Draft Framework

Draft

Framework for Developing the National System of Marine Protected Areas

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NATIONAL Marine Protected Areas CENTER

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I. Summary

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Protected Areas Center (MPA Center), in cooperation with the Department of the Interior (DOI), has developed this Draft Framework for Developing the National System of MPAs (Draft Framework) to meet requirements under Executive Order 13158 on Marine Protected Areas (Order). This Draft Framework provides overarching guidance for collaborative efforts among federal, **state,*** tribal, and **local governments** and **MPA stakeholders** to develop an effective **National System of Marine Protected Areas** (National System) from existing sites, enhance **marine protected area** (MPA) coordination and stewardship, and identify ecosystem-based gaps in the protection of important marine **natural** and **cultural resources** for possible future action by governmental MPA programs. The document further provides the guiding principles, key definitions, goals, and objectives for the National System. The contents and overall approach of the Draft Framework are based on the breadth of input received from government partners and stakeholders around the nation over the past several years.

The purpose of this Draft Framework is to solicit additional input and comments from governments and stakeholders in order to ensure that the final document represents the diversity of the nation's interests in the **marine environment** and MPAs. NOAA and DOI further recognize the principal role that state and tribal governments, along with federal agencies, must have in developing and implementing the National System. Moreover, roughly 85% of the nation's existing **place-based** conservation areas are under the jurisdiction of non-federal governments. The significance of these government-to-government relationships and the marine resources managed by states and **tribes** necessitates this national, rather than federal, approach to building the National System. In developing this Draft Framework, NOAA and the DOI have made and will continue to expand efforts to understand and incorporate, as appropriate, the recommendations of government partners concerning a structure and function for the National System that builds partnerships with and supports the efforts and voluntary participation of state, tribal, and local governments. MPA stakeholders and federal and non-federal government partners alike are encouraged to review and provide comments on the Draft Framework so that it supports the variety of MPA efforts and interests around the country.

Increasing impacts on the world's oceans, caused by development, overfishing, and natural events, are straining the health of our coastal and marine **ecosystems**. Some of these impacts to the marine and Great Lakes environment have resulted in declining fish populations; degradation of coral reefs, seagrass beds, and other vital habitats; threats to rare or endangered species; and loss of artifacts and areas that are part of our nation's historic and **cultural heritage**. The effects of these mounting losses are being directly felt in the social and economic fabric of our nation's communities.

MPAs offer a promising ocean and coastal management tool to mitigate or buffer these impacts. It is important to clarify that the term "MPA," as used here, is not synonymous with or limited to "no-

* Important terms are bolded the first time they are used and defined in the Glossary found in Section XII of this document.

take areas" or "marine reserves." Instead, the term "MPA" denotes an array of levels of protection, from areas that allow multiple use activities to those that restrict take and/or access. When used effectively and in conjunction with other management tools, MPAs can help to ensure healthy Great Lakes and oceans by contributing to the overall protection of critical marine habitats and resources. In this way, effective MPAs can offer social and economic opportunities for current and future generations, such as tourism, biotechnology, fishing, education, and scientific research.

Since 2001, the MPA Center and its federal, state, and tribal partners have been collecting information on the vast array of the nation's place-based marine conservation areas, including those generally considered MPAs, to serve as the foundation for building the National System. This inventory has resulted in the identification of at least 1,500 place-based sites established by hundreds of federal and state authorities. A number of these existing sites are further managed as **systems** by their respective agencies or programs. The types of sites found range from multiple-use areas to no-take reserves. The vast majority of these areas allow multiple uses, and less than one percent of the total area under management in the **United States** (U.S.) is no-take.

This inventory has also revealed a dramatic increase in the use of MPAs over the past several decades. Most MPAs in the U.S. the have been established since 1970, and most allow recreational and commercial uses. With this expanded use of MPAs have come many new and enhanced protections to natural and cultural resources. A preliminary analysis of U.S. place-based conservation efforts reveals important trends in how these areas, including MPAs, are being used to conserve some of the nation's most significant marine resources. The emerging results illustrate that while there are many such areas currently in U.S. waters, these diverse sites vary widely in mandate, jurisdiction, purpose, size, and level of protection.

Moreover, this initial analysis illustrates how the growing recognition of MPAs as essential conservation tools has resulted in a multitude of new MPA programs and authorities at all levels of government, often times for a sole purpose or objective. There also are a number of good examples where MPA efforts are coordinated locally across programs and levels of government; however, there is no larger framework for collaborating MPA efforts across ecosystems and nationally to meet common goals. This complex environment leads to public confusion, and, in many cases, conservation efforts that are not as effective as they could be with better coordination. The results of this initial analysis have further reinforced the need for a National System and provided much of the baseline information to begin building it.

In recognition of the key role MPAs can play and their growing use, the U.S. is developing an effective National System to support the effective **stewardship**, lasting protection, restoration, and sustainable use of the nation's significant natural and cultural marine resources. The MPA Center is charged by the Order to carry out these requirements in cooperation with DOI. Neither the Order nor the National System establishes any new legal authorities to designate or manage MPAs, nor do they alter any existing state, federal, or tribal laws or programs.

In addition, the U.S. Ocean Action Plan (USOAP) outlines a variety of actions for promoting the responsible use and stewardship of ocean and coastal resources for the benefit of all Americans. A Cabinet-level "Committee on Ocean Policy" (COP) was established by Executive Order 13366 (December 17, 2004) to coordinate the activities of executive branch departments and agencies regarding ocean-related matters in an integrated and effective manner to advance the environmental and economic interests of present and future generations of Americans. The President further directs the Executive branch agencies to facilitate, as appropriate, coordination and consultation regarding ocean-related matters among federal, state, tribal, local governments, the private sector,

foreign governments, and international organizations. Subcommittees of the COP also have been formed as part of the ocean governance structure described in the USOAP, including the Subcommittee on Integrated Management of Ocean Resources (SIMOR) and the Joint Subcommittee on Ocean Science and Technology. Many of the activities outlined in the USOAP and the subsequent work plans of the COP's subcommittees complement efforts to develop the National System. Similarly, many of the collaborative actions under the National System may offer opportunities to help advance the USOAP. As these efforts proceed, the MPA Center will work closely with SIMOR to evaluate progress and plans for developing the National System in order to ensure coordination and consistency with the USOAP's governance structure and overall approach.

The MPA Center has developed this Draft Framework based on information from the initial analysis of information about existing place-based conservation efforts, along with comments from hundreds of individuals at nearly sixty meetings, initial tribal consultations, and recommendations from federal, non-governmental and state advisory groups. As a result, the proposed collaborative development of an effective National System outlined in this document provides a structure for an assemblage of MPA sites, systems, and **networks** established and managed by federal, state, tribal, and local governments to collectively work together at the **regional** and national levels to achieve common objectives for conserving the nation's vital natural and cultural resources.

By establishing an effective structure for working together, the National System will help to increase the efficient protection of important marine resources; contribute to the nation's overall social and economic health; support government agency cooperation and integration; and improve the public's access to scientific information and decision-making about the nation's marine resources. The efforts of the National System are also intended to benefit participating state, tribal, federal, and local government partners through collaborative efforts to identify shared priorities for improving MPA effectiveness and develop partnerships to provide assistance in meeting those needs. Further, it provides a foundation for cooperation with other countries to conserve resources of common concern.

The Draft Framework is available for public comment for 145 days from the date of announcement in the Federal Register. This extended period is intended to accommodate quarterly meeting schedules of some organizations, including regional fishery management councils. At the end of this period, the MPA Center will review all comments received and develop and publish a response to comments and final Framework document. Electronic copies of the Draft Framework can be downloaded at http://www.mpa.gov/, or paper copies sent via regular mail can be requested through the contact information below.

II. For More Information and to Submit Comments

Comments on this Draft Framework for the National System of Marine Protected Areas and the corresponding draft Environmental Assessment found in Appendix D of this document will be accepted if received by 11:59 p.m. EDT, 145 days from announcement in the Federal Register.

An electronic copy of the Draft Framework is available for download at http://www.mpa.gov/. Please direct all questions concerning the Draft Framework, as well as any requests for paper copies of the document to: Jonathan Kelsey, NOAA, at 301-713-3100, ext. 130 or via e-mail at mpa.comments@noaa.gov. E-mail requests should state either "Question" or "Paper Copy Request" in the subject line.

All comments regarding the Draft Framework should be submitted to Joseph Uravitch, National MPA Center, N/ORM, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910. Comments submitted by e-mail are preferred; however, those submitted by mail and fax will also be accepted. Comments sent via e-mail should be sent to mpa.comments@noaa.gov, and all comments sent by fax should be sent to 301-713-3110. E-mail and fax comments should state "Draft Framework Comments" in the subject line.

III. Introduction

A. Background and Overview

Presidential Executive Order 13158 (May 26, 2000) (Order) directs the Department of Commerce (DOC) National Oceanic and Atmospheric Administration (NOAA) and the Department of the Interior (DOI), 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 Department of Homeland Security, the National Science Foundation and other pertinent federal agencies to develop a **National System of Marine Protected Areas**† (National System).

In carrying out this effort, the Order also requires consultation with those **states** that contain portions of the marine environment, **tribes**, regional fishery management councils, and other entities, as appropriate, including the Marine Protected Area Federal Advisory Committee (MPAFAC), established accordingly. It further specifies that the National System be scientifically based, comprehensive, and represent the **United States'** (U.S.) diverse marine **ecosystems** and the nation's **natural** and **cultural resources**.

The Order defines the term "**marine protected area**" (MPA) for the purposes of the National System 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." It is important to clarify that the term MPA, as defined by the Order and further clarified and used in this document is not synonymous with or limited to "no-take reserves" or "marine reserves". The term MPA used here denotes an array of levels of protection from areas that allow multiple use activities to areas that restrict take and/or access. 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.

In order to provide a roadmap for developing the National System, the Order calls for the development of a framework for a national system of MPAs and establishes the National MPA Center (MPA Center) within NOAA to develop the system and coordinate its subsequent implementation. This Draft Framework for Developing the National System of MPAs (Draft Framework) outlines collaborative processes for building an assemblage of existing MPA sites, systems, and **networks** established and managed by federal, state, tribal, or **local governments** and collectively working together at the **regional** and national level to achieve common objectives for conserving the nation's important natural and cultural resources. The Draft Framework's guidance for state, tribal, federal, and local government partners to work together to develop the National System is subsequently organized into the following two major phases: Phase 1 – Building and Supporting the Initial National System of Existing MPAs; and Phase 2 – Identifying National System gaps and future conservation priorities. These two phases are described in Section VII of this document.

† Important terms are bolded the first time they are used and defined in the Glossary found in Section XII of this document.

While MPAs are an important tool for marine conservation, other types of management approaches also are needed to address the breadth of challenges related to marine conservation. As such, the efforts to develop the National System must be both coordinated and integrated within the larger, evolving ecosystem-based approaches to managing marine resources. Neither the National System nor the Order establish any new legal authorities to designate or manage MPAs, nor do they alter any existing state, federal, or tribal MPA laws or programs. Each MPA or program that participates in the National System will continue to be independently managed by its respective agency or agencies, as will any new sites that might eventually be established by those authorities. The National System is therefore envisioned as a "system of sites and systems" that will be developed to achieve conservation and management objectives that could not be accomplished by individual MPAs or MPA systems working independently.

Furthermore, the requirements outlined in the Order, which provides the legal authority for establishing the National System, apply only to the actions of federal agencies. The Order neither regulates the actions of states or tribes, nor alters any existing state, local, or tribal authorities or treaties regarding the establishment or management of MPAs or marine resources. Finally, nothing in this document is to be construed as altering existing authorities regarding the establishment of federal MPAs in areas of the marine environment subject to the jurisdiction and control of states, tribes, or local governments.

While the Order's requirements directly apply only to federal agencies, the full participation of state, tribal, and local governments in an ongoing manner is critical to an effective National System. Given the importance of the marine resources they manage and their wealth of experience in doing so, creating and managing the National System with state, tribal and local government partners to support their voluntary participation is a major emphasis of the Draft Framework. In light of this breadth of existing U.S. MPA responsibilities, the Order recognizes the need and calls for a national, rather than federal, system of MPAs with a geographic scope that spans the United States' waters of the Pacific Ocean, including the Bering Sea; Atlantic Ocean, the Gulf of Mexico and Caribbean Sea; Arctic Ocean; and the Great Lakes.

By establishing an effective structure for working together, the National System will help to increase the efficient protection of important marine resources; contribute to the nation's overall social and economic health; support government agency cooperation and integration; and improve the public's access to scientific information and decision-making about the nation's marine resources. The collaborative efforts of the National System are also intended to benefit the participating state, tribal, federal, and local government partners through the identification of shared priorities for improving MPA effectiveness and the development partnerships to provide assistance in meeting those needs. A more detailed description of possible types of assistance that may be afforded by such collaborative efforts is found in Section VII.B.2 of this document. Finally, the National System provides a foundation for cooperation with other countries to conserve resources of common concern.

B. Development of the Draft Framework

Over the past two years, the MPA Center has engaged the nation in a participatory dialogue to develop this Draft Framework. To ensure that the processes for developing the National System represent the nation's interests in the conservation and sustainable use of its natural and cultural marine resources, the MPA Center worked with federal, state, tribal and local government partners and stakeholder groups to gather input and feedback about their perspectives on the National System. Recommendations and comments from the MPAFAC, states, tribes, federal agencies, regional fishery management council representatives, and non-governmental stakeholders have provided the

foundation of information on which this document is constructed. Moreover, some of the text included in the Draft Framework has been adapted from the recommendation documents and reports submitted by the MPAFAC and states. The following advisory groups were formed and/or subsequent series of meetings were held to gather input for this document.

MPAFAC Recommendations: The MPAFAC, comprised of 30 individual members of the public and representing the range of the nation's MPA stakeholders and geographic areas, met semi-annually starting in June 2003 and completed its first report in June 2005 to provide input to this Framework. In developing its report, the MPAFAC solicited advice from experts and also received written and oral comments from the public during their meetings. The MPAFAC's unanimous National System recommendations included goals and objectives, operating principles, and a definition and additional criteria that MPAs must meet to be included in the National System.

MPA State Advisory Group and State Recommendations: The Coastal States Organization and MPA Center convened an MPA State Advisory Group to provide an ongoing forum for states to provide input about their participation in efforts under the Order. To inform their efforts, three regional workshops with participation by state fishery, coastal management, wildlife, and natural and cultural resource management agencies were held during 2005. The input received from these workshops and the work of the State Advisory Group culminated in the report titled, "Recommendations for State and Territorial Participation in the National System of Marine Protected Areas" that was first delivered in draft in January 2006, and then in final form in April 2006.

Federal Interagency MPA Working Group (Federal MPA Working Group) and Federal Agency MPA Workshop: The Federal MPA Working Group provided ongoing, coordinated advice from federal agencies on the implementation of the Order and the development of the Draft Framework. The group maintains a membership of nine federal agencies and a representative from all federal MPA programs. One workshop with over 70 federal participants and ongoing Federal MPA Working Group deliberations have resulted in specific recommendations on a number of key elements included in this document.

Regional Public Dialogues: A series of five regional public dialogue meetings were held around the country to provide stakeholders with information about the process to develop the Draft Framework and an opportunity for their input and advice. Approximately 200 individuals participated in these dialogues and provided perspectives on how the National System could benefit their interests in the conservation and sustainable use of their region's natural and cultural resources.

In addition to the forums described above, in 2005 MPA Center staff also participated in and presented information at over fifty meetings, conferences, and other gatherings of governmental and non-governmental MPA stakeholders around the country. These events included meetings of regional fishery management councils, state marine fishery commissions, energy and conservation interests, and numerous other groups. In addition, the opportunity for stakeholders to submit written comments was widely distributed and posted on the http://www.mpa.gov website along with all materials presented and comments received during formal meetings.

All feedback, comments, and recommendations received were reviewed and considered in the development of this Draft Framework. Copies of recommendations, comments received, and materials presented can be found at http://www.mpa.gov/national_system. In addition, Appendix A of this document provides a listing of the date and location of the all meetings referred to here.

C. Vision, Guiding Principles and Comprehensive Themes for an Effective National System of MPAs

The following vision, guiding principles, and comprehensive themes for an effective national system have been developed based on the requirements of the Order and formal and informal input from stakeholders, working groups, and advisory committees.

