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H.R. 6537, SANCTUARY ENHANCEMENT ACT OF 2008; AND H.R. 6204, THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE BOUNDARY MODIFICATION ACT.

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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CONTENTS

	Page
Hearing held on Thursday, July 24, 2008	1
Statement of Members:	
Bordallo, Hon. Madeleine Z., a Delegate in Congress from Guam	1
Prepared statement of	3
Brown, Hon. Henry E., Jr., a Representative in Congress from the State of South Carolina	4
Capps, Hon. Lois, a Representative in Congress from the State of California	5
Statement of Witnesses:	
Dunnigan, John H., Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce	11
Prepared statement of	13
Gudes, Scott B., Vice President, Government Relations, National Marine Manufacturers Association	23
Prepared statement of	25
Kroll, Steve, Chair, Thunder Bay Sanctuary Advisory Council	33
Prepared statement of	35
Marks, Rick, Principal, Hoffman, Silver, Gilman & Blasco	36
Prepared statement of	38
McCotter, Hon. Thaddeus G., a Representative in Congress from the State of Michigan	6
Prepared statement on H.R. 6204	7
Ros-Lehtinen, Hon. Ileana, a Representative in Congress from the State of Florida	8
Spruill, Vikki, President and CEO, Ocean Conservancy	18
Prepared statement of	19
Stupak, Hon. Bart, a Representative in Congress from the State of Michigan	15
Prepared statement on H.R. 6204	16
Sullivan, Timothy J., Executive Director and CEO, The Mariners' Museum	29
Prepared statement of	31
Additional materials supplied:	
Farr, Hon. Sam, a Representative in Congress from the State of California, Statement submitted for the record	10

LEGISLATIVE HEARING ON H.R. 6537, SANCTUARY ENHANCEMENT ACT OF 2008; AND H.R. 6204, THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE BOUNDARY MODIFICATION ACT.

Thursday, July 24, 2008
U.S. House of Representatives
Subcommittee on Fisheries, Wildlife and Oceans
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:14 a.m. in Room 1334, Longworth House Office Building, Hon. Madeleine Z. Bordallo [Chairwoman of the Subcommittee] presiding.

Present: Representatives Bordallo, Brown, Capps, Saxton and Wittman.

STATEMENT OF THE HONORABLE MADELEINE Z. BORDALLO, A DELEGATE IN CONGRESS FROM THE TERRITORY OF GUAM

Ms. BORDALLO. Good morning, everyone. The legislative hearing by the Subcommittee on Fisheries, Wildlife and Oceans will now come to order. The Subcommittee is meeting today to hear testimony concerning H.R. 6537, the Sanctuary Enhancement Act of 2008, and H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act.

Pursuant to Committee Rule 4[g], the Chairwoman and the Ranking Minority Member will make opening statements. This morning the Fisheries Subcommittee meets for the purpose of receiving testimony on H.R. 6537, the Sanctuary Enhancement Act of 2008, and H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act.

During this Congress, this Subcommittee has held two oversight hearings to gather views from a wide range of stakeholders regarding reauthorization of the National Marine Sanctuaries Act. It is generally agreed that our national marine sanctuaries are fulfilling their statutory responsibility and that is to protect nationally significant areas of the marine environment.

Witnesses also have told us that our sanctuaries are serving collectively as a useful demonstration model for ecosystem-based management. Since Congress last reauthorized the National Marine Sanctuaries Act in 2000, however, the administration and

concerned stakeholders have raised specific issues regarding the administration of sanctuaries and the Act itself that this Subcommittee continues to consider.

H.R. 6537 attempts to address many of these issues, and we do welcome the comments of the witnesses today and other stakeholders regarding the proposed amendments to the Act.

First and foremost, in order to emphasize resource protection and to provide for consistency in the management of the sanctuaries, H.R. 6537 would formally establish a national marine sanctuary system to be managed by the National Oceanic and Atmospheric Administration in accordance with a clear mission statement that would be added to the Act.

Second, H.R. 6537 calls for the inventorying and ecological classification by NOAA of the maritime environment and marine heritage resources under the jurisdiction of the United States based upon guidelines to be developed in consultation with the coastal states and territories, the Indian tribes and the regional fishery management councils, among others.

H.R. 6537 would allow for additional sanctuaries to be designated. The bill also would provide more realistic timeframes for NOAA to complete management plan reviews and evaluate their effort or their effect to free up more resources to support research, management and education activities.

During the course of its oversight, the Subcommittee was informed by NOAA that none of its statutory authorities under the National Marine Sanctuaries Act applied to its management responsibilities as co-trustee of the Northwestern Hawaiian Islands Marine National Monument.

To address this situation, H.R. 6537 would amend the National Marine Sanctuaries Act to ensure that NOAA can fulfill the Agency's management responsibilities as a co-trustee of the world's largest marine protected area. Finally, several stakeholders maintain that the regulation of the fishing within marine sanctuaries is in need of clarification.

H.R. 6537 would amend the existing Section 304 process to clarify the Secretary of Commerce's authority to determine the need for and to issue fishing regulations for sanctuaries. The Act would continue to utilize the regional fishery management councils as the principal entities responsible for drafting fishing regulations and provide for greater stakeholder consultation and review of the fishing regulations.

Regulation of fishing within the boundaries of sanctuaries is recognizably a sensitive issue and clarifying the role of both the Secretary and the regional fishery management councils in drafting and approving such regulations should improve the management of the resources.

So keeping in mind that all legislation can be refined and improved, we look forward to hearing the comments and the recommendations of today's witnesses to ensure that H.R. 6537 serves to strengthen the entire sanctuary system and to address the myriad interests of the millions of people who live, work or recreate near marine sanctuaries.

Additionally, I look forward to discussing the proposed boundary modifications to the Thunder Bay National Marine Sanctuary in the State of Michigan.

Now, at this time I would like to recognize the Ranking Member, my friend from South Carolina, The Honorable Henry Brown.

[The prepared statement of Ms. Bordallo follows:]

Statement of The Honorable Madeleine Z. Bordallo, Chairwoman, Subcommittee on Fisheries, Wildlife and Oceans

This morning the Fisheries Subcommittee meets for the purpose of receiving testimony on H.R. 6537, the Sanctuary Enhancement Act of 2008; and H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act.

During this Congress, this Subcommittee has held two oversight hearings to gather views from a wide range of stakeholders regarding reauthorization of the National Marine Sanctuaries Act. It is generally agreed that our national marine sanctuaries are fulfilling their statutory responsibility to protect nationally significant areas of the marine environment. Witnesses also have told us that our sanctuaries are serving collectively as a useful demonstration model for ecosystem-based management.

Since Congress last reauthorized the National Marine Sanctuaries Act in 2000, however, the Administration and concerned stakeholders have raised specific issues regarding the administration of sanctuaries and the Act itself that this Subcommittee continues to consider. H.R. 6537 attempts to address many of these issues and we welcome the comments of the witnesses today and other stakeholders regarding the proposed amendments to the Act.

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Second, H.R. 6537 calls for the inventorying and ecological classification by NOAA of the maritime environment and marine heritage resources under the jurisdiction of the United States based upon guidelines to be developed in consultation with the coastal states and territories, Indian tribes, and the Regional Fishery Management Councils. H.R. 6537 would allow for additional sanctuaries to be designated. The bill also would provide more realistic timeframes for NOAA to complete management plan reviews and evaluate their effect to free up more resources to support research, management and education activities.

During the course of its oversight, the Subcommittee was informed by NOAA that none of its statutory authorities under the National Marine Sanctuaries Act apply to its management responsibilities as co-trustee of the Northwestern Hawaiian Islands Marine National Monument. To address this situation, H.R. 6537 would amend the National Marine Sanctuaries Act to ensure that NOAA can fulfill the agency's management responsibilities as a co-trustee of the world's largest marine protected area.

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Keeping in mind that all legislation can be refined and improved, we look forward to hearing the comments and recommendations of today's witnesses to ensure that H.R. 6537 serves to strengthen the entire Sanctuary System and to address the myriad interest of the millions of people who live, work or recreate near marine sanctuaries. Additionally, I look forward to discussing the proposed boundary modifications to the Thunder Bay National Marine Sanctuary in the State of Michigan.

STATEMENT OF THE HONORABLE HENRY E. BROWN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. BROWN. Thank you, Madam Chair. I know the National Marine Sanctuary Program has endured widespread support for many years. However, through the series of hearings that we have held on issues surrounding the reauthorization of the National Marine Sanctuaries Act, I have heard from a number of witnesses that they are concerned with where the program is headed.

They have mentioned concerns about their activities being prohibited even when the sanctuary was not designated to regulate their specific activity, and they have mentioned concerns about the ability of individual sanctuary managers to implement regulations that restrict their ability to use sanctuary resources.

These people legitimately fear for their livelihood because they feel they can be excluded at any time for little or no reason. While I have not had much time to review your legislation, I am afraid the bill will do nothing to ease their concerns. In fact, I think it will do the opposite. Individual sanctuaries get designated for specific reasons that for the most part are unique to that sanctuary.

The destination documents for each sanctuary lay out the reasons for the designations and they are supposed to make it clear what activities are OK and which are not OK. If sanctuary managers continue designation documents for no good reason or it looks like Congress is likely to outlaw activities for all sanctuaries, people will feel about the sanctuary program the way they feel about the rest of Federal government: fear and distrust.

When we designate a sanctuary, we make it pledge with the users of that area. If circumstances change and restrictions need to be put in place, the stakeholders need to be a part of the discussion. They should not be regulated without cause or without explanation.

In addition, people are similarly concerned that the precedent set by the designation of the Northwest Hawaiian Island National Marine Monument will allow activities to be banned with no public comment or review. This certainly concerns by constituents when they hear that there is a potential for a monument designation off the coast of South Carolina.

Madam Chairwoman, as I stated at the last hearing, on this issue we have a strong tradition of recreational and commercial fishing in South Carolina. In fact, we have very strong ties to the water, both inland waters and the open ocean. Any proposal from the Federal government to come in and override the state's ability to allow fishing or other activities all for sure will not be welcome.

Any proposal from the Federal government to tell South Carolina that we cannot develop our natural gas resources off of our coast would not be welcome. In fact, any proposal that would tell us what we can or cannot do without any public input would, and should, be opposed and rejected. I still hear that a number of proposals are working their way through this administration to declare areas off limit to certain activities by Presidential decree, including off South Carolina.

Doing this type of resource lock up without any public comment is wrong. Any attempt to create a sanctuary or a monument off

South Carolina that would lock up our fishery resources and our energy resources is bad policy and a bad idea.

Finally, Madam Chair, at least two of our witnesses start their testimony with statements that they were not given enough time to either fully review the reauthorization bill or did not have enough time to get input from representatives of their industry sector. That is unfortunate. Even though this hearing was scheduled in plenty of time, the legislation was not available until last week giving witnesses less than one week to prepare for the hearing and get their comments reviewed.

For that reason and because this legislation makes a significant change to the sanctuary program by adding authorities for the national marine monuments, something which we have had very little discussion on in the previous hearings, I would like for you to make a commitment that this Subcommittee will not move this legislature prior to us holding at least one more hearing to discuss the issue surrounding the designation of national marine monuments and how such monuments would be treated once they are designated.

I hope such a commitment can be made, and I would like to work with you to make sure this legislation is something that I can support and that will not cause more fear among those who make their living on the waters of the United States.

Thanks, Madam Chairman. You have the balance of the time, and I welcome my colleagues as witnesses. Thank you.

Ms. BORDALLO. I thank the Ranking Member from South Carolina, the gentleman, Congressman Mr. Brown. Now, I would like to recognize the gentlelady from California, Lois Capps, for opening remarks.

STATEMENT OF THE HONORABLE LOIS CAPPS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. CAPPS. Thank you, Madam Chairwoman, for holding this hearing, and welcome to our first panel, our expert witnesses who are our colleagues, Mr. McCotter from Michigan, and particularly want to welcome colleague Ileana Ros-Lehtinen of Florida. She and I are co-chairs of the newly created sanctuary caucus, and it is a pleasure to work with her on behalf of some of the issues that our colleague, Mr. Brown, just mentioned inclusivity.

Madam Chairwoman, one of the reasons I joined this Subcommittee was to reauthorize and be part of this process to reauthorize the National Marine Sanctuaries Act. This is the third hearing we have had on this important law in the 110th Congress. As you recall because you were there, one of our hearings was held on the site overlooking the Channel Islands Marine Sanctuary, which I am honored to represent, out in California.

The hearings have given the Subcommittee an opportunity to determine if the Act has kept pace with advances in ocean management and science. Today we begin the next phase of this process. I want to congratulate you for introducing the Sanctuary Enhancement Act. This is a good bill.

It makes several targeted and critical changes to the Act, it lists the current moratorium on the designation of new sanctuaries, it establishes a process for potential new sites to be added to the sys-

tem and it improves the process for updating sanctuary management plans.

I am confident that these changes will enhance and ensure the continued success of the sanctuary system for years to come. Once again, Madam Chair, you have assembled a diverse group of stakeholders to address the Subcommittee this morning. I am interested in what they think of some of the provisions included in the Sanctuary Enhancement Act, hopeful that with their suggestions we can work toward a successful reauthorization.

I am ready to do my part to develop these ideas as the reauthorization process moves forward. Once again, thank you for introducing the bill and for convening this hearing. I yield back.

Ms. BORDALLO. I thank the gentlelady from California, Lois Capps, for her opening remarks. Although he is not making any opening remarks, I would like to introduce the gentleman from New Jersey, Mr. Saxton, who was a former Chairman of this Subcommittee. I recognize the Ranking Member.

Mr. BROWN. Madam Chair, I would like unanimous consent to place in the records the statement from our Ranking Member of the full Committee, Honorable Don Young.

Ms. BORDALLO. No objection. So ordered. Now, I would like to recognize our first panel, two very distinguished colleagues of mine, Congressman Thaddeus McCotter from Michigan and Congresswoman Ileana Ros-Lehtinen from Florida. I want to thank you both for being here this morning. I know it is a very busy time for us, particularly on a Thursday.

So at this time before recognizes Congressman McCotter to testify I would ask unanimous consent to enter into the record a statement from Congressman Bart Stupak, the sponsor of H.R. 6204, in support of his legislation. Hearing no objection, so ordered.

Ms. BORDALLO. Mr. McCotter, you are now invited to testify on H.R. 6204, which would expand the Thunder Bay National Marine Sanctuary.

STATEMENT OF THE HONORABLE THADDEUS McCOTTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. MCCOTTER. Thank you, Madam Chair. I am delighted to be here, I am delighted to testify on behalf of this bill by my colleague from Michigan, Bart Stupak. I think the idea of my coming in today was hatched while we were standing at first base at the congressional baseball game and he said what are you doing?

I said well, I am planning on stealing off of Joe Baca, and he said well, what are you doing after that? I said well, I think I can come testify if you are busy, Bart. He said well, I will be busy, will you go testify? I said who is the Chair of that Subcommittee? He said Madeleine Bordallo. I said I would be delighted to attend. I did not know that the good gentleman from New Jersey was here. I might have reconsidered.

I would like, with your permission, to enter a statement into the record. I would just like to add to that my personal belief that the Thunder Bay National Marine Sanctuary and Underwater Preserve has been a tremendous asset to Michigan, both for its archeological research as well its tourism to our state.

It has been a very bipartisan issue and the leadership of people like my colleague, Bart Stupak, and Senator Levin across the rotunda, is of critical importance to our state as it struggles. I know there are larger concerns that are with this issue but in the spirit of the times I remember what Tip O'Neill said: All politics is local.

I am a citizen of Michigan and this bill will have a tremendous impact for our residents, and I would urge that it be passed out of Committee.

Ms. BORDALLO. Thank you very much, Congressman McCotter, for your testimony. I would like to mention a little on the side here that I first had the opportunity to meet the distinguished gentleman on a trip to the Middle East. We did a series of concerts, I think six altogether. I did not know he was a very accomplished musician.

I was part of the group, it is called the Second Amendments, made up of all the Members of Congress. Mr. McCotter there plays a very mean guitar. So it is good to see you again, and thank you very much for testifying this morning. Don't ask me what I played in that. I am just a tambourine player.

[The prepared statement of Mr. McCotter follows:]

Statement of Representative Thaddeus G. McCotter, a Representative in Congress from the State of Michigan

Good Morning Chairwoman Bordallo, Ranking Member Brown, and members of the Subcommittee. Thank you for granting me this time to speak on the Thunder Bay National Marine Sanctuary. I am pleased to submit this statement in support of H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act, of which I am an original co-sponsor.

As you know, in 2000, the Thunder Bay National Marine Sanctuary was established as the thirteenth national marine sanctuary and the only marine sanctuary in our Great Lakes. Preceded by thirty years of tireless dedication, the 448 square miles of protected waters of the Thunder Bay National Marine Sanctuary encompasses many natural and cultural treasures to our Great Lakes and the nation. Certainly, the National Oceanic and Atmospheric Administration (NOAA) itself recognized Thunder Bay's unique significance in designating this sanctuary under its mandate is to select sites which are shown to contain resources of "special national significance" due to their "conservation, recreational, ecological, historical, research, educational, or aesthetic qualities."

Specifically, Thunder Bay's cold, freshwater environment has preserved and protected many historic shipwrecks, unseen in wrecks found in saltwater environments. Today, more than 200 known shipwrecks and 65 possible shipwrecks can be found within the boundaries of the Thunder Bay National Marine Sanctuary. Within this impressive array of shipwrecks lies a rich history detailing the early settlement of our Great Lakes. While the upper Great Lakes region was sparsely populated throughout much of the 17th and 18th centuries, in the early 19th and 20th centuries, most of the early immigrants to the region came by boat due to lack of interior infrastructure development. Evidence of the development in Great Lakes shipping technology can be clearly seen in Thunder Bay's impressive inventory to sunken ships. These sunken vessels range from wooden sailboats to early steel-hulled steamboats, including a few sidewheel steamboats. One of the more well known shipwrecks in Thunder Bay was the wooden sidewheel steamer, NEW ORLEANS, which was sunk during a storm in 1849. Another famous wreck was the GRECIAN in 1906, which was one of the first steam powered "lakers" to sail our Great Lakes. Ultimately, the GRECIAN's design was replaced by straight-decked lakers, typified by the ISAAC M. SCOTT, which also sank in Thunder Bay during the Great Storm of 1913.

Indeed, the Environmental Impact Statement (EIS) used to study the designation of the Thunder Bay National Marine Sanctuary concludes the importance of Thunder Bay as a microcosm of the larger Great Lakes shipping system. To highlight one such conclusion from the EIS, "Virtually all types of vessels employed on the open lakes regularly passed along this important trade route, and most vessel types are represented in its shipwreck collection. These vessels were engaged at the time of

their loss, or sometime during their careers, in nearly every kind of trade. Most of these trades had a national—and some had an international—significance and spawned uniquely designed vessels. Thunder Bay, therefore, impacted the design and construction of traditional Great Lakes craft." (EIS, 123)

After its designation as a National Marine Sanctuary, NOAA, in cooperation with the City of Alpena and Alpena County, Michigan, established the Great Lakes Maritime Heritage Center. Importantly, the Great Lakes Maritime Heritage Center serves approximately 60,000 visitors every year as the gateway to Thunder Bay. The Center allows visitors to explore shipwrecks in real time; investigate archaeologist's preservation of these historic shipwrecks; and discover our Great Lakes' maritime history through interactive exhibits. In 2005, I had the pleasure of attending the 5th Anniversary of the designation of Thunder Bay National Marine Sanctuary. In June 2008, the Thunder Bay National Marine Sanctuary opened a new Great Lakes Maritime Heritage Center. Now more than ever, visitors can experience the wonders of Thunder Bay through all new interactive exhibits, including a replica shipwrecked vessel. While I have not had the opportunity to visit the new facility, I look forward to one day sharing this experience with my children.

Importantly, to continue the preservation efforts already underway, I am proud to be an original co-sponsor of H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act. Specifically, H.R. 6204 would expand the Thunder Bay National Marine Sanctuary to include the offshore waters of Presque Isle and Alcona Counties, Michigan. Significantly, these areas are home to a comparable number to lost vessels which archeologists and students alike can study and explore. Today, these shipwrecks are popular with many recreational divers and are integral parts of our Great Lakes' maritime heritage. Without proper preservation, these historic sites could be lost. Additionally, this expansion is welcomed by these surrounding communities in recognition of the good work NOAA and the Thunder Bay staff is already doing in Alpena.

In conclusion, let me again thank Chairwoman Bordallo, Ranking Member Brown, and members of the Subcommittee for extending me the privilege to speak about the benefits of the Thunder Bay National Marine Sanctuary and H.R. 6204.

Ms. BORDALLO. I would like to now introduce and recognize a Co-Chair of the House National Marine Sanctuary Caucus, and she is our colleague from Florida and the co-sponsor of my bill, and Congressman Ileana Ros-Lehtinen. I have a hard time sometimes with that name.

Ms. ROS-LEHTINEN. What about your name, Madam Chair? Bordallo.

Ms. BORDALLO. Thank you very much for your continuing support for the sanctuary system, and so please begin your testimony.

STATEMENT OF THE HONORABLE ILEANA ROS-LEHTINEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Ms. ROS-LEHTINEN. Thank you, Madam Chair, thank you, ranking Member Brown, and fellow National Marine Sanctuary Caucus Co-Chair and Co-Founder, my good friend from California, Lois Capps. We have a new member of our caucus. I had to assure Congressman McCotter that it is a marine sanctuary caucus and not sanctuary cities caucus, so he is quite relieved about that.

I made quite a mess of your table here, Madam Chair. I poured an entire cup of water before realizing that it was all spilling into your beautiful table and onto me. I do not have a drinking problem.

Ms. BORDALLO. Well, since this is the Oceans Committee, I think it is very appropriate.

Ms. ROS-LEHTINEN. Right. That is what Mr. McCotter was saying. I am developing my own marine sanctuary right here. Thank you so much for the opportunity. I would like to recognize in the audience Don Basta, who is a good friend, a good friend of Lois, a

good friend of mine as well. He is the head of the sanctuary program, so take a bow there, Don. Thank you.

