

National Marine Protected Areas Center

Charter:

AN INTERNAL OPERATIONAL GUIDE

2003



INTRODUCTION

This charter defines the long-term vision, organizational structure, and functional relationships of the National Marine Protected Areas Center.

The Charter was developed from discussions started at the first annual National Marine Protected Areas (MPA) planning retreat held in January 2003 at Airlie House, Virginia, and is based on the requirements of Presidential Executive Order 13158, of May 26, 2000. Representatives from the Department of Commerce's National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service, National Marine Fisheries Service, and National Environmental Satellite, Data, and Information Service and the Department of the Interior's Minerals Management Service and National Park Service met to clarify the vision, mission, and goals of the Center and options for their achievement. The Charter provides the framework for the endeavors of the National MPA Center and the foundation for cooperation and coordination between the two federal agencies charged by the Executive Order with leading this effort.

Issue Statement

MPAs are management tools for the long term care of the coastal, ocean and Great Lakes resources of the United States and the world. For decades, MPAs have been used effectively in specific areas of the United States and elsewhere to conserve biodiversity, manage fisheries and protect vital cultural and historical resources. Federal, state, and local legislation, voter initiatives, and regulations have created MPAs based on single or shared legal jurisdictions offshore. However, they generally have been established on an uncoordinated basis, or with coordination limited to adjacent sites or intra-program goals. As result, the nation's present collection of MPAs (e.g., reserves, refuges, preserves, sanctuaries, parks, areas of special biological significance, and others) is complex, confusing and may not provide the comprehensive resource conservation and replenishment capabilities needed to address America's 21st Century stewardship requirements.

WHAT IS A MARINE PROTECTED AREA?

MPAs are defined by Executive Order #13158 as "any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein."

The National MPA Center

The National MPA Center is a non-regulatory joint initiative of the Departments of Commerce and the Interior, whose purpose is to support an effective, science-based, and collaborative national system of marine protected areas conserving marine ecosystems and cultural resources throughout the United States.

The Center's operational mission is to facilitate the effective use of science, technology, training, and information in the planning, management, and evaluation of the nation's system of marine protected areas. The mission drives project and service development, communication activities, and partnership building with issue-related organizations.

Mandates and Requirements

MPA Executive Order #13158 was signed May 26, 2000 (Order, Appendix 1), and reaffirmed on June 4, 2001 (Appendix 2). The Executive Order charges federal agencies, consistent with domestic and international law, to:

- Strengthen the management, protection, and conservation of existing MPAs and establish new or expanded MPAs;
- Develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the nation's natural and cultural resources;
- Avoid causing harm to MPAs through federally conducted, approved, or funded activities; and

- Consult with states, territories, tribes, regional fishery management councils, and other entities as appropriate to facilitate coordination of federal, state, territorial, and tribal actions to establish and manage MPAs.

The National MPA Center is a crucial mechanism to accomplish these general directives. Section 4(e) of the Executive Order established the National MPA Center within the Department of Commerce's National Oceanic and Atmospheric Administration "to carry out, in cooperation with the Department of the Interior, the requirements of subsection 4(a) of this order (i.e., conduct various analyses and assessments), coordinate the (MPA information) website ..., and partner with governmental and nongovernmental entities to conduct necessary research, analysis, and exploration, ... develop a framework for a national system of MPAs, and to provide federal, state, territorial, tribal, and local governments with the information, technologies, and strategies to support the system." The MPA Center also supports the MPA Federal Advisory Committee established under Section 4(d) of the Executive Order.

VISION / MISSION / GOALS

The following vision, mission, and goals guide the National MPA Center's day-to-day activities, long-term projects, and strategic planning efforts.

Vision

An effective, science-based, and collaborative national system of marine protected areas conserving marine ecosystems and cultural resources throughout the U.S.

Mission

To facilitate the effective use of science, technology, training, and information in the planning, management, and evaluation of the nation's system of marine protected areas.

Goals

The Center has three goals.