National System Vision

To support the effective stewardship, lasting protection, restoration and sustainable use of the nation's significant natural and cultural marine resources with due consideration of the interests of and implications for all who use and care about our marine environments.

Comprehensive Themes

The Order, in keeping with this vision, calls for the National System to be "comprehensive… representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources." In order to accomplish this wide-ranging purpose, the National System will integrate a comprehensive suite of Natural Heritage, Cultural Heritage, and Sustainable Production themes into all aspects of its development and implementation. It is not envisioned that any one of these themes is all encompassing, rather when integrated together they embrace the breadth of the nation's marine ecosystems and resources, and the values they provide. These three themes for conservation and protection are defined as follows:

> Natural Heritage – the nation's biological communities, habitats, ecosystems, and processes, and the ecological services, uses, and values they provide to this and future generations.
>
> Cultural Heritage - the cultural resources that reflect the nation's maritime history and traditional cultural connections to the sea, as well as the uses and values they provide to this and future generations.
>
> Sustainable Production – the renewable living resources and their habitats, including, but not limited to, spawning, mating, and nursery grounds, and areas established to minimize incidental by-catch of species, that are important to the nation's social, economic, and cultural well-being.

These themes will serve as the foundation for all aspects of the National System's development and implementation. They will serve as both a basis for examining established MPAs and MPA systems for inclusion in the National System, as well as identifying gaps in protection and future conservation priorities at the ecosystem, regional and national levels. It is important to acknowledge that many existing U.S. MPA sites, systems, and programs have conservation goals and/or objectives that individually address one or more of these three themes. It is not envisioned that any one MPA or program must address all three themes; rather they can be addressed through collaborative efforts under the National System, and integrated to meet the nation's conservation interests.

Guiding Principles

In order to achieve the National System's vision and effectively address its comprehensive themes, the National System will embrace the following guiding principles. These guiding principles will serve as the underlying tenets for agencies across levels of government and non-governmental stakeholders to collaboratively take action to improve the effective use of MPAs to conserve and sustain the nation's marine resources.

An effective National System should be national in scope and regional in scale by…

...building regional and ecosystem-based approaches into planning, participation, and implementation; and

...coordinating across regions, nationally, and, where appropriate, internationally.

An effective National System should promote coordination and integration by….

... supporting partnerships and coordination among federal, state, tribal and local MPA sites and systems to reduce administrative costs, promote efficiency, and effectively use existing management infrastructure for marine resource protection;

... seeking to achieve integrated conservation objectives that could not be accomplished by individual sites or programs working independently, both within the U.S. and, where appropriate, internationally; and

...integrating with and supporting other ecosystem-based management approaches.

An effective National System should be comprehensive and representative by…

...embracing and seeking to integrate Natural Heritage, Cultural Heritage and Sustainable Production objectives to represent diverse ecosystems and cultural resources, minimize adverse social and economic impacts, and maximize management effectiveness; and

...recognizing both on-site and off-site influences (i.e., freshwater, marine, terrestrial, and atmospheric), including linkages between watersheds and the sea.

An effective National System should develop and apply the best available scientific information by…

...using the best available information from natural science, social science, and customary and local knowledge; and

...promoting sound monitoring and evaluation to assess management effectiveness, relying on existing MPA evaluation processes and procedures as appropriate.

An effective National System should ensure that communication and outreach are cornerstone by…

...raising awareness and knowledge of MPAs and marine and coastal resources; and

...establishing common terminology.

An effecting National System should provide clear roles for all governmental partners, as well as stakeholders by…

...providing ongoing, meaningful opportunities for input from and participation by the nation's MPA stakeholders;

...considering and addressing local values; and

...relying on existing state, tribal, and federal governmental and intergovernmental authorities in planning and establishing MPAs.

IV. Existing U.S. MPA Programs, Federal MPA Initiatives, Tribal and International Efforts

The nation's existing suite of MPA sites, programs, authorities, and systems at all levels of government are the fundamental components of the National System. The recognition of and full participation by these federal, state, tribal, and local government programs are critical to the National System's success. Working together, these existing programs and authorities, federal MPA coordination initiatives, and linkages to international MPA initiatives will make important contributions to and receive benefits from the development of an effective National System. This section provides an overview of these major efforts and generally describes their respective roles in the National System.

A. U.S. MPA Programs and Authorities

MPAs in the U.S. are managed by a number of agencies and programs at federal, state, tribal, and local government levels. This section provides a brief summary of these programs, as well describes the nature of their role in the development of the National System.

Federal and Federal/State MPA Programs

Currently, there are several federal and one federal/state partnership MPA programs in the U.S. Each has one or more specific legal mandates that it is required to fulfill. Many of these programs have established and actively manage systems of MPAs designed to fulfill their responsibilities to the nation. As described below, these federal MPA programs include DOI's National Park System and National Wildlife Refuge System, and NOAA's National Marine Sanctuary System, National MPA Center, and National Marine Fisheries Service programs, while the National Estuarine Research Reserve System is comprised of NOAA/state partnerships.

National Park System: The National Park System is administered by DOI's National Park Service with a mission to conserve the scenery and the natural and historic objects and wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. The National Park System preserves unimpaired natural and cultural resources and values representative of the nation's ocean heritage in superlative natural, historic, and recreation areas in every region. The National Park System currently contains 72 ocean and Great Lakes parks.

National Wildlife Refuge System: The U.S. Fish and Wildlife Service's (FWS) mandate is to provide the Federal leadership to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of people. The mission of the National Wildlife Refuge System, a program within the DOI FWS, is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the U.S. for the benefit of present and future generations of Americans.

National Marine Sanctuary System: Under the National Marine Sanctuaries Act, NOAA establishes areas of the marine environment that have special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities as national marine sanctuaries to: (A) improve the conservation, understanding, management, and wise and sustainable use of marine resources; (B) enhance public awareness, understanding, and appreciation of the marine environment; and (C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas. There are currently thirteen established national marine sanctuaries. There is also a Marine National Monument in the Northwestern Hawaiian Islands established pursuant to Presidential Proclamation 8031 (June 15, 2006).

National Marine Protected Areas Center (MPA Center): The mission of the MPA Center 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 MPA Center is housed within NOAA and coordinates across NOAA programs, as well as with pertinent federal, state, tribal, and local MPA and MPA-support agencies. At the federal level, the MPA Center coordinates closely with DOI. The MPA Center's specific National System roles are described in detail in Section VII (C) of this document.

National Marine Fisheries Service (NMFS) Programs: Under a number of statutory authorities, NMFS establishes and manages MPAs to rebuild and maintain sustainable fisheries, conserve and restore healthy marine habitats, and promote the recovery of protected species, including marine mammals and anadromous fish. These sites fall under four major categories: Federal Fisheries Management Zones, Federal Fisheries Habitat Conservation Zones, Federal Threatened and Endangered Species Protected Areas, and Federal Marine Mammal Protected Areas. Regional fishery management councils have been established for the stewardship of fishery resources through the preparation, monitoring and revision of fishery management plans. These councils enable states, the fishing industry, consumer and environmental organizations, and other interested persons to participate in and advise on the management of marine fisheries, and to take into account the social and economic needs of the states. Council-recommended actions are subject to review and approval by the Secretary of Commerce through a delegation of authority to NMFS. NMFS is responsible for the promulgation of site-specific regulations to delineate MPA boundaries and establish any associated protective measures. Due to the unique relationship of regional fishery management councils in the development of fisheries MPAs, NMFS intends to consult with the councils in the implementation of the Framework.

National Estuarine Research Reserve System (NERRS): The mission of the NERRS is to promote stewardship of the nation's estuaries through science and education using a system of protected areas. The NERRS, which is currently made up of 27 sites, is a unique partnership program between NOAA and the coastal states to protect estuarine land and water, which provides essential habitat for wildlife; offers educational opportunities for students, teachers and the public; and serves as living laboratories for scientists. With its unique state/federal partnership, the NERRS participation with the National System will require close consultation and coordination with the NOAA Estuarine Reserves Division and state agency or university staff of NERRS sites.

State and Local Government MPA Programs

Each U.S. coastal state also has a variety of MPA programs and authorities, often at both the state and local government levels. State MPA programs can include: Historic Preservation offices; Fish and Wildlife agencies; Coastal Zone Management programs; Fishery Management agencies; Parks and Recreation agencies, and other authorities. MPAs are used by states for a variety of purposes ranging from managing fisheries, recreation, tourism and other uses to protecting ecological functions, preserving shipwrecks, and maintaining traditional or cultural connections to the marine environment.

In addition, local governments within coastal states, such as counties and other municipalities, have programs that establish and manage MPAs for protecting marine species, nursery grounds, shellfish beds, and other important natural and cultural resources. Similar to their federal analogs, some state MPA programs have also developed and continue to manage their existing sites as systems of MPAs.

Given the significant coastal and marine resources under state jurisdiction, the large number of state MPAs – roughly 83% – compared to federal sites, and the potential impacts and benefits to states from MPAs located in federal waters, full state participation in the development of the National System is critical to its success. It is important to note, however, that state and local government participation in the National System is voluntary under the Order, and the MPA Center will work closely with states to determine their interest in participating. State government agencies, programs, and authorities that elect to participate in the National System will be full partners and have an equal voice in decision-making to set priorities for collaborative efforts at the regional and national level.

Tribal MPA Authorities, Programs and Linkages

Tribal governments have an integral role to play in resource management, legally, culturally and economically. The Order "does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian tribes," and calls on NOAA and DOI to "consult with…tribes…and other entities to promote coordination of federal, state, territorial, and tribal actions to establish and manage MPAs." Because the federal government has a trust responsibility to all federally recognized tribes, conservation goals and management practices for MPAs should be established through government-to-government consultations.

In addition, several Indian tribes in Western Washington and the Great Lakes have treaty-reserved fishing rights. These tribes share co-management authority and responsibility for marine resources in their usual and customary fishing areas with the federal government and/or states depending on the specific resource and area identified. Tribes may choose to establish MPAs as a tool to meet conservation goals for areas where they have management responsibilities.

Numerous opportunities to enhance coordination and collaboration with tribes on issues related to MPAs are possible through the development of the National System. Some of these opportunities could include a range of potential partnerships aimed at the sharing of information; enhancing technical, scientific and management capacity; and developing conservation strategies for marine resources of mutual concern. The MPA Center and National System partners, many of whom have ongoing relationships with tribes, will consult with tribal governments to determine their interest in and appropriate mechanisms for participating in the National System.

B. Linkages to Related Federal MPA Initiatives

There are several other significant federal MPA Initiatives that are either directly or indirectly linked to the development of the National System. These efforts make important contributions to and can benefit from the development of the National System. This section provides an overview of each of these efforts and further describes their relationship and role in the development of the National System.

MPA Federal Advisory Committee

The MPAFAC is authorized by the Order to provide expert advice and recommendations to DOC and DOI. The MPAFAC is comprised of 30 non-federal members representing diverse perspectives and areas of expertise, including natural and social science, commercial and recreational fishing, tribal, state and territory government, oil and gas, tourism, environmental organizations, and others.

The MPAFAC also includes ten federal ex officio members to provide information and support from agencies managing, supporting, or potentially affecting MPAs. A list of the full MPAFAC membership, including ex officio members, can be found in Appendix B of this document. The MPAFAC completed its first report in June 2005, which provided recommendations on the goals, objectives, principles and structure of the National System. The MPAFAC will continue to advise DOC and DOI on aspects of developing and implementing the National System. Information on MPAFAC members and its work products are posted at http://mpa.gov/fac/fac.html.

The Federal Interagency MPA Working Group

The Order directs DOC and DOI to work closely with the other federal agencies to develop the National System. To provide a mechanism for this coordination, the MPA Center established the Federal MPA Working Group, which includes representatives from the Departments of Commerce, the Interior, Defense, Homeland Security, State, Agriculture, Environmental Protection Agency, National Science Foundation, and the U.S. Agency for International Development. The Federal MPA Working Group meets several times a year to provide input on policy issues related to National System development, coordinate activities related to the Order, and support the work of the MPAFAC. In addition, members of the Federal MPA Working Group will serve as members of the National System Steering Committee (see Section VII (C)).

U.S. Ocean Action Plan

The U.S. Ocean Action Plan (USOAP) outlines a variety of actions for promoting the responsible use and stewardship of ocean and coastal resources for the benefit of all Americans. A Cabinet-level "Committee on Ocean Policy" (COP) was established by Executive Order 13366 (December 17, 2004) to coordinate the activities of executive branch departments and agencies regarding ocean-related matters in an integrated and effective manner to advance the environmental and economic interests of present and future generations of Americans. The President further directs the Executive branch agencies to facilitate, as appropriate, coordination and consultation regarding ocean-related matters among federal, state, tribal, local governments, the private sector, foreign governments, and international organizations. Subcommittees of the COP also have been formed as part of the ocean governance structure described in the USOAP, including the Subcommittee on Integrated Management of Ocean Resources (SIMOR) and the Joint Subcommittee on Ocean Science and Technology. Many of the activities outlined in the USOAP and the subsequent work plans of the COP's subcommittees complement efforts to develop the National System. Similarly, many of the collaborative actions under the National System may offer opportunities to help advance the USOAP. As these efforts proceed, the MPA Center will work closely with SIMOR to evaluate progress and plans for developing the National System in order to ensure coordination and consistency with the USOAP's governance structure and overall approach.

In support of this effort, the USOAP calls on National Parks, National Wildlife Refuges, National Marine Sanctuaries, and National Estuarine Research Reserves to, "coordinate and better integrate the existing network of marine managed areas." Many of these sites overlap or lie adjacent to each other and a history of collaboration between parks, marine sanctuaries, refuges, and reserves provides a model for this expanded network. Although these sites were created under separate agency authorities and statutory mandates, they are united by their proximity and similar science and management priorities. These actions to coordinate and better integrate efforts have been aptly named and are hereafter referred to as the "Seamless Network" initiative. The Seamless Network concept reflects the Administration's emphasis on greater scientific and programmatic coordination between ocean agencies, and complements efforts to implement the MPA Executive Order. In addition, the USOAP calls on the National Park Service to adopt an Ocean Parks Stewardship Action Plan. Both the Seamless Network and Ocean Parks Stewardship Action Plan are described below.

Seamless Network

The USOAP calls on the four above mentioned MPA systems to work together, "to promote coordination of research, public education, and management activities at neighboring parks, refuges, sanctuaries, and estuarine reserves." Two federal interagency agreements are called for under this effort. The first is a general agreement that enables site-based, regional, and national collaborations among the partner agencies, and is currently under development. The second is a separate cooperative enforcement agreement signed in August 2005 among the National Wildlife Refuge System, National Park Service, National Marine Sanctuary Program and National Marine Fisheries Service. When implemented, these agreements will ultimately contribute to several important elements of the National System, such as the identification of science and stewardship priorities for enhancing MPA effectiveness. The Seamless Network will also provide an ongoing coordination mechanism for these MPA systems in the development of the National System, and will build on existing collaborative efforts. In many cases these MPAs have ongoing collaborations and the Seamless Network will expand and enhance those relationships. The wider set of eventual National System partners such as other federal programs and state, tribal and local government MPA sites and systems may benefit from this model. An active dialogue exists and will be maintained between the developing National System and the Seamless Network efforts in order to ensure that they complement one another.

Ocean Parks Stewardship Action Plan

The USOAP calls for the adoption of an Ocean Parks Strategy by the National Park Service. Key elements of this strategy include: characterizing marine species and habitats; evaluating and monitoring their condition; increasing the scientific understanding of how marine ecosystems function; and developing cooperative science based fishery management plans between parks and State agencies. This important effort offers opportunities for collaborative approaches between the National Park Service, the Seamless Network initiative, and the National System to address shared science and management priorities.

C. International MPA Programs and Authorities

In addition to U.S. MPA programs and authorities, there are numerous international MPA efforts and linkages that can contribute to and benefit from the National System. Marine ecosystems and their associated natural resources rarely align with the political boundaries of sovereign countries. Moreover, ecosystems often overlap with adjacent countries and some natural resources may move back and forth between distant countries. In recognition of these important international connections, section 4(a) of the Order calls on federal agencies to identify opportunities to improve "linkages with, and technical assistance to, international [MPA] programs."

The U.S. shares a number of common resources with both neighboring and distant countries. For instance, migratory species (like whales, sea turtles, pelagic fishes, and birds) rely on the marine and coastal waters of multiple countries during various stages of their life. There are also a number of international law and policy issues regarding our underwater cultural heritage. For example, certain cultural resources that rest in the seabed of U.S. MPAs, such as sunken military craft and associated contents that have not been abandoned, retain their protected sovereign status, and permanent right, title, and interest may be vested in the flag country.