I sincerely appreciate the opportunity to speak before you in support of H.R. 6537, the Sanctuary Enhancement Act of 2008, introduced by the Chair. I am the original co-sponsor, as well as the lead Republican sponsor on the bill. I believe that we are at a critical period in which all Americans should unite to protect our ocean and coastal resources and the reauthorization of the Sanctuaries Act is an important step toward that goal.

The legislation before this Committee reaffirms the significance of our marine resources by strengthening Federal authority to conserve pristine areas, increasing interagency collaboration and participation between the appropriate stakeholders, and most importantly, expand educational opportunities for our young people.

I have the great honor of representing a good chunk of paradise in this beautiful country. My district consists of 265 miles of Florida coastline from the tip of Miami Beach all the way down to Key West. The Florida Keys, in particular, is one of the most ecologically diverse areas in the nation. I think that applies to humans as well. It is pretty diverse.

The Keys are home to two national parks, four national wildlife refuges and the Florida Keys National Marine Sanctuary, and there are currently 13 national marine sanctuaries and one marine national monument established in areas where the natural or cultural resources are so significant that they warrant special status and protection.

Our sanctuary, established by Congress in 1990, includes the most extensive coral reef system in the continental United States and the third largest in the world.

National marine sanctuaries provide economic, environmental and educational benefits to surrounding communities and visiting populations, and these benefits are fully realized in my home district where the national marine sanctuary is a prime hub for tourism, it is a critical source of revenue for local industries, and it has an underwater lab for children and adults.

Each year, nearly two million tourists visit the Florida Keys, including so many ocean enthusiasts, scuba divers—and I am a scuba diver myself—and the attractions of our sanctuary system contribute greatly to the total value of Florida's tourist economies and fisheries.

Commercial and recreational fisherman, as Mr. Brown had pointed out, operating within sanctuary waters, they contribute millions of dollars to Florida's economy annually. In fact, our sanctuary is a model for collaboration and cooperation between the scientific and commercial fishing industries throughout the United States.

Provisions included in today's bill seek to strengthen the interaction between industry stakeholders and conservationists.

I know that numerous commercial fishermen, including those in my congressional district, are concerned about the role of their industry in future sanctuary designations and potential area closures, but I look forward to working with members of this Subcommittee and the full Committee in ensuring that the final bill does, indeed, maintain the role of regional fisheries council and

also invites individual fishermen in decisionmaking that affects their livelihood.

I am a former teacher so I believe that life and learning are very much connected, and sanctuary systems provide countless educational opportunities for students of all ages. I look forward to working with this Subcommittee and with the full Committee on strengthening our sanctuaries program while protecting the commercial fishing industry. Thank you so much, Madam Chair, Ranking Member, Mr. Saxton and Ms. Capps.

Ms. BORDALLO. I want to thank you very much for your excellent remarks, Ms. Ros-Lehtinen, and thank you, also, for your support for a vibrant and effective national marine sanctuary system. I know you are from the great State of Florida so you are surrounded by water, just as we are, and I do want to go on record to thank you for some of the past support that you have given the territory of Guam.

We still have a bill lingering in the Senate and you have been very, very helpful. I want to thank you very much for your die hard support of that piece of legislation. Also to Mr. McCotter. I know you are both very busy people.

Ms. BORDALLO. Is there anybody that wishes to ask any questions of——

[No response.]

Ms. BORDALLO. All right. I want to thank you both then. I would like to ask unanimous consent to enter into the record a statement in support of H.R. 6537 on behalf of Congressman Sam Farr. Hearing no objection, so ordered.

[The statement submitted for the record by Mr. Farr follows:]

Statement of The Honorable Sam Farr, a Representative in Congress from the State of California

Having been born and raised on the Central Coast of California, I have long admired the bounty and the beauty produced from the rich ecosystems of our oceans. I thank Chairwoman Bordallo for holding this hearing on the reauthorization, strengthening, and clarification of the National Marine Sanctuaries Act. I believe that the National Marine Sanctuaries are a vital tool for the conservation of our oceans and important models for ecosystem based management. This legislation will make it clear that the primary purpose of the sanctuaries is the long-term protection and conservation of the living and nonliving resources.

The Monterey Bay National Marine Sanctuary (MBNMS), which I am proud to have in my district, contains our nation's largest kelp forest, one of North America's largest underwater canyons, and the nearest-to-shore deep ocean environment in the continental United States. The sanctuary is home to one of the most diverse marine ecosystems in the world, including 33 species of marine mammals, 94 species of seabirds, 345 species of fishes, and numerous invertebrates and plants. These features make it ideally situated for learning about and engaging the public with the marine environment and I believe its establishment has contributed to the health of our coastal economy.

Having been a long-time supporter of the sanctuary, and lifetime resident on its shores, I have witnessed the Monterey Bay National Marine Sanctuary's commitment to building a strong foundation for continued success by actively engaging local residents in what is possibly the most involved citizen advisory group in the system. I believe it is this commitment that has maintained the broad base of support that continues to be the sanctuary's greatest asset.

The management of the National Marine Sanctuaries requires that we take the long view and ensure that we continue to have productive, healthy oceans. The protections for the ocean ecosystems that the Sanctuaries provide do not endanger the commercial and recreational fishing industries, but will guarantee the continued existence of these businesses and these ways of life for future generations of fishermen.

The sanctuaries are an important part of the protections of the ocean that the people in my district have come to expect. They represent a promise that we will maintain the ecosystems that are the cornerstone of commercial fishing, recreational fishing and boating, and tourism on the coast. Recreational uses of the ocean alone account for more than $100 billion of the coastal economies, with wildlife viewing alone generating up to $50 billion. These sanctuaries will ensure that there remains something for our grandchildren to come see.

The sanctuaries protect fragile benthic habitats from destructive drilling for oil. They also restrict ship traffic in order to protect these ocean waters from future oil spills and to avoid repeating the disastrous consequences from oil spills in the past. During the Cosco Busan oil spill the staff and the impressively knowledgeable volunteers of the Sanctuaries on the California coast aided the oil spill response teams in monitoring and cleanup along the coast. I do not want to imagine the outcome without these dedicated and caring people. The sanctuaries guarantee that we will not sacrifice these amazing and productive living resources for short term economic gain.

Finally we must not underestimate the scientific benefit of having places from which we can learn about the complex systems of the ocean on which our climate, our weather, much of our economy, and our food supply depends. The importance of our oceans will only increase in the coming decades as the communities along the coasts and inland are forced to adapt to changes in our climate.

I am pleased that we are starting the process of strengthening and clarifying the best marine conservation program that we currently have. I believe we need to include and educate all people who have a stake in healthy, pristine, and productive oceans in this process. I look forward to working on this and protecting

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Ms. BORDALLO.The Chairwoman now recognizes the second panel of witnesses, Mr. John Dunnigan, the Assistant Administrator for Ocean Services, National Oceanic and Atmospheric Administration; Ms. Vikki Spruill, President and CEO of the Ocean Conservancy; Mr. Scott B. Gudes, Vice President, Government Relations, National Marine Manufacturers Association; Mr. Timothy Sullivan, Executive Director and CEO, The Mariners' Museum; Mr. Steve Kroll, Chairman, Thunder Bay National Marine Sanctuary Advisory Council, Diving Representative; and Mr. Rick Marks, Principal, Hoffman, Silver, Gilman & Blasco.

I now recognize Mr. Dunnigan to testify for five minutes, and I would note for all the witnesses that the red timing light on the table will indicate when your time has concluded and we would appreciate your cooperation in complying with the limits that have been set as we have several witnesses to hear from today. Be assured that your full written statement will be submitted for the hearing record.

Now, if you would, Mr. Dunnigan, please begin.

STATEMENT OF THE HONORABLE JOHN H. DUNNIGAN, ASSISTANT ADMINISTRATOR FOR OCEAN SERVICES AND COASTAL ZONE MANAGEMENT, NATIONAL OCEAN SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. DUNNIGAN. Thank you, Madam Chairwoman. Members of the Committee, good morning. Let me say how much I appreciate the opportunity to be back here today on behalf of NOAA and the administration in support of one of the strongest programs that we have in Oceans and Marine Affairs for the conservation and protection of valuable resources.

Since you have indicated, Madam Chairwoman, that the statements will be entered in full in the record, let me just make a few comments. The National Marine Sanctuaries Act really is one of the strongest pieces of Federal legislation for protecting both nat-

ural, as well as cultural, resources for the oceans and the great lakes, and yes and no, we recognize that the great lakes are oceans, too.

The Sanctuaries Act is unique among a suite of Federal laws aimed at protecting marine resources because its primary objective is to identify marine areas of special national significance for their protection and conservation and for managing these special places as ecosystems so that we can maintain their natural biodiversity as well as the historical and cultural heritage that is associated with these wonderful places.

NOAA fully supports the reauthorization of the National Marine Sanctuaries Act, and so we very much appreciate the opportunity to once again reiterate our views for the priorities for that reauthorization. Madam Chairwoman, we have not had sufficient time to completely review the provisions of H.R. 6537, and so I can't give you specific comments today on behalf of the administration.

We do, however, look forward to continuing our work with the Committee and the Committee staff. We have been doing that over the last couple of months providing technical assistance. As we go through the bill, we look forward to working with you some more. If I could, let me just mention a couple of issues that we have testified before this Committee before about that we think are some high priority themes that need to be carried forward.

First, although the Sanctuary Act's primary purpose is resource protection, we think that the Sanctuary Act has lacked an overarching sense of mission since the law was first passed in 1972, and so in clarifying the primary purpose of this bill, the National Marine Sanctuaries Act could be modified to include a standalone purpose and policy that very clearly states what it is that the Congress is trying to achieve through this legislation rather than the way the bill is written today where you have to go through the law in a number of different places and try to tease out what are the important and salient policy prerogatives that are contained in it.

So establishing a clear primary mission and focus for the law is something that we think needs to be done. Second, we think that there are some improvements that can be made in the processes contained in the law, particularly the sanctuary identification and designation process. For some time there has been a moratorium on the consideration of new sanctuaries.

As I said to you a couple of weeks ago when we were here at the last hearing, we think it is time to allow that moratorium to be lifted, not necessarily so that we would move forward and identify or designate a whole swath of new sanctuaries, but really to create a better opportunity for us to evaluate, and plan, and look at the system as a whole so that we can make better judgments as to how it ought to be operating.

We also believe very strongly in NOAA in public process, and I recognize a number of comments that had been made so far in this hearing this morning. We have a longstanding commitment to transparency and to working with the public. Our sanctuary advisory councils are critical to the success of the process that we have today. We think that whatever processes are carried forward need to recognize the importance of the public's engagement in making these decisions.

The last point that I would like to mention is this question of marine national monuments. This was brought to us new when the President designated the Papahanaumokuakea Marine National Monument. We are looking for an opportunity to try to make the requirements of monuments under the Antiquities Act work with the resources that we have under the Sanctuaries Act.

We think that would be a good thing to include in the reauthorization of the law. Let me make one last comment, if I could, about Thunder Bay. NOAA agrees with the underlying purpose of H.R. 6204 to provide Federal protection to the shipwrecks and other maritime heritage resources located off of Michigan's Presque Isle and Alcona Counties by incorporating them into the Thunder Bay National Marine Sanctuary.

There is a lot of public support for this. We recognize it. We have had a lot of opportunity to work with the public. Our general view is that these are better done through the sanctuary process rather than by statute, but, in fact, this is a wonderful part of the national marine sanctuary system, and we look forward to being able to continue to work with the Committee. Thank you, Madam Chairwoman.

Ms. BORDALLO. Thank you, Mr. Dunnigan, and we look forward to working with NOAA to refine and improve this legislation to strengthen the mission and the capabilities of the national marine sanctuary system. I want to go on record to congratulate you. You are able to pronounce that monument in Hawaii.

Mr. DUNNIGAN. It is a requirement of the job, ma'am.

Ms. BORDALLO. Thank you very much.

[The prepared statement of Mr. Dunnigan follows:]

Statement of John H. Dunnigan, Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

INTRODUCTION

Good morning, Madam Chair and members of the Subcommittee. I am John H. Dunnigan, Assistant Administrator for Ocean Services and Coastal Zone Management for the National Oceanic and Atmospheric Administration (NOAA). Thank you for the opportunity to testify on H.R. 6537, the Sanctuary Enhancement Act of 2008 and H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act.

Thirty-six years ago, Congress passed the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92-532). Title III of that law, later named the National Marine Sanctuaries Act (the NMSA), authorized the Secretary of Commerce to designate areas of the marine environment, including the Great Lakes, as national marine sanctuaries.

The NMSA is one of the strongest pieces of federal legislation for protecting both natural and cultural resources in the oceans and Great Lakes. The NMSA is unique among the suite of federal laws aimed at protecting or managing marine resources in that its primary objective is to set aside marine areas of special national significance for their permanent protection and to manage them as ecosystems to maintain their natural biodiversity and historical and cultural heritage.

NOAA fully supports reauthorization of the NMSA and appreciates the opportunity to once again reiterate our priorities for reauthorization. Although we have not had sufficient time to review H.R. 6537 and cannot provide specific comments on it today, we look forward to working with the Committee in the future once we've conducted a more thorough analysis. My testimony today will therefore focus more generally on NOAA's priorities for reauthorization and on H.R. 6204.

PRIORITIES for NMSA reauthorization

The NMSA is one of the nation's most successful marine resource conservation laws and its reauthorization should be a top priority of Congress as it considers en-

vironmental legislation. There are, however, several issues that the Administration considers ripe for change within the Act.

NOAA's top three priorities for NMSA reauthorization are to:

- Clarify and strengthen that the NMSA's primary mission is resource protection.
- Streamline and clarify the processes of: (1) identifying and evaluating sites for possible designation as national marine sanctuaries; (2) selecting eligible sites to begin the designation process; and (3) designating sites as national marine sanctuaries.
- Provide those portions of marine national monuments managed by NOAA with legal management tools that are currently available to national marine sanctuaries.

The NMSA's Primary Purpose and Mission Focus

Although the NMSA's primary purpose is resource protection, the NMSA has lacked an overarching mission statement since its passage in 1972. In implementing the NMSA, NOAA must piece together current priorities and management goals through references found scattered throughout the NMSA. This has, on occasion, led to confusion as to the NMSA's primary mission focus. In clarifying its primary purpose, the NMSA could be modified to include a stand-alone purpose and policy on resource protection and a clear concise mission statement for NOAA in implementing that policy.

Sanctuary Identification and Designation

There has been considerable confusion about the processes for evaluating sites for eligibility and designating them as national marine sanctuaries. This confusion has been a significant impediment to NOAA making timely decisions about designating sites and in conducting management plan reviews for existing national marine sanctuaries. Reauthorization discussions of the NMSA could include consideration of new language to streamline and clarify these processes with the goal of allowing NOAA to make more timely and predictable decisions.

Any changes to the existing processes, however, must be made in a way that first and foremost preserves the NMSA's longstanding commitment to transparent public process. Any changes must also maintain the NMSA's important procedural safeguards, such as interagency and intergovernmental consultation requirements.

Marine National Monuments

The Antiquities Act of 1906 (16 U.S.C. 431-433) gives the President authority to protect natural and cultural objects through designation of a national monument. Although this authority has been largely used to protect terrestrial resources, it has been used to protect special areas of the marine environment as well, including the Papah'naumoku'kea Marine National Monument (PMNM), which is the first monument NOAA has responsibility to manage. NOAA is a co-manager of the PMNM, along with the U.S. Fish and Wildlife Service and the State of Hawaii. While this statute provides a basis for strong protection, the NMSA provides NOAA a number of well-tested and highly valuable administrative management tools to effectively manage and protect national marine sanctuaries that are not available under the Antiquities Act. In particular, the NMSA provides for the recovery of damages from parties responsible for injuring sanctuary resources (section 312); it allows for a community-based advisory council to provide input in sanctuary management (section 315); and it allows for NOAA to pursue civil penalties for violations of the NMSA and regulations or permits issued under the NMSA (section 307). These authorities would be useful in marine national monuments, or portions thereof, that are managed by NOAA.

Technical Enhancements to Key Elements of the NMSA

Several key elements of the NMSA lay the basic foundation for management of the National Marine Sanctuary System and provide essential statutory authority to ensure its overarching goals and objectives are efficiently met. These include the ability to conduct enforcement (section 307), the authority to issue regulations (section 308), the mandate to conduct scientific research and educational programs (section 309), the flexibility to issue special use permits (section 310), the authority to enter into cooperative agreements (section 311), the authority to collect damages from parties responsible for injuring sanctuary resources (section 312), the authority to establish and convene advisory councils (section 315), and the authority to solicit sponsors and accept other forms of support (section 316). Reauthorization discussions could include careful evaluation of these foundational pieces of the NMSA and update them as necessary to ensure they continue to meet NOAA's needs. For example, some considerations could include:

- increasing the maximum civil administrative penalty per day per offense, to provide a greater deterrent;
- providing better clarity on the issuance and enforcement of permits (e.g., clarify that NOAA has the authority to revoke permits it issues under the authority of NMS regulations);
- making the management of advisory councils more efficient by eliminating the 15-member limit on advisory councils for sanctuaries designated after November 4, 1992; and
- allowing NOAA to withhold data and information that, if released, could result in injury to sanctuary resources.

THUNDER BAY EXPANSION

NOAA agrees with the underlying purpose of H.R. 6204, which is to provide federal protection to the shipwrecks, and other maritime heritage resources, located off Michigan's Presque Isle and Alcona Counties by incorporating them into the Thunder Bay National Marine Sanctuary and Underwater Preserve (Sanctuary). This proposal also has widespread support in the local communities. On May 22, 2007, the Thunder Bay Sanctuary Advisory Council (SAC) recommended expanding the Sanctuary to a 3,662-square-mile area extending from Alcona County to Presque Isle County, east to the international border with Canada. Formal support for sanctuary expansion has been received from the City of Alpena, Alpena County, Alpena Township, Sanborn Township, Presque Isle Township, the City of Rogers City, Alcona County, Michigan Sunrise Side Travel Association, and the Sunrise Side Coastal Highway Management Council. While there is public support for such an expansion, as a general matter NOAA prefers to see that significant actions such as these be vetted through public management plan and regulatory development processes rather than legislatively, as H.R. 6204 would do.

The Sanctuary was designated in October 2000 for the purposes of providing long-term protection and management to the conservation, recreational, research, educational, and historical resources and qualities of a nationally significant collection of shipwrecks and other maritime heritage resources in the area. The bill would increase the size of the Sanctuary by approximately eight times its current size of 448 square miles. The Sanctuary's shoreline would also increase from 95 to 225 miles and subsequently include the cities of Alpena, Harrisville and Rogers City. Under this proposal an additional five state park properties, seven historic lighthouses and one lifesaving station would also be adjacent to the expanded boundaries.

More than 200 shipwrecks rest within the proposed boundaries. Magnificently preserved by the cold freshwater of Lake Huron, these archeological sites are one of the nation's best-preserved and historically-significant collections of shipwrecks. From pioneer steamers to majestic schooners to modern freighters, these sites represent a microcosm of maritime commerce on the Great Lakes. As memorials to the men and women that worked the inland seas, these unique sites have tremendous historical, archaeological, and recreational value. They not only connect us to the past, but they also connect us to the Great Lakes—one of our most precious natural resources.

CONCLUSION

In closing, I'd like to reiterate NOAA's support for NMSA reauthorization and our sincere gratitude for the hard work this Subcommittee has done toward that goal. We look forward to working with the Subcommittee once we've conducted a more thorough analysis of the bill. I also would like to reiterate NOAA's support for the underlying purpose of H.R. 6204.

Thank you again for the opportunity to offer my thoughts on these important issues. I will be glad to answer any questions you may have.

Ms. BORDALLO. At this time we are going to interrupt for just a few minutes. Congressman Stupak has come in and he is the sponsor of 6204, so the Committee would like to have him give his opening remarks and statement on that bill. Congressman, go ahead.

STATEMENT OF THE HONORABLE BART STUPAK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. STUPAK. Well, thank you, Madam Chairwoman, and thank you for the courtesy. I was helping Oversight Investigations do a

hearing. But this is H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act. It is of great concern to us and enjoys full support throughout my district.

What started off as a marine sanctuary, the first one on the Great Lakes, somewhat controversial a number of years ago, very few elected officials would support it, but now we enjoy widespread support from all the counties affected. It has had a tremendous impact on our community and tourism.

It has opened the eyes of so many people as to I should say the depths of the Great Lakes, all the shipwrecks we have had, how the deep, cold waters in the bottom of those lakes have preserved those shipwrecks for so many years, and we look forward to expanding the marine sanctuary. It has been a great asset with great pride.

The State of Michigan and the local communities have expanded the heritage center that now connects underwater cameras to some of the shipwrecks. We just had a grand opening of the new center about two, three weeks ago. A tremendous turnout, tremendous support. So we are asking for this Committee if you would approve the boundary modification. Make it larger to include about another 117 more shipwrecks in this part of Lake Huron.

We certainly appreciate the help and support of this Subcommittee and the full Committee, and we look forward to continuing to expand the enjoyment, the excitement, the discovery process, the eyes that we open up for people around the Great Lakes as to our great maritime history in the Great Lakes. Thank you for your help and support, Madam Chair, and to all the members.

Thank you for taking me out of order and the courtesy shown here today. I will go back up on my hearing on long-term care.

[The prepared statement of Mr. Stupak follows:]

Statement of The Honorable Bart Stupak, a Representative in Congress from the State of Michigan

Thank you Chairwoman Bordallo, Ranking Member Brown, and Members of the Subcommittee for holding this hearing on H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act.

I also want to thank the bill's original co-sponsors Congressman Kildee and Congressman McCotter, who's efforts have been instrumental in bringing my bill to the Committee.

In 1975, Michigan State University in response to local interest collected an inventory of shipwrecks located within Lake Huron's Thunder Bay. What they found was that Thunder Bay potentially contained the largest number of historical shipwrecks in the country.

