



# mpa connections

A publication of the National Marine Protected Areas Center

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The *mission of the National Marine Protected Areas 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. *MPA Connections* was launched to meet continuing calls by agency and external stakeholders for information about MPA Center activities and to feature other actions that address Executive Order 13158 goals.

## MPA Center Publishes Comprehensive Report on Current State of MPA Enforcement

The MPA Center has published, "Enforcing U.S. Marine Protected Areas: Synthesis Report," which details the challenges, needs, and suggestions of coastal and marine resource managers, enforcement agencies, attorneys, education/outreach specialists, and numerous other public and private stakeholders.

Using interviews and case studies, the authors summarize existing literature on MPA enforcement, examine a range of perspectives on the issue, and provide suggestions for effective enforcement of MPAs.

Through this process, the authors discovered that MPA enforcement regulations are authorized under seven federal laws, which fall under the jurisdiction of at least four federal agencies. They also learned that the majority of violations cases are settled prior to administrative hearings. Additional findings include:

- Enforcement of MPAs can be more difficult than their land-based counterparts due to unseen boundaries, an unlimited number of entry points, and incomplete information on the status of marine resources.
- MPA enforcement can be relatively expensive.
- Some studies claim that MPAs could prove to be easier and less expensive to enforce than traditional fishery management measures (i.e., size limits and gear restrictions).
- Relatively little has been written on MPA enforcement, and no interagency studies of enforcement previously existed to support the development of an improved national MPA system.

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*MPA Connections* was first published by the National Marine Protected Areas Center in October 2002. The newsletter is available electronically and distributed via listserv. Issues are archived on [http://mpa.gov/information\\_tools/newsletters.html](http://mpa.gov/information_tools/newsletters.html). To subscribe, send an email to the editor, [Dana.Topousis@noaa.gov](mailto:Dana.Topousis@noaa.gov).

## Latest News on Efforts to Develop the National System of MPAs

In late 2004 and 2005, the National Marine Protected Areas Center began focusing primarily on developing the framework for the national system of marine protected areas (MPAs), as directed by MPA Executive Order 13158. A main step in this process has been to engage the nation in an ongoing, participatory dialogue.

Input and recommendations from stakeholders, agencies, authorities, and the MPA Federal Advisory Committee will form the cornerstones of the framework, a document that will guide the national system process. Once drafted, the framework will describe the rationale, goals, and components of the national system, as well as the processes for designing and implementing it based on sound science and broad stakeholder input.

To ensure that the national system of MPAs fully represents the nation's interests in the marine environment, the MPA Center began hosting a series of dialogues for federal and state/territory agencies and the public across the country to solicit and collect input on potential uses, values, and goals of the national system.

Since late 2004, the MPA Center has met with federal agency partners and site managers, natural and cultural resource and fishery representatives from states and territories, coastal communities, non-governmental organizations, the energy and recreational industries, fishery management councils, and other stakeholder groups in forums across the country. The presentations, summaries, participant lists, and participant responses have been posted to [http://mpa.gov/national\\_system/#workshop](http://mpa.gov/national_system/#workshop).

The MPA Center has plans to continue its public process to develop the national MPA system. A draft framework, based on feedback received from these dialogues, will be available for public review and comment in the spring of 2006. For those wishing to submit written comments or questions, write to [mpa.comments@noaa.gov](mailto:mpa.comments@noaa.gov).

For more information about the national system of MPAs, go to [http://mpa.gov/national\\_system/](http://mpa.gov/national_system/).

## Navigating the Nation's Marine Managed Areas: Incorporating Information about Marine Managed Areas into the Nation's Navigational Products

The National Marine Protected Areas Center and NOAA's Office of Coast Survey are working jointly to include information about the nation's marine managed areas in the U.S. Coast Pilot® series (produced by NOAA) to improve safe navigation and coastal stewardship. They have released a public information document that uses the coast of central California as a model to demonstrate the approach nationally. The specific content about California MMAs will be reviewed by the appropriate agencies at a later date.