Enhancing existing or establishing new linkages amongst systems in other countries can mutually benefit the U.S. and international MPAs through coordination of efforts, information and capacity sharing, and technical assistance. Along with sharing common resources, the U.S. also shares the consequences of potentially harmful activities occurring outside of U.S. waters, including pollution,

over-harvesting of marine resources, and degradation of adjacent habitats. By coordinating with international MPA programs, the U.S. can minimize the harmful impacts of external activities and maximize the benefits of MPAs.

For U.S. MPAs, important international linkages include, but are not limited to, those relating to Canada, Mexico, and Russia, as well as those amongst multiple countries in the Arctic, Pacific Islands and Caribbean. Several legal mechanisms, such as bi-lateral and multi-lateral agreements and treaties, exist to address many of these resource management issues. For example, the International Maritime Organization's Particularly Sensitive Sea Areas program and the Wider Caribbean Protocol Concerning Specially Protected Areas and Wildlife are two MPA-related international efforts of significance. The MPA Center and/or its federal partners are actively involved in a number of such efforts, including the Commission on Environmental Cooperation's development of a North American MPA Network and the exchange of training and technical assistance with other nations. The National System can facilitate a dialogue and develop collaborative efforts between the U.S. and other countries to complement and support the work of MPA programs.

V. Rationale for and Benefits of an Effective National System of MPAs

A. Current State of U.S. Place-based Conservation

National Inventory of Marine Managed Areas

A fundamental first step toward an effective National System is to document and assess the potential contributions of existing **place-based** marine management efforts, including MPAs, to the conservation of natural, cultural, and sustainable production marine resources. Such an understanding is critical for identifying a common set of MPA themes and characteristics that clearly define the scope of the National System and the term "MPA" for its purposes, therein outlining what should or should not be considered an MPA for the purposes of developing the National System.

To this end, the MPA Center and its partners have compiled an unprecedented inventory of **marine managed areas** (MMAs) throughout U.S. waters. The MMA Inventory casts a broad net over all types of place-based conservation efforts, including those commonly thought of as MPAs. It provides information about the location, purpose, and type of protection provided by a variety of areas and reveals important insights into the current state of place-based marine conservation in the U.S. and the scope of the nation's existing MPAs. This growing database of over 1,500 federal, state, and local MMAs encompasses sites ranging from New England, to the Gulf of Mexico, to the remote Pacific Islands. Tribal MMAs may be added in the future.

MMAs at a Glance

The following are some key trends that have emerged from the MMA Inventory database. Data collection continues and future analyses will assess detailed aspects across different spatial scales and levels of government. The database and additional analysis information can be further explored at http://www.mpa.gov/.

Establishment Date: Over 90% of all U.S. MMAs were established after 1970, coinciding with the passage of new federal and state environmental management and protection laws.

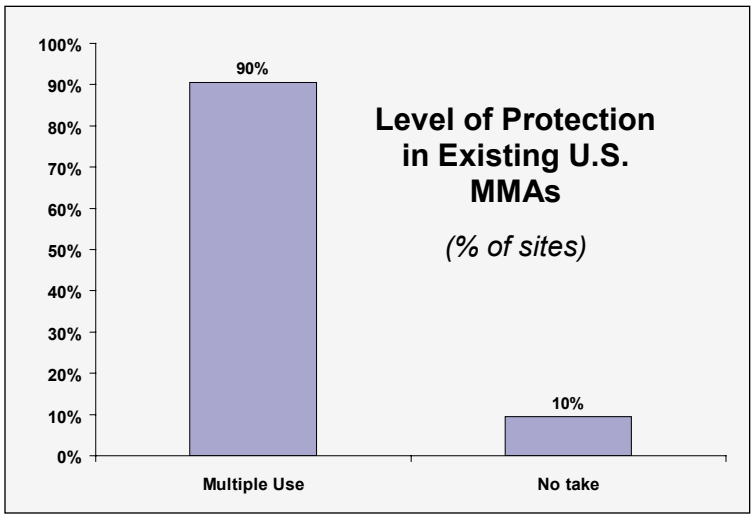
Level of Government: Over 75% of all MMAs are managed by coastal states, while only 17% are under federal jurisdiction. The remaining identified areas are managed by territorial agencies, local governments and federal-state partnerships.

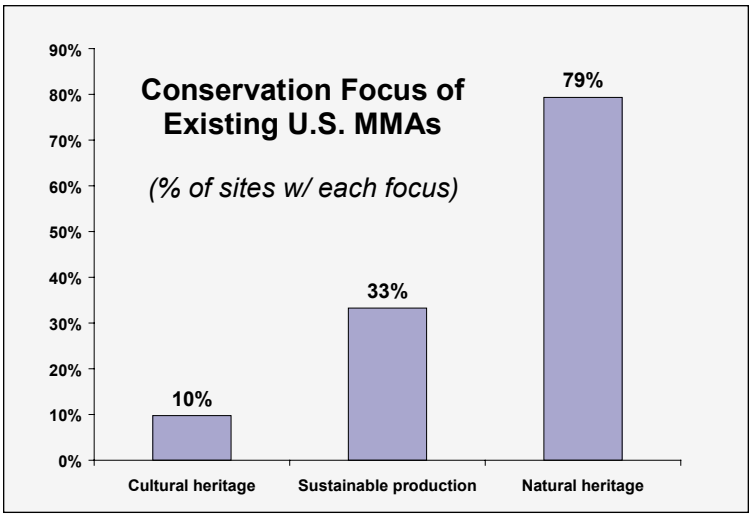
Level of Protection: Nine out of ten MMAs in the U.S. are "multiple use" sites in which a variety of human activities, including fishing, are legally allowed. In contrast, fewer than 10% of MMAs are "no-take" areas that prohibit all extractive uses. Information also is emerging about trends in the aerial extent of no-take MMAs. Based on existing data for the west coast of the U.S. (CA, OR, WA), the total marine area covered by no-take MMAs represents less than 1.1% of the combined

waters of the three states, and only 0.04% of all U.S. waters from the shoreline out to 200 nautical miles.

Permanence of Protection: Nearly all MMAs in the U.S. (98%) provide permanent protection to the respective areas encompassed and resources protected, while only a few require active reauthorization to persist.

Constancy of Protection: 90% of all MMA sites provide year-round protection to their resources, while 10% protect seasonally important habitats such as spawning sites.





Ecological Scale of Protection: Three out of four U.S. MMAs were established with a mandate to conserve comprehensive ecosystem functions and the varied ecological, economic and cultural services those intact ecosystems provide. In contrast, only 25% of all MMAs specifically target a more limited suite of focal resources or habitat features, such as endangered species or a recovering fish stock.

Conservation Focus: MMAs in the U.S. are used to conserve natural and cultural heritage, and to support sustainable production of exploited species. Many MMAs have more than one conservation focus. More than 75% were created, at least in part, to conserve natural heritage values such as biodiversity or protected species. One third include a focus on sustainable production, and 10% focus on conserving our nation's cultural heritage.

The Emerging Picture of Place-Based Marine Conservation in the U.S.

A preliminary analysis of data about MMA sites currently in the MPA Center's inventory reveals insightful patterns and trends in how place-based management is used to conserve some of the nation's vital marine resources, habitats and ecosystems. This initial data analysis also appear to dispel some chronic misperceptions about MMAs and MPAs, such as the widely held belief that most MPAs are no-take areas that restrict fishing and other extractive activities, and that most have been established to manage fisheries stocks.

Clearly, there are many MMAs in U.S. waters, established and managed to varying degrees by a plethora of federal and state agencies. These sites vary widely in mandate, jurisdiction, purpose, level

of protection, size and likely effects on local ecosystems and local human users. As part of the ongoing National System development process, future analyses of the MMA inventory will assess the potential contributions of these diverse sites to local, regional and national conservation goals.

B. Rationale for the National System

As evidenced by the initial analysis of the MMA Inventory, the past several decades have witnessed a dramatic increase in the use of MPAs as a conservation tool to protect the nation's valuable marine resources. This growth in MPAs has not only resulted in increased protection to certain natural and cultural marine resources, but also brought about a significant number of new MPA programs and authorities at all levels of government, each with their own requirements, levels of protection and associated terms.

Each of these programs has its own mandate it is required to fulfill. Analysis has shown that these mandates often overlap in both geographic scope and the marine resources that are being managed, with varying purposes and objectives. In addition, many existing MPA programs comprise a system of sites and there a number of good examples of how programs work together locally. There are few mechanisms in place, however, to coordinate MPA efforts at the ecosystem, regional, national, and international levels across MPA programs and levels of government. Similarly, the cumulative effectiveness of the existing suite of MPAs in contributing to the long-term sustainability of marine resources, habitats and ecosystems, and the services and values they provide is largely unknown.

This initial analysis of existing U.S. place-based conservation reveals the necessary insight into the scope and role of an effective National System of MPAs. Key sets of common MPA characteristics identified from the inventory include their purposes, scale, permanence and constancy of protection, and variety of regulatory frameworks. This information clearly outlines the three major themes for the National System described in Section III.C above. In addition, the large number of identified state sites reinforces the significant need for their continued and expanded participation in all aspects of developing the National System.

This analysis was also fundamental in helping to develop the proposed definitions for the following five key terms associated with the Order's MPA definition: "marine environment," "reserved," "lasting," "area," and "protection." Left undefined, these terms would be open to a variety of interpretations and lead to an unclear scope for the National System. The subsequent definitions, listed in section VI (B) of this document, provide additional clarity on the breadth of the National System and the types of sites that should be considered MPAs for its purposes. The prominent difference identified between the range of MMAs and MPAs lies in the definition of the term "lasting."

MMAs include sites that may be in place only for just a few hours a year, for a minimum of two years. The definition of "lasting" for MPAs, on the other hand, requires areas to be established with the intent at the time of designation to provide permanent protection, even if only for a short time each year. The definitions of the other four key terms remain broadly defined, similar to those associated with MMAs, given the wide variety of sites identified in the MMA Inventory generally considered to be MPAs. Additional information on these definitions is provided is section V (B) of this document.

C. Benefits of an Effective National System

As a part of overall ecosystem-based marine management, MPAs are a promising tool for conserving our marine natural and cultural heritage and sustaining marine resources vital to our nation's

economic livelihood. The existing array of MPAs and MPA systems can allow populations of organisms within their borders to recover from damage, provide focal points for comprehensive protection from most major threats, offer reference sites for measuring the effectiveness of management and separating the effects of natural phenomena from human effects, and raise awareness of natural and cultural resources. In this way, for example, existing sustainable production MPAs can add value to marine fishery management efforts when integrated with other measures such as gear, size, catch, effort, and seasonal restrictions. The National System would add even greater value to these existing MPA programs and efforts by providing a framework for additional cooperation and coordination, improved efficiency, and greater synergy among state, tribal, and federal government partners and with the nation's stakeholders.

In addition, the resources protected by existing sustainable production MPAs in state waters, for instance, may rely on other areas in federal waters, or vice versa, for important stages in their life history. This is particularly important in nearshore coastal waters managed by states and tribes that provide valuable habitat for a wide range of species, are subject to many competing uses and impacts, and in most cases have strong ecological and socioeconomic linkages to adjacent federal waters. In these instances and many others, the National System may provide a variety of additional benefits that could not be achieved by MPA programs working independently by providing a forum for inter-governmental coordination leading to synergistic ecological and social linkages and enhanced effectiveness of existing MPA efforts.

The full array of benefits that an effective National System may provide to the nation and its marine resources include:

- Helping to ensure that examples of the nation's major marine natural and cultural resources are conserved, enhanced, and/or restored in all geographic regions.
- Contributing to the nation's economic health through new or enhanced opportunities for tourism and recreation.
- Promoting efficient protection of U.S. marine resources through integration of conservation and management objectives.
- Helping to sustain the nation's commercial fisheries and their economic and social linkages to coastal communities.
- Improving public access to scientific information and decision-making about the nation's marine resources.
- Increasing the nation's ability to protect and conserve species whose life cycles span multiple jurisdictions.
- Supporting and highlighting existing MPA efforts by state, tribal, local, and federal governments.
- Encouraging government agency efficiency through cooperation and integration.
- Linking to MPAs in other nations to address shared conservation issues.

VI. Goals, Objectives and Key Definitions for the National System of MPAs

A. National System of MPAs: Goals and Objectives

Goals

The goals of the National System are envisioned to fully address both the requirements and the intent of the Order. The goals and objectives are in large part derived from the recommendations of the MPAFAC and also based on the significant input received from the public, working and advisory groups, and other forums that provided perspectives on what the National System should accomplish. It is not intended that any individual MPA, MPA program or system address all goals and/or objectives, but rather that the ultimate set of partners that make up the National System will collectively strive to meet these goals. The National System's goals are:

Goal 1. Advance comprehensive conservation and management of the nation's significant natural heritage, cultural heritage, and sustainable production marine resources through ecosystem-based MPA approaches.

Goal 2. Promote sound stewardship and improve the effectiveness of National System MPAs.

Goal 3. Enhance effective coordination and integration among National System MPAs and within the broader ecosystem-based management context.

Objectives

The objectives for each of the three National System goals described above are as follows. The specific objectives for Goal 1 are broken into three sets of objectives covering the conservation of the nation's natural heritage, cultural heritage, and sustainable production.

Goal 1. Advance comprehensive conservation and management of the nation's significant natural heritage, cultural heritage, and sustainable production marine resources through ecosystem-based MPA approaches.

Goal 1: Natural Heritage Objectives

1) Conserve, enhance, and/or restore biodiversity and representative examples of the nation's marine habitats, as well as unique biophysical and geological features and processes.
2) Protect individual and ecologically networked areas vital to the conservation or preservation of particular species or species assemblages, such as spawning and nursery grounds, migration corridors, or other unique habitats.

3) Conserve particular species, such as:
   i) ecologically significant species and species that are distributed in local populations and linked by dispersal or other movement
   ii) species at risk, threatened, or endangered and their critical habitats; and
   iii) species for which concern exists about their status, but for which insufficient data exist regarding their populations and habitats.
4) Provide opportunities for compatible commercial, recreational, scientific research, traditional, educational, or other uses.

Goal 1: Cultural Heritage Objectives

1) Preserve, protect, understand and interpret representative examples of the nation's significant marine cultural resources, including but not limited to:
   i) Sunken historic watercraft and aircraft;
   ii) Submerged prehistoric sites; and
   iii) Underwater remains of historic structures.
2) Protect and provide appropriate access to and sustainable use of cultural resources in areas that are paramount to a culture's identity and/or survival.
3) Provide appropriate access to historic marine cultural resources for their enjoyment and promote compatible economically sustainable use, such as:
   i) Shipwreck dive trails; and
   ii) Maritime heritage trails that incorporate adjacent historic coastal resources.

Goal 1: Sustainable Production Objectives

1) Conserve particular commercially and recreationally important species, such as:
   i) commercially and/or recreationally important fisheries species ;
   ii) other species of human value, e.g., pharmacological uses; and
   iii) species taken incidentally by commercial and/or recreational fisheries.
2) Protect individual and ecological networks of areas vital to the conservation of particular species or species assemblages, such as spawning and nursery grounds, or unique habitats.
3) Conserve areas to support populations of species that export individuals to other areas for extraction.
4) Provide compatible opportunities for sustainable recreational, commercial, scientific research, traditional, educational, or other uses.

Goal 2. Promote sound stewardship and improve the effectiveness of National System MPAs.

Objectives

1) Enhance National System MPA effectiveness through technical, scientific research, and other forms of assistance.
2) Monitor and evaluate the effectiveness of the National System in achieving its goals and provide tools and training to National System MPAs to monitor and evaluate their effectiveness.
3) Raise awareness, appreciation and understanding of marine and coastal resources and the role of MPAs in conserving and managing them.

Goal 3. Enhance effective coordination and integration among National System MPAs and within the broader ecosystem-based management context.

Objectives

1) Promote partnerships, coordination and integration among existing MPA sites and systems and across federal, state, tribal, and local levels of government.
2) Integrate the National System with the nation's evolving ocean ecosystem management frameworks.
3) Support linkages between the National System MPAs and international and global MPA programs and activities.
4) Facilitate awareness and information exchange about off-site activities that affect National System MPAs in order to develop solutions by authorized agencies.
5) Provide clear, ongoing opportunities for all stakeholders to participate in MPA processes related to the National System.