This discovery warranted the establishment of an underwater "reserve" and in 1981 the state of Michigan declared Thunder Bay as Michigan's first Great Lakes Bottomland Preserve.

Following this state recognition, the National Oceanic and Atmospheric Administration designated the Thunder Bay National Marine Sanctuary in 2000 making it the first sanctuary in the Great Lakes.

The Sanctuary is a federal-state partnership with a unique focus on preserving the large collection of underwater cultural resources. These resources consist of over 100 shipwrecks spanning over 200 years of Great Lakes shipping history.

In order to study and preserve the cultural resources present at Thunder Bay, the National Oceanic and Atmospheric Administration and the State of Michigan established the Great Lakes Maritime Heritage Center in Alpena, Michigan in 2005.

The Great Lakes Maritime Heritage Center allows visitors to learn about Great Lakes' maritime history, explore shipwrecks via live video feeds, and see how archaeologists continue to work to preserve these historic sites.

To continue this positive outcome, the Thunder Bay Sanctuary Advisory Council, a fifteen-member group representing local interests such as fishermen, the business community, educational institutions, and local government, have passed a resolution that recommended the sanctuary be expanded.

My legislation, H.R. 6204, would extend the sanctuary's boundaries to include the waters off Alcona, Alpena and Presque Isle counties in Michigan and extend the sanctuary east to the international boundary with Canada.

Currently, the sanctuary covers 448 square miles of water and 115 miles of shoreline, protecting 116 shipwrecks. H.R. 6204 would increase this area to 3,722 square miles of water and 226 miles of shoreline, adding an additional 180 shipwrecks to the Sanctuary.

In addition, the legislation would direct NOAA to produce updated charts of the newly designated areas and apply the protection and preservation provisions in the existing management plan to the newly added areas.

By authorizing an expansion to the Thunder Bay National Marine Sanctuary, the affected local communities would receive the benefits of having additional historical resources highlighted and preserved, as well as increased tourism, which is an important driver for economic growth.

The Senate companion bill, S. 2281, introduced by Senator Carl Levin, was approved by the Committee on Commerce, Science, and Transportation on May 15, 2008.

It is my hope that this Committee will also support this legislation, so we may make this expansion a reality. I thank you again for allowing me to testify, and for your consideration of my legislation.

Ms. BORDALLO. I thank the gentleman from Michigan, Mr. Stupak, who is the author of H.R. 6204. I understand he represents one of the largest districts in his state. I would like to recognize the Ranking Member who has a question.

Mr. BROWN. Thank you, Bart. Thanks for being here today. I was just looking at the map, you know, showing where the current sanctuary is and where you want to expand it to. I would assume that the boundary out there would be the boundary that your protected waters in Michigan versus the protected waters in Canada. Is that the dividing line?

Mr. STUPAK. No. The dividing line is out a little bit farther. It is an international border there so it is quite a ways out there.

Mr. BROWN. OK.

Mr. STUPAK. We were still fairly close to the shoreline because of the reefs that are found in that area. That is where all those shipwrecks lie, and all lie within the State of Michigan. The international border is still farther out in the water.

Mr. BROWN. I got you.

Mr. STUPAK. I have over 1,600 miles of freshwater shoreline. I have more shoreline than any other congressional district except Alaska. So it is a pretty big district and Canada is very supportive of it. Right across from us is the Manitou Islands where they have a number of passages and shipwrecks that Canada is developing.

Mr. BROWN. OK. Thanks.

Ms. BORDALLO. Again, I thank the gentleman from Michigan for his statements today and they will be entered into the record. Thank you, Congressman.

Mr. STUPAK. Thank you.

Ms. BORDALLO. Now, we will continue on. I would like to introduce Ms. Spruill. Welcome before the Subcommittee and you are now recognized to testify for five minutes.

STATEMENT OF VIKKI SPRUILL, PRESIDENT AND CEO, THE OCEAN CONSERVANCY

Ms. SPRUILL. Good morning, Madam Chairwoman and members of the Subcommittee. I am Vikki Spruill, President and CEO at Ocean Conservancy. I would like to thank Chairwoman Bordallo for her leadership on the issue of ocean conversation and for moving this critical reauthorization forward.

As is probably true for many of us here, the ocean has been a constant throughout my life. I was fortunate to grow up along the panhandle of Florida with its sugar sand beaches and emerald waters that attract countless tourists every year. I went to college in New Orleans not far from the Gulf of Mexico where oil rigs and refineries mark the coastal waters.

Ocean conservancy is the country's oldest and largest ocean nonprofit. We harness over 35 years of policy and scientific expertise to anticipate ecological threats and to deliver sustainable solutions to protect our ocean and improve our quality of life. I am honored to represent a half a million members and volunteers from across the country.

We believe it is time to look beneath the surface of the ocean to see where the health of our planet really begins. The ocean is Earth's life support system.

It covers two-thirds of the planet, provides much of the air we breathe, the food we need, and it actually moderates the climate that sustains us, yet many still take it for granted, so it falls to us to be stewards of the ocean, to put in place the kinds of policies like we are discussing today that will conserve and protect the ocean.

I had a lengthy career in the private sector before working in ocean conservation and the good news is that we are seeing the emergence of a new ocean ethic in which American businesses recognize the comprehensive value of the ocean rather than discrete resources to be extracted.

I appreciated the stories from the businesspeople who testified in favor of this reauthorization. They told very compelling and personal stories about the positive impacts that sanctuaries had on their businesses and in their communities. Even though it is not the focus of today's hearing, I must say that I hope this ocean ethic prevails as the Congress debates whether to lift the moratorium on offshore drilling.

Lifting the moratorium would do nothing to lower today's gas prices and there are cheaper, and faster, and safer ways to solve our energy crisis by investing alternative technologies. By far, one of the most comprehensive ways to achieve our goal of a healthy ocean is through a sound national marine sanctuary system.

It is one of the most critical instruments in our conservation toolbox, and it allows us to create a healthier and more resilient ocean. It is our duty to make the Marine Sanctuaries Act the strongest law it can possibly be because the ocean is in trouble.

Sanctuaries bring the best of the ocean to life for people and give them firsthand opportunities to experience the beauty and the majesty of the ocean while also protecting its productivity and the lives who depend on that productivity. The sanctuary system has shown great potential to address the growing challenges facing our oceans,

to reverse declines in ocean ecosystems and to provide special ocean places for us and for future generations to enjoy.

We have seen some successes along the California coast, in the Florida Keys and in the Northwestern Hawaiian Islands. While each sanctuary has a unique story, they all share some key elements, including well-developed community support, public education and outreach, science, and a real commitment to protect marine resources in a comprehensive way.

They also reflect strong Federal leadership and close collaboration with states and other partners. We are very pleased with the bill you have introduced. We believe it is a thoughtful, balanced bill and goes a long way toward addressing the priority issues that we identified when this Committee met in Santa Barbara.

We believe the limited and targeted classifications and improvements that you have included will greatly improve the nation's ability to achieve its critical mandate. There are six components that we are especially pleased to see included.

First, the bill significantly strengthens the core purpose of the sanctuary system making clear that the primary purpose is long-term protection and conservation of ocean resources, and it creates a strong and clear mission for the system that echoes this purpose.

Second, it recognizes the value of protected areas in the ocean for replenishment and for resilience and encourages the use of zoning within sanctuaries, including the potential designation of marine reserves and other highly protected areas.

Third, the moratorium on new sanctuaries would be removed.

Fourth, the bill would create a process to identify and prioritize potential new areas for inclusion in the system and would set an ambitious expansion goal to include a full range of our ocean's special and representative places by the year 2030.

Fifth, the bill would improve the process for developing fishing regulations in conjunction with fishery management councils in a consultative process. Last, the bill would provide an adequate budget to accomplish these objectives. No matter what we say or do here, adequate budget is critically important to the success of the program.

We have a few minor concerns with some specific language that is detailed in our written comments, and we look forward to working with you on making further improvements to address these. So in closing I want to reiterate Ocean Conservancy's commitment to working with you, and thank you, again, for showing your dedication and leadership in moving this important effort forward. Thank you.

Ms. BORDALLO. Thank you, Ms. Spruill, for your recommendations concerning H.R. 6537.

[The prepared statement of Ms. Spruill follows:]

Statement of Vikki Spruill, President and CEO, Ocean Conservancy

INTRODUCTION

Good morning Madam Chairwoman and Members of the Subcommittee, I am Vikki Spruill, President and CEO at Ocean Conservancy, the country's oldest and largest ocean non-profit harnessing over 35 years of policy and scientific expertise to anticipate ecological threats and deliver sustainable solutions that protect our ocean and improve our quality of life. I'd like to thank Chairwoman Bordallo for her

leadership on the issue of ocean conservation and for moving the critical reauthorization of the National Marine Sanctuary Act forward with the introduction of the H.R. 6537, the Sanctuary Enhancement Act of 2008. My testimony today will focus on this bill and I will leave the discussion of the Thunder Bay Underwater Preserve Boundary Modification Act, H.R. 6204, to other panelists with greater relevant expertise on it.

As is probably true for many of us here, the ocean has been a constant throughout my life. I was fortunate to grow up along the panhandle of Florida, with its sugar-sand beaches and emerald waters that attract countless tourists each year. And, I went to school in New Orleans, not far from the Gulf of Mexico where oilrigs dot coastal waters and refineries light the night. For over a decade, I have been closely involved in ocean conservation and I am constantly reminded of the extraordinary vision, wisdom, and, in many cases, courage it takes to conserve our majestic ocean places. I am honored to represent the half a million ocean conservancy members and volunteers from across the country and thank you for this opportunity.

It seems, at every turn, we are reminded of the critical role that the ocean serves as Earth's life support system. The ocean covers 2/3 of the planet and provides much of the air we breathe, the food we need, and moderates the climate that sustains us. Yet, most take it for granted. So it falls to us to be the stewards of the ocean to put in place the kinds of policies that will conserve and protect the ocean. That is what brings us together today.

While I am here representing the conservation community, there is also a sea change afoot throughout our culture, particularly in the business community. In recent years, we have seen the emergence of a new "ocean ethic" in which American businesses are starting to recognize the comprehensive value of the ocean, rather than as a collection of discrete resources to be extracted. I, too, had a lengthy career in the private sector and I related to the stories from the businesswomen and men who testified in favor of National Marine Sanctuary Reauthorization before this committee in June. They told personal stories about the positive impact sanctuaries had on their businesses and their communities. Even though it is not the focus of today's hearing, I must say that I hope this ocean ethic prevails as the Congress debates whether to lift the moratorium on offshore drilling, even though doing so would do nothing to lower today's gas prices and there are cheaper, faster, safer ways to solve our energy crisis.

The National Marine Sanctuaries Act (NMSA) is one of the cornerstones of the conservation work we do. Is it perfect? Certainly not! Is it a critical instrument in our conservation toolbox that allows us to create a healthier, more resilient ocean? Absolutely! Therefore, it is our duty to make the National Marine Sanctuaries Act the strongest law it can possibly be, because the ocean is in trouble. Given the existing and growing threats to ocean ecosystems, we need a strong and robust National Marine Sanctuary System now more than ever.

Today there is widespread scientific recognition that multiple stressors including overfishing, pollution, poor land use practices, and habitat modification have been degrading marine ecosystems for decades, if not centuries, and are now pushing them beyond the breaking point. Superimposed on these multiple stressors and exacerbating their impacts, global climate change is increasingly affecting marine ecosystems and degrading them further. The good news is that there are practical steps we can take to turn the tide and restore our oceans and make them more resilient to these threats. There is increasing evidence that MPAs, especially marine reserves and other highly-protected ones, can help protect and restore ecosystems, maintain ecological integrity, increase ecosystem resilience, and provide an important hedge against global climate change and other stressors. Some of this new evidence is for the first time coming from within our National Marine Sanctuary System, as a result of the marine reserve networks that have been set up in the Florida Keys and California. In spite of the many challenges it faces, our existing Sanctuary System is already contributing to ocean health and resilience. The new and ambitious marine reserve network recently implemented to help protect the Great Barrier Reef from global climate change and other threats is also already showing positive results.

Today, I believe, you have a watershed opportunity to clarify, strengthen, and reauthorize the National Marine Sanctuaries Act. This reauthorization gives us an unprecedented opportunity to build on the Act's successes and ensure that it achieves its broader mandate—and we speak for many when we thank you for moving forward today. By far, one of the most comprehensive ways to achieve our goal of a healthy ocean is through a sound National Marine Sanctuary System. We urge you to make this happen by expediting approval of the strong reauthorization bill that has been introduced, with some minor modifications.

SUMMARY OF OCEAN CONSERVANCY VIEWS ON H.R. 6537

We are very pleased with the bill you have introduced. We believe it is thoughtful, balanced, and would go a long way toward addressing the priority issues that Ocean Conservancy Executive Vice President, Dr. Dennis Takahashi-Kelso, and others identified when this subcommittee met in Santa Barbara last November. We believe the limited, key, and targeted clarifications and improvements that you have included will greatly improve the National Marine Sanctuary System's ability to fulfill its critical mandate. We are especially supportive of and pleased to see that you have included language that will help to:

1. Update the National Marine Sanctuary System's Findings Based on New Science: The Clarification of Findings, Purposes, and Policies in section three would greatly clarify, improve, and strengthen the NMSA. The finding in the new section 301(a)(3) of the Act would recognize recent scientific advances in delineating ocean boundaries and ecosystems that will help pave the way for inventorying U.S. marine ecosystems and developing a more complete, robust and representative Sanctuary System. New finding 301(a)(4) would similarly recognize the large and growing body of scientific evidence confirming the value of marine reserves and other highly-protected areas for restoring living marine resources; maintaining natural ecosystem resistance and resilience to multiple anthropogenic threats, now including and exacerbated by the growing threat of global climate change; and providing the potential to supply eggs and larvae to replenish populations within and adjacent to the marine protected areas.
2. Clarify and Strengthen the NMSA's Purposes and Policies: Section three of the bill would also help clarify and strengthen the NMSA's Purposes and Policies by making several key changes to section 301(b) of the Act. The new paragraph (2) makes clear that the overarching priority of the System is the long-term protection and conservation of nationally significant marine ecosystems and their living and non-living resources, thus removing misconceptions about the core purpose of the Sanctuary System. New paragraph (3) would make it a purpose of the System to include within the NMSS the full range of marine biological diversity and ecosystems, setting the stage to expand the system and make it more representative. New paragraph (8) retains, clarifies, and improves language allowing for the regulated public and private uses of the System's resources to the extent that such uses are compatible and not prohibited by this statute or other authorities. Ocean Conservancy supports these changes to clarify and strengthen the NMSA's purposes and policies.
3. Encourage the Use of Zoning within Sanctuaries, including the Potential Use of Marine Reserves, Other Highly-protected Areas and other Spatial and Temporal Management Tools: We are very pleased that H.R. 6537 includes strong language to encourage the use of temporal and spatial zoning, among other innovative management techniques (section 3(b)). The proposed new section 301(b)(10) of the Act,, especially when used together with other language in the bill referring to the "purposes and policies" of the Act, could go a long way toward implementing zoning and marine reserves where they are needed. We strongly support this language with some fine-tuning, and recommend including parallel language within the "Procedures for Designation and Implementation" (16 U.S.C. 1431 § 304) that would more specifically and directly require the consideration of these tools. Requiring such consideration would help ensure that the best available science-based management tools to achieve comprehensive resource protection are available to resource managers and that they are evaluated during the development, review, and revision of sanctuary management plans and regulations, but it would not mandate their use. There is a precedent for such language contained in the Florida Keys National Marine Sanctuary and Protection Act of 1990, which successfully led to the development of the Florida Keys NMS initial zoning plan and the subsequent Tortugas Ecological Reserve.
4. Recognize the Office of National Marine Sanctuaries (ONMS) and Provide a Clear and Unambiguous Mission: Earlier this year, the National Marine Sanctuary Program was administratively elevated to become the Office of National Marine Sanctuaries. Language contained in H.R. 6537 section 4 would recognize this elevation in statute and also provide the NMSS with a strong, clear, and unambiguous mission, consistent with the stated and long-standing priority and purpose of the NMSA, to protect nationally-significant marine ecosystems. Ocean Conservancy is very supportive of the elevation to office level, and eventually higher, and of the proposed NMSS mission which would greatly improve the System's probability for success by providing a strong, clear and explicit mission for the NMSS.

5. Create a Process for Identifying Waters to be included in the National Marine Sanctuary System and Set a Goal for Expansion and Representativeness: Ocean Conservancy supports and appreciates the inclusion of H.R. 6537's section 6, "Living and Nonliving Resource Classification, Identification, and Inventory." This new section would help to expand the Sanctuary System, ensure that each of the biogeographical provinces in U.S. waters is well-represented, and include areas that protect rare, critical, unique, outstanding, or otherwise special resources. The ultimate, anticipated, and highly-desirable goal of this process would be to provide a rational framework for identifying, prioritizing, and developing new sanctuary sites. We further support the language included in section 6 that calls for a new Site Evaluation List and sets a system expansion and representativeness goal to be achieved by 2030. Achieving this goal will clearly require adequate budgetary and human resources for the Office of National Marine Sanctuaries.
6. Remove the Moratorium on New Sanctuaries. Ocean Conservancy supports and appreciates the language in H.R. 6537 in section 7 repeal the limitation on designation of new National Marine Sanctuaries, which is currently contained section 304(f) (16U.S.C. § 1434(f)). This moratorium was originally purported to be temporary in nature and a means to prioritize making existing, recently added, sanctuaries functional before adding additional new sites. Regardless of its initial intent, the moratorium has clearly outlived its proposed purpose and now constitutes a severe impediment to the rational development of an effective National Marine Sanctuary System. Despite the moratorium, the continued demand for marine protected areas has persisted and may force a greater reliance on the use of Marine National Monuments and Congressionally-designated National Marine Sanctuaries. Regardless, the time to lift the moratorium is now.
7. Improve the Process for Development of Sanctuary Fishing Regulations: Ocean Conservancy supports and appreciates the language contained in sections 7 and 10 of H.R. 6537. related to developing sanctuary fishing regulations. This language preserves the important role of fishery management councils in assisting the Office of National Marine Sanctuaries with the development of sanctuary fishing regulations, but clarifies the process, provides criteria and timelines, and ensures that resulting fishing regulations will be consistent with the NMSS's and the individual sanctuaries' purposes and policies. We are concerned that there may still be some ambiguity in the process, particularly with respect to the process the councils must employ to develop the regulations, and would be happy to work with you to make sure the bill will achieve its intended purpose.
8. Provide an adequate budget to accomplish these objectives: Ocean Conservancy strongly supports the increased authorization levels contained in H.R. 6537, and greatly appreciates your recognition of the critical importance of the Sanctuaries Act and Program.. In our November 3, 2007 testimony before the Subcommittee in Santa Barbara, we suggested that a budget on the order of $100 million was appropriate for the NMSS, and H.R. 6537 would authorize appropriations at roughly that level. We continue to believe that this level is well-justified, would provide for a reasonable and manageable rate of growth, and still be an order of magnitude below comparable authorization levels for terrestrial protected area programs, such as those managed by the U.S. National Park Service. In fact, an increased level could well be needed, given the increased responsibilities of the program and the expansion goal contained in this bill. In particular, the increased authorization level of $10 million annually specifically to implement the new section 303(c) (the bill authorizes $5 million) would help ensure a comprehensive resources classification and inventory, and a site selection list that represents the full range of marine ecosystems and results in an expanded System.

CONCLUSION:

H.R. 6537 provides a strong framework for reauthorization of the National Marine Sanctuaries Act and addresses some key shortcomings in the existing law. We look forward to working with you on making further improvements to this bill and addressing any remaining concerns. There have been calls for more far-reaching changes to the NMSA which may warrant further consideration, but your approach goes a long way toward clarifying and improving the NMSA and addressing its most critical and urgent needs.

In closing, I want to reiterate Ocean Conservancy's commitment to working with you and thank you again for showing your dedication by holding this important hearing.

Thank you.

Ms. BORDALLO. Mr. Gudes, welcome back to the Subcommittee, although today you are wearing a different hat from years past. I think you were with NOAA for quite a number of years, so we are looking forward to your testimony. Please begin.

STATEMENT OF SCOTT B. GUDES, VICE PRESIDENT, GOVERNMENT RELATIONS, NATIONAL MARINE MANUFACTURERS ASSOCIATION

Mr. GUDES. Thank you, Chairwoman Bordallo, Ranking Member Brown, Representative Capps, Representative Saxton, staff of the Committee. Let me first thank you for your focus on NOAA, the Marine Sanctuary Program. This program, marine sanctuaries, has helped focus public's attention on our oceans and coasts and I think the analogy is often made that it is the National Park Service, National Park System of the Oceans, if you will.

The Marine Sanctuary Program has clearly benefitted from great leadership over the years from the late Dr. Nancy Foster to Jack Dunnigan and Dan Basta today, and the program has greatly benefitted from dedicated staff, the support of hundreds of volunteers and of course the invaluable leadership and assistance of Lori Aguies and the Marine Sanctuary Foundation.

As you know, I am pleased to be here today to represent the National Marine Manufacturers Association, America's recreational boat industry. We have some 1,700 members across the country representing 80 percent of marine products made in the United States.

I want to note at the outset that manufacturing of recreational boats takes place primarily in the United States, that it is done by American workers, and that, frankly, this is an industry that has not been exported to other countries, and that generally our members are small businesses, family owned small businesses, with about 100 to 300 workers making boats.

There are currently 18 million recreational boats in the United States. Ninety-five percent of motorized boats are 26 feet or less. Seventy-five percent of boating households earn less than $100,000 per year. We know through survey data that over half of all recreational boats are used for sport fishing.

Given the location of NOAA's marine sanctuaries, it should not be surprising that boating in all its aspects, sailing, fishing, cruising, water sports, occurs within sanctuary boundaries. If you think about it just a bit, most of the activities in a marine sanctuary, actually experiencing the sanctuary requires a boat.

Other than people who go in from the shoreline or are in large research vessels, probably every boat in a marine sanctuary is made by my membership in the United States. Boating is about recreation, about quality of life, about jobs, economic significance, and marine sanctuaries cover a lot of our coastal waters and they are very important to our industry.

