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U.S. DEPARTMENT OF THE INTERIOR
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FISHERIES, CONSERVATION, WILDLIFE AND OCEANS
ON IMPLEMENTATION OF EXECUTIVE ORDER 13158
MARINE PROTECTED AREAS

May 23, 2002

Mr. Chairman, I thank you for the opportunity to appear before you today to discuss the Department of the Interior's views on the implementation of Executive Order 13158, Marine Protected Areas.

America's marine environment contains vitally important fisheries, wildlife, as well as natural resources that provide food and fuel for all of its citizens. It supports recreational activities for millions of Americans. It provides routes for domestic and international commerce that are critical to our security and economic well being. Each of these uses is important to this country. Everyone benefits from healthy and well-managed marine resources, and the Executive Order is an important part of achieving these policy goals. We view the Executive Order as an opportunity to focus attention on existing protected sites and, as necessary, set aside discrete areas which have special natural or cultural resources or areas which have the potential to provide a continuing basis for environmentally and economically sustainable use of the marine environment. The Executive Order provides the necessary framework for the development of a scientifically based, comprehensive national system of MPA's, representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources. It requires the analysis of the effects of managing or creating Marine Protected Areas on social and economic systems while protecting the special natural and cultural resource values associated with these areas. We strongly agree with these premises. Further, we believe that decisions regarding MPAs should be made on the basis of the best available science and with full public review.

The Department of the Interior has several diverse interests in Executive Order 13158. Through the National Park Service (NPS), the U.S. Fish and Wildlife Service (USFWS) , and most recently the Bureau of Land Management, the Department manages hundreds of marine areas reserved to provide lasting protection for their important fisheries, precious wildlife, and natural and cultural resources. In fact, the USFWS manages 162 sites which are included on a preliminary inventory of marine managed sites, and the NPS manages an additional 39 sites. Through the Minerals Management Service, the Department manages the United States Outer Continental Shelf (OCS) for the environmentally sound production of oil, natural gas and other minerals. The OCS currently provides approximately one-quarter of the oil and natural gas produced in the

U.S. Finally, the Minerals Management Service and the U.S. Geological Survey conduct significant programs of marine research in support of our programs to manage and conserve the areas under the Department's jurisdiction.

The Department strongly supports a basic premise of the Executive Order that Marine Protected Areas not only provide lasting protection for valuable resources but that they also support the environmentally and economically sustainable use of the marine environment. The Department has considerable experience with both of these concepts which we believe are not necessarily mutually exclusive.

In its review of Executive Order 13158, the Department identified several principles that would guide its future activities.

First, the Department believes that the Executive Order appropriately recognizes the adequacy of existing authorities, and provides no new authority for Marine Protected Areas. The authorities for the management of existing Marine Protected Areas are contained in their charters and in the organic authorities of the agencies that manage them. In the case of the Department of the Interior, these sites are National Parks, National Wildlife Refuges, and a National Monument. We believe that existing authorities are sufficient for the Department of the Interior to carry out the mandate of Executive Order 13158 effectively. We also believe these authorities are clear and well understood by the public. They should be the cornerstones of a Marine Protected Areas Program.

Second, we believe that any actions by the Federal Government regarding Marine Protected Areas must fully involve the people most directly affected by those actions. The Department of the Interior has a long history of land management. We understand and appreciate the important role of public input in our decision making. The Department most recently demonstrated its commitment to public participation through the Secretary's broad invitation for the public's involvement in the planning process for management of the many monuments established by the previous administration. We believe that public education and involvement should be major components of the Marine Protected Areas initiative.

Third, we believe that the Marine Protected Areas Advisory Committee is an extremely important tool for both of the Secretaries. This Committee offers the opportunity for the various interest groups to advise the Secretaries about the scope and direction of this program. We believe that it is critical that this Committee adequately represent the interests of the many marine user groups that may be affected by Marine Protected Area designations and management regimes.

The Department of the Interior and the Department of Commerce together have already begun to inventory Federally managed marine sites and are in the process of initiating the inventory of marine sites that States, localities, tribes and territories have set aside for the protection of one or more natural or cultural resources. This is a first step in a deliberate and careful process. At the end of this inventory of these sites and sites managed by Federal agencies, we must determine which are truly Marine Protected Areas, a process that highlights the importance of clear criteria and public involvement. Subsequently, we must determine if this "patchwork quilt" of protected areas approaches an effective "National System" as envisioned in the Executive Order. If we determine that existing protected areas do not provide the benefits envisioned in the Executive Order, we must determine if changes in their management would provide those benefits. We see this as a long-term deliberative process in which good science and public review are critical. Our goal is to conduct a thorough analysis of existing Marine Protected Areas and how they provide or do not provide for an effective "National System" prior to considering the designation of new Marine Protected Areas.

The designation of new Marine Protected Areas is probably the facet of this program which arouses the greatest emotion. In addition to existing legislative authorities for designation, we believe that the designation of new Marine Protected Areas should be based on needs identified from the inventory of existing protected areas, and on sound science and full public review. We believe that the Executive Order is clear about the considerations that must precede the designation of a new Marine Protected Area. Some of those considerations should supplement existing processes required for the designation of protected areas under Federal statutes and laws such as the National Environmental Policy Act.

Finally, we believe that the Executive Order's requirement that Marine Protected Areas be monitored and evaluated for their effectiveness should be rigorously followed. This is an important process. We must be prepared to examine management regimes and protected area boundaries as part of this process and be prepared to take necessary steps to enhance the effectiveness of protected areas. As with all important components of this process, the evaluation of effectiveness should be based on the best available science and full public participation.

Mr. Chairman, the Marine Protected Area Executive Order gives all Americans with an interest in the marine environment an opportunity to participate in managing it for the present and the future. We must ensure that all interests are represented in these deliberations. We must bring the best available science to the process. Finally, we must remember that these areas have a purpose, and that purpose is the scientifically-based protection of marine life, conservation of important submerged cultural and natural resources, and ecologically and economically sustainable use of the marine environment for future generations. If we can successfully merge these requirements, we will develop a system that serves all Americans well.

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