

**MINUTES**  
**Marine Protected Areas Federal Advisory Committee Meeting**  
**April 22-24, 2008**  
**Silver Spring, Maryland**

**TUESDAY, APRIL 22, 2008**

The Committee convened at 8:45 AM.

**Meeting Opening**

Lauren Wenzel, Designated Federal Official, opened the meeting, and called the roll. Twenty-six members were present, representing a quorum. She then handed the gavel to the Chair, Mark Hixon. Dr. Hixon welcomed the new and continuing members, noting the importance of MPAs as a useful tool in marine conservation and management. Dr. Hixon reminded members that the charge of the FAC is to provide advice and recommendations on the planning, implementation, adaptation, and evaluation of the National System of MPAs.

Joe Uravitch, MPA Center Director, then gave a brief summary of Executive Order 13158 and the National System. Mr. Uravitch explained the workings of the FAC to the new members, noting that the FAC represents an informal, large and diverse group where people listen and learn from each other, and work in a spirit of cooperation and compromise. Members then introduced themselves, including their respective affiliations and experience relevant to MPAs (please refer to the FAC biographies for information on the individual members, available at [www.mpa.gov](http://www.mpa.gov)). Ex officio members and MPA Center staff also introduced themselves. Dr. Hixon continued by reading a statement from FAC member Jim Woods, Sustainable Resource Management Division, Makah Fisheries Management, who could not be present but wished to add his perspectives to the meeting.

**Approval of Minutes**

Dr. Hixon asked members to review the minutes from the October 2007 meeting. Brian Melzian recommended that the minutes be clarified under “Supporting Funding for the MPA Center” on page 10 to add that Dr. Hixon submitted that information in a letter to Vice Admiral Conrad C. Lautenbacher, NOAA Administrator, and that the Vice Admiral responded. John Ogden moved approval of the minutes as amended, and it was seconded by Bob Zales. The minutes were unanimously approved.

**Presentation: Updates on the *Revised Draft Framework for Developing the National System of Marine Protected Areas***

Lauren Wenzel gave a brief presentation outlining updates on the *Revised Draft Framework for Developing the National System of Marine Protected Areas*, detailing the major changes to the Framework since the first draft and also the draft timeline for the implementation of the National System.

Wally Pereyra expressed his concern with the lack of a National Environmental Policy Act (NEPA) process in the gap analysis section. Jim Ray expressed concern with the growing number of sites that were included in the inventory of marine managed areas. Ms. Wenzel explained that the MPA Center was advised by NOAA's NEPA staff to complete an Environmental Assessment, which was included in the Revised Draft Framework. She also noted that only approximately half of the sites in the inventory are expected to meet the management plan criteria for inclusion in the National System.

**Presentation: The National System of MPAs as Part of NOAA's Integrated Coastal Programs**

Jack Dunnigan, NOAA Assistant Administrator for Oceans and Coasts, gave a presentation on NOAA's integrated coastal programs and the role of the National System within them. John Ogden inquired about the geographic scale of these efforts, noting that an integrated effort requires an ecosystem-level approach, which is a challenge to integrate with private property rights along the coast. Mr. Dunnigan explained CZMA passed Congress because it was kept separate from land-use planning, but that now we must look at a new model. While much has been accomplished, lack of sufficient funding for coastal zone management remains a persistent problem. Wally Pereyra noted that upstream activities create impacts that should be paid for by those who cause them. Mr. Dunnigan replied that NOAA is encouraging open and innovative discussion about fundamental changes to the CZMA.

**Committee Deliberations: MPA FAC Input on Revised Framework**

Discussion turned to FAC comments on the *Revised Draft Framework for Developing the National System of Marine Protected Areas*, which were solicited from individual members, and compiled and distributed to the Committee prior to the meeting. The Committee stepped through this discussion draft, noting where there was general agreement about a recommendation, with formal votes to occur after all items had been reviewed and discussed.

Clarifying the Center's role in creating new MPAs

The recommendation suggested adding language from the Executive Order to make it clear that "This national system Framework and the work of the MPA Center is intended to support, not interfere with, agencies' independent exercise of their own existing authorities." There was general support for this clarification.

National System Purpose

The recommendation proposed amending the first sentence on page 9 to emphasize that the intent of the Executive Order was to maintain existing authorities and to recognize the important employment, food, energy, mineral, recreational and community values derived from our marine resources. Some Committee members questioned whether "existing authorities" referred to those existing at the time the Framework becomes official or those existing at some point in the future. Joe Uravitch explained that it is assumed the word "existing" refers to those applicable authorities at the time the document is read.

### Building the National System of MPAs

On page 18, the recommendation proposed adding language to paragraph 1, #2 as follows. “The identification of national system conservation gaps relative to the conservation objectives and national system design criteria,” would be followed by “with facilitation of subsequent development of new MPAs and/or enhancement of existing MPAs to fill those gaps.” Mark Hixon explained that this exact phrase appears elsewhere in the document, and this addition would therefore make the document more consistent.