In my written testimony, there are some numbers showing the economic significance of boating in just two of the areas, and I think those are actually low estimates. My key overall point today

is that access and protecting Americans rights to boat and fish is a huge issue for our industry and for boaters across the country.

Maintaining access to waters and use within marine sanctuary boundaries is an overriding objective and concern with any reauthorization, whether it is Executive Branch, Agency action or congressional action. As my written testimony points out, we applaud your effort to enhance and reauthorize the Marine Sanctuaries Program; however, in our case, we do have some concerns about H.R. 6537 as presently drafted.

First, the sanctuary program needs to be balanced and recognize not only long-term protection and conservation but also long-term protection and conservation of recreation, of enjoyment and use by people, by citizens, by your constituents.

We strongly recommend that the mission statement in the sanctuary program and your bill in Section 4 be amended as drafted to include living resources, that living resources also mean people and the use of sanctuaries. That is true in the National Park Service and the National Park System, for example. There is a strong emphasis on use by people.

Indeed, H.R. 6537 rewrites the current marine sanctuary statute to eliminate the program's mission of facilitating all public and private compatible uses in sanctuaries, and we would hope that that would be restored. We should be encouraging boating and angling recreation in sanctuaries.

Both have the ability to inspire kids, and, in fact, I would recommend, and I think probably a number of people would share, that education also be part of the mission and function of the sanctuaries. Second, the scope of the bill is very broad and far reaching. One of the changes is that it gives sanctuary managers the ability to manage resources outside the sanctuary boundaries.

I suppose this relates to energy development. We were just talking about OCS drilling. It probably relates to land use development. Maybe, for example, the creation of marinas and boat ramps outside a sanctuary. I would just suggest this is pretty far reaching authority.

In fisheries management, and this was addressed in part by the Congresswoman's comments, the bill appears to make significant changes in law to fisheries management that would no doubt affect recreational fishing. What this bill language does in your draft, I must admit, is not exactly clear to me, but it appears to be empowering and resourcing the sanctuary program and the Ocean Service to be in the fisheries management business.

I am pretty much out of time, but I would simply say that NOAA fisheries has something like 3,000 personnel, $830 million budget. Marine sanctuaries has $60 something million and about 170 Federal employees. I don't know if this Committee is contemplating it, but it would require a huge change in capacity building for the Marine Sanctuary Program to put that program in the fisheries management business.

From our industry's standpoint, we think the Magnuson-Stevens bill and all the work that this very Subcommittee and this Committee has done makes a lot of sense. We are really not fond of changing the fisheries management program to reflect those sort of changes.

I would just say from my experience at NOAA, all fisheries management ends up being litigated. It is one of the nature's of fisheries management. One should fully think about all of the ramifications that that would result in if you were to empower the Marine Sanctuary Program basically to be in the fisheries management business within each of the sanctuaries. I am out of time. Thank you.

Ms. BORDALLO. I thank you, Mr. Gudes, and I thank you for your excellent testimony and insights regarding the many contributions of the recreational boating community in building regional and local support for the sanctuary system.

[The prepared statement of Mr. Gudes follows:]

Statement of Scott B. Gudes, Vice President of Government Relations, National Marine Manufacturers Association

Good morning Chairwoman Bordallo, Ranking Member Brown and Members of the Subcommittee. Thank you for the opportunity to testify this morning on H.R. 6537, the "Sanctuary Enhancement Act of 2008."

I am pleased to be here today representing the National Marine Manufacturers Association (NMMA). NMMA is the nation's leading recreational marine industry trade association, representing nearly 1,700 boat builders, engine manufacturers and marine accessory manufacturers who collectively produce more than 80 percent of all recreational marine products made in the United States. The association is dedicated to industry growth through programs in public policy, market research and data, product quality assurance, marketing communications and the promotion of sound environmental stewardship among its consumers.

As the former Deputy Under Secretary for Oceans and Atmosphere for the National Oceanic and Atmospheric Administration (NOAA) from 1998-2003 and subsequently the Acting NOAA Administrator for most of 2001, I am familiar with the National Marine Sanctuaries Program (NMSP) and appreciate the leadership that this Committee, both its members and professional staff, have shown for that program as well as all of the marine, ocean and coastal programs at the Agency. While at NOAA it was my honor to work with over 12,000 great professionals and NOAA's many partners in state and local government, universities, joint institutes and grant recipient institutions as well as volunteers at Marine Sanctuaries.

In my new role representing America's historic recreational marine industry, which is comprised of nearly 19,000 great American companies employing more than 154,000 U.S. workers, I represent members who are deeply interested in marine environmental protection as well as robust policies that protect and ensure the public's right to access the nation's natural resources which are held in their trust.

Boating's Impact and the Importance of Access

The recreational boating community is an important stakeholder in any national process to enhance marine resource protection. Boating has deep historical roots in outdoor recreation in America and participation has been steadily trending upwards. In 2007, nearly 26 percent of all adults went boating at least once, which means that 59 million American adults were out on the water spending time with their family and friends and enjoying our natural resources, fishing, cruising and just being outdoors. As I will point out later in my statement, a lot of boating goes on in and around our National Marine Sanctuaries. In fact, except for individuals who enter the water from shore or who are aboard larger vessels, it is safe to say that almost all visitors to these sites are on a boat built by a member of the National Marine Manufacturers Association.

There are nearly 18 million recreational boats currently in operation in the United States. These boat owners power an important American manufacturing sector that contributed $37.5 billion in new sales and services during 2007 alone. Overall, the direct and indirect economic impact nationwide from recreational boating totals approximately $85.1 billion annually and supports more than 330,000 U.S. jobs. I might also note that recreational boat manufacturing is a sector of the economy that is largely carried out by small businesses and manufacturing that occurs here in the USA.

The Members of the Subcommittee might be interested to know that the vast majority of recreational boats sold are small are inexpensive pleasure craft used occasionally, and 75 percent of current boat owners have an average household of less

than $100,000 per year. Of the recreational boat population in the U.S., 95 percent of registered mechanically-propelled boats are less than 26 feet in length. The average price of a new boat in 2007 was under $14,000, and boat owners spent an average of 32 days (or 16 total weekends) on the water.

Recreational boating and angling are closely tied, and we are frequently engaged in important fisheries concerns. Of current boat owners, we know that 65 percent used their boat in 2005 to go fishing. Indeed, many boats are designed and purchased specifically for the purpose of sportfishing, a $40 billion industry for which NOAA has developed a five-year strategic plan designed to "provide recreational fishing opportunities by ensuring sustainable fisheries resources, understandable regulations, and reasonable public access." In this plan, NOAA explicitly acknowledges that maintaining public access, which is essential to both sportfishing and boating, is a key part of its mission, and, in fact, such activities are usually included in assessing the economic benefits from sanctuaries.

Although more Americans went boating in 2007 than in 2006, our industry is certainly feeling the turbulence in consumer confidence, finance, and energy costs that is facing our economy. Other than inflatable boats, jet boats and personal watercraft, all segments in the recreational marine industry showed a decline in unit sales this year. Also in 2007, the typically robust aftermarket accessory market decreased with sales down an estimated 5 percent, reflecting an overall weakness in our industry. These declines have caused many of our manufacturers around the country to furlough plants or close them altogether, resulting in job losses.

While we are optimistic about the future and we believe the fundamentals our business and the American economy are strong, I emphasize these numbers to demonstrate why we must be vigilant in the maintaining a vibrant consumer base and keep recreational opportunities for American boaters and anglers widespread and available.

National Marine Sanctuaries are Important for Boating and Outdoor Recreation

Given the location of the current sanctuary system in coastal communities in areas like the Florida Keys, and the Southern and Central Californian coasts, it should not be surprising that boating in all its aspects, such as recreational fishing, sailing, and water sports, occurs within sanctuary boundaries. Sanctuaries, like the National Parks they are so often compared with, provide for the multi-use of resources, working to conserve resources but also providing for outdoor recreational opportunities. Sanctuaries are living classrooms, where constituencies are built by the very recreational boaters, anglers, divers, and other responsible users of the resources.

In the area around the Florida Keys National Marine Sanctuary, for example, there are some 37,000 registered boats and more than 272 recreational boating businesses. Our data shows that each year, during the 861,000 total days people spent boating in this area, some $140 million is spent on boat related products and services and an additional $92 million on boating trips, generating nearly 3,800 local jobs.

Similarly, in the area around the Channel Islands National Marine Sanctuary there are some 17,000 registered recreational boats and over 83 recreational boating businesses. Boaters here spent 318,000 total days out on the water, spending $65 million on boat related products and services and boating trips. We estimate that almost 1,100 jobs are directly related to boating and fishing in this area alone.

Sanctuary Reauthorization Should Better Consider Value of Recreation to System Purposes & Objectives

Madam Chairman and Members of the Subcommittee, we applaud you for your efforts to enhance the National Marine Sanctuary Program. For boating consumers, recreational anglers and the marine manufacturers who build the products they purchase, the health of America's marine resources is of vital importance. We recognize the special national significance of currently designated National Marine Sanctuaries and we appreciate your legislative efforts to reauthorize and strengthen the Program.

We are, however, increasingly concerned that public access to our nation's oceans and aquatic resources is becoming unduly restricted in place of policies that promote sound conservation and responsible recreation. Increasingly we are seeing states from California to South Carolina moving to restrict water access, and we are hearing reports in major national news outlets that large swaths of new protected areas may be designated by The President through Executive Order—with the mere stroke of a pen—without the stakeholder processes, without involving citizens, and without using science-based decision-making that has, in the main, served as the

guiding principles for those protected areas in the National Marine Sanctuaries Program. We believe this trend is worrisome and not consistent with longstanding American policy that promotes sustainable outdoor recreation.

To be sure, NMMA does not oppose the designation of marine protected areas in the event of significant ecological concerns for which the prevailing scientific evidence—which is peer reviewed and methodologically robust—demonstrates that such a designation is necessary to protect resources. But, we encourage Congress and federal agencies to recognize that it is a longstanding policy of the federal government to allow public access to public lands and waters for recreational purposes consistent with sound conservation. This policy is reflected in the principles of our wildlife refuges, national forests, national parks, and wilderness areas. We believe this policy should pertain to NOAA and National Marine Sanctuaries as well reflected in any final reauthorization bill for a strengthened National Marine Sanctuaries Program.

Indeed, throughout the legislative history of the National Marine Sanctuaries Act, Congress has clearly and consistently demonstrated that it favors a management approach that balances preservation of the resource with allowing compatible human uses, such as recreational boating and angling. In the most recent reauthorization of the Magnuson-Stevens Act, too, Congress reiterated its desire to maintain robust access to our ocean resources to recreational anglers and directed federal regulators to utilize no-take marine reserves only as a resource management tool of last resort. Some have argued that the reliance on the multiple use doctrine has made the National Marine Sanctuaries Program less effective than it could be. We strongly disagree. In fact, the Program has had many significant accomplishments and has been instrumental in protecting key marine sites and educating the public about the importance of these areas and of the importance of sound environmental stewardship more generally.

Under current law, NOAA and the National Marine Sanctuary Program have an obligation, stated explicitly, to strive toward a management approach that balances resource protection with the rights of boaters, anglers and other user groups who are entitled to access the public aquatic treasures that are held in the their trust. A reasonable expectation of access is currently required under the law. Certainly this is what Congress intended when it passed the Act and in each case when it reauthorized the Act—a comprehensive system of managing key ocean resources that emphasized balance and not prohibition. We believe this tradition should be followed and even strengthened in this reauthorization round because maintaining public access is good for the resource—it motivates sustainable practice by those who value the resources most, and it helps to maintain a cooperative, non-adversarial relationship between regulators and the regulated community, enhancing opportunities for mutually beneficial partnerships that improve resource protection. For example, my colleagues at the Personal Watercraft Industry Association (PWIA), an affiliate of NMMA, are currently working with the Florida Keys National Marine Sanctuaries to develop a program in which personal watercraft are used by volunteers to educate visitors on the sanctuaries resources. We look forward to the implementation of what we believe is an exciting opportunity for our industry and FKNMS.

Unfortunately, Madam Chairman, nowhere does H.R. 6537 endorse the importance of recreation as policy or purpose of the National Marine Sanctuaries Program. Indeed, it appears that the bill would deemphasize and downgrade longstanding Congressional intent and NOAA policy by amending the policies and purposes of the Act to require that the "primary purpose" of the NMSP be the "long-term protection and conservation of the living and nonliving resources of the System." Undoubtedly, the long-term protection of the resource is essential, but the bill goes further and would strike existing statutory language in Sec. 301(b)(6) of the Act directing NOAA to "facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources." This revision to the Act runs counter to the notion that—while resource protection is the primary objective of the Act—recreational opportunities should be encouraged and, indeed, are a key part of the individual sanctuary programs particularly with respect to outreach and education.

We would strongly recommend that the bill be revised to recognize specifically recreation as an important purpose and objective, to retain and even expand on the Act's current language that directs the sanctuary managers to engage the public and promote recreational opportunities. To be clear, the current NMSP mission in Section 4 of the Committee bill should be amended to include people. I respectfully suggest that the mission statement should include balance by firmly stating that public access, recreation and enjoyment (to use a term in the National Park Service

charter) are also important missions of the system. I also recommend that "education" of the public and youth should be explicitly listed in the mission statement.

Expansion Goal Raises Concerns

Given trend lines we have seen with respect to new marine protected areas being established in premier recreational boating and sport fishing sites in the U.S., the amorphous and ambiguous legislative requirement in H.R. 6537 that the Secretary of Commerce "strive to achieve the goal of including in the System by 2030 that number of sites that will incorporate a full range of the Nation's marine eco regions [which the bill defines as a 'large area of the marine environment']" concerns us. We believe that sound science—rather than simple geography—and the specific needs of a resource should be determining factors in the designation of a marine protected area. It makes no sense to simply designate large marine sites for the purpose of being in the System, something which could have significant unintended consequences.

Indeed, a review of the National Marine Sanctuaries Act demonstrates that Congress harbored concerns that the National Marine Sanctuaries Program would overreach in designating new sanctuaries. Section 303(b)(1) lists the factors that the Secretary of Commerce must consider when determine if an area should be designated a sanctuary such as "the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities." We are pleased that H.R. 6537 does not alter these requirements. The National Marine Sanctuaries Program currently has broad discretionary authority to initiate a designation process—complete with robust public participation requirements—for new sanctuaries. Rather than adding undue resource constraints by requiring new sanctuaries, we believe the Agency should continue to work to improve the current system of sanctuaries.

Additionally, Madam Chair, NMMA is concerned that Sec. 12(h) (A) of the bill greatly expands the authorities of the National Marine Sanctuaries Program. While we applaud efforts to increase coordination among federal agencies, it is important to not give sanctuary managers authority over resources that are not within the sanctuary boundaries. As written, it appears that the bill would extend the scope of the Act to "Federal agency actions within or outside of a national marine sanctuary or marine national monument." All that would be required is a determination—apparently by a sanctuary manager—that an activity is likely to harm a system resource. This language is vague, expansive, and we would urge its removal from the bill.

Fisheries Management Should Remain Led by NOAA Fisheries Working in Concert with Regional Fishery Management Councils

While they can be valuable, marine protected areas—and particularly no-take marine reserves—are not a panacea for fisheries management. Indeed, we are concerned with language in the "Findings" section of the bill affirming that science has proven the value of marine protected areas. As with many issues before the scientific community, the value of marine protected areas has been much debated. While there may be scientific studies that show the benefit of marine protected areas, there are also scientific studies that show that marine protected areas do not provide significant benefit beyond traditional fishery management measures. While marine protected areas may serve a purpose within the context of ocean resource management, it may be premature for Congress to affirm with absolute certainty the value of such areas. In any case, the use of marine protected areas as a management tool may have significant impacts on the regulated community, and MPAs should be pursued only with the proper view on their potential short- and long-term socioeconomic implications.

At present, as the Committee is well aware, the Magnuson-Stevens Fishery Conservation and Management Act is the prevailing federal authority and structure for the management of the nation's ocean and coastal fisheries. The Congress just recently reauthorized this law and provided new requirements to conserve resources and prevent overfishing. Under the Act, regional fishery management councils which contain stakeholders nominated by Governors and appointed by the Secretary of Commerce (Administrator of NOAA) regulate and supported by the full scientific and management expertise at NOAA—has responsibility for the sustainable management of fisheries in federal waters. And as part of their management authority, councils may, and are, utilizing MPAs. The authority of the regional management councils should be recognized, and yet H.R. 6537 appears to shift authority away from them.

It has been my experience from my years as a professional staffer in the U.S. Senate and an official at NOAA that the Fisheries Management Councils are indeed unique among Federal regulatory entities. They involve the Federal Government, the States, the industry and outside groups in the management of marine resources. But, at the end of the day, few outside entities better bring together large number of disparate stakeholders in the management of the resource.

We do not believe that the revisions in Sec. 7 of the Sanctuary Enhancement Act are necessary or advisable. Fishery Management Councils currently have the opportunity to prepare draft fishing regulations in a National Marine Sanctuary, or it may determine that such regulations are not necessary. If the Council deems it necessary to regulate fishing within a sanctuary, it is obligated to use as guidance the National Standards of Sec. 301(a) of the Magnuson-Stevens Act. The point is that the operative statute for fishing regulations within a sanctuary is MSA, and under present law the Secretary of Commerce has broad authority to accept or reject the Council's determination and regulate fishing within a sanctuary

Our reading of the Committee bill is that it would significantly change Federal fisheries management large sections of the U.S. Exclusive Economic Zone:

- First, it removes Fishery Management Councils from the initial decision-making process regarding whether to regulate fishing in the sanctuary, giving the Secretary of Commerce the authority to unilaterally determine whether to regulate fishing.
- Second, H.R. 6537 empowers the Secretary to make such a determination for new, existing, or proposed sanctuaries—this authority would contravene the existing process of updating management plans which provide opportunities for the public to weigh in and support or oppose changing a sanctuary designation document to include the authority to regulate fishing.
- Third, existing language in the Act explicitly requires in the statute using the National Standards of MSA in the development of any fishing regulations within the sanctuary. H.R. 6537 does not appear to have such a requirement.
- Fourth, we believe the proposed changes in H.R. 6537 are unnecessary and set NOAA Fisheries/NMFS and NOAA's sanctuary program up for conflict, rather than cooperation. We understand that NOAA is finalizing a Policy Document regarding its regulation of fishing in National Marine Sanctuaries that demonstrates the Agency's work and commitment to improved coordination and collaboration between programs. We see no need for legislative changes on this matter at this time and urge the Subcommittee to let this internal agency process play out.

I would note that NOAA Fisheries has over 3,000 employees and a budget of $829 million in FY 2008 and $782 in the President's FY 2009 budget request. The marine sanctuaries program, by contrast, has a budget of $64 million ($50 million in the President's FY 2009 budget) to do all its missions and 169 full time employees. To take on this level of fishery resource management responsibly would require a lot of capacity building in sanctuaries. It would take the addition of many staff. I would respectfully suggest that the program has many other unfulfilled requirements in education, in research, in facilities, and in vessels and maintenance.

For these reasons, we believe Sec. 7 of the SEA Act is a significant departure from the status quo with unpredictable consequences and would strongly encourage you to reconsider the inclusion of this language in the bill.

Madam Chairman and Members of the Subcommittee, thank you for the opportunity to testify before you today on behalf of the National Marine Manufacturers Association and the recreational marine industry. We look forward to continuing to work with you on this legislation and other important legislation, and I would be pleased to respond to any questions you may have.

Ms. BORDALLO. I would like to now invite Mr. Sullivan to testify.

STATEMENT OF TIMOTHY J. SULLIVAN, EXECUTIVE DIRECTOR AND CEO, THE MARINERS' MUSEUM

Mr. SULLIVAN. Good morning, Madam Chair and members of the Committee. My name is Tim Sullivan, I am President of the Mariners' Museum in Newport News, Virginia, and President Emeritus of the College of William and Mary. I have worked closely with the National Marine Sanctuary Program during my tenure as

museum President and have been keenly aware of their work for the last decade at the Monitor National Marine Sanctuary.

Thank you for the opportunity to testify during this oversight hearing. As you are aware, the Mariners' Museum has considered NOAA and those associated with the National Marine Sanctuary Program key partners for more than 20 years in the important work of preserving and protecting the story of the most famous and arguably most significant shipwreck in United States Naval history, the U.S.S. Monitor.

Designated in 1975 as our nation's first national marine sanctuary, the Monitor holds a special place not only in the history of Virginia and North Carolina but in the Nation as a whole.

In the 1980s, the Mariners' Museum was selected to serve as the official repository of the artifacts recovered from the wreck site of the Monitor as NOAA began the process of selective recovery of key artifacts from that shipwreck which ultimately would include the ship's engine, propeller, and most significantly, her revolutionary revolving gun turret and cannons.

During those years of major artifact recovery between 1998 and 2002, NOAA and the Mariners' Museum worked together, and we have developed a world-class facility to house and display these important artifacts dedicated solely to the preservation of the Monitor's story. That facility, I am proud to say, opened in March of 2007 to rave reviews.

Today, the U.S.S. Monitor Center at the Mariners' Museum has become one of the premiere maritime attractions in this country, if not the world. The Conservation Department has set the standard for scientific treatment of large, complex artifacts recovered from a marine environment.

I believe the partnership between NOAA and the Mariners' Museum is serving as a model of public/private efforts to preserve our nation's maritime heritage. The Monitor Center has also done much more than preserve history. It has also helped shape the future, our future.

Through our partnership with the Sanctuary Program, NOAA has also helped us protect our local heritage, expand tourism and strengthen our economy, not to mention helping our community understand the challenges and threats the ocean faces.

Twenty years after we began our partnership with NOAA I can tell you that our community and our museum are stronger because of the sanctuary program, and we look forward to the next 20 years working together. As a museum dedicated to telling the story of man and the sea, NOAA's work in preserving and uncovering our nation's maritime heritage wherever it may be is deeply important to the Mariners' Museum.

