



**Governance in Marine Protected Areas:
An Examination of the Regulatory and Management Framework**
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Problem Statement

In the United States, Marine Protected Areas (MPAs) are somewhat of a blanket designation for many types of management areas; including preserving cultural and natural heritage sites, and sites of sustainable biological productivity. The U.S. Federal Government defines marine protected areas (MPAs) 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."(U.S. President 2000, 34909) Generally, MPAs are used as a management tools to protect, maintain, or restore natural and cultural resources in coastal and marine waters.

In May of 2000, then President Clinton established Executive Order 13158, to "protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs)." The overall management of MPA's via the National MPA Center was tasked to the National Ocean Service (NOS) which also has jurisdiction over areas of ocean conservation and national marine sanctuaries. However, MPA management by the NOS rather than the National Marine Fisheries Service may result in a preservationist rather than use-oriented management strategy, and present bias against those stakeholders whose primary interest in the nations's marine resources is sustainable use. It can also result in intradepartmental conflicts within NOAA. This conflict of interests makes an inquiry into the regulatory framework surrounding MPAs especially interesting.

Research Questions

- Can/do MPA's actually function as use-oriented management tool, or are they a tool strictly for preservation?
- Does the current regulatory and management framework surrounding MPA's satisfy conflicting stakeholders?
- What can be learned about resource governance surrounding MPAs?

One way to get a feel for the conflict and crosscutting interest is to study an example; the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve.

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The Northwestern Hawaiian Islands MPA

On December 4, 2000, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve) was created by Executive Order 13178. The Reserve encompasses an area approximately 1200 nautical miles long and 100 nautical miles wide. As part of the establishment of the Reserve, Executive Order 13178 contains conservation measures that restrict some activities throughout the Reserve, and establishes



NWHI, French Frigate Shoals
(Photo courtesy of NOAA)

Preservation Areas around certain islands, atolls and banks where all consumptive or extractive uses are prohibited. The NWHI reserve is currently in the process of designation as a marine sanctuary.

As required by the National Marine Sanctuaries Act (NMSA), the Western Pacific FMC was tasked with providing a fisheries management plan. The WPFMC submitted recommendations to NOS that were developed under the Magnuson-Stevens Act, but which were altered to reflect the directives of NOS under the NMSA. In October, 2005, NOS rejected the council's proposal. NOS essentially stated that the proposed fishing rules are not consistent with the goals of a marine sanctuary. Specifically, they listed the following issues:

- Absence of marine zoning adequate to protect representative and critical habitat areas, and protected species from the fishing impacts.
- Provisions for future fishing activities that are not appropriate to maintain the natural character or biological integrity of the coral reef ecosystem in the region- precious corals, coral reef species, crustaceans.
- No criteria/process for opening prohibited fisheries.
- Absence of provisions for requiring ecosystem based science to inform management decision making.
- Provisions for an inappropriate level of bottomfish/pelagic fishing permitted and absence of adequate limitations on catch.
- Absence of defined Native Hawaiian subsistence fishing provisions.

An examination of these issues in the context of the WPFMC's recommendations can bring some insights into this complex topic.