### Number of MMAs versus number of MPAs

In the Executive Summary, it was suggested the figure of nearly “1,800 existing MPAs in the U.S.” be clarified as representing the number of area-based conservation sites by replacing “MPAs” with “sites.” Several members expressed concern about the large number of sites cited as MPAs, and sought clarification as to whether these were indeed MPAs or were rather places of area-based management. Lauren Wenzel explained that these sites meet the definitional criteria of an MPA. The FAC asked for clarification in the Framework that while all of the ~1,800 sites met the definitional criteria of an MPA, not all of the sites would meet additional National System criteria.

### Inclusion of a timeline

Mark Hixon suggested that the revised Framework include a diagram of an explicit timeline in the Executive Summary to discourage bureaucratic delays (this has been done previously in Center presentations). Bob Zales expressed his concern, noting that the public often becomes discouraged with agencies when they do not meet established deadlines. George Lapointe suggested that the MPA Center draft a general timeline and present this to the FAC at a later time.

### Characterization of fish populations

In the first paragraph of the Executive Summary, it was noted that U.S. fisheries are described as declining when this is not necessarily the case, as detailed in National Marine Fisheries Service documentation on the status of stocks over the last 5-10 years. Wally Pereyra and other members noted that while some fish populations are declining some are increasing in stock size. Others disagreed. Dr. Pereyra withdrew his recommendation.

### Inclusion of area-based management

In the Executive Summary, John Ogden recommended the Framework mention area-based management. Joe Uravitch asked Dr. Ogden to suggest an exact definition of his intent for later consideration by the Committee.

### Highlighting critical information

In the Background section, pages 3 and 4, John Ogden proposed that the following information be highlighted in a text box: a) Figure of U.S. EEZ (page 3); and b) MPA definition (page 4). There was general support for this suggestion.

### Connectivity

On pages 7 and 8 the recommendation sought to change the paragraph on connectivity. As written, it seemed to imply that MPAs created ecological connectivity. Wally Pereyra noted that connectivity exists with or without an MPA and thus the paragraph should be altered to reflect this. There was general agreement, and suggested edits were made.

### MPAs as a management tool

On pages 7 and 8, Social and Economic Benefits, Sustained Fisheries, the recommendation proposed to replace “using MPAs” with “incorporating MPAs where appropriate,” to reflect the fact that MPAs are only one of the appropriate management tools and should be evaluated in the larger context of the suite of tools available and the least cost alternative. There was general agreement with this proposal.

### Replacing “protection” with “conservation”

On pages 7 and 8, Public Awareness, Understanding and Education, Increased support for marine conservation, the recommendation proposed to replace “protection” with “conservation,” as conservation implies a broader scope of marine management from total protection to multiple use. There was general agreement with this proposal.

### Sustainable production marine resources

The recommendation stated that the use of the term “sustainable production marine resources” throughout the document is confusing and unnecessary, as the term actually denotes “marine fishery resources.” Joe Uravitch clarified that sustainable production also includes non-fishery resources, such as bioprospecting and pharmaceutical use. The comment was withdrawn.

### “Lasting” definition

The recommendation stated that, for the definition of “lasting” on page 15, “long-term” as the term applies to sustainable production MPAs should be clarified as meaning with a minimum of 10 years, the amount of time previously recommended by the FAC in its June 2005 report. Mark Hixon noted that the Committee’s original report defined lasting as a “minimum of 10 years” in order to provide some specificity to this general term. Bob Zales explained that the meaning of “long-term” for fisheries would depend on the objective of an individual site. It was noted that not every resource needs 10 years to meet its objective. Some members argued that if the National System is to be effective, MPAs need some permanence to gain acceptance by the public, and to serve as the basis for effective networks.

### Sustainable Production Reserve Areas

On page 16, at the bottom of the table under Sustainable Production Reserve Areas, the recommendation noted that this wording was not agreed to in discussions. It was pointed out that this table is identical to the table found in the FAC recommendations; therefore this comment was withdrawn.

### Nominating process for existing MPAs

The recommendation suggested that the process of moving from MPA nomination to its acceptance within the National System be clarified (page 18). There was concern that the

process of approving nominated MPAs may become time consuming and burdensome. This process should be explicitly specified in terms of roles and process. Several members commented on the need for a detailed Action Plan for this and other processes. It was ultimately recommended that a detailed Action Plan be developed regarding the process for nominating existing sites. Lauren Wenzel agreed that this content might be best suited for an Action Plan separate from the Framework. This was further developed in a separate recommendation.

#### Public hearings in the nominating process

Under the nominating process on page 18 (#3), there are no public hearings required. The recommendation proposed required public hearings when an agency nominates an area for the National System. Fishery Management Councils are required by law to hold public hearings, as are all state agencies and town governments. Also, regarding #5, the Federal Register is not read by user groups or most of the public, and therefore “other means” here is ambiguous.