B. National System MPA Definitions and Criteria

Definitions of MPA and its Key Terms

With the goal of standardizing the term "marine protected area" for the purposes of the National System, the Order defines "MPA" 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."

Without further clarification, the key terms of "area," "marine environment," "reserved," "lasting," and "protection" found in the MPA definition are subject to a range of interpretations and lead to an uncertain scope for the National System. Without clear definitions for these five key terms, identifying the sites that should be considered MPAs for the purposes of participating in the National System would be unclear and efforts to fully implement the Order would be fragmented, diffused, and ultimately unsuccessful.

In order to better define these key terms, the MPA Center and its partners compiled the inventory of MMAs described in section V.A of this document, using criteria developed through a formal public comment process. The inventory provided a more comprehensive understanding of the diversity of areas that could apply under the broadest interpretation of the MPA definition and its key terms. This subsequent analysis also provided a more thorough understanding of the breadth of place-based conservation around the country. In doing so the information revealed common MPA themes and characteristics from among the larger MMA category, and therein helped to define the following key terms of MPA for the National System.

The definitions of key terms for "MPA" listed below were guided by recommendations from stakeholders, including the MPAFAC, as well as the analysis of existing place-based conservation efforts. The Order's definition of MPA, when taken together with the definitions of the five key terms of "area," "marine environment," "reserved," "lasting," and "protection," and the "Additional National System MPA Criteria" listed below represent the complete set of criteria for determining the participation of existing MPA sites, programs and/or systems in the National System. The public comment process for the Draft Framework and these proposed criteria are intended to ensure that subsequent final criteria represent the nation's interests – governmental, non-governmental, and public alike—in the National System.

For the purposes of the National System, the key terms of the MPA definition are defined as follows:

Key Term	Definition
Area	Must have legally defined geographical boundaries, and may be of any size, except that the site must be a subset of the U.S. federal, State, commonwealth, territorial, local or tribal marine environment in which it is located. Application of this criterion would exclude, for example, generic broad-based resource management authorities without specific locations and areas whose boundaries change over time based on species presence. The area must be one over which the U.S. has jurisdiction, consistent with international law.
Marine environment	Must be: (a) ocean or coastal waters (note: coastal waters may include intertidal areas, bays or estuaries); (b) an area of the Great Lakes or their connecting waters; (c) an area of submerged lands under ocean or coastal waters or the Great Lakes or their connecting waters; or (d) a combination of the above. The term ''intertidal'' is understood to mean the shore zone between the mean low water and mean high water marks. An MPA may be a marine component part of a larger site that includes uplands. However, the terrestrial portion is not considered an MPA. For mapping purposes, an MPA may show an associated terrestrial protected area. For the purposes of the National System, NOAA and DOI intend to use the following definition for the term ''estuary'': ''Part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage, and extending upstream to where ocean derived salts measure less than 0.5 parts per thousand during the period of average annual low flow.'' Application of this criterion would exclude, for example, strictly freshwater sites outside the Great Lakes region that contain marine species at certain seasons or life history stages unless that site is a component of a larger, multiunit MPA. Upon request, the agencies will work with individual federal, state and tribal MPAs and programs to examine unique conditions which may affect applicability of the term ''estuary'' or ''coastal waters'' for sites that have national or regional significance or representativeness. Estuarine-like sites on tributaries of the Great Lakes will be considered for inclusion if they are located within the eight-digit USGS cataloging unit adjacent to a Great Lake or its connecting waters.
Reserved	Must be established by and currently subject to federal, state, commonwealth, territorial, local or tribal law or regulation. Application of this criterion would exclude, for example, privately created or maintained marine sites.
Lasting	Must be established with the intent at the time of designation to provide permanent protection. Must provide the same level and type of protection at a fixed location and fixed and regular period of any duration during a year in a location that corresponds to the timing of a predictable ecological process or anthropogenic threat.

	Sites and/or protections that must have a specific legislative or other administrative action to be decommissioned shall be considered to have been established with the intent to provide permanent protection. For example this would include sites that include a requirement for periodic renewal contingent on evaluation of effectiveness, with no specified expiration date. Sites established to meet sustainable production goals such as stock rebuilding will be considered to have been established with the intent to provide permanent protection if site expiration is triggered by achieving a defined biological or ecological goal(s) with no specified duration.
Protection	Must have existing laws or regulations that are designed and applied to afford the site with increased protection for part or all of the natural and submerged cultural resources therein for the purpose of maintaining or enhancing the long-term conservation of these resources, beyond any general protections that apply outside the site. Application of this criterion would exclude restricted areas that are established for purposes other than conservation. For example, the term would not include areas closed for navigational safety, areas closed to safeguard modern man-made structures (e.g., submarine cable no-anchor zones), polluted shellfish-bed closure areas, areas closed to avoid fishing gear conflicts, and areas subject to area-based regulations that are established solely to limit fisheries by quota management or to facilitate enforcement.

Additional National System MPA Criteria

In addition to the definitions of MPA and its key terms above, partner National System MPA sites and systems also must address the relevant criteria listed below.

1) National System MPA sites or systems must address the following additional criteria:
   a. Contribution to National System Goals and Objectives: the purposes for which sites or systems of sites were established and/or their regulatory framework must contribute to a minimum of one objective under one National System goal listed in Section VI.A.
   b. Management approval: The appropriate state, tribal, local, or federal **management agency** (or agencies) or **authority** (or authorities) must provide written approval for their MPA site, program or system to participate in the National System. Where management authority is retained solely by one federal, state, tribal, or local agency, that managing agency must provide such approval. Where MPA sites, programs, or systems have an explicit agreement governing shared management authority (e.g., NERRS sites, tribal/state co-management arrangements, etc.), all relevant managing agencies must provide final approval for participation in the National System. Agencies will consider all public comment submitted under Section VII.B below in making their determination of final approval.

2) In addition, given the cultural resource management community's widespread acknowledgment of the standards developed by the National Park Service for inclusion of a cultural resource in the National Register of Historic Places, the National System will integrate core elements of those standards into its criteria for MPAs with cultural marine resources. As such, MPAs whose protections are solely focused on cultural marine resources must also meet the following criteria:

a. Age: To qualify, the age of the protected cultural resource must be at least 50 years of age, unless otherwise determined to be unique to the nation's maritime history or traditional connections to the sea as defined by the National Register Criteria for Evaluation (NRCE).
b. Significance and Context: A cultural resource must represent a significant part of the history, architecture, archaeology, engineering, or culture of an area, and it must have the characteristics that make it a representative example of resources associated with that aspect of the past. The resource must be associated with one or more important historic contexts, as defined by the NRCE. Historic contexts are historical patterns that can be identified through consideration of the history of the resource and the history of the surrounding area. In addition, the historic context of a cultural resource must be relevant on a regional or national geographic scale (i.e., resources must be significant to the history of the state, region, or nation as a whole).
c. Integrity: A cultural resource's physical features must have the ability to convey its significance by retaining the identity for which it is significant.

Again, the Order's definition of MPA, when taken together with the definitions of the five key terms of "area," "marine," "reserved," "lasting," and "protection," and the additional National System MPA criteria listed above represent the complete set of criteria for existing MPA sites and systems to determine their participation in the National System.

VII. Developing the National System of MPAs

A. Sequence and Steps

Developing the National System will occur through two distinct, but linked and overlapping phases. These two major phases are:

Phase 1: Build and Support the Initial National System of Existing MPAs – This Phase includes two steps: 1) building the initial National System by working in partnership with existing state, tribal, local, and federal MPA programs and authorities to identify, recognize and include existing MPA sites and systems; and 2) supporting priorities for enhancing MPA stewardship and coordination through partnerships to provide assistance in meeting shared science, education, management and other needs of the state, tribal, local, and federal government National System partners.
Phase 2: Identify National System Gaps and Future Conservation Priorities – This Phase focuses on facilitating collaborative planning, as needed, across state, tribal, local and federal government partners and with stakeholder input to identify gaps in the protection of the nation's significant natural and cultural areas and resources, and set future national system conservation priorities for enhanced and/or new MPAs, as needed.

The following sections outline: a) the specific steps for initial part of Phase 1 focused on building the initial national system of existing sites; and b) general guidance for the latter steps of Phase 1 and all of Phase 2 focused on building partnerships to enhance stewardship and coordination and identify future conservation priorities. Overall, these phases offer flexibility and adaptability in their implementation in order to meet the interests and needs of state, tribal, local and federal government partners and stakeholders, and further tailor activities to ongoing or planned efforts at the ecosystem or regional level. Similarly, this flexibility is important for ensuring coordination with other related MPA efforts, such as the Seamless Network or other cooperative marine resource initiatives.

The first phase includes the identification of existing MPA sites and systems that will participate in the National System. Through consultation with and final approval from their respective state, tribal, or federal authorities and with public comment, existing sites will be recognized and included in the National System as full partners. These existing areas and systems will serve as the foundation for the long-term development and implementation of the National System. They are the sites and systems on which the National System will focus its efforts and assistance to enhance stewardship, coordination, and effectiveness. In addition, these sites will serve as the core set of MPAs for identifying gaps in ecosystem, regional and national MPA protections.

Ultimately, the MPA Center and its National System partner MPA programs and other agencies will seek to fully implement each of the two major phases in each ecosystem or region around the

U.S. The timing and extent to which both phases are fully implemented at any geographic level and the number of ecosystems or regions engaged at any one time will depend upon the availability of resources to carry out the necessary activities, any related ongoing or planned efforts, and the priorities of those participating. For example, under limited funding scenarios, implementation efforts may focus solely within one region or seek to work nationally on a subset of activities. The MPA Center will consult with its National System MPA program and other partners to determine an appropriate sequence of implementation at ecosystem, regional and national levels based on the availability of staff, financial and any other necessary resources.

These proposed phases apply in the same manner to state, federal, tribal, and local governments and do not differentiate among these partners. In the initial steps of Phase 1, the MPA Center will work with the individual government authorities of eligible MPAs through a nomination process (see B. 1. below) to determine their interest in participating in the National System. Subsequently, any coordination or stewardship priorities developed through collaborative efforts described in the latter part of Phase 1 and Phase 2 will be determined by the state, tribal, federal and local government partners that elect to participate in the National System, with stakeholder input as appropriate. All government partners will have an equal voice in setting any such priorities of the National System.

The following section is organized into two sections that outline: a) the process for building the initial National System of existing MPAs; and b) general guidance for building partnerships and working collaboratively to identify and support priorities for improving MPA coordination and stewardship and the regional and national level.

B. Phase 1: Build and Support the Initial National System of Existing MPAs

1. Build the Initial National System of Existing MPAs

The following provides the specific process and steps for working in partnership with state, tribal, federal and local governments to build the initial National System of existing MPAs. The term "existing" is synonymous with the term "reserved," meaning, "Must be established by and currently subject to federal, state, commonwealth, territorial, local or tribal law or regulation." This process includes the following three steps: 1) identifying and consulting with management agencies to nominate Candidate National System MPA sites and systems; 2) soliciting public comment on Candidate National System MPAs; and 3) obtaining final approval from managing agencies for the participation of existing sites in the National System. It is important to note that nomination to, participation or inclusion in the National System, as outlined in this section, does not alter any existing state, federal, local, or tribal authorities or treaties regarding the establishment or management of MPAs or marine resources; nor does it alter any existing authorities regarding the establishment of federal MPAs in areas of the marine environment subject to the jurisdiction and control of states, tribes, or local governments.

The MPA Center will maintain an updated tracking table at http://www.mpa.gov/national_system that displays the status of these efforts. Pending comments on the process proposed here, particularly from government entities, the final process for including MPAs in the National System should ensure that MPA agencies are adequately consulted without creating undue or burdensome requirements.

Identifying and Nominating Candidate National System MPAs (Candidate MPAs)

Candidate MPAs are those existing areas that meet the definitions of MPA and the five associated key terms, as well as the relevant additional National System MPA criteria found in Section VI.B, with the exception of the "management approval" criterion. Marine resources or areas that are not

existing MPAs are not eligible to be Candidate or actual National System MPAs (see Section VII. C, "Identifying National System Gaps and Future Conservation Priorities" for proposed guidance relating to the identification of priorities for enhanced or new MPAs). Only the agencies or programs with management authority for MPAs or systems may nominate Candidate MPAs. Furthermore, identification as or nomination of a site as a Candidate MPA does not provide any guarantee or right to its participation in the National System. Participation must be formally approved by the respective government authority or authorities.

Candidate MPAs are identified and nominated through the following three steps:

1) The MPA Center will review sites in the U.S. MMA Inventory (see: http://www.mpa.gov/) to identify sites or systems that meet the aforementioned criteria for Candidate MPAs;
2) The MPA Center will send a letter and National System Candidate MPA Summary Form (Candidate MPA Form) to the managing authority or authorities (in the case of explicit agreement governing shared management authority) of the sites that meet the aforementioned criteria, soliciting their interest in nominating their MPA site(s) or system. Alternatively, any federal, state, local or tribal managing agency of an MPA that it believes meets the aforementioned MPA definitions and criteria may submit a letter and completed and signed Candidate MPA Form to the MPA Center indicating their agreement to nominate their eligible site(s) or system as Candidate MPA(s) for the National System. A copy of each letter and form sent or received by the MPA Center will be made available at http://www.mpa.gov.
   a) Candidate MPA Forms can be developed for one or more MPAs, including for an entire system or program of areas under the same authority and will include the following information for each site or system (the majority of this information is already contained in the MMA Inventory):
      i. the name, location, and managing agency/program of each MPA and/or system;
      ii. a checklist demonstrating how the site or system meets the MPA definition, its key terms, and any cultural resource criteria;
      iii. a checklist demonstrating how the site or system contributes to the objectives of the National System;
      iv. a description of any terrestrial portion of the overall protected area, if relevant, which is not included in the MPA portion but considered an important component of the overall site; and
      v. two signature blocks for authorized official(s) to first nominate and then give final management approval subsequent to public comment.
   b) A blank Candidate MPA Form will be available at: http://www.mpa.gov/national_system.
3) For Candidate MPA Forms sent by the MPA Center, the managing authority or authorities will review the Candidate MPA Form from the MPA Center, check off the sites they agree to nominate to the National System, include signature(s) of authorized official(s) to nominate the MPA, and return it to the MPA Center.

Soliciting Public Comment on Candidate MPAs

In order to ensure public input into the development of the National System, public comment will be solicited on sites nominated as Candidate MPAs. Public comment will be sought on whether Candidate MPAs meet the relevant National System criteria. Only public comments on these criteria will be considered. All relevant comments received will be made available in a public record at http://www.mpa.gov.

To solicit public comment, the MPA Center will:

1. Publish a summary of all nominated Candidate MPA sites or systems in the Federal Register for public comment. Information published will include: MPA site and/or system name, managing authority(s), and how the site meets the various National System criteria. Comments will be sought on whether the MPA site or system meets relevant criteria. The public comment period for each summary Federal Register notice will be for 30 days.
2. Gather all public comment and furnish it to the relevant managing authority(ies), along with the Candidate MPA Form, for their consideration in making a final determination of approval for their MPA site(s) or system to participate in the National System.

Final Approval, Inclusion, and Recognition of National System MPAs

In order to formally recognize and include Candidate MPAs in the National System as full partners, the following steps will be taken:

1) Each managing agency shall review any public comments received concerning the nomination of their Candidate MPA site(s) or system and make a final determination of the "management approval" criteria described in Section VI.B, including a written summary response to public comments received. Where Candidate MPA sites or systems have explicit agreements governing shared management authority (e.g., NERRS sites, tribal/state co-management arrangements), all relevant managing agencies must provide final approval. In this fashion, the managing agency or agencies shall indicate each MPA site or system they are providing final approval for participation in the National System; include the signature(s) of an authorized official(s); and return the form to the MPA Center.
2) Based on the information and signatures found in the forms returned by the managing agency(s), the MPA Center will add all approved sites to the official National System List of MPAs (List of MPAs), as described in Section VIII of this document. These sites will thereupon be considered to be full partners in the National System. The List of MPAs will be maintained by the MPA Center and will contain the following information about the National System: background, general responsibilities; role of partners; names of partner MPA site(s) and systems, managing authorities, and other relevant information. The List of MPAs will be regularly updated, published in the Federal Register, and made available at http://www.mpa.gov.