At its core, the work of the Mariners' Museum is about preservation. I believe NOAA has done a tremendous job in preserving our nation's maritime heritage within the protected waters of the national marine sanctuaries. I also believe they are doing truly important work for our nation in discovering, documenting and cataloging new marine heritage resources in our oceans and in our waters.

I am worried about what can be done quickly to afford these resources protection. Our nation's maritime heritage is at risk from

looting, illegal salvage, damage and loss. Additionally, once a site is disturbed, either by natural or human forces, the deterioration of the site inevitably accelerates, so prompt action is needed to assure that proper preservation and conservation efforts can be undertaken as quickly as possible.

As the law now stands, little can be done to protect these important discoveries unless they lie within the boundaries of the established national marine sanctuary. I would therefore respectfully urge the Committee and the Congress to find ways to improve the efficiency of this process of designation and of amending designation documents after a sanctuary is designated.

I further urge you to develop a new process for designating sanctuaries or special areas of conservation for submerged cultural resources to assure expedient preservation efforts. Even as we speak, archaeologists from the National Marine Sanctuary Program are working off the coast of North Carolina to document and discover ships lost during the second world war.

Madam Chairman, I am aware of the new legislation that is the subject of this hearing. I believe that it contains much in it that will move the National Marine Sanctuaries Program in a good and positive direction and will serve the interests of the future of the citizens of this country working together with the leadership of our nation in preserving these important national cultural marine enterprises. Thank you.

Ms. BORDALLO. I thank you, Mr. Sullivan, for your thoughtful statement and for the ongoing efforts of the Mariners' Museum to enlighten the American public about the rich maritime history along the mid-Atlantic coast of the United States.

[The prepared statement of Mr. Sullivan follows:]

Statement of Timothy J. Sullivan, Executive Director and CEO, Mariners' Museum

Good morning, Madam Chair and members of the Committee. My name is Timothy Sullivan. I am the President of The Mariners' Museum in Newport News, VA, and the former President of the College of William and Mary in Virginia. I have worked closely with National Marine Sanctuary Program during my time as Museum President and have been keenly aware of their work at the Monitor National Marine Sanctuary for the past decade. Thank you for the opportunity to testify on this oversight hearing on the reauthorization of the National Marine Sanctuaries Act.

As you are aware, The Mariners' Museum has considered NOAA and the National Marine Sanctuary Program a key partner for more than two decades in the important work of preserving and protecting the story of the most famous and arguably most significant shipwreck in United States naval history—the U.S.S. Monitor. Designated our nation's first National Marine Sanctuary in 1975, the Monitor holds a special place in the history of not only Virginia and North Carolina, but to the nation as a whole as she played an important role in the preservation of the Union during the difficult years of the American Civil War. In the 1980s, The Mariners' Museum was selected to serve as the official repository for artifacts recovered from the wreck site of the Monitor as NOAA began the process of selective recovery of key artifacts from the shipwreck which ultimately would include the ships engine, propeller and most significantly, her revolutionary revolving gun turret and cannons.

During the years of major artifact recovery, between 1998 and 2002, NOAA and the United States Navy recovered literally thousands of artifacts from the shipwreck along with the remains of two United States sailors lost the night the Monitor sank on New Year's Eve 1862. Working together, NOAA and the Mariners' Museum have developed a world-class facility to house and display these important artifacts, dedicated solely to the preservation of the Monitor story. That facility I am proud to say opened last March to rave reviews. Today, The USS Monitor Center at The

Mariners' Museum has become one of the premier maritime attractions in the country if not in the world and the conservation department has set the standard for scientific treatment of large, complex artifacts recovered from a marine environment. With an international team of conservators and the newly completed laboratory complex, the 200+ tons of material recovered from the Monitor are undergoing desalination and chemical and electrochemical processes. Through viewing platforms and internet webcams and blogging, the public is given a unique opportunity to watch the ongoing conservation efforts. Thus the partnership between NOAA and The Mariners' Museum is serving as a model of private/public efforts to preserve our nation's maritime heritage.

The Monitor Center has also done much more than just preserve history. It has also helped shape the future—our future. Through our partnership with the Sanctuary Program, NOAA has also helped protect our local heritage, our tourism, and our economy and has helped our community better understand the challenges and threats our oceans face. The Sanctuary Program has brought enhanced recreational opportunities, educational initiatives, research capabilities and economic development to our community. Working with our partners at NOAA, the Monitor Center has become a major tourist attraction and point of pride for the communities of Hampton Roads and most certainly for the City of Newport News. In fact, attendance at our facility has almost doubled in the year since the USS Monitor Center opened and tens of thousands of school children have been inspired by the story of the Monitor and her famous Battle of the Ironclads in Hampton Roads in 1862. In addition to the work on the USS Monitor, we have also had the terrific opportunity to work with NOAA on other projects and initiatives and have benefited greatly from the Sanctuary Program's ongoing work around the country in promoting and preserving our nation's maritime heritage. Twenty plus years after we began our partnership with NOAA, I can tell you that our community and our Museum are stronger because of NOAA and the Sanctuary Program and we look forward to the next twenty years working together.

As a museum dedicated to telling the story of man and the sea, NOAA's work in preserving and uncovering our Nation's maritime heritage—wherever it may be—is of keen interest to The Mariners' Museum. At the core of our mission, The Mariners Museum is about preservation. I believe NOAA has done a tremendous job in preserving our nation's maritime heritage within the protected waters of our National Marine Sanctuaries, and I believe they are doing truly important work for our Nation in discovering, documenting and cataloging new marine heritage resources in our oceans and great lake waters. But I am worried about what can be done to quickly afford these resources protection once they are discovered. Our Nation's maritime heritage is at risk from looting, illegal salvage, damage and loss. Additionally, once a site is disturbed—either by natural or human forces—the deterioration of the site accelerates considerably. Thus prompt action is needed to assure that proper preservation and conservation efforts can be undertaken as quickly as possible.

As NOAA and the Sanctuary Program continue their important work of cataloging our Nation's marine heritage resources, little can currently be done to protect those important discoveries unless they lie within the boundaries of an established National Marine Sanctuary. I would therefore respectively urge the committee and the congress to find ways to improve the efficiency of the process for designating sanctuaries and amending designation documents after a sanctuary is designated. I further urge you to develop a new process for designating sanctuaries or special areas of conservation for submerged cultural resources for expedient preservation efforts

Even as we speak, Archaeologists from the National Martine Sanctuary Program are working in the waters off the coast of North Carolina to document and discover ships lost during the Second World War during the Battle of the Atlantic including three German U-Boats. Many of the discoveries being made are important to our national story, and yet once the divers leave the site, very little can be done to protect them from looting as they are not protected by the National Marine Sanctuary Act. In fact the sites which have been visited by these archaeologists in the past few weeks show unbelievable destruction by looters and souvenir hunters in spite of the fact that these sites are war graves. From the Museum's perspective, these NOAA-sponsored expeditions are important to the Museum as they become the content for new exhibits, programs and educational initiatives, but they are only the first step. As I consider the success we have had with Monitor, I can only wonder what the site of the Monitor would look like today if the Sanctuaries Act had not been put into play to protect the wreck shortly after the Monitor was discovered. I have no doubt that had the United States government not moved swiftly after the wreck was positively discovered in 1974, that there would be little left to protect today. I believe we must work to strengthen the National Marine Sanctuary Act so

that new maritime heritage discoveries can be quickly protected just as the Monitor was.

As this demonstrates one of the main pillars of working with a sanctuary or with the System is partnerships. As we have experienced and no doubt many others have as well, working with NOAA and the Sanctuary System is a positive experience when two or more groups are focused on a common goal or vision. Great things have come out of this type of approach and no doubt great things will come in the future.

I want to also make a statement about the importance of the National Marine Sanctuary System to this Nation's ocean conservation ethic. As far as Federal leadership, it's all we have. As the only Federal agency dedicated to protecting living as well as cultural and historical resources of the sea, Sanctuaries protect our oceans just as the Park Service is focused on terrestrial conservation. If we have learned anything from the terrestrial or land experience of conservation related ethics, and the dimension, its about places, special places. Sanctuaries are these special places. We need this continued leadership and partnership is important to the Mariners Museum and many others like us.

As president of an institution that has for more than 75 years dedicated itself to preserving our maritime past, I urge you to pass reauthorization of the National Marine Sanctuary Act and to include those amendments that would strengthen the National Marine Sanctuaries Program's ability to protect our Nation's maritime heritage and to improve the efficiency of the process for designating sanctuaries and amending designation documents after a sanctuary is designated. I strongly encourage you to develop a new process for designating sanctuaries or special areas of conservation for submerged cultural resources for quick preservation efforts. And lastly, I urge you to lift the moratorium on the designation of new sanctuaries and to help find ways to identify and prioritize new maritime heritage sites considered for designation.

Ms. BORDALLO. Now, as Chair, I recognize Mr. Kroll. I commend you for your leadership role in chairing the Thunder Bay Sanctuary Advisory Council, and I look forward to hearing from you regarding the proposed expansion of the Thunder Bay National Marine Sanctuary. Please begin.

STATEMENT OF STEPHEN KROLL, CHAIR, THUNDER BAY NATIONAL MARINE SANCTUARY ADVISORY COUNCIL, DIVING REPRESENTATIVE

Mr. KROLL. Thank you, and good morning, Madam Chair and members of the Committee. My name is Steve Kroll, I am a 57 year resident of Rogers City, Michigan, a retired high school math teacher and Chair of the Thunder Bay Sanctuary Advisory Council. I have owned and operated a dive shop and charter business in Presque County, Michigan, for 35 years.

Thank you for the opportunity to testify on H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act. I might say that my mother advised me that they don't give you much time to talk, so don't stutter.

I am here today to support H.R. 6204 because it would add some protection to some of the nation's best preserved shipwrecks and expand successful sanctuary programs to other communities in northeast Michigan. Communities along the coast of Presque and Alcona Counties are maritime-oriented and ready to recapture, preserve and protect their maritime heritage.

I have been diving area shipwrecks for 42 years and can testify that they are the best preserved shipwrecks in the world and there are many more to be found. I have brought photos of two of these shipwrecks, the F.T. Barney on the right and the Florida on the left. The F.T. Barney is a 130 foot schooner that sank near Rogers City in 1868.

You would find a ship that looks ready to sail if you took the time to dive on her. A ship's wheel, one mast still standing, anchors, rigging blocks, dishes, running lights and the compass are all there for us to see. This wreck is listed in the National Register of Historic Places.

The Florida is a 271 foot wooden steamer that sank off the shore of Presque in 1889. The wreck is mostly intact, and in addition to containing all of its ships artifacts, it is loaded with a cargo called general stores, items that served everyday needs of people at that time.

Both of these wrecks are outside of the current sanctuary boundaries and are not provided the same protection as shipwrecks inside the sanctuary. It is very important that you understand one important part of this testimony because I was originally against the establishment of the sanctuary.

I believed having the Federal government determine what we should do with our resources would lead to too many restrictions. This attitude was shared by many citizens and expressed at public hearings prior to designation. As a result, the proposed size of the sanctuary was greatly reduced.

I now see that this was unfortunate as the sanctuary has proven itself a trusted partner, not just with the State of Michigan, but also with the local community. The Sanctuary Program should serve as a model for other government programs. Public input is received by NOAA with the attitude they can learn, react and grow from it.

I have been involved in this process, and I can assure you it is very real and working. What will an expanded Thunder Bay National Marine Sanctuary mean to northeast Michigan? I believe that an expanded sanctuary will provide increased protection for shipwrecks in Presque and Alcona Counties and provide greater opportunities for education, research, long-term monitoring and law enforcement.

I personally support sanctuary boundary expansion because I believe it will provide a vehicle for education. Yes, we need to protect these shipwrecks, but it is not just about them. It is about our past, present, and most importantly, our future. The sanctuary has programs and opportunities for individuals of all ages to utilize and enhance their educational skills.

I have seen this firsthand as a Judge for the International Remotely Operated Vehicle Building Competition which inspires students to pursue careers in math, science, marine technology and archeology. Whether it is a young person learning to map a shipwreck site, a graduate student researching shipbuilding or a family building a boat together, it is about passing on the values we have preserved.

Volunteer participation is a testament to community support for the sanctuary. The sanctuary has over 100 volunteers whose talents and expertise are utilized daily in the operation of the sanctuary. I am one of those volunteers because I believe in the sanctuary's mission. I strongly urge you to pass both H.R. 6204 and the Sanctuary Enhancement Act because I believe sanctuaries benefit not just northeast Michigan, but the entire United States.

Thank you, again, for this opportunity to testify before the Committee. I will be glad to return and answer any questions you may have. I also invite you to visit and experience northeast Michigan's lower peninsula.

Ms. BORDALLO. Thank you. I will take you up on that invitation, Mr. Kroll. I want to thank you very much for your testimony this morning.

[The prepared statement of Mr. Kroll follows:]

Statement of Steve Kroll, Chair,
Thunder Bay Sanctuary Advisory Council

Good morning Madame Chair and members of the committee. My name is Steve Kroll. I'm a 57-year resident of Rogers City, Michigan, a retired high school math teacher, and Chair of the Thunder Bay Sanctuary Advisory Council. I've owned and operated a dive shop and charter business in Presque Isle County, Michigan for 35 years. Thank you for the opportunity to testify on H.R. 6204, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act.

I'm here today to support H.R. 6204 because it would add protection to some of the nation's best preserved shipwrecks and expand successful sanctuary programs to other communities in northeast Michigan. Communities along the coasts of Presque and Alcona Counties are maritime orientated and ready to recapture, preserve, and protect their maritime heritage. I've been diving area shipwrecks for 42 years and can testify that they are the best preserved shipwrecks in the world and there are many more to be found. I've brought photos of two of these shipwrecks: the F.T. Barney and the Florida. Diving on the F.T. Barney, a 130-foot schooner that sank near Rogers City in 1868, you would find a ship that looks ready to sail. A ship's wheel, one mast still standing, anchors, rigging blocks, dishes, running lights, and the compass are all there to see. This wreck is listed in the National Register of Historic Places. The Florida is a 271-foot wooden streamer that sank off the shore of Presque Isle in 1889. The wreck is mostly intact, and in addition to containing all of its ship artifacts, it's loaded with a cargo called general stores, items that served the everyday needs of the people at that time. Both of these wrecks are outside of current sanctuary boundaries and are not provided the same protection as shipwrecks inside the sanctuary.

It's very important that you understand that originally I was against establishment of the sanctuary. I believed having the federal government determine what we should do with our resources would lead to too many restrictions. This attitude was shared by many citizens and expressed at public hearings prior to designation. As a result, the proposed size of the sanctuary was greatly reduced. I now see that was unfortunate since the sanctuary has proven itself as a trusted partner, not just with the State of Michigan, but also with the local community. The sanctuary program should serve as a model for other government programs. Public input is received by NOAA with the attitude that they can learn, react, and grow from it. I've been involved in the process and can assure you it's real and working.

On May 22, 2007, the Thunder Bay Sanctuary Advisory Council voted to recommend expansion of the Thunder Bay National Marine Sanctuary. The advisory council represents local governments and community interests including diving, fishing, and economic development. Prior to this vote, I was part of the working group that evaluated the pros and cons of expanding the sanctuary. The working group considered the following in our discussions: how many additional shipwrecks would be protected, how sanctuary programs could be expanded to other communities, and the impact of expansion on existing sanctuary operations. The working group came to the conclusion that there was no reason not to expand the boundary and many reasons to expand it. When the working group presented its findings to the full advisory council, there was considerable enthusiasm and no dissent. Many county entities and citizen groups of both Presque Isle and Alcona counties also voiced their support for this expansion.

What will an expanded Thunder Bay National Marine Sanctuary mean to northeast Michigan? I believe that an expanded sanctuary will provide increased protection for shipwrecks in Presque Isle and Alcona Counties and provide greater opportunities for education, research, long-term monitoring, and law enforcement. I personally support sanctuary boundary expansion because I believe it will provide a vehicle for education. Yes, we need to protect the wrecks but it is not just about them. It's about our past, present, and most importantly our future. The sanctuary has programs and opportunities for individuals of all age levels to utilize and enhance

their educational skills. I've seen this firsthand as a judge for an international Remotely Operated Vehicle Building Competition, which inspires students to pursue careers in math, science, marine technology, and archaeology. Whether it's a young person learning to map a shipwreck site, a graduate student researching ship building, or a family building a boat together, it's about passing on the values we've preserved.

Volunteer participation is a testament to community support of the sanctuary. The sanctuary has over 100 volunteers whose talents and expertise are utilized daily in the operation of the sanctuary. I'm one of those volunteers because I believe in the sanctuary's mission.

In regard to the Sanctuary Enhancement Act, I have not had the opportunity to review this act but I do support NOAA working with non-governmental partners to enhance support for the sanctuary because I've seen it positively affect the community. A perfect example is the successful partnership between the sanctuary and Alpena Regional Medical Center which led to funding of a hyperbaric chamber facility in northeast Michigan. The facility provides treatment for divers suffering dive-related injuries and treats other patients with aliments that benefit from hyperbaric oxygen treatment.

I strongly urge you to pass both H.R. 6204 and the Sanctuary Enhancement Act because I believe sanctuaries benefit not just northeast Michigan, but the entire United States. Thank you again for this opportunity to testify before the Committee.

Ms. BORDALLO. Now, I recognize Mr. Marks. Thank you for being with us, and you are now recognized to testify for five minutes.

STATEMENT OF RICK MARKS, PRINCIPAL, HOFFMAN, SILVER, GILMAN & BLASCO

Mr. MARKS. Madam Chair, Ranking Member Brown and distinguished members of Subcommittee, greetings. My comments on the Sanctuary Enhancement Act today here are my own but they do reflect the opinions of my clients and colleagues that operate in fisheries around the Nation in and out of seven existing sanctuaries.

I appreciate your effort to retain some of the focus on the unique areas that are of special national significance. The inventory provision in your bill specifies that discrete areas be considered for designation, and this is very important because it maintains the consistency with what the regulated community believes the targeted focus of the Act should be and is.

I also support clarification for the regulated public and private uses of sanctuary resources and your willingness to address the fishing regulation issue. I also appreciate the consultation provision for the tribes. I note that the Olympic Coast Sanctuary is a special case, the only one that encompasses four usual unaccustomed areas of the Northwest Treaty tribes.

I am a bit disheartened that there is not a specific provision in this bill to deal with the elevation of that issue, but I do hope that you will work with the tribes to elevate their role in that sanctuary to the appropriate level. Finally, I applaud your authorization levels for additional appropriations.

In terms of my areas of concern, the bill lacks a requirement for sanctuary decisions to be based on the best scientific information available. There is a perception that exists that sanctuary decisions are more policy than science driven. You can resolve this issue by applying scientific integrity to all sanctuary decisions using the standards in the Magnuson-Stevens Act.

Your bill also contains new requirements that require the Sanctuary Program to identify and protect maritime heritage resources.

Based on my work in and around the graveyard of the Atlantic, I certainly would support that. However, the term expands to an undefined area concept in the bill and that has some serious resource use implications.

H.R. 6537 requires a specific review of the impacts of fishing but would not require the same review of any other activities. This unitary focus, I believe, is unrealistic because merely addressing fishery issues will not necessarily protect the sanctuary or the ecosystem.

H.R. 6537 also repeals the designation limitation. My concern here, Madam Chair, is the removal of the fiscal checks and balances. This is analogous to the situation we had with our national parks where we consider adding new parks while the existing ones fall in disrepair. I would suggest that you retain the limitation until such time that we can remove the budgetary constraints on the Sanctuary Program.

Regarding the fishing regulations, the new mission statement does not include sustainable use of sanctuary resources. Clearly, the program is being recast to protect rather than use. This represents a fundamental shift. On the west coast, sanctuaries were originally conceived to address concerns over oil and gas exploration and development.

The U.S.S. Monitor was protected for its maritime heritage value. Commercial and recreational fishermen and tribal interests generally supported establishment of the sanctuaries because they were led to believe that their fishing activities and their access would be guaranteed. Changing policies for existing sanctuaries is a bit of a Trojan Horse.

Most disappointing to me, quite frankly, is the trawl ban that is included in your bill. This amounts to legislating predetermined management decisions and circumventing the public process, not to mention the scientific process. This is extremely worrisome if you consider this provision along with the system expansion goals.

Madam Chair, I have to tell you now that the opposition to this provision from the regulated community from every region cannot be overstated. H.R. 6537 will still require that fishing regulations be compatible with the new mission. Considering that fact, plus the bottom trawl ban, plus the actions to prohibit fishing in Monterey and Channel Islands makes it hard for me to envision how any sanctuary fishing in the future will be safe.

In 2005 and 2008, the council chairs adopted a unanimous position to amend the Sanctuary Act to exclude fishing resources as sanctuary resources and to achieve the jurisdictional clarity by vesting fisheries management under the Magnuson-Stevens Act. Having served on a council, I agree with that approach.

It ensures that fishing resources are managed to achieve the greatest benefit of the Nation consistent throughout the range and with the best available scientific information. Councils are mandated to minimize the impacts of fishing on habitat and can use ecosystem-based tools to protect areas, which they are now doing.

In closing, Madam Chair, I believe the council system is equipped to manage and protect fishery and ecosystem resources while the Sanctuary Program is not, nor was it ever designed to handle such comprehensive and challenging tasks. Congress, and

in particular this Committee and this Subcommittee, invested years of hard work to enhance the Magnuson-Stevens Act.

There is no reason why that should not be the primary tool we use to manage our fishing resources. Madam Chair, I thank you, Ranking Member Brown and the members of the Subcommittee for having me as your guest today.

Ms. BORDALLO. I thank you, Mr. Marks. Your comments were very helpful, and I will take into consideration some of the suggestions you have made. I hope to be able to continue to work with you and other stakeholders to refine and clarify my legislation.

[The prepared statement of Mr. Marks follows:]

Statement of Rick Marks, Hoffman, Silver, Gilman & Blasco, Arlington, Virginia

Introduction

Madame Chair Bordallo, Ranking Member Brown and distinguished members of the Subcommittee, I appreciate the opportunity to speak with you today about the "Sanctuary Enhancement Act of 2008", H.R. 6537.