Ellen Goethel emphasized the importance of public hearings in the nomination process. Other members noted that in some situations public hearings can be unnecessarily burdensome. Elliot Norse commented that public participation in the process is essential, but that many sites that will be nominated for the National System have already gone through a public process. Several members wanted to ensure adequate public involvement during the gap analysis process. Mark Hixon summarized that there was not much disagreement on the matter of public participation, but that clarification was sought on the difference between public participation with respect to existing sites and new ones that might arise out of the gap analysis process. Several members commented on the importance of following the National Environmental Policy Act (NEPA) process for public participation. David Benton suggested amended language to address the concerns raised.

#### Identifying National System conservation gaps

The recommendation noted that all gap analyses to identify conservation gaps must be comprehensive and take into consideration the suite of all conservation measures currently in place (page 21). Wally Pereyra emphasized that any gap analysis must take into account all MPAs, including those where the managing entities choose not to include the site in the National System. Bob Zales noted the cost of gap analyses, but George Lapointe reminded members that the FAC should focus on the best approach, and should not be constrained by a lack of funding. David Wallace emphasized the importance of fully understanding the impacts of creating new MPAs or bringing existing MPAs into the National System. David Benton also had questions about who will make decisions about which priority conservation objectives will be addressed, and the importance of engaging the public, science institutions and fishery management councils. There was general consensus that this issue would need further clarification.

A second recommendation proposed that there should be NEPA requirements attached to any gap analysis or other analysis completed by the MPA Center. This provides an opportunity to examine potential impacts such as displaced fishing effort.

Wally Pereyra noted that more discussion of the NEPA process is needed within the Framework, particularly with respect to gap analysis. Agencies must look at the whole range of options, and not assume that MPAs are the solution. Dennis Heinemann pointed out that the NEPA process is only triggered if a federal action is demonstrated to be “significantly affecting the human environment,” and that it is not immediately clear that nominating an area for the National System constitutes this. Bruce Tackett emphasized that risk assessment is important and should also be required. George Lapointe suggested the FAC recommend clarification on the appropriate use of NEPA in the Framework.

#### Large Marine Ecosystems (LMEs) as the appropriate scale unit

On page 25, regarding LMEs, the recommendation proposed citing Spalding et al. 2007. *Bioscience* 57: 573-583 (referring to Marine Ecoregions). In the interest of time and more pressing issues, this comment was withdrawn.

#### Defining “linkages”

The recommendation proposed that “linkages” on page 28 be more clearly defined, as it could be interpreted solely as physical links (i.e., connected entities). Joe Uravitch clarified that the National System will promote both ecological and institutional linkages.

#### Defining “marine reserve”

The definition of “marine reserve” on page 37 was suggested to be revised as: “A type of MPA where all extractive uses and destructive activities are prohibited (also referred to as a “fully-protected” or “no-take” reserve).” David Benton asked what constitutes a destructive use, and Mark Hixon gave the example of dropping an anchor on coral. Jesus Ruiz had concerns that diving could be viewed as a destructive activity. Charlie Wahle, Senior Scientist at the MPA Center, noted that the definition of no-take does not necessarily include prohibiting other harmful activities, and changing this definition could cause confusion. The recommendation was withdrawn.

#### Including the second report of the MPA FAC in the Appendix

The recommendation proposed that a reference to the second report of the MPA FAC be included in the Appendix. Dr. Hixon later withdrew this comment as a minor point.

#### Multiple managing agencies in the nomination process

The recommendation asked for clarification on what happens when the entities that share formal management agreements do not agree on whether to nominate a site to the National System. Lauren Wenzel explained that the management entities that exercise authority over a site would have to agree to nominate the site for inclusion in the National System.

### **New Issues for Consideration and Further Work**

#### Gap analysis procedure and action plan

David Benton brought up some questions related to the planned workshops to identify areas that contribute to priority conservation objectives. In Lauren Wenzel’s powerpoint slide of a draft timeline, Mr. Benton noted that the process is intended to begin in Fall

2008 with regional expert workshops. He stated that, in Alaska, four or five science institutes would need to be involved and that their time is booked well in advance. Mr. Benton also questioned whether the science workshops are intended to inform the gap analysis process.

Charlie Wahle explained that this idea has been developed recently. The Center plans to bring together experts in a given region and ask them to identify on a map places that meet the Framework's priority conservation objectives. Later, a data layer showing where the MPAs are located will be overlaid on that information to show which existing MPAs contribute to priority conservation objectives, thereby meeting that entry criteria for the National System. This process will also begin to identify places in the ocean that may be in need of additional protection. A more detailed regional gap analysis, including a public process, will follow later.

David Benton asked that the Framework or a separate action plan should explain how and when this gap analysis will unfold, and how it relates to existing processes. For example, fishery closures in Alaska are based on extensive scientific study. MPA Center staff responded that they intend to draw on existing expertise and information.