2. Identify and Support Priorities for Enhancing Stewardship amd Coordination

The second major step in Phase 1 of developing the National System includes efforts to enhance stewardship and facilitate coordination among MPA sites and systems that have elected to participate in the National System through the process described above. In order to address shared priorities and complement related activities of these partner sites and systems, it is critical that any such efforts begin with a dialogue to determine an appropriate geographic scale (e.g., region or ecosystem), mechanism, and priorities for enhancing MPA coordination and stewardship. It is important to note that the term "**region**" as it relates to regional coordination described in this document does not denote any particular existing geographic or jurisdictional regions. Instead, the term more generally refers to an area inclusive of and determined by National System partners that reflects common management interests, similar or linked ecological characteristics, and/or other factors that provide a foundation for meaningful collaboration.

It is important that any process for identifying priorities to enhance stewardship and efficient mechanisms for coordination be inclusive of the National System partners in any region and further consider other relevant regional institutions and initiatives. However, all eligible MPAs or MPA systems from a particular geographic area do not need to be included in the National System before initiating a dialogue among partners to scope out steps for moving forward. This section describes

how the MPA Center and its National System partners can work together to effectively address stewardship and coordination priorities at the regional and national level.

Enhancing MPA Stewardship

A significant purpose of the Order is to "strengthen the management, protection, and conservation of existing [MPAs]…" As such, a major emphasis of the National System is to provide support for the shared science, technical, education, and other priority stewardship needs of partners in order to enhance the National System's effectiveness. With this in mind, collaborative efforts should work to enhance the effectiveness of and provide benefits to existing MPA efforts without creating additional responsibilities that detract from the important work of partners in meeting their existing programmatic and other requirements.

This section provides examples of the possible types of collaborative efforts and mechanisms for National System support of the stewardship priorities of partner MPA sites and systems, as well as the agencies and the public that interact with them.

General issue areas for collaborative support among National System MPAs could include:

1) Enhancing MPA management capacity
   a. Management plan development and review;
   b. Enforcement and compliance practices;
   c. Best practices for meaningful stakeholder involvement; and
   d. Sustainable financing mechanisms.
2) Improving MPA science and research
   a. Investigating regional, ecosystem, and site connectivity;
   b. Developing science-based tools for MPA site, network, and system design;
   c. Building collaborative strategies for establishing biophysical, social, and economic baselines for MPAs and monitoring trends in these conditions; and
   d. Examining the effects of invasive species on MPAs.
3) Promoting outreach and education
   a. Developing educational programs;
   b. Improve awareness and understanding of the importance of marine resources and the role of MPAs in marine management; and
   c. Improving public stewardship of marine resources through volunteer programs and other efforts.
4) Improving the evaluation of MPA effectiveness
   a. Training and technical assistance on developing relevant indicators and protocols for monitoring and evaluating management effectiveness for MPAs and networks of MPAs;
   b. Identifying consistent indicators for examining marine habitat and resource recovery and social and economic conditions associated with MPAs; and
   c. Synthesizing recovery trajectories for marine resources to aid managers, stakeholders, and the public in interpreting monitoring results and understanding habitat restoration and MPA recovery;

Possible mechanisms to provide support to National System MPAs, pending availability of funds, could include:

1) Training and workshops;
2) Direct technical assistance and tools;
3) Contractual or grant funding;
4) Best practice or technical publications;
5) Sharing of knowledge and experience across MPA sites and programs;
6) Facilitation of linkages with international MPA programs and activities; and
7) Other mechanisms as identified.

Specific priorities for enhancing stewardship will be identified by National System partners. As such, effective coordination mechanisms are needed at the ecosystem and regional level to allow efficient communication to identify shared needs, as well as at the national level to ensure that regional needs are clearly communicated and form the basis for National System stewardship priorities. The range of formal and informal mechanisms for ensuring effective coordination and the identification of stewardship priorities are described in the section below.

Facilitating MPA Coordination

Enhancing regional and national MPA coordination and information sharing within regions and ecosystems, as well across regions, nationally, and internationally are important components of an effective National System. Such coordination at all levels is not only important for sharing information and experiences, but also for identifying common priorities and developing collaborative solutions for enhancing MPA stewardship. An effective National System must not only promote issues that are national in scope, but also ensure that the shared needs of partner MPA sites and systems are targeted and addressed.

In supporting effective coordination, linkages to ongoing MPA and other marine management initiatives are essential. Ongoing coordination mechanisms such as the federal Seamless Network initiative, the developing U.S. Integrated Ocean Observing System (see http://www.ocean.us), ongoing or planned regional ocean or Great Lakes initiatives of state governors, and regional fishery management councils are existing linkages that may offer opportunities for efficiently strengthening MPA coordination. National and regional coordination across partner MPA sites and systems, whether through existing or new mechanisms, however, must ensure equitable opportunity for participation and be responsive to the interests of all participants when defining the scope and scale of effort. The following provides general guidance for supporting effective regional and national coordination of the National System.

Regional Coordination

Enhancing regional coordination of MPAs can be addressed through flexible approaches designed to: a) facilitate ongoing communication and collaborative approaches among participating MPA sites and programs; and b) identify priorities of participating MPA sites and systems for strengthening stewardship of MPAs.

In order to identify priorities for enhancing stewardship, ongoing mechanisms to facilitate communication and collaboration at the ecosystem or regional level is a critical first step. Such regional coordination of the National System can be accomplished through mechanisms that range from formal establishment of regional MPA working groups to more informal facilitated dialogues and/or information sharing.

The MPA Center will work with all participating state, tribal, and federal sites, systems, and existing regional entities at the ecosystem and regional levels to determine and define the appropriate types (e.g., informal, formal) and scales (e.g., ecosystem, region) of coordination. This includes identifying existing regional MPA and related marine coordination initiatives and determining efficient ways to complement or integrate with those efforts, while ensuring opportunities for all National System partners to be represented.

Regional coordination in support of the National System is intended to:

1. Develop informal and formal partnerships for institutional networking to achieve economies of scale. For instance, arrange for the sharing of technical and financial resources for monitoring, surveillance, enforcement, staff training, etc.;
2. Coordinate ecosystem and/or regional input to the National System and recommend annual and longer term regional science and other priorities based on shared MPA needs across the region;
3. Identify and develop collaborative initiatives and project concepts for addressing priority needs;
4. Facilitate continued and new managerial coordination among MPAs across regional, national and international boundaries, to promote consistent approaches to monitoring, enforcement, emergency response, threat abatement, coordination with other countries and international organizations (such as through trans-boundary MPAs), and ensure compliance with international law;
5. Develop strategies for obtaining advice from non-governmental stakeholders on regional priorities; and
6. Provide a coordinating mechanism for ecosystem-based planning efforts to identify gaps in the National System and future conservation priorities.

Once appropriate coordination channels have been identified, the MPA Center will continue to work with state, tribal, and federal National System partners to identify, inventory, and prioritize shared science, education, research, management and other needs for improving MPA stewardship at the ecosystem, regional or other scale, as appropriate. Wherever possible, these efforts should incorporate or build upon relevant priorities previously identified through other mechanisms so as to avoid duplicative efforts. This effort to identify stewardship priorities is not intended to create unnecessary or burdensome planning activities. It is intended to provide an efficient mechanism for gathering information that can serve as the basis for cooperative actions to address common priorities. Moreover, regional stewardship priorities will be used to develop larger National System priorities for assistance and support.

National Coordination

In addition to enhancing regional coordination of MPAs, a corresponding national level effort is needed. Such an effort should represent and promote the priorities and issues of the various ecosystems and regions that make up the nation, as well as look more broadly at important national and international trends, developments and priorities. National coordination also will serve to link across regions where resource conservation issues and MPA planning and management span regional boundaries. Coordination at the national level will be facilitated by the MPA Center, as required by the Order, and also include a National System Steering Committee described below.

A National System Steering Committee (Steering Committee) comprised of federal, state, local and tribal governmental MPA representatives from each region and the members of the Federal MPA Working Group will be established to:

1) Provide advice to the MPA Center on annual and long term priorities and plans for National System support to sites and regions based on regional stewardship and other priorities and the recommendations of the MPAFAC;
2) Identify management issues and other priorities that require inter-regional, national, and international coordination or efforts; and
3) Review and provide comment on MPA resource conservation priorities identified at the ecosystem, regional, and/or national level.

The final number and array (e.g., program type, governmental level, etc.) of representatives from each region that should be included in the National System Steering Committee will be determined based on input received during the comment period for this Draft Framework. Regional representatives to the Steering Committee will be selected by the participating MPA program agencies in the region. Each federal agency will maintain an appointed member to the Federal MPA Working Group, who also serves on the Steering Committee.

Finally, the MPA Center will work to facilitate coordination of the National System at both the regional and national level, while building partnerships to address priority needs. The specific roles of the MPA Center in coordinating the National System are to:

1) Provide coordination and facilitation of the National System as a whole (individual MPA programs and agencies remain responsible for administering their sites and systems);
2) Build public and private partnerships to support technical and logistical goals and objectives of National System;
3) Coordinate processes to identify, nominate, include and recognize eligible MPAs into the National System and maintain the List of MPAs;
4) Facilitate the development and implementation of regionally appropriate MPA coordination among National System MPAs, and where possible, maintain a Regional MPA Coordinator in the field to support such efforts;
5) Build partnerships to provide technical or scientific information, staff, or other support for ecosystem-based planning to identify National System gaps and future conservation priorities;
6) Promote stewardship of the National System through effective outreach and education;
7) Support the operation of the MPAFAC and the coordination of the Federal MPA Working Group and Steering Committee;
8) Track, communicate, integrate, and recommend suggested MPA science and other National System priorities, needs, and commitments across the regional, national and international level; and
9) Develop an annual report, as required by the Order, a biennial "State of the National System of MPAs" report, and a mechanism for comprehensive tracking of the National System's progress (see Section XI of this document).

C. Phase 2: Identify National System Gaps and Future Conservation Priorities

In order to fully develop an effective science-based, comprehensive National System of MPAs, section 4(a) of the Order calls for:

- "science-based identification and prioritization of natural and cultural resources for additional protection;
- a biological assessment of the minimum areas where consumptive uses would be prohibited that is necessary to preserve representative habitats in different geographic areas of the marine environment;

- an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources, as appropriate;
- assessment of the economic effects of the preferred management solutions; and
- identification of opportunities to improve linkages with, and technical assistance to, international [MPA] programs."

These requirements comprise the principal components of identifying National System gaps and future conservation priorities. The goal of any such collaborative efforts will be to develop and apply the best available scientific information to identify priority marine resources and areas in need of enhanced and/or new protections toward fully achieving national and regional goals and objectives. In addition, the collaborative nature of this effort aims to bring together MPA-related agencies and authorities from across various levels of government, fishery management councils, and input and advice from the public and other non-governmental stakeholders. Any efforts undertaken to this end should further embrace the National System's guiding principles. Conservation priorities that are identified can be used by existing state, local, tribal, and federal MPA agencies and related programs to guide their future efforts to establish new or strengthen their existing MPAs using their independent authorities and processes.

These efforts can be accomplished through a variety of mechanisms or processes depending on other relevant planning and/or assessment efforts that have been completed or are planned within regions and/or ecosystems. These could include efforts taken by states, tribes, local governments, other governmental agencies, fishery management councils, existing MPA programs or regional entities, or non-governmental organizations. While identifying gaps and future conservation priorities in any region are significant steps toward developing the National System, building partnerships with and among existing MPA sites and programs, as described under Phase 1, are important precursors to undertaking any such efforts.

To these ends, MPA Center will work with its partner MPA sites and systems to gauge interest; coordinate with other related ongoing or planned efforts and existing regional marine resource entities; and determine the best suited approach for undertaking such an initiative, including stakeholder involvement. It is critical that any such efforts build on and integrate with those that are ongoing, planned or may have already been completed. Any such effort also should consider and include relevant international participation and linkages, where appropriate.

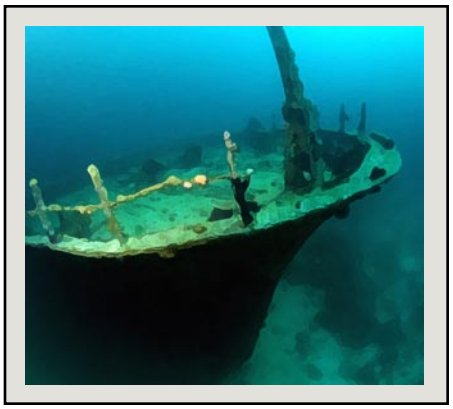
Overall, these efforts are intended to address, as appropriate to the respective region or ecosystem, the following factors, among others:

1) Place-based natural heritage, cultural heritage, and sustainable production goals and objectives for U.S. ecosystems and/or regions, and gaps in marine resource protection and priority areas where new or enhanced protection by MPAs may be needed;
2) Regional systems and networks designed to enhance the conservation of marine resources, ecosystems, habitats, species, and cultural resources, as well as unique biophysical and geological features;
3) Integration of the National System MPA component with broader ecosystem-based and cultural resource management approaches, and where appropriate, international marine linkages that have important ecological, policy, cultural or other connections to the U.S.; and
4) Consideration of appropriate access to and use of marine resources within MPAs consistent with regional, state and national MPA goals, objectives, and applicable laws and regulations.

The effort should also provide government agencies with a program-neutral forum for collaborative planning and/or assessments, while ensuring that stakeholders are both informed and appropriately involved in the process. In support of such efforts, the MPA Center will work with its partners at the ecosystem, regional and national levels to build the necessary natural and social science foundation, including but not limited to the following three major science components.

1) Analysis of current state, tribal, and federal MMA and MPA protections, programs, and activities: Analysis of the relative contributions of existing MPAs, MMAs and **De Facto MPAs** to the overall regional and national goals and objectives of the National System. Analysis of the contributions of existing MPAs and MMAs will use a Classification System for MPAs, designed by the MPA Center, to provide a common language for describing, understanding and evaluating MPAs throughout the U.S. The MPA Center's Classification System can be found at http://www.mpa.gov/.
2) Characterization of natural and cultural marine resources: Characterizing the important natural resources, habitats, ecosystems, ecological processes, and cultural resources in U.S. waters.
3) Assessment of human uses and impacts: Documentation and characterization of the patterns, intensity, and significance of human uses; existing governance framework; and assessments of conflicts, compatibilities, and potential impacts of human uses on marine ecosystems.

Priority marine areas or resources that are identified through efforts associated with this section will be reviewed by the Steering Committee for adoption as future National System conservation priorities. Existing MPA programs at various levels of government can use these identified conservation priorities to focus their actions to enhance the protections of their existing sites or add new MPAs through the independent exercise of their authorities.



VIII. The Official List of MPAs

A. Maintaining the List of MPAs

Pursuant to Section 4(d) of the Order, and to ensure that agencies, organizations and the general public are aware of the MPAs that make up the National System, the MPA Center will maintain the List of MPAs. The List of MPAs will be the official inventory of all MPAs that have been formally included in and recognized as National System MPAs under Section VII.B, above. In addition, MPAs on the List of MPAs are those sites that are the subject of Section 5 of the Order, "Agency Responsibilities," as described in Section IX of this document.

The List will include the following information for each National System MPA:

a) name,
b) location,
c) boundaries,
d) resources protected,
e) authorizing legislation,
f) regulations,
g) managing authority or program,
h) name of point of contact, and
i) relevant contact information

The MPA Center will regularly publish an updated, summary version (a, b, g, and h above) of the List of MPAs in the Federal Register. At a minimum this will occur semi-annually; however, during the initial phase of developing the National System when many established MPAs are being included, the MPA Center may choose to publish the List of MPAs more frequently. The MPA Center will also maintain the full version of the List of MPAs (a-h above) in searchable and downloadable format at: http://www.mpa.gov/ and an updated hard copy of the full version can also be obtained by request to the contact listed in Section II of this document. Additional information about these sites will be maintained in the larger National System MPA Inventory at http://www.mpa.gov/.

B. Removing MPAs from the List

MPA sites or systems that have been included on the List of MPAs may be removed at any time by the written request of the managing agency(ies), or by the MPA Center reasons including:

1) The MPA ceases to exist (e.g., the legal authority or regulations expire);
2) The MPA no longer meets the necessary National System MPA definition and other relevant criteria;

3) The managing authority requests removal; or
4) Other circumstances, pending review.