I am Rick Marks, a principal at Hoffman, Silver, Gilman & Blasco PC.(HSGB). We are the oldest operating law firm in the State of Alaska formerly known as "Robertson, Monagle & Eastaugh". We have offices throughout Alaska and Northern Virginia and our clients operate in various marine environments around the nation.

Prior to joining HSGB, I was appointed by the Secretary of Commerce to serve on the Mid-Atlantic Fishery Management Council and worked as a lead marine fishery biologist for the State of North Carolina. I worked for NOAA/NMFS twice—once as a Fishery Reporting Specialist and once as a benthic laboratory and field technician. I participated in the USS Monitor artifact negotiations, and the WWII Mark IV Enigma coding machine ownership negotiations with the Federal Republic of Germany. I served as the East Coast representative for the National Fisheries Institute and worked for two seasons as a mate on charter fishing vessels. I hold a Masters Degree in Marine Environmental Science with emphasis in Fish Ecology from Stony Brook University as well as a Bachelor of Science in Biology from Lynchburg College. I currently serve at the pleasure of the NMFS Assistant Administrator on four Federal Marine Mammal Protection Act-mandated "Take Reduction Teams" (TRTs).

Since we had just five working days to organize our testimony on H.R. 6537, all of our clients did not have time to formally approve this final version. Therefore, for the record my comments here today are solely my own. However, please note my testimony reflects issues critical to many of my clients and associates around the country including several that operate in or near seven existing national marine sanctuaries—Olympic Coast, Monterey, Channel Islands, Cordell Banks, Gulf of Farallones, Florida Keys and Stellwagen Bank. Recently, you were kind enough to receive oversight testimony directly from one of my current clients—Chairman Micah McCarty of the Makah Tribe. Where appropriate, my comments will expand on those provided by Chairman McCarty.

Today I will deal with the substantive issues of H.R. 6537. I intend to discuss three topics: (1) positive aspects of this legislation; (2) areas of concern; and (3) fisheries regulations. I will also include recommendations along the way that are intended to improve the legislation.

Strengths of H.R. 6537

Regarding Section 301(b) I appreciate your efforts to retain some of the core purposes and policies of the National Marine Sanctuary Act (NMSA) including the assurance that we look at areas of the marine environment that are of special national significance. The importance of this underlying concept must not be underestimated. We should heed this requirement and choose sites wisely or else the program may suffer the same problem that initially plagued the Magnuson-Stevens Act (MSA) essential fish habitat designation process—"if everything is essential then nothing is."

Further along in Section 301(b) I also support the clarification allowing for regulated public and private uses of sanctuary resources. While we may not agree on exactly what those uses are and the degree to which they may be exercised, it is nonetheless important to our clients that we see this recognition in the policy section and we thank you for that addition.

We support the Resource Classification, Identification and Inventory specified in Section 303 and in particular, the provision at 303(d)(1) which specifies that "discrete" areas of the marine environment be considered for potential designation as a sanctuary. This provision maintains consistency with the purposes and policies section in 301(b). We recommend a formal, independent peer review be conducted of the final site selection list to ensure that areas prioritized for designation are unique, discrete marine areas of special national significance.

We very much appreciate your effort to resolve the fishing regulation conflict in Sections 304 and 308 and to have the Regional Councils clearly involved in the process. While we have not reached a resolution with this version of H.R. 6537 I want to express sincere thanks to you and your staff for focusing on this issue. I will circle back to this discussion in the part of my testimony addressing fishing regulations.

In Section 308(b)(5) we recognize and appreciate the cooperation and consultation provision, especially for Federally-recognized Indian Tribes. It is critical these interests be afforded the proper government-to-government recognition specified by their treaties, embodied in Executive Orders 13158 and 13175, and further clarified in case law.

As noted by Chairman Micah McCarty of the Makah Tribe at your NMSA oversight hearing on June 18th, it is important to recognize that the Olympic Coast National Marine Sanctuary (OCNMS) is a special case due to the fact that it is the only sanctuary within the combined U&A Areas of four Treaty Tribes. I am disheartened that a tribal consultation provision specific to the OCNMS is not contained in H.R. 6537. I do hope you and your staff will work cooperatively with the Makah Tribe and other Northwest Treaty Tribes to provide specific statutory authorization for the existing IPC, moving from an MOA to a binding legal arrangement which specifies co-management opportunities, ensures federal treaty trust responsibility, and clarifies a government-to-government consultation process.

I also support conceptually the idea of special use permits in Section 310. While I retain some concerns about practical implementation and utility, this provision does maintain consistency with allowing for regulated public and private use of sanctuary resources. We recommend the sanctuary program be required to use the best available science in decision making regarding issuance of special use permits.

Finally, I support your overall program authorization levels for additional appropriations in Section 313 provided those appropriations do not negatively impact funding levels for our ongoing fisheries research and management programs which you well know are woefully under-funded.

Areas of Concern

Section 301(a)(4) indicates that scientific research has confirmed that protected areas do a number of wonderful things both inside and outside of the protected zones including repopulating adjacent areas. I would be remiss in my scientific duties if I did not point out that there remains significant controversy about these benefits and should be viewed on a sanctuary-specific, case by case basis. Some leading scientists (Hilborn and Walters, 2008) suggest that in certain instances, benefits of protected areas may not be either extensive or net positive.

Indeed, the value of MPAs has been shown in tropical areas with more sedentary or habitat-specific species, but not in areas with dynamic ocean conditions such as the West Coast. It also has not been demonstrated for species that are migratory such as whiting, Dover sole, sablefish, Atlantic bluefish, various squids and Atlantic mackerel. For other benthic species such as lingcod, time/area closures may work equally well in protecting stocks during sensitive spawning or rearing times.

Dynamic marine environments experience constant input/output of biological, physical and chemical components. Being able to maintain total "ecosystem" protection is a fairly broad claim, especially when talking about perceived threats such as global climate change. For example, the buildup of atmospheric CO_2 has been linked to ocean acidification and simply putting areas off-limits to fishing will do nothing to address other impacts.

Citing these uncertainties I also note that the NMSA, even with the proposed changes, would still lack a specific requirement that decisions be based on the best scientific information with provisions crafted to implement such standards. Currently, it is my sense the sanctuary process often times appears to be more "policy" driven than anything else. As a starting point I recommend that clear scientific integrity be required of NMSA decisions using the same standards that apply to MSA actions.

In Section 301(c)(1)(B) of H.R. 6537, Congress would bring marine national monuments under the jurisdiction of the NMSA. This presents a double-edged sword for resource use constituencies. Certainly, once an area is designated pursuant to the

"Antiquities Act" ("The Act", Chpt.3060; 16 U.S.C. 431) there should be some applicable management and regulatory regime by which the public can gain benefit and access to the area. It would appear that the NMSA is the most appropriate statute.

However, designations pursuant to the Antiquities Act are arguably not achieved by way of a scientifically-defensible, public process. If we proactively envelop monuments into the NMSA as is proposed here, do we encourage future designations to be done separate from the public process? I believe we may do just that.

As a justification for my concerns we can look to the much-rumored example of the "Islands in the Stream" initiative being supposedly developed by among others, the Council on Environmental Quality (CEQ) and the National Ocean Service (NOS). If the rumors are true about linking the Flower Garden Banks across the Pinnacles to the Florida Keys Sanctuary via monument authority then it is being discussed with little or no public process. By proactively allowing the addition of future monument designations to the NMSA we are facilitating the very activities that are anathema to what we should be trying to achieve with a transparent, science-driven, fiscally-responsible designation process.

H.R. 6537 contains new requirements to identify and protect maritime heritage resources (See Sections 301, 302, 303, 306, and 310). The term is defined at 302(a)(14) but then quickly morphs into "maritime heritage resources areas" at 303(c)(3)(A)(ii) and (C) and (d)(1)(B) without any explanation what the new term means or what the implications are for area management. Having worked for years in and around the Graveyard of the Atlantic I have a special appreciation for preserving maritime heritage resources but expanding this to an undefined area concept with resource use implications is serious cause for concern and not just for fishermen along North Carolina's Outer Banks.

A "System Expansion Goal" provision is incorporated into Section 6 of H.R. 6537 specifying the Secretary should strive to add the number of sites necessary to incorporate a full range of ecoregions and rare and unique habitats and maritime heritage resource areas before 2030. My concern here is that numerical goals could drive what should be a deliberative, scientific, and fiscally-responsible designation process. It may make more sense to remove the numerical target and endeavor to add those areas that truly qualify as discrete areas of national significance that we can manage effectively.

Section 7 (Sec. 304) revises the designation procedures and management plan review process. Here, H.R. 6537 reduces (by 6 mos.) the time to publish a notice of designation but increases the period of management plan review from 5 to 7 years. Furthermore, subsequent management plan reviews are pushed back from once every 5 years to only once every 10 years. These changes are counterintuitive for managing dynamic marine systems—on the one hand we increase the speed to designate but on the other we delay a review of what we have done. This will effectively reduce government oversight, slow the system's reaction time to make substantive changes, and possibly dull the effectiveness of the advisory panels.

Furthermore, the management plan review section appears to require a specific review of the impacts of fishing regulations within the sanctuary but would not require the same level of review for any other activity. This is also counterintuitive since there are numerous other activities that may impact sanctuary resources. It is unclear how controlling fishing activities will protect the health of the entire ecosystem while whale watching, boating, water pollution, air pollution, non-point source discharge, marine mammal predation, vessel strikes, ocean acidification, etc., are not the subject of similar scrutiny or control.

H.R. 6537 repeals the limitation on new sanctuary designations and the associated findings requirement. My primary concern here, in addition to the fiscal burden of new designations on previously designated sanctuaries, is the willing removal of the checks and balances inherent in the current findings at 16 U.S.C. 1434(f)(1). Currently, before he can add a new designation the Secretary must ensure that a new designation will not have a negative impact on the system, that he has sufficient resources available in the fiscal year, that he can effectively implement a sanctuary management, and that he can complete an inventory within 10 years at the current funding level.

The existing designation language provides some fiscal responsibility on whether the Secretary has adequate funds to administer existing sanctuaries before creating new ones. This is analogous to the situation we face in our National Parks, where new parks are created while existing ones are falling apart due to the lack of operational capital. My recommendation is to retain the designation limitations until such time that we can change the budgetary constraints on the NMSP.

Section 306 revises the prohibited activities provisions by striking the phrase "knowingly and willfully" on paragraph (3)(C) regarding submission of false information to the Secretary or any authorized officer. This change lowers the legal stand-

ard to the point that a person could be prosecuted under the full extent of the penalty schedule for making a simple mistake. By all means I support the law being applied to the fullest extent possible for determined criminal activity but this new standard seems rather excessive for an honest mistake.

Similarly, increasing the maximum prison sentence (from 6 months to 2 years) and increasing the maximum fine (from $100,000 to $250,000) for violations of the Act seem relatively harsh. Changes in the penalty schedule could be warranted should the number and scope of NMSA violations be of such serious concern but there is no indication from NOS that this is the case.

Section 309 is amended here to permit the Secretary to withhold certain public information to protect sanctuary resources. Subpart (ii) allows the Secretary to further determine who may have access to these data but provides no standard by which the Secretary shall make that determination. Active withholding of such information in the context of artifacts discovered within the Olympic Coast Sanctuary is inconsistent with the Federal treaty trust responsibilities afforded the four Treaty Tribes of Washington State (i.e. Makah, Ho, Quinault, Quileute). The OCNMS is located entirely within the combined Usual & Accustomed Area of these four federally-recognized Tribes and any discoveries of cultural artifacts should be shared with them immediately.

New Section 310 allows the Secretary to issue permits for bottom trawling in some cases but then goes on to require conditions and restrictions that make it impossible for an individual fisherman to actually get a permit. Also unclear is whether any fisherman—commercial or recreational—would be required to have a permit issued under this section. There should be an explicit statement that fishing allowed by regulation would not require a separate Sanctuary permit. I note here that that applicable language is found in subsection (g) of the existing NMSA but was omitted in H.R. 6537.

Finally, there is a fundamental change to the provision clarifying how the Act relates to other existing federal laws in Section 301(b)(2). The original NMSA authority complemented existing regulatory authority while the new language appears to make existing authority comply with the mission of the sanctuary system. It would be helpful if a provision could be added explaining that the Act is not intended to override other federal laws dealing with the marine environment but is intended to complement them.

Fisheries Regulations

Turning to fishery resource management, the proposed NMSA "mission" statement specified at 301(c)(2) is well crafted but does not include any real use of sanctuary resources. Clearly, the system is being redesigned to protect resources (including fish), not utilize them. I note this here because it forms a critical philosophical component in the debate over fishing regulations in sanctuaries.

This new mission statement represents a major fundamental change in the purpose of the Sanctuary system, a change which—had it been in effect prior to the designation of existing sanctuaries—would have resulted in different views on establishing them in the first place. For example, on the West Coast, sanctuaries were established primarily over concerns about oil exploration and development. The USS Monitor was protected off the coast of North Carolina for its maritime heritage value.

Ocean resource users such as commercial and recreational fishermen and tribes generally supported establishment of sanctuaries because they were led to believe that fishing opportunities and access would be protected. Changing policies for existing sanctuaries is the equivalent of re-zoning property for non-commercial use after the owner has already made investments on that property.

A perfect example of this bait and switch can be seen in the "Fishing Activities" portion of the Monterey Bay NMS Final EIS (See NOAA, Vol. II, Part IX, Section F; Response to Comments on Draft EIS, Issue 13—Regulation of Fishing, pgs. F-41 to F-43, 1992). Regarding the question concerning the prohibition and management of fishing within the sanctuary NOAA responded with the following

> Existing fisheries are not being regulated as part of the Sanctuary regime and fishing is not included in the Designation Document as an activity subject to future regulation. Fisheries Management will remain under the existing jurisdiction of the state of California, NMFS and PFMC.

Similarly, Congressman Sam Farr (D-17th), a well-respected coastal legislator and current co-sponsor of H.R. 6537 submitted clarifying correspondence to Mr. William Douros, Superintendent of the Monterey Bay NMS (See Farr, 2002) elucidating a position similar to NOAA's on fishing regulations in the sanctuary. Representative Farr's letter contains a section titled "The Role of the Sanctuary in Regulating Fisheries" from which the following quote is taken

> In the process of building support for the designation of the sanctuary, a clear commitment was made to the fishing community that the sanctuary would not impose any regulations directed at fishing activities or fishing vessels. This agreement is based on the understanding that the fisheries within the sanctuary are already being regulated and that there is neither the necessity nor the resources for the National Marine Sanctuary Program to take on this responsibility. The regulation of fishing in the sanctuary should remain under the jurisdiction of the California Department of Fish and Game and the Pacific Fisheries Management Council. Any future reexamination of this relationship should be conducted directly with representatives of the fishing and these agencies.

Despite these prior promises, designation documents that do not allow the regulation of fishing activities or fishing vessels, and despite a lack of consensus with the regulated community—approximately 64% of the Monterey Bay NMS is off limits to fishing (Hilborn and Walters, 2008). This year, the sanctuary superintendent announced (as of February 15, 2008) that NOS will proceed with the implementation of MPAs in the federal waters of the Monterey Bay NMS. It is our understanding that the proposed MPAs would only ban fishing while no other activity would be impacted.

In the nearby Channel Islands, the role of the sanctuary in fishing regulations is also being painfully felt by the regulated community. In the document titled "Our National Marine Sanctuaries 2007 Accomplishments Report (NOAA/NOS/NMSP 2007) the single "Featured 2007 Accomplishment" listed for the entire National Marine Sanctuary Program is described as follows

> Marine conservation in U.S. waters increased in July when NOAA expanded protected areas within the Channel Islands National Marine Sanctuary. The move permanently bans fishing from nearly 111 square miles around the Channel Islands, extending a network of marine reserves that now make up the largest area of no-fishing zones in the continental United States.

Clearly, the Sanctuary mission has evolved over time by shifting away from protecting discrete marine areas to one geared toward closing large areas to fishing under the guise of "ecosystem management" with little in the way of standards, scientific peer review, and transparent public processes. Unfortunately, rather than rectify the fishing regulation problem and address the conflict between the M-SA and the NMSA, H.R. 6537 appears to make matters worse.

Perhaps most shocking in all of H.R. 6537 is Section 306(a)(5) which specifies an outright ban on "bottom trawling" for any sanctuary designated before January 1, 2009 unless expressly approved by the Secretary consistent with the sanctuary mission, and a full ban with no exception for any sanctuary designated on or after that same date. This amounts to legislating pre-determined management decisions for sanctuaries and monuments thereby circumventing the entire public and advisory processes.

Should the trawl ban provision be retained and implemented absent a scientific determination process, what would prevent the sanctuary program from prohibiting all fishing gear that touches bottom including gear that has even the potential to touch the sea floor under the new mission to protect all sanctuary resources? This is a very serious issue for all marine fishing constituencies.

The ban on trawling is particularly galling to the regulated community if you consider its application along with the "System Expansion Goal" specified at Section 6 and the addition of numerous but undetermined ecoregions and maritime heritage areas. I believe the opposition from every region to such a provision cannot be overstated. In the case of the OCNMS the proposed trawl ban would effectively abrogate the Tribes' fishing rights to continue their well-managed, adaptive bottom trawl fishery which is the result of transparent co-management efforts between the Tribes and the Pacific Council.

The proposed changes to Section 304 and 308 still require that fishing regulations be compatible with the purposes and mission of the sanctuary. Since the new proposed mission of the sanctuary is protection (and not use) of living and non-living resources, and based on the evidence of management activities in several sanctuaries that suggest a proactive ratcheting down of fishing activities, it remains unclear how any fishing in a sanctuary is safe under H.R. 6537.

Furthermore, the new section 308 could put the Regional Councils even further behind the process. First, the new section adds timelines that heretofore did not exist, effectively forcing the Councils to examine NMSA issues as a priority—possibly at the expense of other more crucial conservation and management issues. If it cannot meet the deadlines the Councils lose their ability to managing fisheries throughout their range, a requirement of the MSA. Typically, amendments to fish-

ery management plans take up to two years to complete even when the Council has made specific allowances in its strategic planning for that activity.

In my opinion, the Secretary already has the authority under the MSA to issue regulations consistent with the MSA to close certain areas to fishing if it is deemed necessary to protect the ecosystem. However, there is still a need to clarify the existing relationship between the NMSA and MSA.

In 2005 and again in 2008 the Regional Fishery Management Council Chairmen adopted unanimous positions to amend the NMSA to specifically exclude fishery resources as sanctuary resources and to achieve jurisdictional clarity by vesting federal fisheries management within the MSA. The House Natural Resources Committee attempted to address this very issue during the 2006 MSA reauthorization but Members deferred the debate to the NMSA reauthorization.

I agree with the position of the Regional Council Chairmen for a number of reasons. First, this approach ensures that fishery resources are managed to achieve the greatest benefit the nation, consistently throughout their range, and with the best scientific information available. Second, the MSA has very specific National Standards, guidelines, scientific & economic considerations, a complete fishery-specific committee structure, and clear requirements for public input that include but extend beyond National Environmental Policy Act (NEPA) considerations. And third, the Councils are mandated to minimize the impacts of fishing gear on fish habitat as a component of FMPs and were provided with authority to employ ecosystem-based tools to implement area management such as marine protected areas and special limited fishing zones to protect resources (See 16 U.S.C. 303(a)(7) and 303(b).

The Regional Councils are already incorporating these EFH and ecosystem-based concepts into their management plans which would be consistent with the intent of the NMSA. There are many examples of this from every region, here are just a few—the North Pacific Council operates a full retention trawl program and has set aside an expansive deepwater coral protection area. The Pacific Council, through its EFH process, has already established discrete areas where bottom contact gear of any kind (not just trawls) is prohibited. The Rockfish and Cowcod Conservation Areas put thousands of square nautical miles off-limits to fishing. This Council has gone one step further and established a committee designed to modify those areas based on new information. The Mid-Atlantic Council has implemented trawl Gear Restricted Areas and the New England Council closed the heads of several marine canyons to trawling for purposes of managing Atlantic monkfish.

Simply put, the NMFS and the Regional Council system are designed and well-equipped to manage and protect fishery and ecosystem resources using all the tools at their disposal (incl. area management concepts) while the NMS system is not, nor was it ever intended to handle such a comprehensive task. Fisheries management is standard operating procedure for NMFS and the Councils using their resources of fishery science and statistical committees and support staff, economists, periodic fishery surveys, program monitoring, cooperative research programs, a fleet of federal research vessels, specific data reporting requirements, vessel trip and dealer reporting, permits and licensing activities, specific limited access and allocation methodologies, constituent services and outreach, and other pending programmatic changes to overfishing and rebuilding requirements resulting from the 2006 MSA reauthorization.

In sum, the U.S. Congress and this Subcommittee just invested years of hard work to substantially improve the MSA by separating politics from quota setting, ending overfishing, providing for enhanced habitat management, adding tighter controls on catch limits and accountability, and by specifying clear roles for advice from Science and Statistical Committees. In other words, the Councils operate under a very comprehensive, conservation-oriented set of requirements pursuant to the MSA. They have consistently proven the ability to deal with area management concepts to protect living marine resources in a transparent and science-based manner. There is simply no valid reason why this system should not be the primary tool used to manage fishery resources in sanctuaries.

Madame Chair, I thank you and Mr. Brown and the Subcommittee members for allowing me to speak with you today regarding the details of H.R. 6537. I hope to continue our work with you and your staff during this reauthorization process.

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Ms. BORDALLO. I will now recognize members for any questions they may wish to ask the witnesses alternating between the members and allowing five minutes for each member. Should members need more time, we very well could have a second round of questions. I will begin with myself, and I do have some for Mr. Dunnigan of NOAA.

According to your testimony, NOAA's priorities for reauthorization of the Sanctuaries Act are: 1] to clarify the protective mission of the system; 2] streamline the processes for identifying, selecting and designating new sanctuaries; and 3] ensure that NOAA's authorities under the Act are applicable for NOAA's management responsibilities at marine national monuments. Does H.R. 6537 address these priorities? Just a yes or a no.

