

**MINUTES\***  
**Marine Protected Areas Federal Advisory Committee Meeting**  
**April 20-22, 2010**  
**Charleston, South Carolina**

**TUESDAY, APRIL 20, 2010**

The Committee convened at 9:15A.M.

**Meeting Opening**

Lauren Wenzel, National System Coordinator and designated Federal Official, opened the meeting of the Federal Advisory Committee (FAC) and called role. Twenty members were present, representing a quorum. The Chair, Eugenio Piñeiro Soler, welcomed members and guests. Members and guests introduced themselves, including their respective affiliations and interest in marine protected areas (MPAs).

Vice-Chair, Lori Arguelles introduced the FAC mentor system and encouraged new and off-going members to meet and share their knowledge and experiences. Ms. Arguelles mentioned that new FAC members will not be able to vote with the full Committee, as their appointments were not yet official, but will have a vote for Subcommittee leadership. She then reviewed the meeting agenda and inquired if there were any questions concerning the minutes from the previous FAC meeting in Anchorage, AK. Victor Mastone motioned to approve the minutes and Rick Gaffney seconded the motion. The minutes were approved unanimously.

Mr. Mastone, Co-Chair of the Cultural Heritage Resources Work Group (CHRWG), presented an overview of the work group's progress since its initial meeting in February 2010. The work group developed a vision statement for the cultural heritage goal of the national system of MPAs. Mr. Mastone noted that the vision statement attempts to tie all three goals of the national system of MPAs together. He distributed the vision statement, which was to be taken up by the full FAC later in the meeting. Mr. Mastone also reported on the CHRWG discussions regarding recommended revisions to the *Framework for the National System of Marine Protected Areas of the United States* to more clearly articulate the cultural heritage component of the national system. Some of these initial recommendations were also to be presented to the full FAC later in the meeting.

Bob Zales gave a brief summary of the recreational fishing summit organized by NOAA in Alexandria, VA; he attended the week prior to the FAC meeting. The summit included over 100 recreational fishing representatives from across the country. He mentioned that there was discussion of MPAs and highlighted the recreational fishing community's concern over no take areas. Mr. Zales went on to explain that recreational fishing groups did recommend MPAs be used to manage fisheries, but only as an alternative to other management tools. Rick Gaffney also attended the recreational fishing summit. He expressed that one of the strongest messages was the need for recreational fishers to have more involvement in fisheries management decisions. He also relayed that the National Marine Fisheries Service (NMFS) has hosted many recreational fishing summits over the years, yet the recreational fishing community does not feel

\*Minutes have not yet been formally approved by MPA FAC; this will be done at the next meeting.

that their suggestions have come to fruition. There is mounting frustration over their need to be heard.

### **Update on the Ocean Policy Task Force (OPTF) and Coastal and Marine Spatial Planning (CMSP) linkages to the National System**

Ms. Arguelles introduced the Acting Assistant Administrator of the National Ocean Service, David M. Kennedy, as the moderator of the panel discussion.

Mr. Kennedy praised the FAC on its energy, great diversity of perspective, collaborative spirit, and its continued commitment to its charge. He explained that the presenters would give an overview of the Presidential memo issued by President Obama in September 2009 calling for a national ocean policy and discuss where NOAA and the Department of the Interior (DOI) stand in the policy's development. Mr. Kennedy indicated that both NOAA and DOI welcome feedback from the MPA FAC.

Eileen Sobeck, Deputy Assistant Secretary for Fish and Wildlife and Parks, DOI, provided remarks on the National Ocean Policy and the role of the national system of MPAs. She reviewed the ambitious timeline set by President Obama of 90 and 180 days to develop a national ocean policy and framework for effective coastal and marine spatial planning (CMSP), respectively. Ms. Sobeck explained there has been extensive public outreach and stakeholder engagement including 38 expert roundtables, six regional meetings, and numerous public comment periods. The first interim report was released in September 2009 followed by the draft CMSP Framework in December 2009. She explained that the FAC is well positioned to contribute to the development of the national ocean policy through its past work and its new work, especially with the direction of the new charge, which focuses on the integration of the national system with CMSP.

Ms. Sobeck elaborated on two additional policies developed by DOI that are closely related to the national ocean policy. She highlighted DOI's Landscape Conservation Cooperatives (LCC) will support national ocean policy objectives, as many of the LCCs have a substantial coastal/ocean component, as well as DOI's America's Great Outdoors, which was launched April 16, 2010. This initiative will work to reconnect citizens with the outdoors, especially focusing on the nation's youth, and will include a coastal/ocean education component.

Sally Yozell, Director of Policy, NOAA, updated the FAC on the CMSP task force report, provided context to the CMSP framework, and provided current examples of CMSP in the United States and elsewhere. She also addressed the question of "where MPA FAC fits in" to the larger CMSP picture. Ms. Yozell explained that the MPA FAC is a model for CMSP by bringing together diverse sectors and perspectives to find a common way forward. She noted that CMSP is complex and is not the answer to everything, but that it is a comprehensive process that provides a suite of tools and opens dialogue about ocean uses. She highlighted a few benefits of CMSP, including greater transparency in decision making and greater efficiency in permitting, regulation, and governance. Ms. Yozell went on to give a variety of examples of CMSP including the Oceans Act of 2008 in Massachusetts, state planning in Rhode Island, the changing of shipping lanes in Stellwagen Bank National Marine Sanctuary to help reduce whale ship

strikes, and the Great Barrier Reef Marine Park, which has eight different categories of uses and is implemented regionally. Ms. Yozell went on to speak of the specifics of the draft CMSP Framework noting that implementation of the framework will be carried out by nine regional bodies. The regional bodies will set objectives and will conduct participatory planning. The regional bodies are expected to be functional in the next two years with regional plans completed within the next five years.