All requests from managing agencies or the MPA Center to remove an MPA from the National System must be made in writing, will become part of the public record, and will be published at: http://www.mpa.gov/ and in the Federal Register for comment. Upon issuance of a request to remove an MPA from the National System, the respective managing agency(ies) and the MPA Center will enter into a dialogue on the proposal. Any comments received from the public relating to the removal of an MPA from the National System will be forwarded to the managing agency(ies) for its consideration in making their final determination to remove the site. Upon approval, the MPA will be removed from the List of MPAs and all information referencing to the site will be removed from National System materials and archived in the National System information on the website.

IX. Implementing MPA Executive Order Section 5. "Agency Responsibilities"

Section 5 of the Order calls for federal agencies to "avoid harm" to the natural and cultural resources protected by MPAs that become part of the National System. The Order does not give authority to any federal agency to oversee the implementation of any agency's responsibilities under Section 5.

The Order states:

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.

Implementation

To implement Section 5 of the Order:

- The MPA Center will collect, maintain, and make publicly available via the MPA Center's website, http://www.mpa.gov/, and Federal Register notices, all relevant regulatory and resource information for MPAs that are subject to agency requirements under Section 5, in the form of a List of National System MPAs. MPAs included in the List are those that have satisfied the requirements outlined in Sections II (D) and III (B) of the Framework and are officially a part of the National System of MPAs. Information maintained for each MPA on the List will include: site name, location, boundaries, resources protected, regulations, management authority/program, and point of contact.
- Federal agencies shall: (1) identify their activities that affect the natural or cultural resources protected by National System MPAs, and (2) to the extent permitted by law and to the maximum extent practicable avoid harm to those resources. Both of these activities should be accomplished through existing natural or cultural resource management or review authorities and procedures, including, but not limited to those under:
  - National Environmental Policy Act;
  - Coastal Zone Management Act;
  - National Historic Preservation Act;
  - Endangered Species Act;
  - Federal Water Pollution Control Act (a.k.a. Clean Water Act);
  - Marine Mammal Protection Act;
  - National Wildlife Refuge System Administration Act;

- National Park Service Organic Act;
- Rivers and Harbors Act;
- Sunken Military Craft Act;
- National Marine Sanctuaries Act (a.k.a. title III of the Marine Protection, Research, and Sanctuaries Act);
- Magnuson-Stevens Fishery Conservation and Management Act;
- Outer Continental Shelf Lands Act;
- Energy Policy Act of 2005; and
- Other pertinent statutes and Presidential Executive Orders.

- Upon receipt of a federal agency's request, the MPA Center will provide policy, coordination, and/or legal assistance as needed on addressing MPAs through existing agency review processes;
- As needed, the MPA Center working with federal agencies, will produce voluntary technical guidance and best practices on priority issues to assist federal agencies in their determination of impacts to marine resources protected by National System MPAs and options for avoiding harm. The MPA Center also will work with federal agencies to provide clear public outreach materials to educate and inform the public on the requirements of Section 5.
- Federal agencies will report their actions to implement Section 5, any comments received, and responses to such comments on an annual basis as part of the agency report required by Section 6 of the Order. The MPA Center, as required by the Order, will post these reports on the http://www.mpa.gov website.

Activities to Be Considered

The implementation of Section 5 is governed by existing authorities, each with their own threshold and/or trigger for requiring individual federal agencies to identify, review, mitigate or otherwise alter their activities based on a specified degree of impact to natural or cultural resources. The Order does not provide any new authority to review activities or alter standards for existing review. As such, the thresholds and/or triggers for agency action under Section 5 are the same as those listed under any existing authority or authorities that normally require agency review of a proposed activity.

Furthermore, there are no singular definitions for the terms used to describe the requirements under section 5, including but not limited to: "avoid harm," "affect," or "to the extent permitted by law and to the maximum extent practicable." Instead, the meaning of any of these terms, as applied to an agency's requirements under section 5, in any instance, is dependent on the nature of the activity being taken, and any required compliance with the legal framework for the resources protected by the MPA and any other applicable natural or cultural resource review authorities or procedures.

Pursuant to Section 5 of the Order, agency requirements apply only to the natural or cultural resources specifically afforded protection by the site as described on the List of MPAs. For sites that have both a terrestrial (i.e., an area that falls outside of the definitional boundaries of 'marine') and marine area, only the marine portion and its associated protected resources will be included on the List of MPAs and subject to Section 5 of the Order.

To implement Section 5, each federal agency shall identify its activities that affect the natural or cultural resources protected by National System MPAs through the existing natural and cultural resource review processes normally required for these activities. Similarly, the determination of whether an agency in taking such actions is avoiding harm to those resources, to the extent permitted

by law and to the maximum extent practicable, will be made by the individual agency using its existing natural and cultural resource review processes and/or authorities.

Comment and Response on Agency Actions

Comments from any person, organization, or government entity concerning federal agency compliance with Section 5 should be directed to the relevant lead federal agency for the action or actions that are the subject of the comments. Each agency shall make a determination on the response and take appropriate action. Similarly, any requests for information regarding compliance with Section 5, including those under the Freedom of Information Act (FOIA), should be directed to the lead agency for the action or actions that are the subject of the request. Any comments or requests for information received by the MPA Center or any federal agency in regard to another agency's compliance with this Section shall, pursuant to FOIA procedures, be forwarded in a timely manner to the relevant responsible agency for its consideration, with due notice given to the sender.

Reporting and Periodic Review

As required under Section 6. Accountability of the Order, "Each Federal agency that is required to take actions under the 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 comments by the agency." These annual reports will be posted at http://www.mpa.gov/. In addition, on a biennial basis, the MPA Center will consolidate agency annual reports into a biennial "State of the National System of MPAs" report. The biennial report will include an assessment of overall progress to develop the National System of MPAs and the effectiveness of meeting its stated goals and objectives, including those related to Section 5 of the Order. More information on the biennial report can be found in section XI (A) of this document.

X. Evaluating the Effectiveness of the National System of MPAs

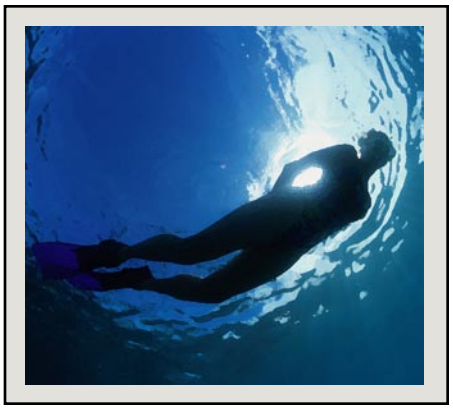
Monitoring and evaluating management effectiveness is a key component of an effective National System. To this end, the Order calls for "practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs." In response, the National System's approach to this requirement will include technical and scientific support for fostering sound monitoring and evaluation programs at the participating MPA site or system level, as well as a set of standards and protocols for assessing broader National System effectiveness. Efforts toward these ends are critical elements in developing the National System that will first require input and advice from participating National System MPA sites and systems.

The natural and social science data currently collected and used by MPA sites and systems to monitor and evaluate their own effectiveness will not only help in their adaptive management efforts, but also contribute to the analysis of the National System's success in meeting its goals. The National System will aim to support the tools and technical assistance needed by partner MPA sites and systems to effectively monitor and evaluate their own effectiveness. It will not create new protocols or programs that require sites or systems to undertake new or expanded activities.

With advice from the MPAFAC, the Steering Committee, National System MPA partners in the regions, and science and management experts, the MPA Center will develop and publish guidance for monitoring and evaluating the effectiveness of the National System. These guidelines will provide an integrated approach for monitoring the biophysical, socioeconomic, and governance elements of the National System and include a set of indicators and performance measures for assessing its effectiveness, including the benefits provided to participating MPA sites and systems.

In addition, if identified as stewardship priorities by participating MPA sites and systems, training and technical assistance efforts targeted at monitoring and evaluation can be developed, such as establishing relevant sets of natural and social science indicators and protocols.

The results of monitoring and evaluating the National System will be used to identify future focus areas for stewardship and other initiatives, including but not limited to: priority marine area and resource gaps to be filled, technical and other forms of assistance in support of MPA sites and programs, and necessary changes to the National System's goals, objectives, or other components.



XI. Tracking and Reporting National System Progress and Priorities

Tracking and reporting of the National System are important activities for communicating regional and national accomplishments and priority future efforts in need of support. In order to track and report progress, the MPA Center will coordinate a 'Biennial State of the National System of MPAs' progress report and post all available data and assessments on the http://www.mpa.gov/ website. In addition, the MPA Center will work with the Steering Committee and participating MPA sites and systems to determine how best to comprehensively track overall National System priorities once efforts to establish it have been initiated. Additional information on these efforts are described below.

A. Biennial "State of the National System of MPAs" Progress Report

On a biennial basis, the MPA Center, working with its National System partners, will develop and publish a consolidated State of the National System progress report, in accordance with Section 6 of the Order. The report will consolidate and summarize the annual reports submitted by federal agencies for the period and also include the following:

1) A list of established National System MPAs and newly added or removed sites;
2) A summary of federal activities taken in support of the National System;
3) A summary of regional and national planning efforts;
4) A summary of assistance provided to National System MPAs and outcomes;
5) An evaluation of the effectiveness of the National System in meeting its goals and objectives at the national and regional level;
6) A summary of actions taken to implement Section 5 of the Order;
7) Any recommendations developed by the MPAFAC during the period;
8) A description of public comments received and responses sent during the period; and
9) Regional, national, and international priorities for future coordination, planning, technical and other types of support (see Section VII (C) of this document).

B. Tracking National System Priorities

Tracking the priorities of the National System, in whatever final format it may take, will be accomplished through an ongoing process and maintained in a living document, as well as on the http://www.mpa.gov website. Although some details will be determined by the future needs of the National System and guided by the experience gained in its initial efforts, some major elements have been developed. Tracking of the National System will be updated and would likely include the following information and sets of priorities:

1) National and regional MPA goals and objectives as they are developed;
2) Partner MPAs and MPA systems that have been included in the National System;
3) Marine areas and resources identified as future conservation priorities for the National System through regional efforts;
4) Regional, national and other priorities for improving coordination and stewardship;
5) Multi-regional and national priority areas and resources; and
6) International linkages and commitments.

C. MPA.gov Website

As required by the Order, the website http://www.mpa.gov will be maintained to communicate and archive all information about the development of the National System, including updated actions taken to include established MPAs in the National System, agency reports and reports detailed under A and B above, public comments received, and the List of MPAs. In addition, the website will house information about a variety of technical, scientific, governance, and other MPA topics relevant to the breadth of MPA stakeholders.

XII. Glossary of Key Terms

The following are definitions of key terms as used in this Draft Framework document.

Area - Must have legally defined geographical boundaries, and may be of any size, except that the site must be a subset of the U.S. federal, state, commonwealth, territorial, local or tribal marine environment in which it is located.

Cultural Heritage [National System theme] - the cultural resources that reflect the nation's maritime history and traditional cultural connections to the sea, as well as the uses and values they provide to this and future generations.

[Marine] Cultural resource - A tangible entity that is valued by or significantly representative of a culture, or that contains significant information about a culture. Cultural resources for purposes of the MPA Executive Order are tangible entities at least 50 years in age that reflect the nation's maritime history and traditional cultural connections to the sea, such as archaeological sites, historic structures, shipwrecks, artifacts, and traditional cultural properties. Cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archaeological resources, cultural landscapes, structures, and ethnographic resources for MPA management purposes.

De facto MPA – Delineated areas of the marine environment where human access is restricted or where specific activities or uses are regulated for reasons other than conservation or natural or cultural resource management.

Ecosystem – A geographically specified system of organisms, including humans, and the environment and the processes that control its dynamics.

Lasting – Must be established with the intent at the time of designation to provide permanent protection.

Local Government – A legally-established unit of government at a level below state or territory government, including but not limited to, county, city, town, or village.

Management [Managing] agency or authority – The federal, state, commonwealth, territorial, local or tribal entity or entities with legal authority to designate, promulgate regulations for, and/or manage an MPA. In many cases, authority lies with one agency or program; however, in certain instances, such as the federal/state National Estuarine Research Reserve System and state/tribe co-management arrangements, authority is formally shared or split among two or more entities.

Marine environment – Must be: (a) ocean or coastal waters (note: coastal waters may include intertidal areas, bays or estuaries); (b) an area of the Great Lakes or their connecting waters; (c) an area of lands under ocean or coastal waters or the Great Lakes or their connecting waters; or (d) a combination of the above.

Marine Managed Area – 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 or cultural resources therein. IMPORTANT NOTE: While the terms "marine managed area" (MMA) and "marine protected area" (MPA) each have the same base definition, the specific definitions of the component terms of "area," "marine environment," "reserved," "lasting," and "protection" differentiate the scope of MMA and MPA. In both the MMA and MPA contexts, the terms "area," "marine environment," "reserved," and "protection" each have essentially the same

meaning. The term "lasting" in the MMA context, however, is defined as, "Must provide the same protection, for any duration within a year, at the same location on the same dates each year, for at least two consecutive years. Must be established with an expectation of, history of, or at least the potential for permanence." See Lasting in this Glossary for the MPA-related definition of this term.

Marine Protected Area – 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. See Area, Marine environment, Reserved, Lasting, and Protection.

National System of MPAs – An assemblage of MPA sites, systems, and networks established and managed by federal, state, tribal, or local governments that collectively work together at the regional and national level to achieve common objectives for conserving the nation's important natural and cultural resources.

Natural Heritage [National System theme] – The nation's biological communities, habitats, ecosystems, and processes, and the ecological services, uses, and values they provide to this and future generations.

[Marine] Natural resource – Any biological or physical component of the marine environment that contributes to the structure, function or services provided by a marine ecosystem.

Network – A set of discrete MPAs within a region or ecosystem that are connected through complementary purposes and synergistic protections. A network of MPAs could focus on ecosystem processes, certain individual marine species, or cultural resources. For example, an ecological network of MPAs could be connected through dispersal of reproductive stages or movement of juveniles and adults.

Protection – Must have existing laws or regulations that are designed and applied to afford the site with increased protection for part or all of the natural and submerged cultural resources therein for the purpose of maintaining or enhancing the long-term conservation of these resources, beyond any general protections that apply outside the site.

Region or Regional – An area inclusive of and determined by participating National System sites and systems that is based on common management interests, similar or linked ecological characteristics, and/or other factors that provide a foundation for meaningful coordination.

Reserved – Must be established by and currently subject to federal, state, commonwealth, territorial, local or tribal law or regulation.

Place-based – A conservation or management regime that includes a legally-defined area with greater regulation or statutory law applying inside than outside its boundaries.

Stakeholder – Individuals, groups of individuals, organizations, or political entities interested in and/or affected by the outcome of management decisions. Stakeholders may also be individuals, groups, or other entities that are likely to have an effect on the outcome of management decisions. Members of the public also may be considered stakeholders.

State – See United States.

Stewardship – Careful and responsible management to ensure that goals and objectives are being achieved for the benefit of current and future generations.

Sustainable Production [National System theme] – The renewable living resources and their habitats, including, but not limited to, spawning, mating, and nursery grounds, and areas established to minimize incidental by-catch of species, that are important to the nation's social, economic, and cultural well-being.

System – A set of MPAs connected by shared programmatic, administrative, or other organizing principles or purposes. A system of MPAs is not necessarily confined to a specific geographic area such as a region or ecosystem.

Tribe – A federally-recognized American Indian or Alaska Native government.

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.

XIII. Administrative and National Policy Requirements

1) Nothing in Executive Order 13158 or this Framework shall be construed as altering existing authorities regarding the establishment of federal MPAs in areas of the marine environment subject to the jurisdiction and control of states, the District of Columbia, Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.
2) Neither Executive Order 13158 nor this Framework creates any right or benefit, substantive or procedural, enforceable in law or equity by a party against the U.S., its agencies, its officers, or any person.
3) Neither Executive Order 13158 nor this Framework diminish, affect, or abrogate Indian treaty rights or U.S. trust responsibility to Indian tribes.
4) Federal agencies taking actions pursuant to Executive Order 13158 or under this Framework 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.

XIV. Appendices

Appendix A. Collaborative Planning for the Draft Framework for Developing National System of MPAs

In 2005, the MPA Center began a collaborative process of engaging and informing the nation on the development of the framework for a national system. The MPA Center held a series of briefings, workshops, and participatory dialogues to gather recommendations and input from the MPA Federal Advisory Committee, government and non-government agencies and organizations, authorities, coastal communities, user groups, and other stakeholders. The feedback gathered at these sessions serve as a cornerstone to drafting the framework. The MPA Center's collaborative efforts are described below.

