentations, there were questions and comments from committee members. Several members noted the importance of funding to manage a new system of reserves or sanctuary. There was also interest in coordinating across states to gain national support and funding for ocean conservation.

Tribal MPA Policies and Conservation Strategies in the Pacific Northwest

Lauren Wenzel introduced Jim Woods of the Makah Tribe and Dave Hatch of the Confederated Tribes of the Siletz. Jim Woods described the treaty rights of the Makah and many other Western Washington tribes, who have co-management responsibilities for salmon with the State. These tribes reserved the right to fish in their "usual and accustomed areas" by treaty, which was upheld by the 1974 Boldt decision. He emphasized the importance of harvesting fish, shellfish and other marine resources to tribal cultures. Today, the Northwest Indian Fisheries Commission provides technical assistance and policy coordination to member tribes with co-management responsibilities.

Dave Hatch described the history of the Siletz people, and the history of the sea otter in Oregon – both of whom experienced drastic declines during the 19th and 20th centuries. The Siletz people traditionally lived along the Oregon coast, but were displaced by white settlers during the 19th century and had their tribal status terminated by the U.S. government in 1954. The Confederated Tribes of Siletz' formal government status was restored by the U.S. government in 1977. Fishing is an integral part of the Siletz way of life, and the tribe is now working with many partners to return the sea otter to Oregon as part of its cultural heritage, and to restore the state's nearshore ecosystems.

Members asked questions about federal, state and tribal coordination on marine issues, and how the issue of "culture" should be addressed within the national system. Jim Woods invited the Committee to hold a future meeting on Makah land on the Olympic Peninsula.

Lessons Learned from Australia and New Zealand

Dan Bromley put forward several ideas from observing the implementation of MPAs in Australia and New Zealand. New Zealand has a parliamentary system of government with no states and very strong treaty rights for the indigenous Maori people. They have taken a representative areas approach to MPAs. Australia has adopted a zoning approach within the Great Barrier Reef Marine Park. They recently rezoned the park, with extensive public input. Over time, the park has become more effective and has attracted more funding, but still faces significant threats from land based sources of pollution. Members commented that Australia is now developing a national system of MPAs, and is also struggling with limited resources for this initiative. Australia's states have also been developing representative networks of MPAs. Ellen Goethel noted that New Zealand has consolidated its fisheries into 4-5 large corporations, and that this step and the creation of MPAs have not addressed social impacts.

The Committee recessed at 11:40 for lunch, and reconvened at 1:05.

Subcommittee Reports

Steve Murray of Subcommittee 3 brought back the white paper on MPAs and ecosystem approaches to management, and Committee members provided comments. These were noted for incorporation in the next draft.

Max Peterson of Subcommittee 1 reported out on a draft outline of guidance to federal, state, and tribal managers and other stakeholders who want to work together regionally, based on lessons learned from case studies. Two of their case studies were described. Bob Bendick described the South Florida Ecosystem Restoration Task Force, and the elements that contributed to its success in regional management. Charlie Beeker described the Great Lakes Preserve System, which began with the Abandoned Shipwreck Act of 1987. He noted that there is no funding for implementation of this Act, and the national system will need to demonstrate its benefits if it is to succeed in engaging states.

Tony Chatwin reported that Subcommittee 2 was focused on answering the question "what's in it for me?" Members commented that resources for the national system are essential, but will need to be fought for, and justified in terms of specific benefits.

The Committee recessed for Subcommittee meetings for the remainder of the day.

THURSDAY, OCTOBER 12, 2006

Dr. Bromley called the Committee to order at 8:05.

Public Comments

Public comments were heard from:

- Carolyn Waldron, Oregon Ocean
- John Griffith, self
- Walter Chuck, Recreational Fishing Alliance / Oregon Anglers
- Peg Reagan, Conservation Leaders Network
- John Sherman, self
- Bill Hall, Lincoln County Commissioner

Elections

Dan Bromley announced that Mark Hixon had agreed, with encouragement, to run for Chair, and George Lapointe and Bob Zales had expressed interest in running for Vice Chair. He said that elections would be held after the morning's presentations.

Implementing the California Marine Life Protection Act

Melissa Miller-Henson, the Communications and Operations Director for the MLPA, summarized the history and lessons learned from the MLPA process. The MLPA was enacted in 1999 to improve the design and management of state MPAs. It applies only in state waters. Its six goals include protecting biodiversity, marine ecosystems, and marine life populations; improving

recreational, educational and study opportunities; and ensuring that the state's MPAs are effective and managed as a network. The state went through two rounds of attempting to implement the MLPA that failed due to inadequate stakeholder engagement, staffing and funding. The current round has been more successful, and has focused on a pilot process for the Central California coast. The state received \$7.2 million over 2.5 years through a private foundation, and has incorporated a science advisory team and extensive stakeholder involvement. Ms. Miller-Henson reviewed several lessons learned from the process, and answered questions from the Committee. Committee members asked questions about how science was used in the process, and the categories of MPAs used by California.