Mr. Kennedy ended the panel by addressing some of the many ways in which the national system of MPAs will complement national CMSP efforts. He highlighted the science based, participatory process of the development of the national system and the work of the ocean uses atlas.

### *Comments*

Bob Zales questioned whether there will be an Executive Order (EO) created to implement the CMSP framework. Ms. Yozell confirmed that an EO is possible but that it will be at least another six weeks before any decision is made. She noted that a shortcoming of an EO is that it can change with a new administration, whereas legislation sets a long-term course. Mr. Zales inquired about the national and regional ocean councils, including who would sit on the councils. Ms. Yozell replied that the creation of the national ocean council is already underway and it will be comprised of federal representatives. The regional councils will include federal, state, and tribal representatives and will engage with broader stakeholder groups. Mr. Zales commented that the OPTF lacked transparency, and that the public is unaware of the process. Ms. Sobeck explained there will be more opportunities for stakeholder involvement and asked Mr. Zales to please suggest more effective ways of engaging the public.

Ellen Geothel also expressed her concerns about transparency. The regional Fishery Management Councils (FMCs) have provided comments to the OPTF documents and are concerned the documents do not reflect their comments. Ms. Geothel also asked about the Magnuson-Stevens Act and what role it will play in the national ocean policy. Ms. Yozell explained that existing laws will remain unchanged under the national ocean policy. The Magnuson Act will still govern fisheries management, and the policy will acknowledge the special role of the FMCs. Ms. Sobeck also noted that public comments have been taken very seriously and have sparked extensive discussions about the policy.

Gary Kania inquired about what type of legislation, if any, is envisioned for the national ocean policy. Ms. Sobeck answered that there is no new legislation planned. The national ocean policy will be implemented under existing laws and regulations.

Joe Schumacker asked about the role that tribes will play in the implementation of ocean policy. Charlie Wahle explained that this is still being determined. There were also questions about the boundaries of the regional bodies, which will be based on existing regional ocean governance boundaries, and on the need for additional data to inform CMSP. Bruce Tackett commented on the need for ongoing input from stakeholders in the CMSP process, and suggested that regional pilots would be an approach to learn while beginning the process. Ms. Yozell agreed that pilots were envisioned as part of the approach, and urged the FAC to stay engaged as the process evolves.

## **12:00 P.M. - 1:25 P.M Lunch**

### **National System Updates**

Joseph Uravitch, Director of the National Marine Protected Areas Center, gave an overview of FY2010 activities. Highlights included an increase in the budget, from \$2,900,000 for FY2009 (up from \$1,424,000 in FY2008) to \$3,000,000 for FY2010, the establishment of the Cultural Heritage Resources Working Group, the mpa.gov website redesign, and the newly launched MPA mapping tool. Mr. Uravitch outlined the Center's 2010 priorities, which include strengthening the capabilities of national MPA system members through leveraging resources of federal agency partners and through the establishment of new partnerships with the National Fish and Wildlife Foundation and the National Marine Sanctuary Foundation.

Regarding the Cultural Heritage Resources Working Group, Mr. Uravitch noted that the group will coordinate the cultural heritage component of the national system. He also spoke about CMSP, and noted that the MPA Center will continue to integrate its efforts with the broader CMSP and climate change initiatives of NOAA through the ocean uses atlas, MPA inventory, defacto MPA inventory, and the ecological gap analysis. Mr. Uravitch emphasized that stakeholder and public engagement will remain a top priority. The Center is expanding its efforts with new initiatives and partnerships with the National Marine Educators Association Journal of Marine Education and Coastal America's Coastal Ecosystem Learning Centers (CELC). Mr. Uravitch went on to discuss the MPA Center's continued involvement in the North American Marine Protected Areas Network (NAMPAN) and its planned work to focus on the east coast of North America. He also discussed the Protocol Concerning Specially Protected Areas and Wildlife (SPAW), part of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, which has begun the pilot listing of sites, including a national system member, the Florida Keys National Marine Sanctuary.

Lauren Wenzel updated the FAC on the status of the second round of national system nominations. There were 32 sites nominated including national parks, national wildlife refuges, Jobos Bay National Estuarine Research Reserve, and sites from Washington State and the U.S. Virgin Islands. The Center plans to announce the new sites during world ocean week (June 7-11, 2010). Ms. Wenzel noted that the term "MPA" continues to be controversial within the recreational fishing community. Further, public outreach and program in-reach is needed to ensure stakeholders and programs are fully informed.