Mr. Benton also added that regional coordination should be put in place before the workshops, so the Center has a means of engaging key experts in a region. Second, the relationship between the national Steering Committee and the regional collaboration processes should be clarified.

#### Precautionary design

David Wallace referred to page 12, #4, on precautionary design, noting that this particular group of ideas went beyond what he considers precautionary design. This paragraph needs modification to reflect that the best available science for sustainable production should be used. Bob Pomeroy added that he was helping to design a system MPAs in Vietnam, and questioned whether the Committee should include issues of food security and livelihood.

Mark Hixon ended the meeting for the day by requesting that all new comments be treated separately, and that interested members work with Lauren Wenzel and George Lapointe on any new language for voting in the morning. Dr. Hixon also reminded members that they will still have an opportunity to comment on the Framework as individuals during the public comment period, which had been extended to May 16, 2008.

#### **Presentation: A Strategic Vision for a National System of MPAs**

Mary Glackin, Deputy Under Secretary for Oceans and Atmosphere, talked to the Committee about "A Strategic Vision for a National System of MPAs." Ms. Glackin also noted that it is a testament to the importance of the issue of MPAs that Executive Order 13158 has survived past the transition of administrations. She noted that the diversity of the members who have taken on tough issues and have still been able to come to some consensus is a significant accomplishment. The current work and focus of the Committee

and the MPA Center also supports NOAA's mission of pursuing regional ocean governance, presenting both a model and enhanced opportunities to involve multiple states and interests. Ms. Glackin further noted the achievement of the Center in revising and finalizing the Draft Framework, and in moving from planning to implementation.

Ms. Glackin ended with a focus on new and emerging challenges for NOAA. The first of these concerns climate change. Issues that need to be addressed include how to meet the nation's need for enhanced climate information and climate services, including projections for adaptation and mitigation. A second challenge for the agency will be moving forward to implement the reauthorized Magnuson-Stevens Act. Other challenges include marine debris, and coastal issues. Regarding the coast, NOAA is working toward the reauthorization of the Coastal Zone Management Act (CZMA). Two national priorities with respect to the CZMA include enhancing resilient communities and healthy ecosystems. NOAA will need to take a leadership role and engage in regional collaboration, of which the Framework is a key necessary part. Finally, Ms. Glackin noted that she and the agency were looking forward to the final Framework and to moving forward with implementation of the National System. She was pleased to see the newest charge to the Committee, which addresses the important issues of integration with the Integrated Ocean Observing System (IOOS), resilience in the National System, and planning for evaluation of the National System.

Elliott Norse inquired into the status of reauthorization of the National Marine Sanctuaries Act, and how Sanctuaries can help to support the National System. Ms. Glackin noted that while much has been accomplished within Sanctuaries, reauthorization is not expected to occur during this administration. Wally Pereyra asked about the relationship between the National Ocean Service (NOS) and NMFS with respect to fisheries management and MPAs. Ms. Glackin stated that no new authority is currently being envisioned, but that the agency is trying to work out the differences between the Fishery Management Councils and NOS.

Dennis Heinemann brought up the issue of how MPAs might fit in with NOAA's mission of enhancing resilience in coastal communities. Ms. Glackin explained that MPAs are thought of as tools to achieve specific objectives, e.g., the benefits of coral reefs to coastal communities. Dave Benton noted the lack of coordination with the Department of Interior (DOI) on marine issues, and offered that Alaska could represent a good opportunity for enhanced collaboration among NOAA, DOI, and the National Science Foundation (NSF), especially regarding enhancing scientific coordination.

Elliott Norse inquired about the opening of the Arctic Ocean via melting sea ice, and specifically how NOAA is dealing with these emerging pressures. Ms. Glackin replied that there has been a huge underinvestment in environmental science in the Arctic and that NOAA's assets there are not sufficient. David Benton informed the group that the North Pacific Fishery Management Council is moving to close fishing in newly opened waters for four years as a proactive measure so that management plans can be developed; however, they need help in gaining Russian support for this plan. Jim Ray added that the lack of information in the Arctic is an impediment to energy development, as the



oceanography of the entire ecosystem is changing. Mark Hixon noted that NSF is drafting a strategic plan regarding basic research connected to climate change, and Mary Glackin noted that the National Academies will be holding a National Climate Summit next spring, in which NOAA will have a role.

#### **Public Comment**

No public comments were offered.

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

#### **WEDNESDAY, APRIL 23, 2008**

The Committee convened at 8:00 AM.

#### **Continuation of Committee Deliberations: MPA FAC Input on Revised Framework**

The Committee continued deliberations from the previous day. Mark Hixon thanked Lauren Wenzel and George Lapointe for their work in summarizing additional points into a concise document for voting, which was distributed to the Committee. Dr. Hixon further noted that, due to time constraints, discussion was to be limited for this session.

