

MINUTES
Marine Protected Areas Federal Advisory Committee Meeting
May 17-19, 2005
Portland, Maine

TUESDAY, MAY 17, 2005

The Committee Convened at 8:06 AM

Meeting Opening

Lauren Wenzel, Designated Federal Official, opened the meeting and turned the meeting over to Chair Dan Bromley. The minutes were being distributed, so approval was postponed to give members time to review them.

Dr. Bromley reviewed the agenda.

Fishery Management Councils

Bobbi Walker, of the Gulf of Mexico Fishery Management Council, discussed the Council's closures and other special management areas. Seasonal or year-round closures have been put in place to protect shrimp nursery areas, larger red snapper, and spawning sites for gag grouper. Habitat Areas of Particular Concern include hard and soft coral areas in the Flower Garden Banks, Florida middle grounds, and Oculina Banks. The Council is currently looking at measures to minimize adverse effects of fishing on Pulley Ridge and the Tortugas Ecological Reserves. It is also identifying ways to implement a more ecosystem-based approach to management.

Leslie Ann McGee discussed the spatial management measures taken by the New England Fishery Management Council. She presented a complex picture of multiple seasonal and year-round closures for a wide range of management purposes. The first areas closed by the Council were on Georges Bank in 1969, and many others have followed to protect groundfish, herring, monkfish, scallops, and essential fish habitat (such as deep water corals). Fishing effort often concentrates immediately outside closed areas, suggesting a spillover effect. The cumulative effects of closures and other management measures have succeeded in rebuilding some fisheries; others are responding more slowly. Ms. McGee emphasized the importance and difficulty of coordinating across federal agencies, and noted that the Council has recommended a regional advisory board to accomplish this. The Council is in the process of developing an MPA policy, and held two stakeholder workshops in May 2005 to solicit input. The Committee engaged in a dialogue with both speakers about proposed LNG projects, the efficacy of closed areas, enforcement and a range of other topics.

Recreational Fishing Panel

Bob Hayes, Council to the Coastal Conservation Association, and Bobbi Walker, National Association of Charterboat Operators, were invited to discuss the perspectives of recreational fishing industry on MPAs. Bob Zales introduced the panelists, and noted that Bob Fletcher, president of the

Sportfishing Association of California, was also invited to speak, but was unable to attend. Mr. Fletcher provided written comments which were distributed to the members.

Mr. Hayes discussed the importance of and recent growth in the recreational fishing industry. Twenty-five years ago, this was a shore based activity, but has now shifted to an activity that is at least half boat-based. An estimated 13 million Americans participate, and recreational fishing is an important economic activity in many states. Mr. Hayes emphasized the CCA's concern about marine conservation, and their belief that recreational fishermen should be permitted so that better information can be gathered about this sector. He also noted that for recreational fishermen, the value comes from participating in the activity more than catching fish. He emphasized the importance of a public process whenever access to a public resource is limited.

Ms. Walker said that closures should be science-based, that baselines and clear objectives must be established prior to closing an area, and that monitoring must be conducted to evaluate the impacts of closing areas. She also emphasized the importance of public participation and the need for enforcement to help MPAs reach their management goals.

Process for Document Review

Chairman Bromley reviewed the process by which the current draft report was produced, based on the work of the three Subcommittees. He noted that in the most recent comment period on the document, some members raised issues that had not previously been adequately discussed by the full Committee and were not incorporated in the current draft. Some members also raised questions about the tone of the document, and the need to address the issue of access. The Executive Committee attempted to address these issues. Dr. Bromley proposed that the Committee break for lunch and resume afterwards discussing proposed language on access. Max Peterson moved that following the access discussion, the Committee poll each member and ask them to state any remaining issues they have about the document, Then the Committee could decide which issues to address. The motion was seconded. George Lapointe suggested an amendment, which was accepted, that if some issues could not be resolved that they be noted in the report as ongoing issues that need resolution. The motion passed.