1. To enhance MPA stewardship by strengthening capacity for planning, management, and evaluation. In support, the MPA Center works to assess the needs of existing MPAs, develop the natural and social science foundations and support tools for decision-making, provide training and technical support for MPA managers on relevant issues and processes and increase public awareness and understanding of MPAs.
2. To facilitate national and regional coordination of MPA activities. In support, the Center works to facilitate the integration of local MPA sites and fosters meaningful stakeholder participation in regional activities and to improve national and international linkages across MPA programs.
3. To facilitate the design of an effective, science-based national system of MPAs. In support, the Center works with partners and stakeholders to develop a conceptual framework and blueprint for a national system, to develop a comprehensive national inventory, and to assess the effectiveness and gaps of existing suite of MPAs in meeting the goal of the national system.

MPA CENTER OPERATIONS: PROVIDING SUPPORT FOR MPA PROGRAMS

The National MPA Center is a provider of value-added services and information for the regulating agencies. Successful operation of the National MPA Center relies on stakeholder and multi-agency cooperation, consultation, and partnership. The National MPA Center's projects generally focus on crosscutting, multi-site, multi-program issues and needs. Its basic mode of operation is one of inclusion across other agencies and interested stakeholders.

The National MPA Center was established by NOAA in January 2001 and first appeared as a line item in the fiscal year 2001 NOAA budget (see National Ocean Service - Salaries and Expenses, Coastal Management, Marine Protected Areas). It functions as a NOAA organization, but consults on a regular basis with the Department of the Interior. An inter-agency agreement for implementation of the Executive Order was drafted in 2003 and is planned for approval in 2004.

The National MPA Center operates through existing administrative procedures to accomplish its work. It provides program support at multiple levels, ranging from delivering technical assistance to existing management units engaged in key activities or pilot projects, to fostering regional partnerships and information sharing, to helping design a science-based national system of MPAs.

Limitations

As directed by the Executive Order, the National MPA Center has no operational, regulatory, or policy role or authority over any jurisdictional MPA program at the federal, state, territorial, tribal, or local level. It does not manage MPAs, have the authority to establish new MPAs, expand existing MPAs, set, disseminate, or oversee any agency's programmatic policies, or establish mandatory standards. The National MPA Center does not duplicate ongoing federal, state, territorial, tribal, or local programs. In its role as a coordinating office, the National MPA Center does not unilaterally represent program policies to the public, Congress, or other stakeholders.

PARTNERSHIPS

The letter and spirit of the Executive Order is one of partnership. The National MPA Center is an intra-NOAA as well as an inter-agency organization. Inter-agency coordination takes place through National MPA Center staffing, inter-agency lead contacts and committee representation, an inter-agency working group, and project coordination. The National MPA Center maximizes its effectiveness and reach by linking to existing programs and by fostering resource sharing among partners.

The Executive Order addresses the partnership responsibilities of Commerce and Interior, and charges them to the extent permitted by law and subject to the availability of appropriations, with the following:

- Work in consultation with the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Department of Homeland Security (U.S. Coast Guard, the Environmental Protection Agency, the National

Science Foundation, and other pertinent Federal agencies [Section 4(a)];

- Consult with those states that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities [Section 4(b)];
- Seek the expert advice and recommendations of non-federal scientists, resource managers, and other interested persons and organizations through a Marine Protected Area Federal Advisory Committee [Section 4(c)]; and
- Promote coordination of federal, state, territorial, tribal, and local governments' actions and provide them with the information, technologies, and strategies to support the national system [Section 4(e)].

Federal Partnerships

Federal agencies have jurisdiction over our nation's resources from three to 200 miles offshore through the Exclusive Economic Zone (*see Figure 1*). Federal laws apply across all state and federal waters and submerged lands. Federal agencies are a source of science, education, and training and technical assistance for these resources. The National MPA Center provides coordination across federal agencies involved with MPAs and facilitates the participation of those agencies in national MPA efforts. The Center also coordinates with Federal Fishery Management Councils. The National MPA Center serves as the lead office for the Department of Commerce on MPA matters pertaining to the Executive Order, and consults with other agencies as appropriate. Federal inter-agency activity, including support for international work and regional initiatives, will be organized through working groups.