*Below is a summary of the votes on the recommendations relating to the revised draft Framework. Discussion is included where appropriate.*

#### Pages 3 and 4: III.A. Background – PASSED

It would be helpful if the following were placed in a text box to highlight critical information: (a) Figure of U.S. EEZ with MPAs highlighted (page 3); and (b) MPA definition (page 4).

#### Page 4: III.A. Background - Last paragraph – DID NOT PASS

Proposed language: An effective national system must include a *risk assessment based approach informed by science and stakeholder input to balance* the types and levels of MPA protections needed to meet the nation's goals for conserving natural heritage, cultural heritage, and sustainable production marine resources.

Current language: An effective national system must include a *science based and stakeholder informed approach* to balancing the types and levels of MPA protections needed to meet the nation's goals for conserving natural heritage, cultural heritage, and sustainable production marine resources.

#### *Discussion*

Several members agreed with the concern expressed above. Dennis Heinemann noted that the wording indicated that the risk assessment would be informed only by science, whereas the previous language allowed for input from other sources, such as traditional knowledge. Using the term "risk assessment" very narrowly defines actions which can be pursued. Bruce Tackett replied that he meant to include "risk assessment" in a very broad sense, as a characterization of what the human uses are and their impacts. While

the concept is alluded to throughout the document, there is no explicit mention of it. Philip Renaud noted that while he is a proponent of the approach, the ambiguity of the language and the lack of context may be detrimental to the Framework. Dr. Heinemann noted that perhaps a cost-benefit analysis would be more appropriate for this focus, as it is quite different than a risk assessment. There was further disagreement on whether a risk assessment should be completed for new sites only or for existing sites as well. After some debate, Mark Hixon summarized that members have different ideas about what constitutes a risk assessment.

Page 5: III.A. paragraph 1 - PASSED

After sentence 4 of paragraph 1, the document should include the specific wording from Sec. 4(e) of E.O. 13158: “This national system framework and the work of the MPA Center is intended to support, not interfere with, agencies’ independent exercise of their own existing authorities.” This inclusion would ease the tensions of some who are or have been involved in the regional fishery management councils and NMFS fisheries management process, and who may be suspicious of the intent of some to make a national MPA system into an overarching management regime that would weaken and improperly direct the integrated management responsibilities and authorities of the councils and NMFS under the Magnuson-Stevens Fishery Conservation and Management Act.

Pages 7 and 8: III.C. Benefits of an Effective National System - PASSED

Change this paragraph to read as follows: “The national system provides an opportunity to identify and establish networks of MPAs that are ecologically connected. An ecological network of MPAs is a set of discrete MPAs within a region that are connected through dispersal of reproductive stages (eggs, larvae, spores, etc.) or movements of juveniles and adults. Properly designed and located, these networks can enhance linkages between sources and sinks for many marine organisms, which may be essential for some local populations to persist. Planning at the national and regional scales provides an opportunity to address connectivity for many different marine organisms at different spatial scales.”

Pages 7 and 8: III.C. On Social and Economic Benefits #2. Sustained Fisheries - PASSED

Replace “using MPAs” with “incorporating MPAs where appropriate” to reflect the fact that MPAs are only one of the appropriate management tools available and need to be evaluated in the larger context of the suite of tools available and the least cost alternative.

Pages 7 and 8: III.C. On Social and Economic Benefits - DID NOT PASS

Add food security and livelihood as benefits of an effective national system.

Pages 7 and 8: III.C. On Public Awareness, Understanding and Education #1. Increased support for marine conservation - PASSED

Replace “protection” with “conservation” on line 3 because conservation is a more appropriate term implying all types of marine management, from total protection to multiple use.

Page 9: IV.A. National System Purpose - PASSED

Two phrases (here in italics) should be added to the first sentence to read as follows: “The purpose of the national system is to support within existing authorities the effective . . . for all who use, benefit from and care about our marine environment.” These two additions would again emphasize that the intent of the EO was to maintain existing authorities and to recognize the important employment, food, energy, mineral, recreational and community values derived from our marine resources. Note: “Existing” should be footnoted to denote that the Framework is a living document and that the term is intended to refer to existing authorities as they evolve over time.

Page 12: IV.C. National System Design and Implementation Principles – DID NOT PASS

P. 12 - Text should be added to #4: “Decisions are based on *best available science for sustainable production and* natural science, social science, etc....”

Current language: Decisions are based on the best information currently available from natural science, social science, customary and local knowledge, and other information, rather than delaying the process to await more and better information. Where information is limited, decisions should reflect a precautionary approach.

*Discussion*

While some members sought this addition to clarify that the creation of the National System will be science-based, others were concerned that the added language would isolate sustainable production MPAs while not paying attention to those established to protect natural or cultural resources, and also that the language would focus too much on science and preclude the use of other types of information.