West Coast Pilot

Charlie Wahle introduced three members of the National Marine Protected Areas Center staff who are working on components of the Center's West Coast Pilot project. The project, focused on California, Oregon and Washington, is working with partners within the federal, state and tribal governments to develop information and tools to more effectively use MPAs as a management tool to protect marine resources. It will also serve as a pilot for the development of the national system within a region. Sarah Fischer, West Coast Regional Coordinator, described the goals and components of the project. Components include: ecological and cultural resource characterization, human use pattern characterization, assessment of the impacts of human uses, governance, and the contribution of existing MPAs.

Rikki Grober-Dunsmore presented the analysis of current marine managed areas (MMAs) on the West Coast. There are 269 MMAs on the West Coast, including federal, state, and local sites. Dr. Grober-Dunsmore noted that the establishment of essential fish habitat sites (particularly the trawl footprint closure) on the West Coast have drastically changed the marine landscape of spatial protection because they are so large. For example, while state sites comprise the majority of MMAs (65% of the number), federal sites make up most of the area, due to the size of the fish habitat sites. Less than 0.1% of West Coast waters are in "no take" reserves.

Brian Jordan presented information on cultural resources on the West Coast. Most known cultural resources – shipwrecks and airplane wrecks -- are in state waters (72%). About two thirds of cultural resources are located outside MMAs, with one-third inside MMAs. Of those cultural resources located within MMAs, most are found within California state waters, in marine conservation areas or marine reserves. The pilot project will make this information available to resource managers to use as a tool to understand cultural resources within and near their boundaries, and will facilitate a dialogue about how to protect significant resources that are not currently protected.

Members had questions about how sites were categorized as to their primary purpose (natural heritage, cultural heritage, and sustainable production) and

how much they actually achieved the protection called for in their mandates. Members were also interested in the forthcoming analysis of "de facto" MMAs that will be completed by the MPA Center early next year.

Elections

Elections were held for the offices of Committee Chair and Vice Chair with terms to commence at the end of this meeting. The nominees spoke about their interest in serving (George Lapointe had to leave early and was not present). As Mark Hixon was running unopposed, Dan Bromley asked for a voice vote in favor of his election. He was elected unanimously. Ballots were distributed and counted for the position of Vice Chair. Lauren Wenzel announced that Bob Zales had been elected Vice Chair.

Recognition of Dan Bromley

Max Peterson called for recognizing Dan Bromley for his service to the Committee as Chair for three years, and he received a round of enthusiastic applause. Joe Uravitch presented Dr. Bromley with a framed picture on behalf of the Committee members and MPA Center.

The Committee broke for lunch.

Comments on Draft Framework

Steve Murray reported on comments developed by Subcommittee 1 related to the draft Framework. Members felt that there was insufficient emphasis on new MPAs, and that the definitions of MMAs and MPAs were not clear. The Subcommittee developed a 1-pager summarizing their comments. There was discussion about the process that should be followed to incorporate concerns from other members and develop Committee comments during the public comment period (before February 14). Suggestions included a Committee conference call to achieve consensus, or scheduling a meeting in the January/February timeframe. Joe Uravitch noted that the MPA Center may not have an approved budget by February, and, if so, could not hold a Committee meeting during that timeframe.

Subcommittee Reports

Steve Murray reviewed the changed to the ecosystems approaches to management paper that had been recommended by the full Committee. Dr. Murray moved that the paper be adopted by the full Committee; Gil Radonski seconded the motion. The motion was passed unanimously. Ellen Goethel moved that the Committee recommend that the paper be added to the Framework as an appendix, and Bob Zales seconded the motion. The motion passed unanimously.

Subcommittee 1 put forward the following motion for consideration:

"We acknowledge that the draft Framework was written using input from a variety of sources, including the Marine Protected Areas Federal Advisory Committee, and do not expect this document to be in complete accord with the findings of our June 2005 report.

Nevertheless, we find that the draft framework lacks clarity, contains significant deviations in the use of terms and concepts, and omits important issues addressed by the June 2005 report."

Steve Murray moved the motion; Bob Zales seconded it.

Max Peterson moved the substitution of a second motion for the first. Bob Zales seconded the motion, below.