States, Territories, Tribes and Local Governments

State waters contain critical habitats for many stages of commercially and recreationally important species, but these waters experience the greatest number of use conflicts and direct threats from an increasing array of

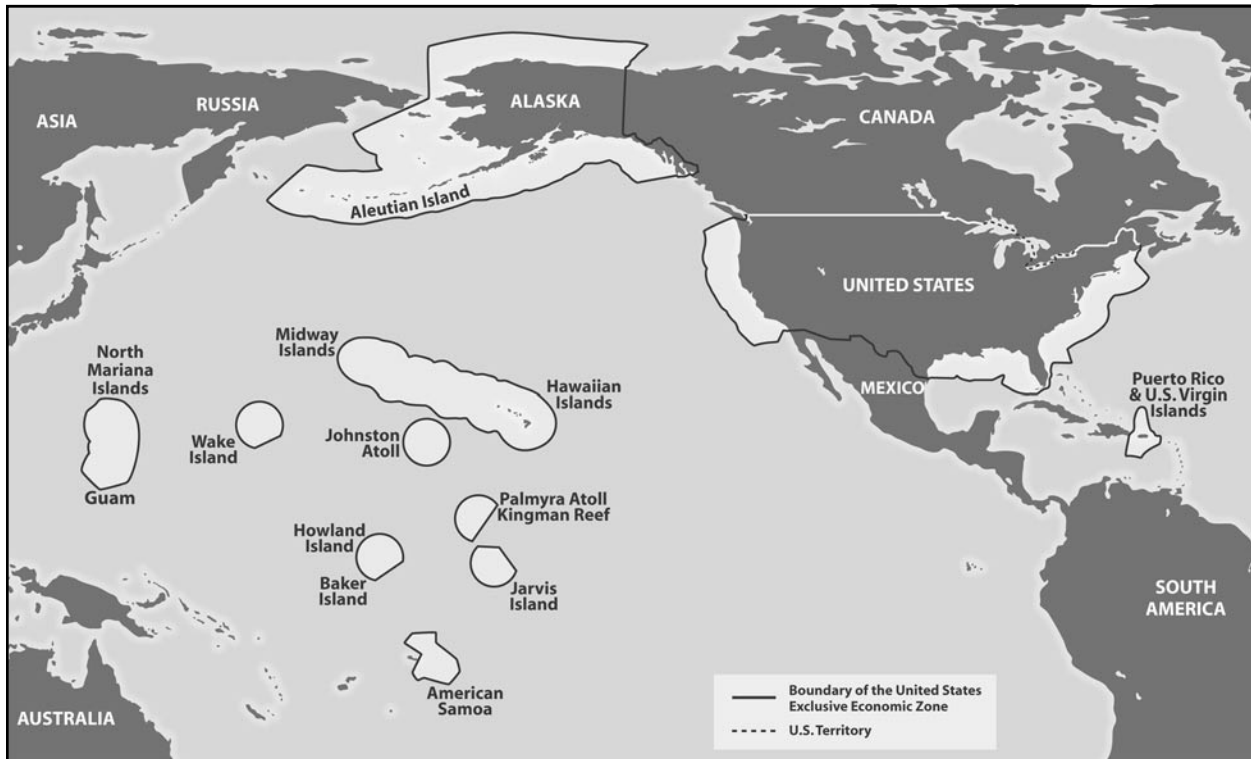


Figure 1: Exclusive Economic Zone of the United States

human activities. State agencies contribute to the science, education, and training and technical assistance for these resources. The National MPA Center consults with coastal states, territories, commonwealths, tribes, and local governments to promote coordination of actions to establish and manage MPAs. This is done through short term and ongoing working groups, or through the establishment of specialized partnerships.