Mr. DUNNIGAN. Thank you, Madam Chairwoman. It addresses those priorities. As I said, we haven't had a chance to review all of the details, but it at least goes in those directions. Thank you.

Ms. BORDALLO. All right. Thank you. I have a series of questions, so. Will the President's recent action to lift the administrative moratorium on offshore energy production affect the system, and is this action by the President consistent with the NMSA, and how might this affect the marine national monument in Hawaii in the Pacific Ocean?

Mr. DUNNIGAN. Thank you very much, Madam Chairwoman. The President, when he lifted that moratorium continued its applicability to national marine sanctuaries. So the system is still operational there. Specifically with reference to Papahanaumokuakea, the President, when he designated that monument prohibited oil drilling activities. So our understanding is that that remains in place as well.

So we think that the President's action doesn't have any direct impact on the sanctuary system.

Ms. BORDALLO. Very good. All right, another question. H.R. 6537 would enact several systemwide statutory prohibitions for certain activities for existing and future sanctuaries. What is NOAA's position on this provision of the bill, and if NOAA does object, please explain why these activities that are prohibited in national parks should be allowed in national marine sanctuaries?

Mr. DUNNIGAN. Well, again, I think, reserving the opportunity to look at the specific language, we believe that the better approach is to look at each of the sanctuaries in its particular context and then craft the appropriate regulatory scheme that is best applied to that particular area. So in general we would prefer not to see broad prohibitions that apply across the board to a lot of different areas.

We think this program works best when the prohibitions can be tailored to the needs of the particular area.

Ms. BORDALLO. Each sanctuary. Does NOAA support a requirement to conduct an inventory of marine ecoregions and maritime

heritage resources and to develop a new site selection list for potential designations of new sanctuaries?

Mr. DUNNIGAN. We think that it is time for us to have an opportunity to consider broadly the needs of the system and that is one way of doing it, so that is consistent with that provision that was in our testimony.

Ms. BORDALLO. All right. I have two other questions. Does NOAA support having a goal to expand the system to include representative sites of each marine ecoregion and a full range of maritime heritage resources by the year 2030?

Mr. DUNNIGAN. We don't have a position specifically on that particular part of the bill, but let me say that one of the things we have to be careful to consider here is that the resources that we have available to protect these places are consistent with the requirements that we are laying on ourselves.

So one of the things we have to think about is are we going to be able to continue to maintain the protections for the whole system as we try to move forward and provide broad protection for all these types of resources around the country?

Ms. BORDALLO. Very good. My final question. The bill would authorize an annual funding level of $100 million by 2013 for implementing the NMSA and for construction projects. Now, does NOAA feel that this amount is sufficient given the projected growth of the system in that timeframe? I expect the answer to be no.

Mr. DUNNIGAN. I think the answer that the administration always has for these kinds of questions is that as we work out appropriations bills we have to evaluate every year what the requirements are against all of the other requirements that the country faces and provide the appropriate funding.

Ms. BORDALLO. So you don't feel the $100 million would be sufficient?

Mr. DUNNIGAN. No, I didn't say that.

Ms. BORDALLO. Thank you very much. Now to Mr. Gudes. I want to thank you for your discussion regarding how the proposed mission statement could be amended to better preserve recreational opportunities. Why do you believe, however, that an explicit mission to require NOAA to manage the sanctuary system for the long-term protection and conservation of the resources would result in a loss of recreational activities or opportunities?

Mr. GUDES. I suppose there is probably two questions. One is if what the bill is doing is saying what is the purpose, what is the mission for what a marine sanctuary is, if, in fact, human use, people use of the sanctuary, it would make sense to have that in the statement, just in the same way some other parks, for example, national parks have it in.

Second, I think I am mindful of Rick Marks comments that if you look at the history of the Marine Sanctuary Program, designations have started and then over time restrictions have been put in place that were not contemplated by the stakeholders when they supported the designation of the sanctuary.

Those are all human uses that I am talking about, and I can point to a number of those, but I think Rick was talking in terms of commercial fishing. I can point out the use of personal watercraft on the west coast, I can point out the no takes zones

have been put in place. It is not clear to me that when those things came into effect that stakeholders at all knew that was what they were agreeing to.

Ms. BORDALLO. Is that not covered through the management plan reviews at this——

Mr. GUDES. The uses do come about through the management plan review, and in each case at some point the people who are most involved in a sanctuary have put forward a proposal that often is advertised in the local media for stakeholders to come forward. It doesn't mean that all the members of the public who are affected understand that each time it happens.

Usually they find out that they should have been involved earlier or might have been involved earlier when a restriction comes into place. I can tell you coming into this industry I am aware of restrictions that came into place that had the industry known when they were first proposed, it would have come forward forcefully and not agreed.

Ms. BORDALLO. All right. Well, I will have a few additional questions but right now I would like to recognize the gentleman from New Jersey, Mr. Saxton.

Mr. SAXTON. Thank you, Madam Chairwoman. Mr. Dunnigan and Ms. Spruill, I am sure you were listening as intently as I was to the concerns, if you will, that were raised by Mr. Gudes and Mr. Marks about the bill. I noted three in particular that I would like to ask you to express your views on.

First is, as pointed out by Mr. Marks, there is a general acceptance of the notion that scientific information should be used as a basis for our policy rather than policy being a goal all of its own. Mr. Marks is concerned that the integrity of the scientific approach be maintained. That is number one. Second, that as the bill is currently written it may be biased, my word, in terms of expansion rather than maintaining and managing the current system.

Third, that there is an emphasis on protection rather than use. I think that Mr. Gudes at least contributed to the last part in terms of the opportunities for fishing and so on, so if you could just have a conversation with us about your perspective on those three areas.

Mr. DUNNIGAN. Yes, sir. Thank you very much. I would be pleased to address those. I think, first of all, we recognize that national marine sanctuaries present one of the really great opportunities for doing important scientific research in the oceans. They are identified on the basis of particular values that each of the sanctuaries represents.

It is important to understand how global processes, climate change and other things that are happening affect these places and what we can learn from that for application elsewhere. So we believe in a strong scientific base for the National Marine Sanctuary Program, and we believe that science, and good science, the best available science, needs to underpin the actions that we take.

We also believe that that science is a part of what is brought out in the public discussion processes that we have when we consider regulations, when we do designation documents. So we feel we have a fairly open process, we believe that we are reflecting the

best available science and we don't have any difficulty with that being an underpinning for the program.

I think there is a focus in our position from the administration's standpoint on clarifying that the particular requirements for sanctuaries are more focused on protection and conservation than they are on management. We are not necessarily here just to manage resources in the same sense that we manage fisheries to try to achieve an optimum yield.

There is an identification that these are special places that deserve the kind of conversation and protection, but, again, sometimes we get the impression that people are thinking that we generate all of this in our offices in Silver Spring without having an opportunity to sit and spend a lot of time with stakeholders.

If you hear the comments that you have heard from the Thunder Bay folks, including the mayor who was here at the last hearing, you hear people talking about how the Sanctuary Program was something that once they got to understand it and the values that it protected in their local areas, that it was important to move forward with.

The third thing I would say about fishing is that in the 12 national marine sanctuaries that we have, leaving Papahanaumokuakea off for the moment because that was the President's action, in the 12 sanctuaries we have, we allow fishing in every one of them. We allow commercial fishing, I believe, to some extent in every one of them.

So if you were to go out to the Channel Island Sanctuary that is in Ms. Capps' district, you would see a series of panels on the wall of the office that says uses of marine sanctuaries. We have recognized from the beginning that national marine sanctuaries are special places for people.

Although we believe the principal focus needs to be on conservation and protection, we recognize that these are valuable places for people to use as well.

Ms. SPRUILL. Thank you, Congressman, for your very thoughtful questions. I concur, I have to, with Jack that science must absolutely anchor all decisions related to sanctuary designation. I think we have to recognize that America's future depends on the health and productivity of our oceans.

This bill, therefore, makes it really clear that the primary purpose of the sanctuary system is the long-term protection and conservation of ocean resources. Now, that said, we also understand that fishermen are facing a number of challenges from diminishing fish populations and rising fuel costs, and we see the sanctuary system providing us with an opportunity to really invest in the future of a healthier ocean, and therefore, all the livelihoods that depend on that ocean.

As Jack said, we can't forget that every single sanctuary is open to fishing and the vast majority of the waters within those sanctuaries are open to fishing, and at the same time we have to acknowledge that fishing is one of the greatest impacts to ocean ecosystems. So I like to look at sanctuaries as sort of an insurance policy for both the future health of the ocean and its productivity and the livelihoods that depend on it.

Mr. SAXTON. Thank you, Madam Chairman. Thank you very much.

Ms. BORDALLO. Thank the gentleman from New Jersey, Mr. Saxton. Now the Chair recognizes the gentlelady from California, Ms. Capps.

Ms. CAPPS. Thank you very much, Madam Chair. NOAA seems to be on the hot seat for questions. Right off the back this morning, Mr. Dunnigan, I am going to start out with questions for you. I heard you say something about a second round so if I don't get to it, I have a couple of other people I want to pick on as well.

To continue, Mr. Dunnigan, the conversation or testimony that has already occurred on fishing, I want to ask your opinion about the National Marine Sanctuary Program and expertise in fishing management. Do you believe that the sanctuaries have the kind of expertise in fishing management to make decisions on fishing issues within their boundaries?

Mr. DUNNIGAN. Well, I have two answers to that question. First of all, I think we have an immensely capable staff that has broad capacity and capability to deal with a wide range of ocean issues, including those relating to living resources. The other thing I would like to say is that this is a NOAA program, so the National Marine Sanctuary's office is also working closely with the offices of the National Marine Fishery Service and of the regional fishery management councils.

In many cases we have excellent working relationships with the regional fishery management councils on a continuing basis. So from the NOAA perspective, we believe that we have the opportunity to bring a number of resources and capabilities together to try to address these issues.

Ms. CAPPS. Thank you. You mentioned already my, not mine, but our Channel Island Marine Sanctuary, and I know this to be the case. We have evidence of that in our sanctuary as well.

Other witnesses have testified, Mr. Dunnigan, that a provision in H.R. 6537 to increase the period of management plan review from five to seven years or to require subsequent reviews every 10 years instead of every five years, that this provision would reduce oversight and slow down the process to make changes to plans.

There is another side to it, too, I believe. I want to ask you if expanding the period of review would make the process more inefficient.

Mr. DUNNIGAN. Ms. Capps, I would not say that it would make the process more inefficient. I think right now one of the problems that we are having is that the amount of work that gets associated with doing each of these is sufficient enough that it is hard for us to be able to get to it all.

So, actually, if the law gets written in a way that requires us to do it at least every so many years, then we have an opportunity in the interim times to be able to deal with particular issues as they come up, and yet, give us an opportunity to schedule these in a way that are consistent with the resources that we have available.

Ms. CAPPS. Since we have in our sanctuary completed that five year plan, it is strenuous and I know from personal experience what you are talking about. To follow-up, what else could be done,

do you believe, to make management plan review process more efficient? Do you have other ideas that we could include?

Mr. DUNNIGAN. We are looking at a number of things and we have been talking to the Committee staff about them. Until we get an approved view officially from the administration, it is hard to say what those might be. One of the things that we think is extremely important is to continue the strong engagement with the public through our advisory councils.

As you saw in the process in the Channel Islands, it was open, it gave us an opportunity to talk not only with the industry, but also with the state. Especially in the four California sanctuaries where we have such a close alignment with the state itself, it gives us that opportunity to work together.

Ms. CAPPS. One more. I think I have time. At the Channel Islands, as you referred to this, the SAC has utilized issue specific working groups to improve the public process. They also help keep the SAC updated on emerging issues, almost like to anticipate problems, some of these being aquaculture and offshore renewable energy.

I have seen personally that these have been very helpful. You suggest removing the 15 member limit on certain advisory SACs. I know that at the Channel Islands and Monterey Bay sanctuaries we each have 20 members each. Why do you think this change might be useful or necessary?

Mr. DUNNIGAN. As we move forward with these, we have to make sure that we have the opportunity to get the diverse representation that is appropriate for that particular sanctuary. The kinds of people that we need are different in California than they are in the Great Lakes or than they are in the south Atlantic where we have the Grays Reef National Marine Sanctuary.

So we would like to have the opportunity to be able to have sufficient size on those advisory councils so that we can reach out through the board diversity of interests in each case.

Ms. CAPPS. Thank you. Madam Chair, I want to question a couple more witnesses but I notice the red light is on and I am going to take you at your word about a second round.

Ms. BORDALLO. Thank you. I want to assure the gentlelady from California that we will have a second round of questions. At this time I would like to recognize the Ranking Member, Mr. Brown from South Carolina, for any questions he may have.

Those standing in the back there, if you would like to sit around this table here, you are more than welcome. Thank you.

Mr. BROWN. Welcome. Ms. Spruill, are you from South Carolina?

Ms. SPRUILL. I am not from South Carolina.

Mr. BROWN. I want to let you know that in my district we have Spruill Avenue.

Ms. SPRUILL. We do. And there is a Pointer and Spruill law firm, too.

Mr. BROWN. Is that right?

Ms. SPRUILL. Yes. No relation.

Mr. BROWN. OK. OK. Let me begin my questioning I guess with you. Does your organization support the ban on oil and gas explorations and development in all sanctuaries?

Ms. SPRUILL. I am sorry, could you repeat the question?

Mr. BROWN. Does your organization support the ban on oil and gas explorations and development in all of the sanctuaries?

Ms. SPRUILL. Yes, and we at the same time recognize that, you know, we all feel the pain at the pump. Congress has to be focused on a real solution. Drilling our way out of this one we don't think is the solution. Lifting the moratorium will do nothing to lower today's gas prices, especially when there are faster, and cheaper, and safer plans in investing in clean, renewable energy, like solar, and wind, and alternatives to gas.

Ms. BORDALLO. Would you come closer to the mic, please?

Ms. SPRUILL. I am sorry.

Ms. BORDALLO. Yes.

Ms. SPRUILL. We need to move this between us. Thank you.

Mr. BROWN. Would you further maybe explain that as why you would be against it?

Ms. SPRUILL. Against drilling in the sanctuaries is how I understood the——

Mr. BROWN. Yes, ma'am, that is right.

Ms. SPRUILL. Because the——

Mr. BROWN. Is it environmental concerns or what would be your major concern?

Ms. SPRUILL. Well, we are dealing with a vulnerable ocean ecosystem that is facing threats from a number of sources. It is an already vulnerable system that we need to be as resilient as possible to sustain life on this planet. You know, things like pollution, and habitat destruction and overfishing are already creating a vulnerable ocean ecosystem.

So it is not just the drilling we have to be concerned with, it is the whole system, the whole process from extraction to transportation. When you are looking at things through an ecosystem lens, which this sanctuary act is trying to do, we have to look at the sort of cumulative impact of all of these stressors. So it is more than just environment. I think that it is a combination.

Mr. BROWN. OK, but aren't you aware that other countries are drilling offshore, and even in the United States off the coast of Louisiana, off the coast of Texas and off the coast of California we are drilling? I think the track record has been pretty good.

Ms. SPRUILL. Well, again, it is we have to look beyond the drilling. It is not just about the drilling, it is the whole system from extraction to transportation. Look at the spill in Louisiana just yesterday.

Mr. BROWN. That was transportation, right?

Ms. SPRUILL. Right.

Mr. BROWN. Right. So then you would be in favor of closing the sanctuaries for transportation of tankers across the sanctuaries?

Ms. SPRUILL. No. I was responding specifically to your drilling question.

Mr. BROWN. I know, but I was responding to your question about the barge that——

Ms. SPRUILL. If you look at drilling, when we look at oil drilling, I think we have to look at the whole system. What we are talking about is an ecosystem-based approach to managing our oceans. The sanctuaries bill, you know, makes it clear that the primary purpose

of the sanctuary system is the long-term protection and conservation of our ocean ecosystems and resources.

It may be that there are some uses that are not compatible with that long-term comprehensive view, but we have to consider sanctuaries as an insurance policy. We have to invest in the health and future of our oceans because otherwise, the lives that depend on those are lost anyway.

Mr. BROWN. I guess that is the big argument we have today with the price of gasoline at $4 a gallon and, you know, the very poorest of our country, they are suffering the most because most of those people live outside of the region where they have jobs and they have to transport back and forth on a daily basis. I know it is hurting in my district. That is the reason.

I guess my next question would be then does your organization support the designation of a monument off the coast of South Carolina?

Ms. SPRUILL. I have not been briefed on that specific question and so I would need to get back to you with a specific answer to that.

Mr. BROWN. OK. Is there any place outside the monuments or the sanctuaries where it would be OK to drill?

Ms. SPRUILL. We think we are not going to drill ourselves out of this problem. We need to look for alternative energy sources.

Mr. BROWN. OK, but in the meantime, I think we are looking, you know, for alternative sources, and, you know, windmills and whatever else is out there, nuclear power, and hydrogen power, and whatever else, but we are using 21 million barrels of oil a day and we are getting in some 13 million barrels from people that don't like us and the price keeps going up every day.

We are having the greatest transfer of wealth in this world today than we have ever had before where some $700 billion a year is transferred from the wealth of the United States to these countries that supply our oil.

You know, I see that we live on the same planet where everybody has got something, a mutual responsibility, and yet, we are insisting almost that Iraq and some of these other places continue to drill and we don't want to share in that level of responsibility.

Anyway, thank you, Madam Chair. I am sorry I used up all my time, too, but it has been a good exchange.

Ms. SPRUILL. Thank you, Congressman.

Ms. BORDALLO. Thank you very much to the Ranking Member, the gentleman from South Carolina, Mr. Brown.

Mr. Marks, I have a few questions for you. You raised rather strong concerns about the establishment of marine protected areas, including marine reserves, in some sanctuaries that were established to protect sanctuary resources from fishing activities, yet, you go on to note several examples where regional fishery management councils have utilized the same tools to the same effect.

So as a general principle, you are not opposed to the use of marine protected areas or even the use of marine reserves, is that correct?

Mr. MARKS. As a general principle, you are correct, I am not opposed to those. What I am concerned about, Madam Chair, is to im-

plement those in situations where the designation documents did not indicate that they could be used to curtail fishing.

The council process has a very scientifically driven, clear, transparent process to implement those protected areas, and the councils are actively doing that all around the country, but they are science-driven, and that is what I would support and that is what my clients operate in.

These other issues about marine protected areas within these sanctuaries were not what many people had anticipated when the system was brought about. It gets a lot to the issue of science, ma'am.

If you listen to Mr. Dunnigan's answer to the question about science, he is very skillful in the response because, yes, the sanctuaries can be used to do a very good science on climate research, et cetera, but when we talk about science, we mean to apply that to the fishery management decisions, to the marine protected area decisions.

That is very different than doing scientific research. So you are correct, I do support the concept of those MPAs, but I support a process that determines that they are necessary.

Ms. BORDALLO. All right. Now, your concern is more about who controls the process, is that correct? They are under the same department, am I, Department of Commerce?

Mr. MARKS. You are absolutely correct, so what we do have is competing departments, ma'am, but there is something very, very important I need you to understand because we haven't been able to get to the kernel of why this is a problem.

The problem is you have two acts that are in conflict because, and I think someone may have pointed it out, one, we talk about optimum yield, managing use, greatest benefit to the nation, actually having people harvesting for protein for all of us. The other act in the same area is now being recast to be more protectionary and that is why we have the rub, and that is why I am advocating that consistent with Magnuson, throughout the range, species are managed that way.

The sanctuaries should certainly be able to work in consultation with the National Fishery Service. If there are areas that need to have MPAs in them, then let us use the science process and the council process to put those in wherever they are required.

Ms. BORDALLO. All right, but under existing law and my particular bill, the councils would still have the primary responsibility for drafting fishing regulations, so what is the problem?

Mr. MARKS. Well, they still would, ma'am, but there is a couple of things. Number one is you change the timeframes on the council to be able to act, and, quite frankly, you tighten them up a bit faster than the council system normally operates.

As I indicated, you, having been a council member before, I know how, I was going to say how fast, but how slow sometimes the council process grinds forward because it is so comprehensive, so what you have done is you have tightened up the timeframes for them to act.

Not only is it problematic from a time perspective, but what if the council has so many other issues that are pressing on them from a fiscal standpoint and from a planning standpoint that if the

sanctuary turns around and says we need regulations today in this sanctuary, then the council is going to be forced to drop everything else on its agenda that it plans for a year in advance, ma'am, in order to be able to react.

If they can't react in time, then it defaults to Mr. Dunnigan to do the fishing regulations. As I indicated, we have no scientific process to depend on.

Ms. BORDALLO. All right. Then the Committee would be interested to know what kind of timeline are you looking at here, I mean, to be reasonable?

Mr. MARKS. OK. That is a fair question keeping in mind, though, that I am still putting my chips with the council. To answer your time question, you know, councils typically for a full-blown amendment, when a council has already planned it in their structure to get to an amendment it takes upwards of about two years to do a full-blown fishery management plan amendment.

If you want to do a faster plan amendment, called a framework amendment, you can actually do that and probably get it off the dime in about a year and a half. There are so many requirements, NEPA, et cetera, that it takes a long time to make that happen.

So I think, and, again, I only had a few days with your bill, ma'am, but I think that your bill would allow the council, if you told them today, six months to finish their work and they could extend that time period once for three months, if I am correct. The staff is nodding his head.

That is not enough time for the councils to do what they would have to do, not even talking about still the conflict between the two statutes.

Ms. BORDALLO. All right. I have another question for you, Mr. Marks.

You raise significant concerns that the sanctuary system has evolved to a more protective ecosystem management approach with little in the way of standard scientific peer-review and transparent public process, yet, in looking at the record at the establishment of the system of marine reserves at the Channel Islands National Marine Sanctuary, where is that list, I see a very comprehensive public process that included over 44 sanctuary advisory councils or working group meetings and other public meetings or hearings, and this was just for the period between 1999 and 2001.

