



New England Fishery Management Council

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Marine Protected Areas Policy Statement September 2005

1.0 Background

According to Executive Order 13158, which was signed on May 26, 2000 by President Clinton, defines a marine protected area (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.”*

Where,

“Area” is defined as: Marine site or region that has legally defined geographic boundaries. The site or region shall not include the entire US Exclusive Economic Zone (EEZ) or an entire state’s waters.

“Reserved” is defined as: Legally established by federal, State, territorial, tribal or location governmental authority.

“Lasting” is defined as “enduring long enough to enhance the conservation, protection, or sustainability of natural or cultural marine resources. The minimum duration of “lasting” protection ranges from 10 years to indefinite, depending on the purpose and level of protection. An “Indefinite” duration of protection means that the intent at the time of designation is permanent protection. The distinction between the terms “indefinite” and “permanent” acknowledges that MPA designation and level of protection may change for various reasons, including natural processes that may destroy or alter resources, or changes in societal values.

“Management Plan” is defined as: A coordinated strategy of programmed interventions and action plans that meet the goals and objectives of the MPA

“Monitoring and evaluation” is defined as: the process-based on independently reviewed natural and social science, as well as other information-of determining whether, and to what extent, a MPA has met or is on course to meet its specified goals and objectives, and whether modifications are warranted.

“Protection” is defined as: established with the goal of providing an enhanced level of conservation for part or all of the natural and cultural resources therein.

“Cultural resource” definition may include historical fishing communities.

2.0 Policy Statement

- 2.0.1 The New England Fishery Management Council (Council) believes that Marine Protected Areas (MPAs), as defined in Executive Order 13158, can be a useful management tool to aid in the rebuilding of depleted fish stocks, the protection of fish stocks from over-exploitation, and the protection of essential fish habitat.
- 2.0.2 The Council will continue to use MPAs when and where appropriate to meet the goals and objectives of its fishery management plans (FMPs). The Council believes that no-take marine reserves (Category D MPAs; See section 2.2.4) are a very specific type of MPA that should be used only in very specific circumstances when no other type of management strategy would be appropriate.
- 2.0.3 The Council believes that to be most effective, MPAs, once established, should be managed cooperatively with other Federal agencies to ensure adequate protection from non-fishing-related activities such as sand and gravel mining, oil, gas and mineral exploration and extraction, channel dredging and dredge material disposal, pollution, and cable and pipeline installation.

2.1 Inventory

The Council shall undertake an inventory of existing MPAs created under the regulatory authority of the New England Council provided by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (as amended). The goal of the inventory would be to develop a “living” list of MPAs in New England that were established and are managed by the Council. This inventory should include the following information for each MPA:

- 2.1.1 Name
- 2.1.2 Date Established
- 2.1.3 Expiration Date (if any)
- 2.1.4 Regulations Citation
- 2.1.5 Regulations Effective Date
- 2.1.6 Boundary/Coordinates and Size Information
- 2.1.7 Spatially-Explicit Map
- 2.1.8 Purpose / Justification
- 2.1.9 Activities and Uses and/or Restrictions

2.2 Establishment:

Given the regulatory authority of the Council provided by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (as amended), when considering regulations that will apply to specific areas that meet the criteria laid out by the implementation of E.O. 13158, the Council will strive to enact marine protected areas (MPA) that meet the following conditions:

- 2.2.1 Will have a clearly stated purpose and objective where the purpose shall be based on clearly defined fishery management concerns. These include but are not limited to decreases in fish stocks, decreases in reproduction, fishing pressure, and ecological considerations.
- 2.2.2 Shall allow for the strengthening of the resource both within and outside the designated MPA boundary in order to promote multigenerational equity.
- 2.2.3 Shall be established based on best available science and a thorough investigation and evaluation of this science. The design will consider marine physical features (shelves basins, troughs and seabed), ecological process, trophic dynamics, species composition (resident and migratory), and associated hydrology and ocean patterns (currents, temperature).
- 2.2.4 If established or currently existence (via inventory), the MPA shall be catalogued to apply to one or more of the following categories:

Category A: Area to protect a single species

Category B: Area to protect multiple species

Category C: Area to protect essential fish habitat

Category D*: Areas closed to all extractive uses, including commercial and/or recreational fishing, except for what is required for research and monitoring purposes.

** Within Category D areas, the Council will work with other agencies to prohibit other activities that may negatively affect or prevent the MPA from doing what it is set up to do. These activities may include dumping, pipeline construction etc.*

- 2.2.5 MPAs that meet these conditions shall include specific provisions for monitoring assessment and enforcement contingent on available funding.

- 2.2.6 MPA boundaries shall be clearly expressed and enforceable but the efforts to make the boundaries conducive to enforcement efforts would not rise above the need to define boundaries that meet the establishment criteria.

2.3 Modifications

- 2.3.1 Given the regulatory authority of the Council provided by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (as amended), the Council will modify or eliminate MPAs using the traditional fishery management plan process used by the fishery management Council system.
- 2.3.2 Each site may be modified at the time intervals set out in the establishment phase in order to make certain the MPAs are moving in the direction of meeting their clearly stated goals. Generally, the minimum duration of the MPA is 10 years. However, newly created MPAs will be subject to adaptive management practices. The goals, purpose, function, boundaries and timeframe will be assessed based on periodic FMP review and changes may be made or the MPA could potentially be eliminated. After the ten years, the goals, purpose, function, boundaries, and timeframe will be assessed and changes may be made or the MPA could potentially be eliminated.

2.4 Applicability

MPAs shall be enacted to follow the purposes laid out in Executive Order 13158 and the policy statement applies to all waters under the jurisdiction of the New England Fishery Management Council.

2.5 Communication: Education and Outreach:

The Council will create a public forum that will include relevant updates regarding the monitoring and status of MPAs.