Page 15: IV.D. MPA Eligibility Criteria, Table 2 under “Lasting” - PASSED

In the definition of “lasting,” the word “long-term” as it applies to sustainable production MPAs (3rd paragraph) should be clarified as meaning “a minimum of 10 years” as the amount of time previously recommended by the MPA FAC in its June 2005 report.

Page 18: V.A. paragraph 1, #2. Building the National System of MPAs - PASSED

Add a clarifying phrase to the second of the “two major sets of activities” to read: “2. the identification of national system conservation gaps relative to the conservation objectives and national system design criteria, with facilitation of subsequent development of new MPAs and/or enhancement of existing MPAs to fill those gaps, outlined in Sections IV (B) and (D) above.”

Page 19: V.B. Nomination Process for Existing MPAs - PASSED

At the end of paragraph #5, add: “The MPA Center will work with the managing entities to ensure adequate public involvement, including public meetings as appropriate.”

General Comment: Role of NEPA - PASSED

Clarification should be provided regarding NEPA's role in the nomination process for existing sites, including any specific NEPA requirements for different stages of the process.

Page 18: V.A. #3 - PASSED

Add the following sentence to the end of the paragraph labeled #3 regarding conservation gaps: "It is expected that an assessment of priority areas, including the risks to and human uses of those areas, will be considered in establishing priorities."

Page 21: V.D. Identifying National System Conservation Gaps - PASSED

The language in this section should reflect that all gap analysis to identify conservation gaps must be comprehensive and take into consideration the suite of conservation measures currently in place, including all MPAs and actions taken by other managing entities.

Page 29: IV.B. – National and International Coordination - PASSED

Further detail should be provided on the composition and role of the national steering committee and its relationship to the regional steering committees.

Page 31: VI. D. – Federal Agency Responsibilities to Avoid Harm - PASSED

The Framework should provide a clear description of what is meant by the term "avoid harm" in order for nominating entities to understand the management requirements that will ensue from placing a site on the List of National System MPAs. Clarification is needed regarding who makes the determination of what constitutes "harm," to which resources the term applies within an area, and how to mitigate or "avoid" harm.

Page v: Appendix B.B. - WITHDRAWN

At the end of the sentence that ends on line 8, add: "... and its second report in February 2008, which provided recommendations on the Draft MPA Framework, regional coordination, and incentives for participation in the national system, among others."

General Comment: National System Action Plan – PASSED

An action plan for the National System should be developed to provide additional detail about the processes and schedule that will be used. Specifically, the plan should address:

- A clear and detailed description of the nomination process.
- The regional coordination mechanism described on page 26 should precede the science workshops and facilitate regional work.
- This should be tested on a pilot basis.

*Discussion*

Continuing discussion from the previous day, David Benton proposed the need for an action plan to provide additional detail about the regional priority conservation objective workshops and the gap analysis. Regarding the national Steering Committee, Mr. Benton questioned what its relationship would be to the regional collaboration processes. The

hierarchy could be perceived as the national group telling regions what constitutes harm, for example, or it could be a more bottom-up process.

Joe Uravitch noted that the MPA Center is currently working on an implementation plan describing how the Center plans to complete its work, cost estimates, and data needs. An action plan would establish the schedule for regional nomination and gap analysis work. Mr. Uravitch noted that an action plan should not be included in the Framework, as the Framework, once finalized, will not be frequently updated, whereas an action plan may be.

General Comment: Role of Fishery Management Councils – PASSED

Clarification should be provided regarding the role of the regional fishery management councils in nominating, establishing, and implementing MPAs in the national system (see recent 9th Circuit Court decision – Fishing Company of Alaska v. Gutierrez).

*Discussion*

Wally Pereyra elaborated on the case of Fishing Company of Alaska v. Gutierrez, explaining that the case focused on an MPA that was created to protect bycatch species. The Fishing Company of Alaska challenged this action, and the role of the fishery management council (FMC) was upheld in determining the management procedures for the fishery.

There was disagreement about whether or not FMCs should be singled-out for discussion in the Framework as a managing agency. While some members noted that there are many groups involved in marine management, FMCs are the largest, and it may therefore be appropriate to acknowledge this reality. Others contended that FMCs are only one of a number of possible managing entities of MPAs.

Wally Pereyra noted that the special role of FMCs as part of law under the Magnuson-Stevens Act required that these managing entities have a co-equal part in management of MPAs, but that page 18 of the framework states only that FMCs “shall be consulted.”

George Lapointe noted that in Appendix B under existing MPA programs (A) there are subheading of authorities for six entities. The MPA Center could look at each of these and clarify their roles. Several members emphasized the importance of clarifying the role of the FMCs.

General Comment: page xii: Appendix C – PASSED

Referring to halfway down the page beginning with “Additionally”, it should be clarified what happens when the entities that share formal management agreements do not agree on whether to nominate a site to the national system.