Building off of suggestions from last year's partner's retreat, the Center has partnered with the National Fish and Wildlife Foundation in establishing an MPA fund. This tangible incentive for national system partners will help foster collaboration among MPA programs in the system. The Center expects to fund four to five partnership grants in FY2010; announcements will be made in June 2010. The Center has also established a new training partnership with the Office of National Marine Sanctuaries and the Coral Program. The Center will host "Developing MPA Networks" training for national system partners at this year's partner's retreat. The Center also continues to collaborate with the Integrated Ocean Observing System (IOOS<sup>®</sup>) and has established an IOOS Task Team that met for the first time this spring. The Task Team will work to identify monitoring parameters for MPAs and innovative ways to enhance data delivery to MPA

managers and practitioners. The Task Team will continue to meet over the summer and plans to complete their work by the end of the calendar year. Ms. Wenzel also discussed the ongoing work with NMFS to develop an “avoid harm” policy, created to interpret and address Section 5 of EO 13158, which could serve as a possible model for other agencies.

Charlie Wahle, Senior Scientist for the MPA Center, updated the Committee on the science and analysis work and capabilities of the MPA Center. The Center continues to update and expand the MPA inventory, recently launched a new MPA map interactive viewer tool, and has completed the ocean uses atlas in California, and New Hampshire and Southern Maine. There also are tentative plans to bring the ocean uses atlas to Hawaii in late summer 2010. Dr. Wahle explained that the ecological gap analysis, which will inform and further develop the national system, will be delayed to align these efforts with the broader CMSP work that is beginning to take place. Dr. Wahle highlighted the direct link to the new FAC charge and subcommittee work involving CMSP.

#### *Comments*

Charlie Beeker asked if the SPAW Protocol incorporated cultural resources. Ms. Wenzel responded that SPAW is primarily focused on biological diversity but also includes provisions to develop a cultural component.

Karen Garrison asked Dr. Wahle to further explain the difference between the gap analysis and ecologically important areas, and articulate what the Committee’s responsibility and role is in the process. Dr. Wahle explained that the gap analysis does not show all the ways in which we use the ocean, but that MPA Center is helping to fill this data gap through the human uses atlas project. The FAC can assist in making recommendations on how to identify the ecologically important areas.

Jesús Ruiz asked what the FAC’s role will be in CMSP and whether the FAC should begin to develop recommendations on CMSP. Dr. Wahle reiterated that there is a bigger national CMSP process that is being developed, and that it is practical for the MPA Center to wait and see how the gap analysis for the national system may fit within this broader CMSP initiative. Meanwhile, the MPA FAC has a new charge to consider the role of the national system within the CMSP initiative.

Ellen Goethel asked if the gap analysis will include all MPAs in the U.S. or just national system MPAs. Dr. Wahle explained that the gap analysis will look at all MPAs both in and out of the national system, and made it clear that the MPA Center does not have the authority to create any new MPAs.

#### **Plenary Discussion and Committee Action: Recommendations on Climate Change Impacts and the Potential Role of the National System of MPAs**

Dennis Heinemann, Chair of the Scientific and Technical Subcommittee (STS), expressed his gratitude to a select few from the Subcommittee who put tremendous effort into the draft recommendations. The STS also produced a primer background document that summarized the effects of climate change in the ocean. This product was meant to be used as an educational document by the full FAC. From the primer, the STS distilled the recommendations and advice

for the national system, which was to be taken up by the full Committee later in the meeting. The two overarching recommendations that come from the document include: 1) design MPA sites, networks and the national system to be as ecologically resilient as possible in light of climate change; and 2) evaluate and adaptively manage MPA sites, networks and the national system of MPAs. Dr. Heinemann expressed that the integration of the national system with other climate change tools and management techniques has great potential to reduce the impacts of climate change on the marine environment. Dr. Heinemann continued that he was looking forward to comments and reminded the FAC that the objective is to reach consensus on the value of the document and approve it as advice to the Secretaries of DOC and DOI.

#### *Comments*

David Blazer noted the eight objectives and asked if there was any recommendation on prioritizing the objectives. Dr. Heinemann replied that the overarching objective with the highest priority is the reduction of stressors on the environment. All other objectives fall under that umbrella. The STS did discuss prioritizing but determined the objectives were too case specific.

Gil Radonski asked how MPAs in California have responded in light of El Niño effects. Steve Gaines responded that this was an issue being considered in the Channel Islands; however, the effects of El Niño have yet to be evaluated. Dr. Gaines also noted that there is a lot of interest in this question and the Channel Islands is one of the only places where this may be addressed.

Joe Shumaker asked if the MPA Center has any plans to help identify ecological policy thresholds. Dr. Heinemann explained that the new charge will help to flesh out this statement

Elliot Norse expressed that he was very impressed, and emphasized that the document was a very thoughtful examination of how to plan for an uncertain future.

Mr. Zales stated that he had concerns with the document and needed examples of ecological areas that would be considered least exposed. For example, what part of the Channel Islands would be considered least exposed to climate change? Dr. Heinemann responded that typically the answer is given in more general terms, but could include, for example, an area of cold, upwelling water that could better withstand rising ocean temperatures. Mr. Zales also asked if there are any marine species that have adapted to ocean acidification. Dr. Gaines responded that no particular species has adapted to climate change, but that there are a lot of species and data to indicate a shift in temperature ranges for certain species. The pH of the ocean is another variable, but there are places that tend to be more acidic or basic. Areas that are more basic might provide refuge for certain species.

It was decided the STS would meet after the FAC adjourned for the day to incorporate comments from the full Committee.