"An ad hoc subcommittee be formed to receive and synthesize comments from FAC members and produce a consensus document to provide FAC comments on the Draft Framework. The timeline for producing this document will be:

- *Comments sent to the ad hoc subcommittee by FAC members - October 31*
- *Draft document distributed to FAC members by the ad hoc subcommittee - November 30*
- *Comments on the 1st draft sent to the ad hoc subcommittee by FAC members - January 9*
- *2nd draft of document distributed to FAC members by ad hoc subcommittee - January 23*
- *FAC teleconference to vote whether to forward FAC comments - week of February 6"*

Steve Murray noted that the dates in the motion should be viewed as targets. It was passed unanimously.

Bob Zales moved that the language in the first motion be used as a working preface for the Committee's comments on the draft Framework. Gil Radonski seconded the motion. After discussion, Max Peterson moved to table the motion, and his motion to table was carried.

Mark Hixon suggested that the Committee plan to produce a document on the draft Framework with multiple items that can each be considered separately to make discussion and decision-making easier if it must be done via conference call.

Dennis Heinemann, Max Peterson, Mike Cruickshank, Steve Murray and Jim Ray will serve on the ad hoc Subcommittee to compile comments on the draft Framework for Committee discussion and deliberation.

Max Peterson reported out comments from Subcommittee 1 on the draft Framework, and agreed to submit these as written input to the new ad hoc Subcommittee.

Tony Chatwin reported on the work from Subcommittee 2. These comments focused on concerns that a national system including most marine managed areas (approximately 1,500) would likely not succeed because available resources would add little to such a large number of sites, and because this number includes MPAs that are unlikely to contribute significantly to national system goals and objectives. The Subcommittee recommends additional criteria for MPA programs and the MPA Center to use in setting priorities. He said that the Subcommittee would have a conference call before October 31 to decide whether their work should be submitted to the ad hoc Subcommittee as part of comments on the draft Framework. This would allow for input from Subcommittee members who were not present. After reviewing the document, the Subcommittee will send it to the full Committee for review. Some members were concerned that the issues raised by the Subcommittee were complex and substantive, and would be difficult for the full Committee to discuss via conference call.

Lauren Wenzel said that she would poll Committee members for dates for a tentative meeting in January or February, depending on the MPA Center budget. If it is not possible to meet during that time, the Committee could meet via conference call to discuss comments on the draft Framework, and have its regular meeting on April 24-26, as currently scheduled.

Final Announcements

Lauren Wenzel announced logistics for the field trip on Friday.

Bob Zales commented on the very useful information from the marine managed areas inventory that is now being published in the "Coast Pilot" due to a partnership between the MPA Center and the Office of Coast Survey.

Bob Bendick expressed his thanks to the MPA Center for their continued hard work in the face of budget uncertainty.

Dan Bromley thanked all the members for their dedication.

Lauren Wenzel adjourned the meeting.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

Lauren Wenzel
Designated Federal Official

Dr. Daniel Bromley
Chair
Marine Protected Areas Federal Advisory
Committee

These minutes will be formally considered by the MPA FAC at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.

Committee members present:

Dr. Tundi Agardy
Mr. Charles Beeker
Mr. Bob Bendick
Dr. Dan Bromley, Chair
Dr. Anthony Chatwin
Dr. Michael Cruickshank
Ms. Ellen Goethel
Dr. John Halsey
Dr. Dennis Heinemann
Dr. Mark Hixon
Mr. George Lapointe
Dr. Steve Murray
Dr. John Ogden
Mr. Lelei Peau
Mr. R. Max Peterson
Mr. Gil Radonski
Dr. Jim Ray
Dr. Daniel Suman
Mr. Jim Woods
Mr. Bob Zales II

Ex officio members/representatives present:

Mr. Randal Bowman, US Department of the Interior / Office of the Assistant Secretary for Fish, Wildlife and Parks
Ms. Mary Glackin, US Department of Commerce
Dr. Brian Melzian, US Environmental Protection Agency
LT Jeff Pearson, US Coast Guard / Department of Homeland Security

NOAA National Marine Protected Areas Center staff:

Mr. Joseph Uravitch, Director
Ms. Sarah Fischer, West Coast Regional Coordinator
Dr. Rikki Grober-Dunsmore, National System Ecologist
Dr. Brian Jordan, Marine Archeologist
Mr. Jonathan Kelsey, National System Development Coordinator
Mi Ae Kim, NOAA Rotational Assignment Detailee
Ms. Bunny Sparks, Committee Support
Ms. Lauren Wenzel, Designated Federal Officer
Dr. Charles Wahle, Science Institute Director