The Committee recessed for lunch from 12:15-1:15.

Discussion of Access

The Committee took up consideration of the language on access developed by an ad hoc subcommittee led by Bob Zales, including Tony Chatwin and Mark Hixon. It was agreed that there was a need for a definition of access in the glossary and a decision about where language about access would be placed in the document. Some members were interested in having access addressed as part of the "Objectives" section. The Committee adopted the language brought forward by the Subcommittee, as well as language amending Objective 4 to include reference to access. The Chair then

appointed Bonnie McCay to lead an ad hoc subcommittee to define access and report back to the Committee the next morning.

Member Comments on Current Draft

The Chair called on each member of the Committee and asked them to summarize any outstanding concerns or positive comments they wished to make about the draft report. The Committee interrupted this polling at 3:45 for scheduled public comment.

Public Comment:

Public comments were heard from:

- John Crawford, Conservation Law Foundation
- Vivian Newman, volunteer, Sierra Club, National Marine Wildlife and Habitat Committee
- Dr. Dennis Heinemann, The Ocean Conservancy
- Benson Chiles, Coastal Ocean Coalition

Member Comments on Current Draft, Cont.

The Committee continued its process of polling members on their comments and concerns about the draft report. The three ex officio members then provided brief comments.

Dr. Bromley recapped the plans for the following morning: discussing the definition of access, and discussing the issue of whether additional authority for the national system was needed (language distributed by Max Peterson). After some discussion the Committee agreed to reconvene in the morning to identify how to address the issues that had been identified by individual members, and provide time for small groups to caucus in the morning as necessary.

The meeting recessed for the day at 5:25 p.m.

WEDNESDAY, MAY 18, 2005

Dr. Bromley called the Committee back to order at 8:12 a.m.

Access and Sustainable Use

Bonnie McCay reported on the work done by her Ad Hoc Subcommittee, including Max Peterson, Barbara Stevenson, Gil Radonski, and John Ogden. They revisited the changes to Objective 4 made on Tuesday, proposed editorial changes to Objective 2, and defined "access" for the glossary. The Committee agreed to amend Objective 2 to refer only to marine habitats (not ecosystems). The Committee discussed the proposed amendment to Objective 4 to amend the language about access adopted the day before, and adopted language reading "Providing both appropriate access to and use of marine resources consistent with the goals and objectives of the MPA."

The Committee then amended the definition of sustainable use in the glossary, and adopted the definition of "access" brought forward by Bonnie McCay's subcommittee.

Legal Authority

The Committee took up consideration of language proposed by Max Peterson on whether there was sufficient legal authority to implement the Committee's recommendations. After some discussion, the Chair asked Max Peterson and Dave Benton to develop some revised language to address this issue and bring it back after lunch.

Alternatives to MPAs

The Committee discussed Wally Pereyra's concern that the text needs to reflect that alternatives to MPAs should be considered. There was also discussion about whether language on the costs and benefits of the MPA should be inserted. It was agreed that those concerned about this language should meet over lunch to develop a proposal for the Committee to review.

The Committee assembled for a photograph, and then adjourned for a tour of the Portland Fish Exchange and lunch at 11:20.

The Committee reconvened at 2:00 p.m.

Approval of February Minutes

George Lapointe moved for the approval of the minutes of the February meeting. The motion was seconded and passed.

Alternatives to MPAs (cont.)

The Committee took up consideration of the language on alternatives to MPAs developed by David Benton, Max Peterson, Rod Fujita and Mike Nussman over lunch. The revised language, to be inserted in the section on "Adding New Sites" stated: "The need for and benefits from an MPA based on supporting materials from the natural sciences, the social sciences and customary and local knowledge. This will include a statement of the concerns or purposes addressed by the proposed new MPA and analysis of alternative approaches considered and a determination that the new MPA is the preferred approach to address the concerns or purposes." The language was adopted.

Legal Authority (cont.)