**Presentation: Charge to the MPA FAC**

Paul Doremus, NOAA Acting Assistant Administrator for Program Planning and Integration, gave a presentation to the Committee on the new charge to the FAC. He explained that during 2008-09, the National Marine Protected Areas Center will complete

the Framework for the National System of MPAs, issue the first call for nominations, and admit the first group of MPAs to the National System. This will represent the completion of the early planning stage of the system, and the beginning of a focus on implementation. Key focus areas for the MPA FAC for 2008-09 include:

*Short-Term (April 2008)*

- Developing common principles and guidelines for fostering compliance within the National System

*Mid-Term (2008)*

- Fostering linkages between ocean observing systems (e.g. (International Ocean Observing System (IOOS)) and the National System of MPAs
- Planning for external review of the work-to-date of the MPA Center (2009)

*Longer-Term (2008-2009)*

- Management and design of the National System to support resilient marine ecosystems and human communities
- Guidelines for evaluating the National System

**Committee Deliberations: MPA Management Principles – Compliance and Enforcement**

A draft report was developed by an ad hoc work group during Summer 2007, but was not discussed in detail at the October 2007 meeting due to lack of time. Bob Pomeroy, Co-Chair of the Compliance and Enforcement Work Group, presented a revised, shorter, more tightly focused report including principles and guidelines for compliance and enforcement to support the National System of MPAs. The Committee discussed the report and a few members made suggestions for modification and clarification. George Lapointe moved that the report be approved with appropriate revisions to be made by Dr. Pomeroy as discussed by the full Committee. Bob Zales seconded the motion. The report was unanimously approved.

The Committee recessed for the day at 1:00 p.m.

**THURSDAY, APRIL 24, 2008**

Dr. Hixon called the Committee to order at 8:15 a.m. He reviewed Committee business and the asked the Subcommittees to break into the Subcommittee working groups after receiving any public comments.

**Public Comment**

No public comments were offered.

**Subcommittees Meet**

The Subcommittees met from 9:30 until 12:00.

**Presentation: Updates on the Concept for an Ecological Network of MPAs in the Gulf of Mexico**

Billy Causey, Southeast Regional Director for the National Marine Sanctuaries Program, updated the FAC on the proposal for a network of MPAs in the Gulf of Mexico. He discussed the oceanographic and ecological connectivity of the Gulf and recent developments in discussions of the first network of MPAs in the Gulf of Mexico, largely based on existing MPA sites that protect coral reefs, banks, ridges and pinnacles. The proposal has not been approved by NOAA, and is still at the conceptual stage. Dr. Causey noted that if the proposal moves forward, public participation would be an essential part of the process. Sanctuaries staff have met with experts and scientists in the region and are now beginning to meet with other interested stakeholders.

Several members again voiced their concern over the process, and the lack of public participation. Dr. Causey explained that the process has not yet begun. In the initial meeting of experts, the Sanctuary Office was attempting to determine whether the concept was sound and whether there were any missing components. If the initiative proceeds, then the scientific forum will be followed with a social and economic forum involving stakeholders in the region. Other members expressed concern that the initiative appears to be unenforceable. Dr. Causey replied that should the initiative proceed there will be a focus on compliance and enforcement, using a suite of existing mechanisms. There was further concern that this initiative might be implemented by Executive Order, which would cause a great amount of controversy in the region.

One member noted the problem of displaced fishing effort from MPAs, and commented that this initiative should be closely coordinated with fisheries agencies. Dr. Causey explained that the initiative is not attempting to create more protected areas, but rather is bringing the existing protected areas under a single umbrella, and that Sanctuaries will work closely with the National Marine Fisheries Service should the initiative proceed. Other members noted their concern with the lack of sufficient detail in the science of the concept, the resources which may be in need of protection, the associated risk, or the boundary measures. Dr. Causey agreed that all of these issues must be taken into consideration.

**Subcommittees Meet**

The Subcommittees met from 1:00 until 3:00.

**Subcommittee Reports**

The Committee reconvened to hear the two Subcommittee reports and raise any questions or issues needing resolution.

Subcommittee 1: Scientific and Technical Subcommittee

The “Scientific and Technical Subcommittee” will address short-term charge #3 (Ocean Observing Systems and the National System of MPAs) and long-term charge # 5 (Ecosystem & Human Community Resilience and the National System of MPAs). Subcommittee Chair Dennis Heinemann explained the charge to the Subcommittee, and its initial organizational tasks, which include: (1) establishing communications

mechanisms (e.g., extra-net, website); (2) engaging members not present at April 2008 FAC meeting; (3) holding an organizing teleconference (early June); (4) defining member roles; holding an in-person meeting prior to the November FAC meeting (late summer; contingent upon MPAC funding); and (5) developing action plan for both tasks. He also reported that Jim Ray was elected Subcommittee Vice-Chair.