#### **Public Comment**

Mark Brown, Charter Boat Captain of Teazer 2 said that he was not aware of the committee or the meeting until he got notice from the recreational fishing community. Mr. Brown stated that he has been in the fishing business his whole life, and that this is how he makes a living and

supports his family. He has been involved with MPAs since the early 1990s. Recently, there was a proposal to cut off a large swath of water off of South Carolina. However, the State of South Carolina is not in favor of MPAs and marine reserves. The consensus is the same among the fishing community. The contribution of recreational fishing in the state is \$13 million a year. If you close an area to fishing there will be economic consequences. Mr. Zales asked if Mr. Brown felt like his stakeholder opinions are seriously considered. Mr. Brown replied that many comments are given at public meetings and sometimes he thinks they have little or no impact.

Chris Verburg, representing Charleston Marine, a tackle shop and boat dealership, expressed that he is a proponent of sensible conservation with fishing access. Mr. Verburg explained that he is not supportive of the MPAs proposed off of Charleston and believes they are detrimental to everyone. Restricting fishing dramatically affects the economy, and to him it seems like the public's ability to fish needs more conservation than the fish do.

Joey Prochazka, a local resident of Charleston and member of the Recreational Fishing Alliance's National Board, encouraged the FAC to weigh the value of recreational fishing and to take into consideration the restrictions of MPAs. He noted that the RFA supports conservation but at the same time they ask that there is still recreational fishing access.

Russ Broward, representing himself, thanked the FAC for providing the public comment period and listening to everyone's input. He agreed that something needs to be done to sustain the world's fish. Mr. Broward explained that all fishermen want what is best for the fish because they want to be able to benefit from their production. However, he stated that he believes the MPAs suggested off the coast of South Carolina will have negative economic impacts.

Steve Little, representing the maritime services of Charleston/Towboat US, explained that in his line of work they do more than just towing. They also run dive charters. South Carolina is an up and coming dive location. When people come to Charleston they come to dive and eat and fish. MPAs will restrict more than just fishing. It affects the entire economy.

Gary Kania thanked the speakers for their comments but noted that there may be confusion among the speakers as to what role and authority of the FAC is.

Mr. Zales responded that he sent out a notification of this meeting a few weeks ago, and that he fully explained the charge of the FAC in that message. He further clarified that the FAC is not a regulatory body and does not make decisions about fisheries closures.

### **Charge to the Committee, Laura Furgione, Assistant Administrator for Program Planning and Integration, NOAA**

Ms. Furgione presented to the Committee the remaining issues from the previous charge, including the climate change and resilience recommendations currently under discussion, and outlined the new charge to address the following: Coastal and Marine Spatial Planning; Healthy and Resilient MPA Communities; Protected Area Land/Sea Interactions; and Cultural Heritage. She noted the important role the national system can play in the OPTF and how the Committee will help to identify the key linkages between the national system and CMSP. Ms. Furgione also

elaborated on the healthy and resilient MPA communities component of the Charge, noting it as a topic of great interest among several FAC members. Up until this point the majority of effort has been focused on the ecological aspects of MPAs. The social, economic and cultural impacts of MPAs are equally important and need to be considered alongside the biological impacts. Additionally, protected area land/sea interactions is a timely issue as both DOI and NOAA have raised questions concerning how to protect species that live in both the terrestrial and marine environments. Finally, Ms. Furgione discussed the CHRWG, which will scope and further develop the cultural heritage component of the national system.

### **Subcommittee Assignments and Responsibilities**

Mr. Piñero-Soler and Ms. Arguelles gave the FAC a brief overview of the new subcommittee assignments and noted that there will be new challenges with managing such a variety of topics. They noted the importance of integrating cultural heritage within the other Subcommittee issues, and they welcomed input from members on how to accomplish this.

## **WEDNESDAY, APRIL 21, 2010**

### **Subcommittees Meet**

The Subcommittees met from 8:30 A.M. to 9:30 A.M. The Committee resumed at 9:40 A.M.

### **Panel on Cultural Heritage Resources**

Victor Mastone, Co-Chair of the CHRWG and panel moderator, thanked the Committee for providing the opportunity to host the panel. The intent of the panel was to educate the full FAC on the breadth and depth of cultural resources in the United States.

Valerie Grussing, Cultural Resources Coordinator for the MPA Center, gave an overview and update of the cultural heritage component of the national system. She reviewed the cultural heritage goal and its priority conservation objectives, and the National Register of Historic Places criteria. She also noted there is no U.S. program or statute providing comprehensive protection of submerged cultural heritage resources, which makes protecting and preserving cultural heritage resources very difficult. Dr. Grussing went on to discuss the benefits the national system could provide cultural heritage resources, including recognizing multiple resource values, providing a mechanism to work across federal and state jurisdictions, increasing recognition of marine cultural resources, and promoting knowledge to the widest possible audience through interpretation and access.