The Committee adopted a series of editorial changes proposed by Max Peterson to address the issue of working within existing authorities.

Editorial Changes

The Committee also made several technical editorial changes to ensure consistency in different sections of the document. They also authorized the Chair and the Designated Federal Official to make future technical changes to the document, as needed, and to provide a list of such changes to the Committee. The Committee also accepted Dolly Garza's editorial changes to replace local ecological knowledge, traditional ecological knowledge, and

experience-based knowledge with “customary and local knowledge” throughout the document as discussed prior to this meeting by an Ad Hoc Subcommittee.

Co-Management

The Committee discussed Dr. Garza’s proposal to reference “co-management” under the “Communication and Participation” section of “Stewardship.” It was noted that co-management only occurs with some states and tribes. The Committee amended #6 under this section to state: “There must be accommodations made for varying the degree of power sharing (e.g. co-management or other institutional arrangements, as appropriate)....”

Remaining “Big Issues”

Mike Nussman expressed concern that monitoring and evaluation must be an integral part of the national system of MPAs, and proposed language stating, “Additions of MPAs to the national system should be contingent upon a reasonable expectation of funding to accomplish the goals and objectives of the MPAs, including enforcement, evaluation, monitoring and adaptive management.” There was discussion about whether this would apply to new sites only, or also to existing MPAs that meet the criteria for the national system. It was agreed to insert this language as a “General Principle.”

Mike Nussman raised the issue of the “avoid harm” language in Executive Order 13158, and whether the report should address this. Joe Uravitch provided some background on the federal agencies’ current efforts to define a process for how agencies would “avoid harm.” It was agreed to put this issue on a list of “unresolved issues” to be noted in the FAC report. Other “unresolved issues” raised included funding and incentives, energy and mineral resources, and coordination with tribes in developing the national system. The next charge to the FAC will be developed by the Departments of Commerce and Interior, and will consider, but not be limited to, this list.

Adoption of the Report

Max Peterson moved approval of the report with the exception of the list of outstanding issues. The motion was seconded. After a brief recess, the Committee unanimously adopted the report.

Dr. Bromley reviewed the work for the following day: the list of outstanding issues to be included in the report, an Executive Summary, a public comment period, and a discussion of future issues for the FAC to consider.

Max Peterson, Tundi Agardy, and Mike Nussman agreed to work on a summary for the Committee to review the following day.

The Committee recessed at 5:07 p.m.

THURSDAY, MAY 19, 2005

Dr. Bromley called the Committee to order at 8:10 a.m. Lauren Wenzel reviewed logistics for finalizing the Committee's report.

Public Comment

Public Comments were heard from:

- Dr. Dennis Heinemann, The Ocean Conservancy

Mark Hixon followed up on Dr. Heinemann's comments by drawing the Committee's attention to two papers in their packets on the importance of MPAs for protecting old age growth structure and large, old spawners. Recent scientific research is showing the importance of large, old fish in contributing recruits because they have more and superior eggs, and because they have a longer spawning season that acts as "recruitment insurance."

Overview

Max Peterson presented the work from his Subcommittee, which decided to produce a one-page overview, rather than an Executive Summary. There was discussion of the draft and some editorial suggestions. The Committee requested that the MPA Center produce a more detailed summary of the report and a PowerPoint presentation. The Subcommittee was asked to incorporate the suggestions and bring the draft back to the full Committee.

Future Issues

The Committee reviewed the language on "future issues" to be included in the report.

Other Business

Lauren Wenzel updated the Committee on the status of vacancies on the committee (there will be three after this meeting). Vacancies are advertised in the Federal Register, and members are encouraged to share this information with potential members. She explained that all the members of the Committee who expressed interest in continuing to serve were being recommended for reappointment to either a 2-year or a 4-year term, based on the need to maintain geographic and interest-area diversity and balance.

The Committee reviewed the revised "Overview" and adopted it.