Marine managed areas (MMAs) and marine protected areas (MPAs) are common approaches to place-based ocean management, in which areas of the marine environment are afforded enhanced legal protections. MMAs, and the often more restrictive subset of MPAs, have been used widely by federal, state, local, and tribal governments for decades to protect and conserve some of the nation's most important marine areas. Some familiar examples of MMAs include marine sanctuaries, national parks, and state reserves. While MMAs are common throughout U.S. waters, they remain poorly understood by the average mariner.

"The U.S. Coast Pilot® and the National Oceanic and Atmospheric Administration nautical charts are two primary sources mariners use to keep abreast of coastal issues, such as safe navigation, boating facilities, and maritime regulations," said Captain Roger L. Parsons, director of NOAA's Office of Coast Survey. "The U.S. Coast Pilot is a federal government publication that has been in continuous print since 1867."

A series of nine U.S. Coast Pilot books cover the entire coastline of the United States. Ships of 1600 or more gross tons are required to carry both the U.S. Coast Pilot and the local NOAA charts for their areas of transit. Many smaller ships and boats also carry both the U.S. Coast Pilot and local U.S. charts for informational purposes, although they are not required to do so.

To date, only limited information on MMAs has been incorporated into NOAA's navigational products, which are

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### *Enforcement, continued from page 1*

The final section of the report includes suggestions and recommendations from both interviewed sources and previously published sources. These are not necessarily the views of the MPA Center, but may help stimulate further exploration, discussion, and analysis to improve MPA enforcement. The recommendations are listed according to topic:

- Increasing and maintaining adequate enforcement presence
- Promoting voluntary compliance
- Benefiting from technologies
- Strengthening partnerships
- Regulatory considerations for improved MPA enforceability
- Boundary and siting considerations for improved MPA enforceability
- Imposing sanctions for MPA violations
- Improving litigation/prosecution of MPA enforcement actions
- Meeting science and information needs

The 67-page report is available on [www.MPA.gov](http://www.MPA.gov). A presentation that highlights various aspects of the report was given at the recent Coastal Zone '05 conference in New Orleans, and is available at [http://www.mpa.gov/information\\_tools/pdf/mpaenforcement-davis.pdf](http://www.mpa.gov/information_tools/pdf/mpaenforcement-davis.pdf).

## Profile: Mel Moon, Former Subcommittee Chair, MPA Federal Advisory Committee

Like so many of the streams and rivers that have churned with generations of salmon fighting their way upstream to reach their familial birthing grounds, so, too, do the veins of Mel Moon teem with the bright red flesh of these fish, connecting him to his earliest ancestors. These spirited fish not only connect the generations of his lineage, they also link the stages of Mel's life.

In the tradition of his Hupa, Yurok, and Karuk ancestors, Mel grew up fishing for salmon. Although Mel spent most of childhood years fishing the innermost waters of Puget Sound with members of the Puyallup tribe, he often returned to California during the summers to visit his grandmother and fish for salmon from the Klamath and Trinity Rivers, the waters of his ancestry. With his gifts of salmon, love of nature, and obvious pull towards fisheries management, Mel's grandmother named him Napu Natiniwa (pronounced Na Poy Na tini wa), or "Heart of salmon of the Hoopa." His fishing experiences not only emphasized how greatly salmon influenced the diets and cultures of west coast tribes, but the timing of these experiences—during the 1974 Boldt Decision—also taught him about tribal fishing rights and their role in fisheries management.



After a 20-year effort, the Boldt Decision made legal history in 1974, but this landmark case does not often get retold on a national scale.

In 1954, Bob Satiacum was arrested for upholding a tradition that connected him to his earliest ancestors who settled along the Washington waters of Puget Sound. He was fishing. As a member of the Puyallup tribe, Satiacum was within his rights, as deemed by the tribe's treaty, to fish for salmon and steelhead trout. But the state disregarded his treaty rights and pressed charges for violating state fishing regulations. While the courts eventually dismissed the charges, this case remained a critical concern for all Washington tribes.