Bonnie Newsom, Tribal Historic Preservation Officer for the Penobscot Indian Nation, expressed her appreciation of the efforts of the CHRWG to incorporate a tribal voice and perspective into their work. Ms. Newsom explained that there are four federally recognized tribes in Maine, all of whom have ties to the marine environment. Specifically, the Wabanaki People have a rich cultural heritage in watercraft used in upland rivers and the ocean, hunter gatherer traditions such as fishing for sword fish, seals and whales, and harvesting coastal sweet grass to make ceremonial baskets. Many of these uses are restricted now due to private land use and access rights. Ms. Newsom went on to discuss cultural resources that are threatened due to erosion and rising sea level. For example, shell middens are important historical resources. The middens help



preserve arrow heads, bone harpoons, and other artifacts that provide valuable information of how humans used marine resources in the past. Other resources threatened by the affects of climate change include petroglyphs and submerged sites. MPAs can help protect and highlight the Wabanaki's native uses of the marine environment and preserve the importance of their ancestral connections to the sea.

William Aila, a native of Hawaii, began with a Hawaiian chant. He used the metaphor of adding flowers to a lei to illustrate the integration of cultural heritage resources in the Northwest Hawaiian Islands. He discussed the establishment of a native Hawaiian working group that named the monument, identified new species, helped identify native Hawaiian research initiatives, and set up a requirement that everyone who travels Papahānaumokuākea Marine National Monument must have a cultural briefing. Mr. Aila requested that as the CHRWG brings new ideas to the full Committee, members use their analytical and intuitional thinking when making decisions. This type of thinking will be the beginning of integrating cultural resource management with MPAs.

Della Scott-Ireton, Director of the Northwest Region Florida Public Archaeology Network, discussed the state of Florida's Shipwreck Preserve System, which is a program of the Florida Bureau of Archaeological Research. The Preserve System is comprised of eleven shipwrecks and they are conceived as "museums in the sea". Dr. Ireton explained that the preserves meet special goals, including protecting and preserving the resources, educating the public about the importance of shipwrecks as part of the maritime past, providing a means of education through recreation, and promoting heritage tourism. She explained that establishing a preserve is a public process and involves strong community involvement and support. Dr. Ireton concluded by noting that currently there are no Florida shipwrecks in the national MPA system. She feels that the benefits of promotion and stewardship that would come from the national system are worthwhile, though more education and public outreach is needed.

Christopher Amer, State Underwater Archeologist for South Carolina, presented on two cultural heritage trails located on the Cooper and Ashley Rivers near Charleston, SC. Both trails have numerous historic shipwrecks and remains of structures, and the Cooper River trail also shows historical alterations from the creation of dams for rice production. The two trails are open to the public and offer recreational activities such as diving, canoeing, kayaking, and wildlife watching. Mr. Amer noted that both trails meet the federal definition of an MPA and are eligible for the national system, but have not yet been put forward as nominations.

John Foster, Retired Manager of Archaeology and History within the California State Parks System, discussed the cultural resources found within the California State Parks System and how such sites have the potential to contribute to the national system of MPAs. Mr. Foster noted the ongoing Marine Life Protection Act process in California and its emphasis on biological MPAs. He furthered that it is time to incorporate cultural heritage resources into the process, and used shipwreck examples to highlight the types of cultural resources in California, including *Pomona*, a passenger vessel that went down north of San Francisco, and *Montebello*, an oil tanker that ran into a Japanese submarine. *Montebello* has national significance, as it influenced the Executive Order to relocate Japanese Americans during World War II. Mr. Foster explained that resources

such as *Pomona* broaden the contributions of MPAs and are valuable resources that need to be protected.

Charlie Beeker, Director of the Office of Underwater Science at Indiana University, presented an international cultural resources perspective by drawing from his work throughout the Dominican Republic. Mr. Beeker has been working in the Dominican Republic since the early 1990s. He explained that the majority of Dominican waters are in some form of MPA, but that they lack effective compliance and enforcement. Much of the coast is leased to treasure hunting companies. Indiana University holds three leases along the Dominican coast. Mr. Beeker's work has uncovered native Taino artifacts and bones of extinct species found in freshwater caverns. Mr. Beeker also discussed the importance of public interest. In 2004 he helped establish an underwater museum where artifacts were returned to their resting place on the sea floor. The site was then protected and is open to recreational divers.

John Jensen, Maritime History Faculty at the Sea Education Association, discussed the cultural landscape approach to cultural resource management. This approach links cultural resource management to ecosystem-based management. Dr. Jensen expressed that many cultural resources are important to understand ecosystems of the past in addition to the cultures that used them. The cultural landscape approach offers a new way of looking at the culture/ecosystem interface and helps preserve the entire story.

### **Field Trip to Cape Romain National Wildlife Refuge**

The Committee recessed for the afternoon for a group educational trip to the Cape Romain National Wildlife Refuge, a member of the national system.

## **THURSDAY, APRIL 22, 2010**

The Committee convened at 8:30 A.M.

### **Public Comment**

Wesley Covington, representing the Recreational Fishing Alliance South Carolina Chapter, welcomed the FAC to Charleston. He asked if anyone was aware that recreational fishing is more popular than golf and tennis combined in the U.S. Mr. Covington explained that South Carolina ranks eighth nationally in the economic impact of recreational fishing. He noted that recreational fishing earns \$80 billion in sales and \$20 billion in wages and salary nationally. Mr. Covington explained that the public should have priority in national MPA and CMSP policies. The people of South Carolina care deeply about the conservation of natural resources and they want to maintain access to them. Mr. Covington referenced Executive Order 13474 signed by President Bush, which states that recreational fishing should be a priority for all federal agencies. He urged the FAC to make this a priority in the policy recommendations to the Secretaries.