Regarding the first charge on ocean observing systems and the National System of MPAs, the Subcommittee intends to draft a short white paper on potential links and benefits in 2008, prior to the November FAC meeting, and a set of longer recommendations for strengthening linkages in 2009. MPA Center staff will conduct background research on IOOS and other observing systems, and the Subcommittee will meet in late summer to consult with outside experts to facilitate scoping of the task (pending available funding). The Subcommittee will also design an expert panel for the meeting of the FAC in November to highlight linkages, gaps, or opportunities. The white paper will be finalized with input from the meeting.

Regarding the second charge on ecosystem and community resilience, the Subcommittee will produce a short white paper on principles and linkages to the National System, and a set of broader recommendations for the National System. The scope and timing of this assignment is to be determined. Preparatory tasks to be conducted prior to the November meeting of the FAC include defining “resilience” in ecosystem and human community contexts, conducting background research on both dimensions, and articulating linkages between healthy resilient ecosystems and human community resilience.

Members noted that it would be valuable for the two Subcommittees to work together to identify synergies and overlaps. Some members suggested that the recommendations be as succinct as possible, and that if the Subcommittee proceeds with a panel of experts, that the experts be encouraged to think about sharing views of practical implications, e.g., how to measure performance, and also that a broad range of views should be pursued. Also, it was suggested that each of the Subcommittees provide a background document for use by the full Committee.

#### Subcommittee 2: Review and Evaluation Subcommittee

The “Review and Evaluation Subcommittee” will address short-term charge #4 (External Review of the MPA Center) and long-term charge #6 (Evaluation of the National System of MPAs). Subcommittee Chair Tony Chatwin presented on the work of the Subcommittee, including: (1) determining what to measure; (2) looking at the progress to date on implementing the Executive Order; (3) developing questions to evaluate the performance of the MPA Center in terms of the Executive Order and Strategic Plan; and (4) determining questions that relate to issues beyond the MPA Center in the Executive Order (roles of EPA, DOI, etc.). The Subcommittee intends to produce a concise document and a matrix of tasks and evaluation criteria. The Subcommittee further intends to review the Revised Draft Framework and identify MPA Center tasks, National System tasks, and evaluation criteria for those tasks.



To conduct its work the Subcommittee will draw lessons from other external reviews, including those from Marine Recreational Fisheries Statistics Survey (MRFSS), Corals, Sanctuaries, Sea Grant, other National Academy of Public Administration studies, and The Office of Management and Budget's Program Assessment Rating Tool (PART). The timeline for initial tasks was established as follows: the Subcommittee will hold monthly teleconference calls; the first call will focus on lessons learned from other external reviews; by the November FAC meeting, the Subcommittee will produce an initial draft for full FAC review. The Subcommittee may also have an in-person meeting on Logic Model training and for the development of work products related to the evaluation of the National System of MPAs. Dr. Chatwin also reported that Bob Pomeroy was elected Vice-Chair.

There were no comments from the Committee.

**Other Committee Business**

The Committee discussed the location and venue for the November 18-20 meeting of the FAC, which will likely be in Seattle, WA, or Monterey, CA. Dennis Heinemann reported on the progress of the California Marine Life Protection Act Blue Ribbon Task Force, which met at the same time as the FAC. David Wallace asked that microphones be provided at future meetings.

The Committee meeting closed at 4:00 p.m.

**Committee members present:**

Ms. Lori Arguelles  
Mr. Charles Beeker  
Mr. David Benton  
Dr. Dan Bromley  
Dr. Anthony Chatwin  
Mr. Rick Gaffney (membership pending)  
Ms. Ellen Goethel  
Dr. Dennis Heinemann  
Dr. Mark Hixon, Chair  
Mr. George Lapointe  
Mr. Victor T. Mastone  
Ms. Melissa Miller-Henson  
Dr. Russell Moll  
Dr. Elliott Norse  
Dr. John Odgen  
Mr. Terry O'Halloran  
Mr. Alvin D. Osterback  
Dr. Wally Pereyra  
Mr. Eugenio Pineiro Soler  
Dr. Robert S. Pomeroy  
Mr. Gil Radonski  
Dr. Jim Ray

Captain Philip G. Renaud, USN (Ret.)  
Mr. Jesús C. Ruiz  
Mr. Bruce A. Tackett  
Mr. David H. Wallace  
Mr. Jim Woods  
Mr. Bob Zales II, Vice Chair

**Ex officio members/representatives present:**

Dr. Kaush Arha, Fish and Wildlife and Parks, Department of Interior  
Capt. Robin Brake, Office of the Assistant Secretary of the Navy  
Mr. Paul Doremus, Program Planning and Integration, NOAA  
Mr. Chris German, US Coast Guard / Department of Homeland Security  
Dr. Brian Melzian, US Environmental Protection Agency

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

Mr. Joseph Uravitch, Director  
Mr. Jeffrey Harrison, Administrative Assistant  
Ms. Kara Schwenke, Communications Coordinator  
Dr. Charles Wahle, Senior Scientist  
Ms. Lauren Wenzel, Designated Federal Officer  
Ms. Katya Wowk, Sea Grant Fellow