Workshops on the Framework for a National System

The MPA Center held a series of workshops in 2005 for federal agencies, states, and other stakeholders to provide feedback on the goals of the national system and the development of the framework. Participants provided information on:

- the process to develop the national system;
- input on the goals and objectives of the national system;
- feedback on their vision for a national system;
- specific considerations for working with their agency or stakeholder group and how a
- national system could serve various stakeholder interests;
- which natural and cultural resources should be conserved; and
- how NOAA and the Department of the Interior can work with stakeholders and agencies around the country to develop the national system.

The following is a description of these workshops.

Federal Agency Workshop

Held in January 2005 in Washington, D.C, the federal agency workshop included more than 70 field and headquarters participants from ten federal agencies. It was attended by staff from across NOAA programs and offices, Department of the Interior, Department of State, Department of Agriculture, Department of Defense, Department of Homeland Security/U.S. Coast Guard, U.S. Agency for International Development, Environmental Protection Agency, and fishery management councils. Participants provided feedback on the needs of MPA managers, and how the national system can help address marine conservation goals. A summary of this workshop can be found at http://mpa.gov/national_system/pdf/fed_mpa_wks_rpt032105.pdf.

Regional State/Territory Workshops

The MPA Center and the Coastal States Organization sponsored three regional workshops titled Developing the National/Regional System of MPAs from the State and Territorial Perspective. These workshops were designed to educate, gather state information, and generate recommendations from state coastal, parks, wildlife, fisheries and cultural resource managers regarding their role, opportunities, concerns, and considerations. The first workshop, held in Tiburon, California in February 2005, included participants from the west coast and Pacific Islands region. The second, held in St. Petersburg, Florida in April 2005, included participants from the South Atlantic and Gulf Coast regions. The third, cosponsored by the National Marine Sanctuary Program and held in Chicago, Illinois in June 2005, included participants from the Great Lakes, Northeast, and Mid-Atlantic regions.

The comments and recommendations resulting from these workshops can be found at http://mpa.gov/national_system/pdf/final-mpawhitepaper-071505.pdf.

Regional Public Dialogues

The MPA Center held five public dialogue sessions around the country in 2005 to ensure that the national system will represent the nation's interests in the marine environment. Input collected from these dialogues were used to help develop the Draft Framework for the National System of MPAs. Dialogues were held in Washington, D.C. in March 2005; Portland, Maine in May 2005; New Orleans, Louisiana (during the Coastal Zone '05 conference) in July 2005; and in San Francisco, California and Seattle, Washington in December 2005. On average, 30-50 participants attended these sessions, including representatives from environmental, conservation, recreation, commercial, and industry organizations, as well as local government, coastal states, science, academia, the energy industry, recreational and commercial fishing interests, state and federal agencies, and other public interests. Participant lists and a compilation of participant responses from each workshop are posted on http://mpa.gov/national_system/#workshop.

Briefings on the Framework for a National System

Staff from the MPA Center provided separate internal and external briefings on developing the national system of MPAs. These briefings included updates on efforts to implement Executive Order 13158, a description of efforts to gather input and recommendations from state agencies and public stakeholders, and an explanation of how the MPA Center is coordinating and collaborating with other NOAA programs. Briefings were given to the following leaders, agencies, and organizations:

- NOAA Ocean Council
- NOAA Ecosystem Goal Team
- NOAA National Ocean Service Assistant Administrator
- NOAA National Ocean Service Deputy Assistant Administrator
- NOAA Fisheries Deputy Assistant Administrator
- NOAA Office of Ocean and Coastal Resource Management
- NOAA National Marine Sanctuary Program
- NOAA National Centers for Coastal Ocean Science, Social Science Team
- U.S. Coast Guard's Marine Environmental Resources Coordination Group
- U.S. Navy
- D.C. Marine Community (meeting co-sponsored by International Union for the Conservation of Nature and Natural Resources)
- Various recreation, oil and gas, and industry non-governmental organizations, including the American Petroleum Institute, American Sportfishing Association, National Ocean Industries Association, and National Marine Manufacturers Association
- The Nature Conservancy
- Maryland Coastal Bays Program and Assateague Island National Seashore

Presentations on the Framework for a National System

The MPA Center presented information at several conferences and meetings to inform stakeholders on plans for developing the framework for the national system of MPAs. Presentations focused on educating stakeholders on the national system, increasing stakeholder involvement, building

partnerships, and requesting feedback on MPA uses and values as they might relate to developing the national system. Presentations were delivered at the following events:

- Oceans Policy Committee of the International Association of Fish and Wildlife Agencies Meeting
- Saltwater Sportfishing Partners Meeting
- NOAA Fisheries State Marine Fisheries Directors Biennial Meeting
- Atlantic States Marine Fisheries Commission meeting
- Fishery Management Council Executive Directors and Council Chairs Meeting
- New England Fishery Management Council MPA Education and Outreach Workshops
- Northeastern Association of Marine Laboratories Annual Meeting
- Pacific Interstate Fisheries Commission Meeting
- Gulf States Marine Fisheries Commission Meeting
- Managing Our Nation's Fisheries II Conference (sponsored by the Regional Fishery Management Councils and NOAA Fisheries)
- Annual Oceans and Coastal Program Managers Meeting
- National Marine Sanctuary Advisory Council Chairs and Staff Meeting
- National Marine Sanctuary Program's Leadership Team Meeting
- National Marine Sanctuary Program's Managers Meeting for the Maritime Heritage Program
- National Conference of State Historic Preservation Officers
- Seventh Maritime Heritage Conference
- Society for Historical Archaeology Conference
- George Wright Society Conference
- Advocacy Panel at American Zoo and Aquarium Association Annual Meeting
- Coastal Zone '05 Conference (via a panel titled Developing Recommendations from U.S. States and Territories for a National System of MPAs)
- White House Cooperative Conservation Conference
- Oceans 2005 Conference
- Meeting with State of Maryland Department of Natural Resources and Maryland Historic Trust representatives
- Meeting with various Delaware archaeology experts (including representatives of Lewes)
- Maritime Archaeology Project, Delaware State Museums, Delaware State Historic Preservation Office, and the U.S. Army Corps of Engineers)
- Meeting with representatives from State of New Hampshire Coastal Program, Department of Fish and Game, and New Hampshire Estuary Project
- Meeting with representatives from State of Maine Coastal Program, Department of Marine Resources, Maine Historic Preservation Commission, Department of Conservation, and the Maine Sea Grant Program
- Alaska Ocean Policy Council Meeting
- Department of the Interior Meetings (including meetings with the Minerals Management Service)
- Department of the Interior's Minerals Management Service Alaska Region Meeting

- Workshop on Integration of Federal Marine Managed Area Programs (also known as the "Seamless Network Workshop")
- National Conference of Canada's Ocean Management Research Network
- Pacific Coast Regional MPA Social Science Workshop
- Coastal States Organization Annual Meeting
- California's Marine Life Protection Act Stakeholder Meeting
- National System of MPAs Article Published in MPA News

Appendix B. MPA Federal Advisory Committee and Ex Officio Members

Marine Protected Areas Federal Advisory Committee* (30 members**)

Dr. Tundi Agardy, Sound Seas
Charles Beeker, Indiana University
Robert Bendick, The Nature Conservancy
David Benton, commercial fishing
Dr. Daniel Bromley, University of Wisconsin
Dr. Anthony Chatwin, The Nature Conservancy
Dr. Michael Cruickshank, Marine Minerals Technology Center Associates
Eric Gilman, Blue Ocean Institute
Ellen Goethel, fishing and ocean education
Dr. John Halsey, Michigan Department of State
Dr. Dennis Heinemann, The Ocean Conservancy
Dr. Mark Hixon, Oregon State University
George Lapointe, Maine Department of Marine Resources
Dr. Bonnie McCay, Rutgers University
Dr. Steven Murray, California State University, Fullerton
Dr. John Ogden, Florida Institute of Oceanography, University of South Florida
Terry O'Halloran, tourism industry
Lelei Peau, American Samoa Department of Commerce
Dr. Walter Pereyra, Arctic Storm Management Group, Inc.
Max Peterson, International Association of Fish and Wildlife Agencies (retired)
Gil Radonski, sport fishing
Dr. James Ray, Oceanic Environmental Solutions, LLC
Andrew Sansom, Texas State University, San Marcos
Dr. Daniel Suman, University of Miami
Kay Williams, Gulf of Mexico Fishery Management Council
Jim Woods, Makah Tribe
Robert Zales II, recreational fishing

* *As of June 2006. (Note: The Committee membership listed here varies from the group that authored the initial set of recommendations delivered in May 2005. The membership of that group can be found in their report at* http://www.mpa.gov*.)*

*** three (3) vacancies to be filled*

Federal Ex-Officio Representatives
Marine Protected Areas Federal Advisory Committee

Department of Agriculture
TBD

Department of Commerce
Mary Glackin, Assistant Administrator for Program Planning and Integration, NOAA

Department of Defense/Navy
Donald Schregardus, Deputy Assistant Secretary for Environment

Department of Defense/U.S. Army Corps of Engineers

Joseph Wilson, South Atlantic Division

Department of the Interior
Kameran Onley, Assistant Deputy Secretary, Office of the Secretary

Department of State
Margaret Hayes, Director of Ocean Affairs

Department of Homeland Security
TBD

Environmental Protection Agency
Dr. Brian Melzian, Oceanographer/Project Officer

National Science Foundation
Roxanne Nikolaus, Staff Associate, Division of Ocean Sciences

U.S. Agency for International Development
Jacqueline Schafer, Deputy Assistant Administrator, Bureau for Economic Growth, Agriculture & Trade

Appendix C. Acronyms and Abbreviations Used

Acronyms

DOC - Department of Commerce

DOI - Department of the Interior

FWS - U.S. Fish and Wildlife Service

MMA - marine managed area

MPA - marine protected area

MPAFAC - Marine Protected Area Federal Advisory Committee

NRCE - National Register Criteria for Evaluation

NERRS - National Estuarine Research Reserve System

NMFS - National Marine Fisheries Service

NOAA - National Oceanic and Atmospheric Administration

U.S. - United States of America

USOAP – U. S. Ocean Action Plan (USOAP)

Abbreviations

Candidate MPA - Candidate National System MPA

Candidate MPA Form - National System Candidate MPA Summary Form

Draft Framework - Draft Framework for Developing the National System of MPAs

Federal MPA Working Group - Federal Interagency MPA Working Group

List of MPAs - National System List of MPAs

MPA Center - National Marine Protected Areas Center

National System - National System of Marine Protected Areas

Order - Executive Order 13158 of May 26, 2000

Steering Committee - National System Steering Committee

Appendix D. Draft Environmental Assessment

The following draft Environmental Assessment for the proposed Draft Framework for Developing the National System of MPAs (Draft Framework) is available for public comment in the same comment period as the Draft Framework. Comments should be submitted to the contact and by the date listed in Section II of the Draft Framework.

Draft Environmental Assessment for the Proposed Draft Framework for Developing the National System of Marine Protected Areas

Lead Agency:

Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service

Cooperating Agency:

Department of the Interior, Office of the Assistant Secretary for Fish and Wildlife and Parks

For further Information Contact:

Jonathan Kelsey
National Marine Protected Areas Center
1305 East West Hwy.
Silver Spring, MD 20910
Phone: (301) 563-1130; Fax: (301) 713-3110
E-mail: Jonathan.Kelsey@noaa.gov

Purpose and Need for this Environmental Assessment

Executive Order 13158 on MPAs

Executive Order 13158 on Marine Protected Areas (2000) calls on the Department of Commerce and the Department of the Interior (DOI), in consultation with other federal agencies and stakeholders, to develop a national system of marine protected areas (MPAs) to enhance the conservation of the nation's natural and cultural marine heritage. The Executive Order created the National Marine Protected Areas Center (MPA Center) within the National Oceanic and Atmospheric Administration (NOAA) to coordinate this effort. The mission of the MPA Center 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 National System of MPAs

Currently, over 1,500 marine areas have been identified in the United States (U.S.) that are managed under the authority of hundreds of federal, state and territorial (state), tribal and local laws and regulations. Familiar examples of MPAs include national and state marine sanctuaries, parks, wildlife refuges, and some fishery management areas. This patchwork of protected areas is an important component of the nation's marine conservation mission, but would be greatly enhanced by the improved coordination and integration across sites and MPA programs that a national system will provide.

Table 1. Examples of Existing U.S. MPAs

MPA Name and Location	Name of Managing Agency and Type of Management	MPA Description*
Ashepoo-Combahee-Edisto (ACE) Basin National Estuarine Research Reserve South Carolina	Federal/State Partnership Management: National Oceanic and Atmospheric Administration and South Carolina Department of Natural Resources	ACE Basin is one of the largest undeveloped estuaries on the East Coast. Diverse estuarine wetlands provide an extensive complex of wildlife habitat types; the region contains 91,000 acres of tidal marshes, 26,000 acres of managed impoundments and 12,000 acres of maritime islands.
Manele-Hulopoe Marine Life Conservation District (MLCD) Hawaii	State Management: Hawaii Department of Land and Natural Resources	The Manele-Hulopoe Marine Life Conservation District (MLCD) is located in the waters offshore of Palawai and Kamao on the southwestern coast of Lanai. Within Manele Bay corals are most abundant along the sides of the bay near the cliffs, where the bottom slopes off quickly to about 40 feet. The middle of the bay is a sand channel. Just outside the western edge of the bay near Pu'u Pehe rock is "First Cathedrals", a popular SCUBA destination. Hulopo'e Bay has large tidepools at its left point. A shallow reef is just offshore, providing excellent snorkeling opportunities. Pu'u Pehe Cove has clear water and considerable marine life. Coral growth is interspersed with sand patches, and most coral is found away from the narrow beach in about 10 to 15 feet of water.
North Fork, St. Lucie Aquatic Preserve Florida	State Management: Florida Department of Environmental Protection	The North Fork, St. Lucie Aquatic Preserve contains various aquatic habitats such as riverine, blackwater stream, tidal marsh, slough, and floodplain forest communities. The headwaters of the North Fork are comprised of freshwater from Ten Mile and Five Mile Creeks. Downstream, brackish conditions support tidal marshes with mangroves, leatherfern, and sawgrass.
Monomoy National Wildlife Refuge Massachusetts	Federal Management: Department of the Interior, US Fish and Wildlife Service	Monomoy is comprised of 7,604 acres of barrier beach, sand dunes, freshwater ponds, and saltwater marshes. Monomoy provides habitat for hundreds of species of resting, feeding, and migratory birds. The refuge supports the largest nesting colony of common terns in the Gulf of Maine and second largest on the Atlantic Seaboard with close to 8,000 nesting pairs in 2001. Monomoy is the largest haul-out site of gray seals on the Atlantic Seaboard as well.

* Only the marine portion of the described areas are considered to be a part of the MPA; the terrestrial components, while a part of the larger management unit, are not considered to be part of the MPA.

The National System of MPAs (National System) will be built collaboratively by existing MPA sites and systems through partnerships at the ecosystem, regional, and national levels. The National System will focus on supporting shared priorities for enhancing coordination and stewardship of partner MPA sites and systems in order to improve effectiveness. The National System may ultimately include some new areas vital to the conservation of significant natural and cultural marine resources. These may be identified by National System partners through regional planning or other processes, and will be based on the best available science and stakeholder involvement. Any new MPAs would need to be designated through an existing federal, state, tribal or local authority, as the Executive Order provides no authority to create new MPAs.

Need for Action

The Executive Order calls on the MPA Center to develop a Framework for the National System (Framework). The purpose of the proposed Draft Framework document is to serve as a "road map" for developing the National System that will specify a common vision, goals, objectives and criteria for the National System, as well as the process for partnerships among state, federal, tribal, and local government agencies and stakeholders to develop it. While the Executive Order and the Draft Framework document are non-regulatory, the MPA Center is developing this Environmental Assessment to provide federal and state agencies, tribes and other stakeholders with the best available information on the potential impacts of the Draft Framework document during its public comment period.