Stuart Ballard, representing himself, is a marine retailer and sells boats. He has served on numerous state and federal advisory committees and participated in the establishment of two protected areas in South Carolina. Mr. Ballard explained that SC has a 15% unemployment rate

and that marine-related businesses are struggling. He explained that because fishing pressure has been reduced, many fisheries have gotten a reprieve. He encouraged the Committee to recommend MPAs that allow recreational fishing and restore fish habitat. Mr. Ballard added that the public is scared of what federal regulations will impart on fishing and their livelihoods.

John Hoagland, representing recreational fishermen, shared with the FAC how much he loves fishing and that he spends all his spare time on the ocean. He estimated that he puts \$2,000 year into the SC economy from fishing, and emphasized that he votes.

Legae Smith, representing himself, was born and raised in Charleston. He got his first job on the water as a mate when he was 15 and he has been fishing ever since. Mr. Smith received his masters in oceanography from the Scripps Institute of Oceanography. He noted that there are many places where MPAs have been successful such as in New Zealand and Bermuda. Mr. Smith recently lost his job in oceanography and is now a charter boat captain. He urged the FAC to keep fishing in mind as it moves forward with its recommendations.

#### *Comments*

Mr. Zales addressed all of those who gave public comment, reminding them that the FAC is not a regulatory panel. He noted that the FAC is going to work on CMSP and this is something the recreational fishing community should stay engaged with.

Ms. Arguelles thanked those who gave public comment and informed the FAC that they will break into subcommittees and reconvene at 11:00 A.M.

#### **Subcommittees Meet**

The Subcommittees met from 9:30 A.M. - 11:00 A.M. The Committee reconvened at 11:00 AM.

#### **Panel on MPA Issues in the South Atlantic**

Myra Brouwer, a fisheries biologist with the South Atlantic Fishery Management Council, first noted that the Council operates under a slightly different definition of an MPA than the MPA Center. Councils look at networks of MPAs for the primary purpose of protecting overfished stocks, fisheries and associated habitat. An example is the Oculina Habitat Area of Particular Concern that protects oculina coral from trawl fishing. Currently, there are four new MPA proposals off the East Coast from Florida to North Carolina. The proposals are under review by the Secretary of Commerce. Ms. Brouwer went on to discuss the status of the snapper/grouper stocks and noted that the Council began to look at MPAs as a management tool back in the early 1990s. From 1994-1998, the Council established the Oculina Experimental Closed Area and a scientific review panel concluded that properly designed MPAs can be effective when combined with other management measures. Since that time the Council has implemented other MPAs, including the deliberative process to establish MPAs to protect deepwater corals. From 2007-2009 the council passed the Snapper/Grouper Amendment 14 and the regulations took effect in February 2009. Fishing for Snapper/Grouper is prohibited in deepwater MPAs but trolling for pelagic species and fishing for golden crab and royal red shrimp is allowed in designated areas. Ms. Brouwer also discussed a few of the challenges the Council faces in enforcing regulations, such as the distance the MPAs are from shore, and that certain areas allow fishing. Additional

challenges include funding to conduct scientific research and the escalating problem of high densities of invasive lionfish and the unknown effect they will have on native fish stocks. Ms. Brouwer finished by discussing the contentious management of red snapper. Amendment 17A to the Snapper/Grouper management plan would prohibit all harvest of red snapper year round in the south Atlantic EEZ. There are a seven closure plans currently under review.

Phil Maier, Manager of ACE Basin National Estuarine Research Reserve (NERR), presented from a state partnership perspective. The NERR is managed as a partnership at all levels. State and federal partners cooperatively manage 200,000 acres of land and marsh area through a variety of conservation mechanisms such as conservation easement and acquisition. The NERR system is a partnership between coastal states and NOAA: NOAA administers the NERR program and establishes standards for designating and operating reserves, supports the operation of each reserve, undertakes projects that benefit the entire NERR System and integrates information from individual reserves to support decision-making at the national level. All reserves within the NERR System are owned and managed by the participating state. The state partner develops coordinated research and education programs and works with local communities and regional groups to foster management and stewardship of coastal watersheds. In order to become a NERR site, the designated waters and lands must be protected by local, state, or federal law from significant ecological change in order to ensure the site is suitable for long-term research and education. Mr. Maier also addressed ACE Basin's eligibility for the national system. The NERR does have a few concerns about the system, such as the real cost of joining, and educating and engaging their diverse group of constituents about the national system and how it would benefit the NERR.

Kevin Godsea, manager of Cape Romain National Wildlife Refuge (NWR), discussed the climate change impacts to Cape Romain NWR and the management challenges that have come to light in the face of such changes. Currently, the refuge is threatened by sea level rise, erosion, and salt marsh fragmentation. Mr. Godsea discussed the severity of erosion occurring at Cape Romain. Due to the Santee River delta diversion system, Cape Romain no longer gets the sediment loads it did in the past to replenish its sand dunes, beaches, and salt marshes. The drop in sediment replenishment has exacerbated the erosion process. As salt marsh is inundated with seawater and habitat changes, it will have a substantial impact on wildlife. Sea birds, sea turtles and other species that use the salt marsh/beach area to forage and lay eggs will be adversely affected by such changes. Additionally, erosion and saltwater inundation threaten the levy system and freshwater impoundments managed for waterfowl and other freshwater species.