Next Charge to FAC

Joe Uravitch explained that the Department of Commerce and the Department of Interior have begun discussing the next charge to the Committee, and have solicited input from the federal Interagency MPA Workgroup. He invited members to identify issues they feel the Committee should consider, so that these can be considered by the two Departments. Mr. Uravitch noted that issues currently being considered include monitoring and evaluating effectiveness, integration across governmental levels, and how the national system can address the three "tracks" of natural heritage, cultural heritage, and sustainable production.

Tom Kitsos, representing the Department of Commerce, noted that there is now a concerted effort to coordinate ocean issues in response to the U.S. Commission on Ocean Policy, and this is a positive climate for the FAC's recommendations. Dr. Melzian added that two high priorities for the US EPA within the President's Ocean Action Plan are the Integrated Ocean Observing System and the National Water Quality Monitoring Network, both of which offer opportunities for coordination with the FAC's work. Terry O'Halloran expressed concern about proposed cuts to the MPA Center's budget, and its impacts on the development of the national system and the ability of the FAC to conduct its work.

Mark Hixon expressed interest in having the FAC look in more detail at the national system process, and at scientific tools for planning and implementing the system (e.g. GIS systems for examining distribution of resources, potential threats, gaps, etc).

George Lapointe suggested that prior to the November meeting, the MPA Center send out a suggested list of issues for the FAC's charge, and poll the members for their input.

Next Meeting

Lauren Wenzel reminded the FAC that the next meeting is November 1-3 in the western Gulf of Mexico, but the location has not yet been determined.

Alaska and the Great Lakes are priorities for future FAC meetings in 2006. Dr. Garza suggested early May in Sitka, and will follow up with Ms. Wenzel.

Future Issues

Bonnie McCay brought forward revised language on funding and incentives, as part of the list of "future issues." The revised list of "future issues" was also adopted.

Committee Leadership

Lauren Wenzel noted that the Charter provides for the chair and vice chair to serve for two years, and they were elected in November 2003. There will be an election at the November 2005 meeting. Those interested in serving as chair or vice chair are asked to express their interest before the meeting. Dave Benton moved that Dan Bromley continue as Chair and Bonnie McCay continue as Vice Chair through the period leading up to the next meeting. The motion was seconded and passed.

The Committee adjourned at 12:23 p.m.

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

Lauren Wenzel
Designated Federal Official

Dr. Daniel Bromley
Chair
Marine Protected Areas Federal Advisory
Committee

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

Committee members present:

Dr. Tundi Agardy
Mr. Bob Bendick
Mr. David Benton
Dr. Dan Bromley, Chair
Dr. Anthony Chatwin
Dr. Michael Cruickshank
Dr. Rod Fujita
Dr. Dolly Garza
Mr. Eric Gilman
Dr. John Halsey
Dr. Mark Hixon
Mr. George Lapointe
Dr. Bonnie McCay, Vice-Chair
Mr. Mel Moon
Dr. Steve Murray
Mr. Mike Nussman
Dr. John Ogden
Mr. Terry O'Halloran
Dr. Wally Pereyra
Mr. R. Max Peterson
Mr. Gil Radonski
Dr. Jim Ray
Ms. Barbara Stevenson
Ms. Kay Williams
Mr. Bob Zales

Ex officio members/representatives present:

Mr. Thomas Kitsos, Department of Commerce
Mr. Larry Maloney, Department of the Interior / MMS
Dr. Brian Melzian, US Environmental Protection Agency

National Marine Protected Areas Center staff:

Mr. Joseph Uravitch, Director
Mr. Jonathan Kelsey, National System Coordinator
Ms. Heidi Recksiek, Training and Technical Assistance Institute
Ms. Kate Smukler, New England Regional Coordinator
Ms. Bunny Sparks, Committee Support
Ms. Dana Topousis, Communications Director
Ms. Lauren Wenzel, Designated Federal Officer
Dr. Charles Wahle, Science Institute Director