Other Partners

Scientists have taken the lead in researching MPA design and effectiveness, understanding the costs and benefits of MPAs, and in educating about these resources. Other National MPA Center partners include universities, non-governmental organizations, business, and industry. The National MPA Center, although not primarily a granting agency, will engage this available expertise by entering into project-specific and general agreements with individual or consortia of governments and organizations, as appropriate, to meet the goals of Executive Order 13158.

ORGANIZATION

The National MPA Center is organized to maximize its ability to support its goals and operations. The headquarters is located in NOAA's offices in Silver Spring, Maryland. Small regional offices are planned to assist in consultation and coordination of Center work. Currently, there are two thematic Institutes specializing in technical aspects of the Order. The Training and Technical Institute is located at NOAA's Coastal Services Center in Charleston, South Carolina, and the

MPA FEDERAL ADVISORY COMMITTEE

The MPA Center supports the 30-person Marine Protected Areas Federal Advisory Committee. The committee represents a broad stakeholder community, including scientists, academia, commercial and recreational fishermen, other resource users, non-federal resource managers, educators, and environmentalists. The Committee also includes non-voting ex officio members from 10 federal agencies.

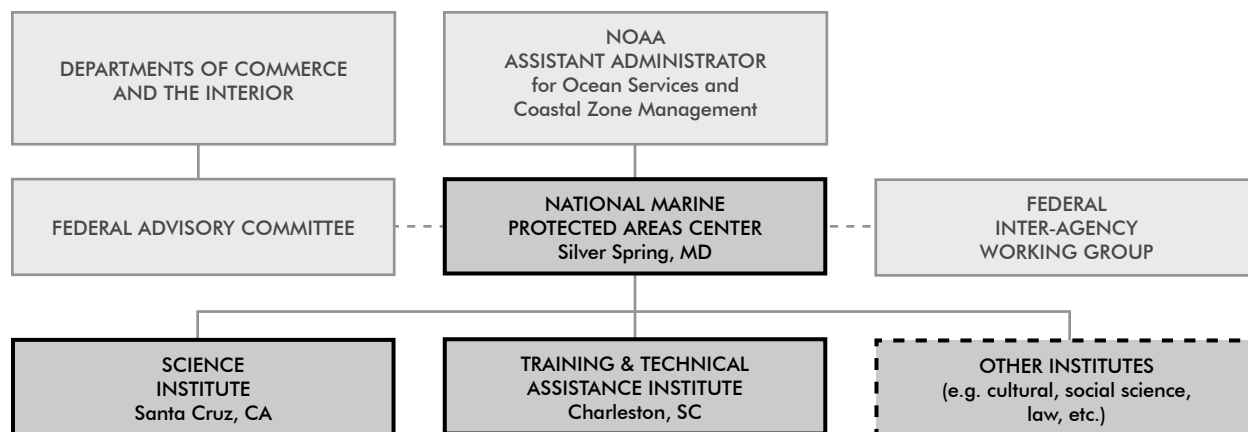


Figure 2: Organizational Chart

Science Institute is in Santa Cruz, California, co-located with the NOAA Fisheries Southwest Science Center (see figure 2). Although regionally based, all three units serve constituents nationally.

The National MPA Center Headquarters

The headquarters is responsible for policy, management, communication, and administrative tasks. These include:

- Operational and program policy;
- Federal Advisory Committee support;
- National, regional and international coordination and consultation;
- Outreach and education;
- Information and website management;
- Inventory development; and
- National system outreach.

Figure 2: Schematic of the National Marine Protected Areas Center

The National MPA Center’s Training and Technical Assistance Institute

The mission of the Training and Technical Assistance Institute is to improve the skills and effectiveness of coastal resource managers, strengthening their ability to

protect and enhance the nation’s MPAs. The Institute provides direct training and technical assistance and also works collaboratively with a network of providers offering MPA-related services. The Institute focuses on four main categories of training and technical assistance:

- geospatial technology-based training and assistance;
- public participation process design training and assistance;
- periodic assessment of MPA training and technical assistance needs; and
- public understanding of MPAs.