### **Comments**

Dr. Heinemann asked Ms. Brouwer to elaborate on the long process of establishing deep-water Snapper/ Grouper closure areas. Ms. Brouwer replied that the Council began to discuss such closures back in 1990. However, the public was uneasy about the term MPA. Ms. Brouwer then deferred her answer to George Geiger, member of the Southeast Atlantic Fishery Management Council. Mr. Geiger explained that the grouper closures originally were called marine reserves. This received extensive pushback from the public. The Council then moved to the term MPA. Public input, and stakeholder engagement, also lengthened the Council's process considerably. Dr. Heinemann followed up by asking about the important lessons learned from the process. Mr. Geiger replied that stakeholder buy-in drives regulation.

George Lapointe followed up to Mr. Maier's presentation on the ACE Basin Refuge by asking the level of effort and cost required to get an MPA, such as ACE Basin, into the national system. Mr. Maier responded by explaining that the ACE Basin does not protect one thing, it protects many resources in a large area. The ACE Basin would need a well-articulated proposal to convince its diverse stakeholders that the area is an MPA that should be in the national system.

Dr. Hixon asked Mr. Godsea about additional climate change research in other national wildlife refuges along the southeast Atlantic coast. Mr. Godsea noted that the Florida Keys and Cape Romain NWRs are conducting research and further that the agency has developed a draft strategic plan to address climate change impacts on coastal refuges.

### **12:25 P.M. - 1:35 P.M. Lunch**

#### **Scientific and Technical Subcommittee Report to Full Committee / Product Approval**

Dennis Heinemann addressed the FAC, reminding members of the discussion members had during the meeting on Tuesday, where Committee members were asked to submit all formal, final responses to the document. The Scientific and Technical Subcommittee revised the recommendations according to those final comments, and presented the Committee with this final draft for voting. Dr. Heinemann then opened the floor to discussion, keeping in mind that all major comments should have previously been submitted.

Gil Radonski asked if the Committee intended to discuss the whole paper or just the revisions. Dr. Heinemann explained that the Subcommittee intended for the Committee to discuss all final comments to the document on Tuesday, and that today was an opportunity to discuss the changes to the document.

Bob Zales explained that he had requested lines 78-82, about expected climate change impacts to marine ecosystems and the potential benefits of MPAs, be deleted from the document, regarding the potential impacts of climate change on marine ecosystems. Mr. Zales noted that he could not support the paper if these lines were included. Dr. Heinemann replied that the subcommittee received many comments from its scientific members and that there was unanimous agreement that lines 78-82 reflect an accurate statement. Mark Hixon continued that the list of potential climate change impacts came from peer reviewed scientific literature that looks at past changes and projects future changes. This is why such a large list of references was added to the recommendations. Mr. Zales further noted his disagreement with the specific statement "In light of climate-change impacts that have the potential to drive large numbers of species to extinction..."

George Lapointe responded by providing a current example of climate change impacts to southern New England's lobster population, where lobsters are moving offshore into deeper waters, which is driving fishing further offshore. Thus, deeper water habitat may have to be protected in order to protect the species. Phil Renaud added that ocean acidification is expected to have widespread extinction impacts as soon as 2040. There are reefs his organization is exploring that may act as reserves or refugia to protect threatened species. Dr. Hixon continued that the climate change recommendations do cite other real world examples of relatively intact

marine ecosystems that have been shown in multiple cases to be resistant to climate change impacts in the ocean. Further, MPAs have been shown to slow the rate of change in certain ecosystems, which can increase ecosystem resilience. Dr. Heinemann added that it is important to explain that much of the current knowledge is made on projections and models. This is one of the reasons the Subcommittee decided to keep the word “potential” in characterizing climate change impacts. Captain Renaud added that sometimes climate change is very theoretical, but as the field trip to Cape Romain showed, the effects of climate change are very real and are occurring now.

Dave Wallace suggested that the preamble emphasizes that while climate change is global, the effects can be local. He further noted his concern that the document could be used as justification to create large ocean closures. However, he also noted his conversation with Dr. Heinemann, which assured him that this was not the intent of the recommendations.

Mr. Zales explained that he still disagreed with the recommendations as stated. He read the document as something that could be picked up by someone and used to dramatically limit fishing. Mr. Lapointe noted that most documents have the potential to be misused, but that this document represents a starting point and can be used as a way forward. Dr. Heinemann added that the Subcommittee has crafted the document using the current state of knowledge, and that the FAC must assume that the Secretaries of DOC and DOI, for whom the recommendations are intended, will use the information in a rational and sensible way.

Mr. Piñeiro-Soler thanked the Subcommittee for all its hard work and thanked all Committee members for their thoughtful comments. Jesús Ruiz motioned to move the recommendations forward. Rick Gaffney seconded the motion. The document passed with a 19-1 vote.