Motivated by countless arrests on false charges, years of fishing by moonlight to avoid the threat of seizure, and generations of conflict with state and federal governments, members of the Puyallup tribe and 13 other area tribes asserted their treaty rights. Over the next two troubled decades, Satiacum and Billy Frank – a member of the neighboring Nisqually tribe, who matched Satiacum in his number of arrests – led the 14 tribes in their efforts to make the Washington government recognize their rights to fish in state waters.

Eventually, in 1974, the historic Boldt Decision was handed down, stating that treaties signed during the 1850s entitled tribes to 50 percent of the total fish harvest. Furthermore, the presiding judge, George Hugo Boldt, also deemed tribes co-managers of the state's fisheries.

The Boldt Decision became a landmark case that reverberated through Indian communities, empowering tribes from New Mexico to Connecticut.

But fishing in Washington during the turbulent times preceding and following the Boldt decision was marked by enmity and occasional violence. Mel and his tribal fishermen friends witnessed a great deal of aggression by non-Indian fishermen. Despite the efforts of his persecutors, Mel cherished the time he spent on the river and ocean. His love for nature and the impact of watching the tribes win the right to fish inspired Mel to become an advocate for tribal rights in natural resource management.

"Fishing in California and Puget Sound, and living and experiencing the racism and tensions during the Boldt period, led me directly to fisheries management," Mel says.

Today, Mel represents the Quileute tribe as the natural resources director. Like the Hupa Indians of his heritage and Puyallup Indians of his youth, the Quileute tribe base a great deal of their subsistence food and culture on the salmon that pass through the waters of the Olympic Peninsula.

Much of Mel's work for the Quileute tribe has focused on fisheries management, but in 1994, Mel and the Quileute tribe were introduced to marine protected areas (MPAs). That year, NOAA's National Marine Sanctuary Program designated the Olympic Coast National Marine Sanctuary, encompassing water and lands occupied by four tribes: the Quileute, Makah, Hoh, and Quinault. The sanctuary and the tribes are united in their determination to cooperate to preserve the rich flora and fauna found in the area's inter- and subtidal ecosystems.

Mel's experience with the National Marine Sanctuary Program led him to the National Marine Protected Areas Center's Federal Advisory Committee. Mel joined the Committee as a representative for Northwest tribes with the goal of ensuring that the Committee recognized tribes as sovereign governments with legal authority. In getting the Committee to recognize tribal authority, Mel educated members about the rights and responsibilities of treaty tribes, specifically for the Northwestern region, and helped build stronger inter-governmental relationships.

"There's a culture gap when tribal authorities work with state or federal governments," Mel says. "When tribes do not respond to proposals in negotiations, that means they are considering options or that they have been insulted. But in western cultures, no response indicates approval and agreement. So to facilitate government to government relationships and to show that the tribes are in it for the long haul, I wanted to provide the Federal Advisory Committee with the context about how to work with tribes as separate sovereigns, based on history and culture."