Description of Alternatives

Alternatives Considered, but Rejected

In considering alternatives for proposing the Draft Framework, the following two were selected as constituting a reasonable range of alternatives for this Environmental Assessment: "Alternative A: Take No Action," and "Alternative B: Propose the Draft Framework for Developing the National System of MPAs." Numerous other possible alternatives were, however, informally considered by NOAA for analysis, but ultimately rejected, such as:

1) Publishing only limited information, such as the National System MPA definition and related criteria in the Draft Framework, and publishing separate guidance at a later date on other requirements of the Executive Order, such as processes for developing the National System and implementing the "avoid harm" provision.
2) The very large number of alternatives that would result from all the possible permutations of changes in the Draft Framework's approach to meeting the various requirements of the MPA Executive Order.

In considering (1) above, it was determined that publishing only limited information in the Draft Framework would not fully meet the intent and requirements of the Executive Order. In that sense, publishing only limited information in the Draft Framework is fundamentally no different than Alternative A, since it too would fail to meet all of NOAA's goals and requirements for implementing the Executive Order.

Alternative (2) above describes the potentially large number of alternatives that would result from developing possible options for each element of the Draft Framework. Several factors led to the determination that this approach and set of alternatives should be rejected.

First, the Draft Framework lays out a series of processes for U.S. MPA programs, agencies, authorities, and other stakeholders around the country to work together to determine eligible MPAs and

the most appropriate, specific approaches for developing the National System. Because the Draft Framework is focused on agency and stakeholder processes to determine specific approaches and actions, the environmental consequences of alternatives as described under (2) cannot be predicted to be significantly different than Alternative B.

Second, and most important, the processes outlined in the elements of the Draft Framework are based on input received from consultations with and recommendations from MPA stakeholders around the country, including the MPA Federal Advisory Committee, as required by the Executive Order. Creating a range of alternatives that are either independent of these consultations or consider only some of the recommendations received or would not meet the requirements of the Executive Order.

Having considered additional alternatives for proposing the Draft Framework for the National System, NOAA has determined that the two described below constitute a reasonable and practical range of alternatives for assessing the anticipated environmental consequences of fulfilling the requirement to develop the Draft Framework.

Alternative A: Take No Action

Under this alternative, NOAA would not propose a Draft Framework as required by the MPA Executive Order. Thus the MPA Executive Order would stand alone without any further detail of the processes necessary for developing the National System. For example, there would be no description of processes for identifying and including existing MPAs in the National System, working with MPA programs to collaboratively identify and address common stewardship needs, or identifying place-based gaps in protection.

Alternative B: Propose the Draft Framework for Developing the National System of MPAs (Preferred)

This alternative would fulfill the directive of the MPA Executive Order to develop a Framework. The Draft Framework provides guidance for developing the National System and therein implementing key elements of the Executive Order. The full descriptions of the proposed National System elements and associated processes are contained in the Draft Framework and summarized here as:

- Summary of authority for developing the Draft Framework and National System.
- Overview of key U.S. MPA programs and related initiatives.
- Key definitions for developing the National System.
- Goals and objectives for the National System.
- Sequence and steps for implementing the Draft Framework.
- Process for identifying, nominating, and recognizing MPAs in the National System.
- Options for building collaborative efforts to enhance stewardship and coordination of MPAs.
- Potential mechanisms for identifying gaps in the National System and future conservation priorities.
- Maintenance of the official List of MPAs.
- Process for implementing the “avoid harm” provision.
- Options for evaluating effectiveness of the National System.
- Mechanisms for tracking and reporting National System progress and priorities.

Description of Affected Environment

The geographic extent of the Draft Framework and the nation's existing MPAs that it aims to support span the United States territorial waters and Exclusive Economic Zone waters of the Pacific Ocean, including the Bering Sea; Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea; Arctic Ocean, and the Great Lakes. This environment encompasses the entire range of the nation's marine ecosystems including their natural heritage, cultural heritage and sustainable production resources and functions, goods, and services.

Natural Heritage Resources

The nation's existing MPAs, whether managed by federal, tribal, state, or an inter-governmental collaboration of agencies help to conserve and restore the wealth of U.S. natural marine environments including but not limited to kelp forests, warm and cold water coral reefs, rocky intertidal areas, offshore banks and seamounts, estuarine areas, the Great Lakes waters, deep sea vents, and sand and mud flats. In these marine environments, MPAs play an important role in protecting the significant natural biological communities, endangered and threatened species, habitats, ecosystems, processes, and the ecological services, uses, and values they provide to this and future generations. These various components of the nation's marine environment are critical to maintaining the integrity and health of marine and coastal ecosystems. Oftentimes managing for one of these elements means protecting the others. For example to effectively manage endangered or threatened species, the habitat they rely upon must also be protected.

Sustainable Production Resources

Existing U.S. MPAs are also designed and established with the intent to help ensure the sustainability of the renewable living resources and their habitats, including, but not limited to, spawning, mating, and nursery grounds, and areas established to minimize incidental by-catch of species, that are important to the nation's economy, livelihoods, and subsistence. MPAs can help to sustain commercial and recreational fisheries by controlling fishing effort, protecting critical stages in the life history of fishery species, conserving genetic diversity of exploited species, reducing secondary impacts of fishing on essential fish habitat and other species, and ensuring against fisheries collapse (Murray et al. 1999; NRC, in press). MPAs may allow site-specific regulation of selected species, selected gear types, or fishing methods. Certain MPAs or zones within MPAs may be fishery reserves that protect all or nearly all species from fishing. Many studies indicate that abundance and size of target species increase in marine protected areas that limit extractive use (Dugan and Davis, 1993; Crowder et al., 2000; Halpern, in press).

Cultural Heritage Resources

The nation's existing MPAs preserve and protect important historical and cultural resources. These cultural resources reflect the nation's maritime history and traditional cultural connections to the sea, as well as the uses and values they provide to this and future generations. Examples include archeological sites that contain significant cultural artifacts; sunken historic ships, aircraft, or other vessels; and areas important to specific cultures. Protecting cultural resources in MPAs reduces the chance that artifacts will be removed or damaged from modern-day commercial or recreational activities. Unlike many biological communities that have some level of resilience to recover from degradation, once underwater historic and cultural sites are damaged, the information and value of these non-renewable resources may be lost forever. MPAs are an important tool for conserving cultural resources by monitoring the environment for change and stabilizing deteriorating structures. MPAs also encourage actions to find, preserve, and interpret the associated artifacts that may otherwise be inaccessible to the public. By protecting marine sites that are important to the nation's diverse cultures, existing U.S. MPAs preserve a part of history for future generations.

Current Governmental Management Structure

The past several decades have witnessed a dramatic increase in the use of MPAs as a conservation and management tool to protect the nation's most important natural and cultural marine resources and areas. Over 90 percent of U.S. marine managed areas were established after 1970 (National MPA Center Marine Managed Area Inventory, 2006). This growth in MPAs has not only resulted in increased protections to certain natural and cultural marine resources, but also brought about a significant number of new MPA programs and authorities at all levels of government, each with their own requirements, levels of protection and associated terms.

These programs and the MPA sites that they manage are components of a complex sociopolitical landscape that features diverse institutions, governance structures, and processes. They include, for example, federal programs such as the National Marine Sanctuaries and National Parks; tribal MPA authorities and co-management arrangements with states; state programs such as fish and wildlife, coastal zone management, and historic preservation; and other governmental approaches to MPAs.

Each of these programs has its own mandate it is required to fulfill. These mandates often overlap in both geographic scope and the conservation purposes for which they are established. In addition, while many existing MPA programs comprise a system of MPAs, there are a limited number of mechanisms in place to coordinate MPA efforts across ecosystem, regional, national, or international levels among MPA programs and levels of government. This is not to say that no such coordination is happening. In fact, there are a number of good examples of existing MPA sites and programs in a common geography working together, which serve as excellent models. However, there is no overarching MPA framework for facilitating and promoting such coordination across levels of government and at an ecosystem or regional scale around the nation. Similarly, the effectiveness of the existing suite of MPAs in contributing to the long-term sustainability of important resources, habitats and ecosystems, and the services and values they provide is largely yet to be determined.

Importance to Americans

MPAs in the U.S. and its territories provide social, economic, and cultural benefits by protecting resources and environments. These benefits come in many forms, both tangible and intangible, and direct and indirect. Direct, tangible benefits may include supporting the socioeconomic well-being of communities tied to our nation's fisheries by enhancing stocks for sustainable harvest and recreational opportunities. These communities provide significant inputs to the U.S. economy and many have long and storied historical connections to the marine environment. MPAs that ensure sustainable production have the intangible benefit of promoting cultural continuity and identity, which is instrumental in maintaining healthy communities.

By protecting key resources and habitats, MPAs can also promote greater economic returns from tourism through enhanced visitor experiences. These direct economic benefits are inextricably linked with the intangible quality of visitor experience. Good water quality, abundant living resources, and scenic, aesthetic ocean environments attract visitors to coastal areas around the globe. These visitors engage in diverse activities that include non-extractive uses of the marine environment, such as scuba diving, snorkeling, wildlife watching, boating, and surfing, as well as extractive uses such as fishing. All of these activities rely on healthy marine environments. U.S. MPAs help ensure that marine environments will continue to draw the visitors that have become critical to many coastal economies. For example, in Monroe County, Florida, location of the Florida Keys National Marine Sanctuary and other marine-related parks and wildlife refuges, the estimated total tourist contribution to the economy (1995-1996) is over 60 percent (English et al., 1996).

MPAs also provide direct, tangible benefits by providing opportunities for research and education. Certain MPAs feature academic and applied monitoring of short-term events and long-term environmental trends, as well as biomedical research (Salm et al, 2000).
MPAs can provide hands on experience and outdoor laboratories for bringing classroom studies to life. MPA educational programs have the potential to promote public awareness of the importance of marine ecosystems and their many benefits.
MPAs also protect historic connections to our nation's heritage that are critical to social and cultural continuity. People and communities are connected to marine resources, including both natural and cultural features. These connections are affirmed through direct practice, oral and written narrative, and everyday discourse. MPAs can enhance cultural connectivity to places by ensuring their protection for future generations, allowing traditional cultural practices, promoting awareness of our nation's heritage, and acknowledging existence and bequest values inherent in marine resources.

Environmental Consequences of Proposed Action and Alternatives

Alternative A: Take No Action

Environmental Impacts

Taking no action would result in no predictable direct or indirect environmental impacts, either positive or negative. The 'Take No Action' alternative would not allow for the realization of the benefits expected from the proposed Draft Framework's greater integration and coordination of conservation efforts among existing authorities and sites.

Socioeconomic Impacts

Taking no action would result in no predictable direct socioeconomic, either positive or negative. The 'Take No Action' alternative would not allow for the realization of the benefits expected from the proposed Draft Framework's greater integration and coordination of conservation efforts among existing authorities and sites.

Alternative B: Propose the Draft Framework for Developing the National System of MPAs (Preferred)

Environmental Impacts

The proposed Draft Framework is not expected to result in adverse impacts on the environment. The Draft Framework proposes to coordinate the activities among federal, state, tribal, and local MPA sites and systems to reduce administrative costs, and promote efficiency and the effective use of existing management infrastructure for marine resource protection.

The Draft Framework will provide opportunities for shared information, resources, scientific expertise, and lessons learned for individual MPAs. The proposed Draft Framework mostly involves a number of low or no impact activities that will positively affect the stewardship and management of individual MPAs and ultimately lead to beneficial long-term environmental impacts and improved quality of the nation's marine resources relative to Alternative A. Additional environmental analysis of future activities, as required under NEPA and other acts and executive orders, would be prepared as necessary by the relevant agency or agencies taking any such actions.

The Draft Framework also promotes activities over time to identify gaps in protection of important marine resources and subsequent area-based conservation priorities that would be needed to manage and protect those resources. This component of the Draft Framework is similarly comprised of a number of low or no impact activities that ultimately could lead to beneficial long-term environmental impacts relative to Alternative A. In order to realize these benefits, however, actions to implement new or increased protections would be needed. Activities taken by individual agencies

in the future, such as changes in MPA regulations or the establishment of new MPAs as a result of the implementation of the proposed Draft Framework will undergo separate NEPA analysis by agency taking such actions as required and appropriate.

Socioeconomic Impacts
The proposed Draft Framework is not expected to result in adverse socioeconomic impacts. The Draft Framework provides guidance for the implementation of the National System. It does not establish new MPAs or directly affect the stewardship and management, including human uses and values, associated with existing MPAs. The socioeconomic impacts of, for example, the long term cumulative effects of developing the National System will be assessed as necessary under NEPA and other federal mandates for specific actions taken by those agencies or programs with the authority to establish and manage MPAs and/or alter MPA regulations.

In proposing to integrate the activities and conservation objectives among the various authorities, the Draft Framework will have its most immediate effects upon the communication and organizational structures across the various levels of MPA governance. As a result, there is great potential, relative to Alternative A, for long-term positive socioeconomic impacts from promoting integration among government authorities, enhancing knowledge and awareness of MPAs as a tool of ecosystem based management, and supporting processes for incorporating stakeholders and communities in ecosystem management.

Furthermore, the implementation of the National System as proposed by the Draft Framework will have long-term positive impacts, relative to Alternative A, for participating MPA sites, their associated marine resources, and the wider ecosystems of which they are a part. The National System will seek to integrate natural heritage, cultural heritage, and sustainable production objectives in order to minimize adverse socioeconomic impacts and promote comprehensive MPA conservation and management. It will focus on improving the effectiveness of MPA design, management, and evaluation through dissemination and use of the best available science and tools.

Additional socioeconomic analysis as required under NEPA and other acts and executive orders would be prepared by the relevant agency or agencies as necessary for future specific actions.

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Finding of No Significant Impact

NOAA Administrative Order (NAO) 216-6 (revised May 20, 1999) provides eleven criteria for determining the significance of the impacts of a proposed action. These criteria are discussed below with respect to the proposed action (Alternative B).

1. Impacts may be both beneficial and adverse– a significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

NOAA expects the implementation of the proposed Draft Framework will result a number of low or no impact activities that will positively affect the stewardship and management of individual MPAs and ultimately lead to beneficial long-term environmental impacts and improved quality of the nation's marine resources.

2. What is the degree to which public health or safety is affected by the proposed action?

Public health and safety will not be affected by the proposed action. The Draft Framework for the National System of MPAs simply implements the Executive Orders and does not affect public health and safety.

3. Are there unique characteristics of the geographic area in which the proposed action is to take place?

The nation's MPAs and the important natural and cultural resources that they protect encompass the breadth of unique biological, physical, and cultural aspects associated with the marine and Great Lakes environments.

4. What is the degree to which effects on the human environment are likely to be highly controversial?

While MPAs are often a contentious subject, the effects of the proposed Draft Framework on the human environment are not likely to be controversial. The actions and activities associated with the various components of the Draft Framework focus on promoting coordination, collaboration, opportunities for stakeholder input, and enhancing scientific understanding in support of effective use of MPAs. These activities are largely of low or no impact to the human environment, but are envisioned to positively affect the stewardship and management of individual MPAs and ultimately lead to beneficial long-term impacts on the human environment and improved quality of the nation's marine resources.

5. What is the degree to which effects are highly uncertain or involve unique or unknown risks?

The proposed Draft Framework is not considered to involve highly uncertain, unique, or unknown risks.

6. What is the degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

The proposed Draft Framework establishes guidelines for the development of the National System of MPAs and sets some precedent for future action. These future actions, however, are largely of

low or no impact to the human environment and are envisioned to positively affect the stewardship and management of individual MPAs and ultimately lead to beneficial long-term environmental impacts and improved quality of the nation's marine resources. Additional environmental and/or socioeconomic analysis of future activities, as required under NEPA and other acts and executive orders would be prepared as necessary by the relevant agency or agencies.

7. Does the proposed action have individually insignificant but cumulatively significant impacts?

The activities associated with the proposed Draft Framework are largely of low or no impact to the human environment, but are envisioned to positively affect the stewardship and management of individual MPAs and ultimately lead to beneficial long-term impacts on the human environment and improved quality of the nation's marine resources.

8. What is the degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?

The proposed Draft Framework is consistent with executive orders, laws and policies protecting significant scientific, cultural, and historic resources. No adverse effects are expected to entities listed in or eligible for listing in the National Register of Historic Places or those of significant scientific, cultural, or historic resources.

9. What is the degree to which endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973, are adversely affected?

There are no adverse impacts contemplated to endangered or threatened species, or critical habitat for such species.

10. Is a violation of Federal, state, or local law for environmental protection threatened?

No laws protecting the environment are threatened by the proposed Draft Framework.

11. Will the proposed action result in the introduction or spread of a non-indigenous species?

The proposed Draft Framework will not result in the introduction or spread of a non-indigenous species?

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Notes

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