The National MPA Center’s Science Institute

The mission of the Science Institute is to bring sound science to the MPA policy arena through targeted research, workshops, and policy analysis. The Institute collaboratively supports the design and effective management of MPAs by developing partnerships to fulfill the key scientific, technical, and policy assessment needs of the national system of MPAs. The Institute focuses on:

- natural and social science strategies;
- targeted research;
- workshops on MPA design and management;
- habitat characterization;
- threat and conflict assessments;
- policy analysis; and
- national system development.

AMENDMENT AND REVIEW

Charter review will be coordinated in conjunction with that of the National MPA Center's Strategic Plan. Moreover, as national MPA management needs are identified, additional institutes may be established to focus on specialized issues (e.g. cultural resources management, social science, legal and regulatory regimes). This charter will be revised as necessary to address future requirements as well as organizational or institutional changes.

Appendix 1: Executive Order #13158 Marine Protected Area, May 26, 2000

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), National Park Service Organic Act (16 U.S.C. 1 et seq.), National Historic Preservation Act (16 U.S.C. 470 et seq.), Wilderness Act (16 U.S.C. 1131 et seq.), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), Coastal Zone Management Act (16 U.S.C. 1451 et seq.), Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), Marine Mammal Protection Act (16 U.S.C. 1362 et seq.), Clean Water Act of 1977 (33 U.S.C. 1251 et seq.), National Environmental Policy Act, as amended (42 U.S.C. 4321 et seq.), Outer Continental Shelf Lands Act (42 U.S.C. 1331 et seq.), and other pertinent statutes, it is ordered as follows:

Section 1. Purpose. This Executive Order will help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs). An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations. To this end, the purpose of this order is to, consistent with domestic and international law: (a) strengthen the management, protection, and conservation of existing marine protected areas and establish new or expanded MPAs; (b) develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources; and (c) avoid causing harm to MPAs through federally conducted, approved, or funded activities.

Sec. 2. Definitions. For the purposes of this order:

(a) "Marine protected area" means any area of the marine environment that has been reserved by

Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.

(b) "Marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.

(c) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

Sec. 3. MPA Establishment, Protection, and Management. Each Federal agency whose authorities provide for the establishment or management of MPAs shall take appropriate actions to enhance or expand protection of existing MPAs and establish or recommend, as appropriate, new MPAs. Agencies implementing this section shall consult with the agencies identified in subsection 4(a) of this order, consistent with existing requirements.

Sec. 4. National System of MPAs. (a) To the extent permitted by law and subject to the availability of appropriations, the Department of Commerce and the Department of the Interior, in consultation with the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the National Science Foundation, and other pertinent Federal agencies shall develop a national system of MPAs. They shall coordinate and share information, tools, and strategies, and provide guidance to enable and encourage the use of the following in the exercise of each agency's respective authorities to further enhance and expand protection of existing MPAs and to establish or recommend new MPAs, as appropriate:

(1) science-based identification and prioritization of natural and cultural resources for additional protection;

(2) integrated assessments of ecological linkages among MPAs, including ecological reserves in which consumptive uses of resources are prohibited, to provide synergistic benefits;

(3) a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary to preserve representative habitats in different geographic areas of the marine environment;

(4) an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources, as appropriate;

(5) practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs;

(6) identification of emerging threats and user conflicts affecting MPAs and appropriate, practical, and equitable management solutions, including effective enforcement strategies, to eliminate or reduce such threats and conflicts;

(7) assessment of the economic effects of the preferred management solutions; and

(8) identification of opportunities to improve linkages with, and technical assistance to, international marine protected area programs.

(b) In carrying out the requirements of section 4 of this order, the Department of Commerce and the Department of the Interior shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs.

(c) In carrying out the requirements of this section, the Department of Commerce and the Department of the Interior shall seek the expert advice and recommendations of non-Federal scientists, resource managers, and other interested persons and organizations through a Marine Protected Area Federal Advisory Committee. The Committee shall be established by the Department of Commerce.