## Recent Additions to the MPA Virtual Library

- A summary report of a study commissioned by WWF Australia and the Queensland Tourism Industry on the futures of the Great Barrier Reef World Heritage Area focuses on the impact of climate change, its effect on people and industries dependent on the Reef, and the need for a comprehensive network of no-take zones (marine sanctuaries) throughout the Great Barrier Reef Marine Park. Hoegh-Guldberg, Ove and Han Hoegh-Guldberg, "The Implications of Climate Change for Australia's Great Barrier Reef (Summary Report)". Sydney, NSW, Australia: WWF Australia, 2004. [http://www.wwf.org.au/News\\_and\\_information/Publications/PDF/Report/reef\\_report\\_summary.pdf](http://www.wwf.org.au/News_and_information/Publications/PDF/Report/reef_report_summary.pdf)
- A new biodiversity synthesis report provides findings from the Millennium Assessment's global and sub-global assessments on biodiversity and human well-being, including the challenges of protected areas in conserving biodiversity and ecosystems. Millennium Ecosystem Assessment, "Ecosystems and Human Well-being: Biodiversity Synthesis: A Report of the Millennium Ecosystem Assessment". Washington, D.C.: World Resources Institute, May 2005. [http://pdf.wri.org/ma\\_biodiversity\\_synthesis\\_final.pdf](http://pdf.wri.org/ma_biodiversity_synthesis_final.pdf)
- A new habitat characterization report describes deep reef sites off the South Atlantic bight, and the South Atlantic Fishery Management Council's proposal for MPAs with no-take zones to help protect overfished species and spawning locations. Sedberry, G.R. et al., "Characterization of Deep Reef Habitat off the Southeastern U.S., with Particular Emphasis on Discovery, Exploration and Description of Reef Fish Spawning Sites, Final Report." Charleston, S.C.: South Carolina Department of Natural Resources, Marine Resources Research Institute, April 2004. <http://www.nbi.noaa.gov/products/others/OE%2002%20Shelf%20Edge%20Spawning%20Final%20Report%20pdf2.pdf>
- A 1960s predecessor report to the more recent ocean reports produced by the Pew Oceans Commission and the U.S. Commission on Ocean Policy investigated an array of marine problems and made recommendations for a program to ensure national capability for oceans management. U.S. Commission on Marine Science, Engineering, and Resources, "Our Nation and the Sea: A Plan for National Action: Report of the Commission on Marine Science, Engineering, and Resources". Washington, D.C.: U.S. Government Printing Office, 1969. <http://www.lib.noaa.gov/edocs/stratton/title.html>

### *Navigating MMAs, continued from page 2*

focused mainly on safe navigation. The "Navigating MMAs" project, a joint effort between the MPA Center and the NOAA Office of Coast Survey, is intended to help the mariner understand and protect these important marine areas, and as such, will help fulfill NOAA's mission to promote safe navigation and protect the nation's natural marine environment.

"This project will take several years to complete. Each coastal state will have its MMA information placed in the appropriate U.S. Coast Pilot as the information becomes available, and a new U.S. Coast Pilot edition is printed for that particular section of the coast," said Joseph Uravitch, director of the MPA Center. "Even after all states have had their MMA information included, MMA information will be continuously updated in the U.S. Coast Pilot as information changes."

To download a copy of the public information document, go to [http://mpa.gov/virtual\\_library/Publications/nav-mma-doc-2mb.pdf](http://mpa.gov/virtual_library/Publications/nav-mma-doc-2mb.pdf).

For further information, or to obtain a hi-resolution version, please contact [Aaron.King@noaa.gov](mailto:Aaron.King@noaa.gov).

### *Mel Moon Profile, continued from page 3*

Mel believes that the Committee has provided an open forum that allows for the growth of tribal-federal government relations and he trusts that the Committee will continue its progress towards this goal. Ultimately, he expects these interactions to result in state and federal recognition of tribes as sovereign governments, so that governments can work together to preserve resources with plans that reflect related needs, concerns, and management approaches.

\*With his experience as one of the commissioners for the Northwest Indian Fisheries Commission (an intertribal, fisheries management body), a tribal representative for the National Marine Fisheries Service's Marine Fisheries Advisory Committee, and an advisory councilman for the Olympic Coast National Marine Sanctuary, Mel was elected as chair of the MPA Federal Advisory Committee's subcommittee on national and regional coordination. The subcommittee completed its task in February 2005, which contributed to the report that the Advisory Committee presented to the Departments of Commerce and the Interior in June 2005. Mel has now completed his two-year term on the MPA Federal Advisory Committee.

To learn more about the MPA Federal Advisory Committee or to read the Committee's recent recommendations, go to [www.MPA.gov](http://www.MPA.gov).