### **Cultural Heritage Resources Working Group Report to Full Committee / Product Approval**

Victor Mastone, CHRWG Co-Chair, updated the FAC on the progress of the working group. One of the charges was to create a vision statement for the cultural heritage track of the national system. The working group also began to discuss technical edits to the framework. The draft vision statement was presented to the full FAC. The Committee had a brief discussion over the phrase “sacred places,” and ultimately agreed to keep the phrase as is. Charlie Beeker motioned to move the vision statement forward. Gil Radonski seconded the motion. The vision statement was unanimously adopted. Mr. Mastone also proposed two recommendations for technical corrections to the Framework on pages 16 and 17 to explicitly acknowledge the role of tribes and other indigenous people in cultural resource management. Charlie Beeker motioned to approve these revisions to the National System Framework. Mr. Lapointe seconded. The recommendations were unanimously approved.

Mr. Uravitch expressed his appreciation of the quick work of the CHRWG and the Committee, noting that this is a milestone for the national system.

### **Subcommittees Meet**

Subcommittees met from 2:00 PM – 3:00 PM. The Committee reconvened at 3:00 PM.

## **Subcommittee Report Outs and Committee Business**

Russ Moll, Chair of the Coastal and Marine Spatial Planning Subcommittee, reported on the progress of the Subcommittee. The Subcommittee drafted a letter to send to the Secretaries of Commerce and Interior, which clearly articulates the FAC's potential role in advising CMSP. Bob Wargo motioned to pass the letter. Rick Gaffney seconded. The letter passed unanimously.

Rick Gaffney, Chair of the Land, Sea & Communities Subcommittee (LSCS) explained that the Subcommittee has the challenge of addressing two different charges, one on healthy MPA communities and the other on the land-sea interface. The Subcommittee has initially decided to address the charges separately and then work toward integrating the two charges. Captain Renaud, Vice-Chair and lead of the land-sea interface piece, reported on the Land/Sea Interactions charge. He noted that the national system only addresses MPAs up to the mean high tide water-mark. There are many resources, species, and habitats that extend beyond the mean high tide mark. This Subcommittee will address the interconnectedness of the land and sea and how the national system can help coordinate conservation efforts. As a first step the MPA Center will assist the Subcommittee in identifying MPAs in the national system that have land/sea interactions. Joe Schumacker encouraged the subcommittee to consider riverine ecosystems and anadromous fish.

Sarah Robinson, Vice-Chair and lead of the healthy communities piece, presented the Healthy and Resilient MPA Communities charge and acknowledged the complex set of questions the Subcommittee faces. In moving forward, the Subcommittee will consider the current state of knowledge regarding resilient communities, and how federal agencies have addressed this question in the past. The Subcommittee then plans to engage subject matter experts and link to the CHRWG.

## **Committee Business**

Lauren Wenzel thanked all of the FAC members for their hard work throughout the meeting. The Committee accomplished a large amount of difficult work in just a few days. Mr. Uravitch and Ms. Wenzel especially thanked outgoing members for their dedication, collaborative spirit and hard work throughout the years. Finally, Ms. Wenzel mentioned that the FAC will hear from the MPA Center in the next few weeks about dates for the next meeting and about Subcommittee work plans for the summer.

The Committee adjourned at 4:30 P.M.

## **Committee members present:**

Ms. Lori Arguelles, Vice-Chair

Mr. Charles Beeker

Mr. Rick Gaffney

Dr. Steve Gaines

Ms. Ellen Goethel

Dr. Dennis Heinemann

Dr. Mark Hixon

Mr. George Lapointe  
Mr. Victor T. Mastone  
Ms. Melissa Miller-Henson  
Dr. Russell Moll  
Dr. Elliott Norse  
Mr. Terry O'Halloran  
Mr. Eugenio Piñeiro Soler, Chair  
Mr. Gilbert Radonski  
Captain Philip G. Renaud, USN (Ret.)  
Mr. Jesús C. Ruiz  
Mr. Joe Schumacker  
Mr. Bruce A. Tackett  
Mr. David H. Wallace  
Mr. Robert Wargo  
Mr. Robert Zales II

**Incoming members present:**

Karen Garrison  
John Frampton  
Hans Radtke  
David Blazer  
Gary Kania  
Felicia Coleman  
George Geiger  
William Aila Jr.  
Sarah Robinson  
Felicia Coleman  
Michelle Ridgway

**Cultural Heritage Resources Working Group members present:**

Hans Van Tilburg  
Larry Murphy  
John Wilson  
Brian Jordan  
Victor Mastone (FAC)  
John Foster  
Joe Schumacker (FAC)  
William Aila (FAC)  
Bonnie Newsom  
Jesús Ruiz (FAC)  
Charlie Beeker (FAC, rotating off)  
Della Scott-Ireton (FAC)  
John Jensen

**Ex officio members/representatives present:**

Ms. Laura Furgione, Program Planning and Integration, NOAA



Mr. Andrew Gude, DOI/US Fish and Wildlife Service  
Dr. Brian Melzian, US Environmental Protection Agency  
Mr. Steven Tucker, US Coast Guard / Department of Homeland Security

**NOAA National Marine Protected Areas Center staff:**

Mr. Joseph A. Uravitch, Director  
Dr. Charles Wahle, Senior Scientist  
Ms. Lauren Wenzel, National System Coordinator  
Ms. Abigail Gray, Program Analyst  
Dr. Valerie Grussing, Cultural Resources Coordinator  
Ms. Kara Schwenke, Communications Coordinator  
Ms. Katya Wowk, Policy Specialist  
Ms. Julia Townsend, Program Analyst  
Ms. Jackie Sommers, Administrative Assistant