(d) The Secretary of Commerce and the Secretary of the Interior shall establish and jointly manage a website for information on MPAs and Federal agency reports required by this order. They shall also publish and maintain a list of MPAs that meet the definition of MPA for the purposes of this order.

(e) The Department of Commerce's National Oceanic and Atmospheric Administration shall establish a Marine Protected Area Center to carry out, in cooperation with the Department of the Interior, the requirements of subsection 4(a) of this order, coordinate the website established pursuant to subsection 4(d) of this order, and partner with governmental and nongovernmental entities to conduct necessary research, analysis, and exploration. The goal of the MPA Center shall be, in cooperation with the Department of the Interior, to develop a framework for a national system of MPAs, and to provide Federal, State, territorial, tribal, and local governments with the information, technologies, and strategies to support the system. 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.

(f) To better protect beaches, coasts, and the marine environment from pollution, the Environmental Protection Agency (EPA), relying upon existing Clean Water Act authorities, shall expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment. Such regulations may include the identification of areas that warrant additional pollution protections and the enhancement of marine water quality standards. The EPA shall consult with the Federal agencies identified in subsection 4(a) of this order, States, territories, tribes, and the public in the development of such new regulations.

Sec. 5. Agency Responsibilities. Each Federal agency whose actions affect the natural or cultural resources that are protected by an MPA shall identify such actions. To the extent permitted by law and to the maximum extent practicable, each Federal agency, in taking such actions, shall avoid harm to the natural and cultural resources that are protected by an MPA. In implementing this section, each Federal agency shall refer to the MPAs identified under subsection 4(d) of this order.

Sec. 6. Accountability. Each Federal agency that is required to take actions under this order shall prepare and make public annually a concise description of actions taken by it in the previous year to implement the order, including a description of written comments by any person or organization stating that the agency has not complied with this order and a response to such comments by the agency.

Sec. 7. International Law. Federal agencies taking actions pursuant to this Executive Order must act in accordance with international law and with Presidential Proclamation 5928 of December 27, 1988, on the Territorial Sea of the United States of America, Presidential Proclamation 5030 of March 10, 1983, on the Exclusive Economic Zone of the United States of America, and Presidential Proclamation 7219 of September 2, 1999, on the Contiguous Zone of the United States.

Sec. 8. General.

(a) Nothing in this order shall be construed as altering existing authorities regarding the establishment of Federal MPAs in areas of the marine environ-

ment subject to the jurisdiction and control of States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Indian tribes.

(b) This order does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian tribes.

(c) This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.

William J. Clinton
The White House
May 26, 2000

Appendix 2: Statement by Secretary of Commerce Donald L. Evans Regarding Executive Order 13158, Marine Protected Areas, June 4, 2001

Washington, DC

“The Administration has decided to retain Executive Order 13158 on marine protected areas. America must strive to harmonize commercial and recreational activity with conservation. We can do both.

“This Administration is committed to improving conservation and research in order to preserve our great marine heritage. It is a national treasure. It must be protected and dutifully maintained.

“At the Department of Commerce alone, the President’s budget included \$3 million in first time funding to support marine protected area activities consis-

tent with existing law. If approved by Congress, these dollars can help us better manage this critical effort.

“I also plan to appoint a Marine Protected Area Advisory Committee comprised of key experts and stakeholders. The membership will include academic, state and local, non-governmental and commercial interests. The process will be open and will draw on America’s great reservoir of experience and expertise.

“Past MPA designations like the Dry Tortugas in the Florida Keys were successful because they followed a well-planned process and secured grassroots support. The Dry Tortugas MPA offers a model for the years ahead.

“Conservation can be balanced with commercial and recreational activity. It is our stewardship responsibility. We will work with the Department of Interior, the Environmental Protection Agency and other federal agencies to safeguard our valuable coastal and ocean resources for the tomorrows in which we all will live.”