Forty-four. So I would say that is pretty thorough. Furthermore, the full process took eight years to complete and still left 78 percent of sanctuary waters open to fishing activities. So just exactly how much public process do you believe is necessary before NOAA is allowed to take a management action in a marine sanctuary?

Mr. MARKS. Fair question, Madam Chair, and I don't denigrate the public process that has gone on to implement these sanctuaries. To designate them and implement I know it takes a long time, I know there is tremendous amounts of discussions.

My issues tend to be not so much with actually where you draw the box on the nautical chart, but then what happens from the designation document standpoint moving forward? That is where a lot of my concerns and a lot of my clients' and my associates have raised concerns is that there tends to be a feeling that the advisory

process is being dictated to rather than more involved in the actual implementation of regulations, and there is a difference.

You mentioned the Channel Islands. I have been on a commercial squid boat in the Channel Islands, it is a beautiful place, I have kayaked there, people are using it, I do understand we are fishing, but let me give you an example just right near there. The designation documents for the Monterey Bay Sanctuary were clear, and Mr. Farr was clear very far back in the initiation of that, that we wouldn't manage fishing.

Well, right now, 64 percent of the Monterey Bay Sanctuary is estimated to be off limits to fishing when people didn't think that that was going to happen at all in the beginning. So there is public process, you are absolutely right; however, in certain instances there is concerns about whether there is enough of it and whether the standards and the science apply.

Ms. BORDALLO. Thank you, Mr. Marks. My time is over and I am going to be recognized Mr. Wittman. I would like to ask Mr. Dunnigan one quick question. Mr. Marks describes the two statutes, meaning Magnuson and the Sanctuaries Act, are being in conflict. Do you share his idea on that?

Mr. DUNNIGAN. No, ma'am, we don't share that view at all. We think that there are two statutes that can work together, and, in fact, in almost all cases, do work together well.

Ms. BORDALLO. That complement each other. All right. Thank you. Now the Chair recognizes Mr. Wittman.

Mr. WITTMAN. Thank you, Madam Chairwoman. I appreciate the time. I would first like to welcome Timothy Sullivan, the Director and CEO of the Mariners' Museum. Prior to joining the Mariners' Museum, Mr. Sullivan also served as President of the College of William and Mary for 13 years.

The Mariners' Museum is located in Newport News, Virginia, and for those who don't know, the Mariners' Museum does a great job of displaying and interpreting maritime history, and most notably, the history of the great Civil War naval battle between the ironclads U.S.S. Monitor and C.S.S. Virginia. So, Mr. Sullivan, thank you for joining us today. I appreciate that. It is good to have you here.

I would like to begin with Mr. Dunnigan with a question. Mr. Dunnigan, as you know, anglers play a very important role in the conservation of our marine resources and namely through the license fees and excise taxes that they pay on fishing tackle.

However, I know that many recreational anglers are concerned about management practices that might restrict public access and the implementation of no take areas. How does the administration plan to proceed with the establishment and management of marine protected areas and other management measures, and how will public access for recreational purposes be ensured?

Mr. DUNNIGAN. If I can answer the second part of your question first, the correct process for ensuring the appropriate use of a marine protected area, or a sanctuary, or any other area, is really through a broad public process that gives transparency and gives folks an opportunity through some regularized review to be able to have their views heard.

We recognize that recreational fishing is an important value for America, we recognize that the sport fishing community has been among the strongest supporters of good fisheries management and of good environmental protection, so we think that the right way to do that is to focus specifically on the process.

Mr. WITTMAN. Very good. As related to the process, how do you see the application of science playing in, both the process of public hearing and in the decisionmaking side?

Mr. DUNNIGAN. Well, we begin with our own scientists in the sanctuary program that are associated with each of the individual sanctuaries, and they have extensive collaborations with other scientists in NOAA, specifically the National Marine Fisheries Service, we work with scientists that work for the regional fishery councils, for other Federal agencies and for the states.

We have a strong recognition of the collaborative effort that we need to do and recognize the capabilities of the states. So we really begin with science when we are building our record and trying to make a decision as to what the appropriate things to do in a particular sanctuary might be.

Mr. WITTMAN. So what you will be doing is integrating the public information or the public process and the information you gain there, along with the science that you gain from your scientists, others, and other Federal agencies in the states?

Mr. DUNNIGAN. Sir, I would say that, but I would also point out that an important part of a program like this is to make sure that we are communicating the science through effective public education and outreach programs.

Public education and outreach is one of the strongest underpinnings of the National Marine Sanctuary System, so we need to be able to use these programs to take the opportunity to get that science into the hands of the people whose resources these are so that they can consider what the appropriate uses and protections that are necessary for these places should be.

Mr. WITTMAN. OK. Like to drill down a little bit further into the decisionmaking process. Can you tell us how fisheries management or the fisheries management provisions of the Magnuson-Stevens Act mesh with the requirements of the National Marine Sanctuaries Act, and how would H.R. 6537 change authorities in the Sanctuaries Act?

Mr. DUNNIGAN. Under the current law, and I believe under H.R. 6537, the principal responsibility initially for crafting individual fishery regulations rests with the fishery management councils. I haven't studied all of the details, but, as I understand it, H.R. 6537 I think makes that process a little bit clearer as to how that is supposed to happen and stages it better.

You know, that process is going to work well when we have the sanctuary staffs, the fishery staff and the council staff all working together much earlier in the process. This should not be a situation where the sanctuaries program decides that it needs a fishing regulation and calls up the fishery council and says come back in 90 days.

We have to have that collaboration working from the very beginning. Sanctuary designation processes take many years as well, along with fishery management processes, and it is our responsi-

bility to make sure that we have them working side by side all the way through.

Mr. WITTMAN. Just one other question. Maybe a little more elaboration. I know that the Magnuson-Stevens Act has a fairly proscriptive process for making decisions. Do you see that meshing with the process with the Marine Sanctuaries Act? Do you see it occurring separately? How do you envision that? Let us say that there is a decision process that has been gone through say with a species, and then there is an effort to put in place a marine sanctuary.

How do you see that process either meshing or reconciling if there is a potential conflict in that decisionmaking?

Mr. DUNNIGAN. For about the last 18 months we have been doing a very detailed analysis of the legal requirements of the two processes and how they work together. That is almost completed and ready to be shared. And so that will give, you know, the sort of I think very technical details from the legal standpoint that you are looking for.

Let me give you just an example because this is an area where we have really tried to do a better job over the last couple of years to have the sanctuary staffs and the fishery management staffs in NOAA and the councils, you know, working better together. The Chairman of the Sanctuary Advisory Council for the Grays Reef Sanctuary is an employee of the National Marine Fishery Service.

The director of the Channel Islands National Marine Sanctuary staff used to work for the National Marine Fishery Service, as did I. So what we have been seeing is a much greater sense of collaboration across NOAA really in this administration on programs, and that is something that we can't ever say is done. We have to keep working to make that more effective.

Mr. WITTMAN. Thank you, Mr. Dunnigan. Thank you, Madam Chairwoman.

Ms. BORDALLO. I thank the gentleman from Virginia, Mr. Wittman. Now the Chair recognizes the gentlelady from California, Ms. Capps.

Ms. CAPPS. Madam Chair, I do have questions for Mr. Kroll and Mr. Marks, but I want to give Mr. Dunnigan a chance to respond, I know you have been talking a lot, but you engaged Mr. Marks, Madam Chair, in an interesting conversation in which I believe I heard Mr. Marks suggest that the sanctuary program does not engage in public processes that are science-based or transparent.

I want to ask you, Mr. Dunnigan, for a brief response to my question. What happens when decisions are made after the designation process is completed? How does the public participate in those instances?

Mr. DUNNIGAN. Well, on a continuing basis people are participating through the sanctuary advisory council process, and that is open. We have continuing membership infusion so that we get a broad view of interests. The advisory council process is very engaged and continuing to review how the sanctuaries are being implemented, so there is open discussion.

I can tell you that they are not all meetings where everybody sits around a table and agrees with each other. Those are a lot of fun sometimes. I can tell you that at my level I hear from those people

after those meetings are over with. So, you know, I spent 25 years in the fishery management process. They are hard.

I recognize the hard work that my colleagues in fisheries do, and I am committed, and we are all committed in NOAA to working better together.

Ms. CAPPS. I want to tell you and just make this as an aside, the process I watched firsthand at Channel Islands, and I have bragged about that advisory committee to almost every other public/private partnership that I have ever witnessed, it was the one, and I won't say bloody, but it was a very hands on and strongly held opinions where they sat around the table until they ironed out every one of the areas where they could agree on.

One of the most publicly driven processes I have ever experienced. It was initiated by the recreational fisheries. Completely driven by science all the way through. I think it is, at least my experience, a very remarkable process.

Now, Mr. Kroll. I have never had the privilege of visiting your Thunder Bay Sanctuary. The pictures are beautiful. Last weekend I was at Monterey Bay Sanctuary Visitors Center in Cambria, California, my district, celebrating a second anniversary. I am always impressed by the number of businesses from my area and the surrounding around the sanctuary that support it.

The sanctuary has developed amazing partnerships with local lighthouse and maritime-related associations all to enhance tourism, which they can tell you it has. I am sure the Thunder Bay Sanctuary has had some positive impacts on your area as well. Just mention a couple of those in a brief response. I want to follow it up with another question.

Mr. KROLL. Well, the diving community certainly appreciates the efforts of the sanctuary in buoying wrecks in such a way that they are a little bit safer to dive on, and it is a little bit more reliable and not harmful to the wreck by not attaching to them, so I think we are getting a better feel for that.

As we progress buoying different wrecks and making that available, it makes for a much safer environment to dive in, and so we are getting more divers coming to the area. The sanctuary itself, having the Maritime Heritage Center now, which has just opened, is drawing nondiving community to the area.

It is amazing the number of people that we have coming through. I mean, it is more than we could have possibly anticipated. The whole sanctuaries program for our area has been just an amazing effort of cooperation between government, private people and everything to get this thing motivated and going. It is just, you know, a tenfold kind of thing that is going on as far as the use.

The educational ramifications of our sanctuary just amazes me. We have had Dr. Ballard there doing some research, and we put things together with, you know, live broadcasts and that kind of thing.

Ms. CAPPS. Can I get you to segue to a part of this that I find very fascinating? You have spent a lot of time there and you represent it well, some of the changes in our Great Lakes in terms of invasive species. Have you observed this change over time, and is that a part of this educational process you are describing as well?

Mr. KROLL. Yeah. This is kind of a good thing, bad thing. You know, we have 185, I believe, invasive species that have come into the Great Lakes since we have opened the canal. Some of those things maybe are good, some of those things are bad. I don't know if we understand all that yet.

Good thing I guess is that the visibility in our Great Lakes has greatly increased. What ramifications that has as far as warming the waters or whatever has yet to be studied. Bad thing about a lot of it, which are the zebra and quagga mussels, are that they manifest themselves by covering up the wrecks.

Even though these pictures show wrecks, which are, from a distance they look really great, some of the artifacts are covered up by these mussels and in some ways it is not as good, but when you get down there and you have 100 feet of visibility, where back in the 1960s when I dove these wrecks we were lucky to have four and five feet of visibility, those were considered good days.

Now, if you have less than 30, you are complaining about it. So there are pros and cons to all that. Where it is going to go, to some degree we can't control anymore, but certainly studying their effects is important.

Ms. CAPPS. Thank you. Madam Chair, I know my red light has gone on, but since I am the last speaker, could I ask Mr. Marks one question?

Ms. BORDALLO. Go ahead.

Ms. CAPPS. Do you mind? I just wanted to refer in your testimony, Mr. Marks, to the statement that you made that scientists seem to be split on spill over as a benefit of marine reserves, but anecdotally, I can tell you right off Santa Barbara, Channel Islands National Park, we see anecdotally every day fishers fishing the line.

They know exactly the sanctuary line ends because they can see the number of fish returning and it is providing a much better catch with them. Why should not this be considered a positive affect of marine research?

Mr. MARKS. Let me clarify, Ms. Capps. I didn't mean to indicate that it never works. As a fifth year biologist myself having worked in fisheries, I just wanted to make sure that it was clear in my written testimony that people understood that there is a lot of debate still ongoing about the positive benefits of some of these areas.

That is only the point that I was trying to make. I certainly would think in some areas with species that are more ventrically oriented or structure oriented where their larvae are retained, I would certainly agree with you that in some of those instances it would work. Whether it repopulates adjacent areas in all cases, there is a lot of that that depends on particular case by case situations.

So in some instances, I think you are absolutely right, in others, I am not convinced and others in the scientific community. I just still think it remains a debate. That is all.

Ms. CAPPS. All right. Fair enough. We need to have another hearing, Madam Chair. I yield back.

Ms. BORDALLO. I think the gentlelady from California would remind the members that there are four votes coming up between 12

and 12:15. However, being a representative from a territory, I only vote on amendments, so I will keep this going.

I have a question here for Mr. Gudes. You raised a concern with provisions in the bill that would direct NOAA to complete a classification of marine ecoregions and also direct NOAA to work toward the goal of designating new sanctuaries representative of the full spectrum of marine ecoregions of the United States.

Now, why is this inventory, which would be designated by NOAA in consultation with all relevant stakeholders, a problem?

Mr. GUDES. Well, I think our focus is that where NOAA should be investing additional resources that the Committee is recommending should be on capacity building in the existing sanctuaries before going and creating additional sanctuaries. As far as ecosystems, beyond that, I would have to get back to you and focus a bit more on the study that you are talking about.

Ms. BORDALLO. All right. We would appreciate that. Also, why is the goal of designating new sanctuaries to capture the full range of marine ecoregions a problem when currently the same type of goal exists for the National Estuarine Research Reserve System?

Mr. GUDES. Well, I think part and parcel to this discussion today, which was kind of before when Rick was talking and I was talking, is that the flip side of the comment before about only 28 percent of the Channel Islands is closed to fishing is that as the system increases that means that there is 100 percent of all those areas that are open to recreational fishing now, and whether it is 28 percent, or 50 percent, or 100 percent, that means that what the Committee is contemplating or the NOAA Marine Sanctuary Program is contemplating is additional fishing closures.

As I tried to say at the beginning of my statement, geographic-based management and no take zones is not something that our industry supports at all. I hope that is clear. Madam Chair, can I also? Earlier you had asked me about why I thought that there needed to be a focus on balanced use and human use of the sanctuaries.

This is a reauthorization bill, so it is pivoting off of what already exists. As I tried to point out in my testimony before, the reauthorization eliminates the current law which provides for facilitating public and private uses of sanctuaries.

So I am not allowed to ask questions of the dais, but it seems that the Committee has made a decision to eliminate that, and, you know, we are strongly arguing no, that that side needs to be put into the bill, not the way it is drafted now.

Ms. BORDALLO. Yes. Well, when you reauthorize something, you know, you may add or subtract from the original.

Mr. GUDES. Yes, ma'am. You do the laws, we don't.

Ms. BORDALLO. We will confer with the Committee on that. Mr. Kroll, I have a question for you. Can you confirm that all of the counties and the communities that surround the Thunder Bay Sanctuary support the expansion of the sanctuary's boundaries? To your knowledge is there any local opposition to the expansion?

Mr. KROLL. Thank you, Madam, but when we started our management plan review process we of course had some public hearings in counties on either side of us, and, as a result of those hearings, we ended up with requests from these counties to become part

of the sanctuary. We have a lot of documentation of where county entities have written letters of support and requesting to become part of the sanctuary as adjoining counties.

So as part of our management plan review process it ended up bringing up actually a bigger question to us. So the way I look at this whole process is that it is wonderful we can go back and do these public hearings and do this process. Now Senator Levin has introduced in this bill. In a way, all we are going to do is really duplicate what already in a sense has been done by virtue of actual, if you wish, error by the fact that people came to us rather than we go to them.

So this documentation is there, there is many county entities, local government groups, private groups that have written letters of support in requesting us to expand the sanctuary. So if we go right out there back to them for the same reason, you know, this would be a whole lot better process in my mind.

Ms. BORDALLO. So generally then you would say that they are in support?

Mr. KROLL. They are absolutely 110 percent in support the way I look at it.

Ms. BORDALLO. Very good. We will put that down in the notes. I have, yes, another question for Mr. Sullivan. My legislation would direct NOAA to complete an inventory of maritime heritage resources in the United States and include a selection of such areas in a new site selection list for potential designation as new marine sanctuaries.

To complete these tasks, the bill would amend the Sanctuaries Act to allow NOAA to withhold from the public resource information in order to protect the resource from harm. Do you support this particular provision?

Mr. SULLIVAN. I think as everything depends on facts of an individual situation and the law has to be applied, but in general, for good reasons and for a limited time, yes, I think that would make a good deal of sense in terms of protecting the integrity of the process to produce the best results.

Ms. BORDALLO. You think it should be mentioned or is the provision not necessary?

Mr. SULLIVAN. I think it would be a good thing to keep it in.

Ms. BORDALLO. Thank you very much. I have another question now for Ms. Spruill. Other witnesses have raised the prospect that President Bush might use his authority under the Antiquities Act to designate new marine national monuments before he leaves office.

Now, regardless of whether you think this is good or bad, do you believe the existing statutory limitation on the designation of new marine sanctuaries has left the President with few, if any other options to protect nationally significant portions of the marine environment?

Ms. SPRUILL. Thank you, Madam Chair. I think what you are touching on now, you are mentioning some of the minor concerns that I raised in my testimony. There are sort of four points that we think could be fairly easily addressed. One of them is that the language on the marine national monuments not undercut the Antiquities Act or the proclamation creating them.

We think that there is some modification of the language in the bill that could help that situation. We also think adequate public review is provided for the resource classification, identification and inventory procedures, and then a couple of other minor points that we can certainly follow-up with later.

Ms. BORDALLO. Thank you very much. The Chair now recognizes Mr. Wittman for any questions he may have.

Mr. WITTMAN. Thank you, Madam Chairwoman. Another question for Mr. Dunnigan. You had said a little bit earlier that there was no conflict between the Sanctuary Program and the National Marine Fishery Service. If you look back, in 2005, Senator Inouye asked for some clarification. As I understand it, the internal operational guidelines are still not final.

Can you give us an idea about when you think those internal guidelines will be final?

Mr. DUNNIGAN. Thank you, sir. Yes. I expect that they will be final within the next couple of weeks, if not sometime early next week. We were trying to get them done, understanding the Committee's work, and just have had some final touch ups that we have had to do to that.

Vice Admiral Lautenbacher wrote Senator Inouye a letter at that time two years ago, and that letter is still our understanding of how these programs can work together. The guidelines are not so much guidelines as they are an explanation of the processes and how they relate to each other.

Mr. WITTMAN. And you will make sure you provide copies of that to the members of the Committee once the guidelines come out?

Mr. DUNNIGAN. Yes, sir.

Mr. WITTMAN. OK. Thank you. One other additional question. You had spoken earlier about how there are some fishery scientists available within the National Marine Sanctuaries Act area to make decisions. Can you tell us how many fishery scientists are actually assigned to decisionmaking within the National Marine Sanctuaries Act?

Mr. DUNNIGAN. I can get you some detail on that, sir. I don't have that number with me right now.

Mr. WITTMAN. OK. That would be great if you could do that.

Mr. DUNNIGAN. Be glad to. Thank you.

Mr. WITTMAN. For Mr. Sullivan. You had spoken a little bit earlier about obviously the mission of the Marine Science Museum. Can you give us an idea about how you believe this reauthorization of the National Marine Sanctuaries Act would actually help an entity, like the Marine Science Museum, in accomplishing its mission?

Mr. SULLIVAN. I think I should first say that without the National Marine Sanctuary Act I doubt seriously that the magnificent facility we have in Newport News, working in conjunction with our partners at NOAA, would exist. I mean, it made possible the preservation and the recovery of Monitor artifacts.

So it is a powerful example of when done right what an institution like mine, a private museum, can accomplish working with a government agency to preserve an important part of our marine heritage. So I am not a national expert, my expertise is limited to your district, Congressman, but I think we could be an example

that could be applied, and probably is being applied, in other parts of the country and in additional places if this reauthorization is complete.

Mr. WITTMAN. Thank you, Mr. Sullivan. Thank you, Madam Chairwoman.

Ms. BORDALLO. I thank the gentleman from Virginia. Now the Chair recognizes the Ranking Member. Do you have any questions?

Mr. BROWN. No, ma'am. Thank you.

Ms. BORDALLO. He passes. All right. I guess I have three quick questions to Mr. Dunnigan. This is for H.R. 6204, the Thunder Bay Sanctuary Expansion. What are NOAA's views on H.R. 6204, and are the State of Michigan and the two affected counties in full support of this expansion, and what additional costs will this expansion impose on the Sanctuary Program's annual budget?

Mr. DUNNIGAN. One, two, three, Madam Chair. First of all, we don't have a specific administration view on that bill.

We recognize that the values that the bill would promote are consistent with the existing sanctuary and so it is the kind of thing that we think could be a good idea, although generally we think that it is better for these kinds of decisions to be made through the administrative processes rather than having a lot of them turned down in legislation.

Second, in terms of the specific amount, the support, rather, of the counties in the State of Michigan, our impression is that the local governments are in support of supporting, and strengthening, and broadening the sanctuary. I do not know what the position formally of the state is.

Third, on the question of how much more would it cost us to administer the sanctuary, we haven't done that kind of an analysis yet, but when we have it, we would be glad to make it available.

Ms. BORDALLO. All right. Ms. Spruill, you noted your support for the updated findings that recognized the several ecological benefits that are derived from the use of marine protected areas, including marine reserves. Mr. Gudes and Mr. Marks to the contrary seem to believe that the science behind these strategies remains inconclusive.

So can you tell us, what is the present scientific consensus on the ecological function and the benefits from using marine protected areas?

Ms. SPRUILL. I think there is no doubt that marine protected areas and marine reserves, and we have to be careful about the language because it means different things in very different places, but there is no doubt that marine protected areas, the no take areas, are having a significant impact on ecological systems in the ocean.

You know, I think, again, we have to look at these systems as long-term investments in our future, and we need a series of these tools. I think the Channel Islands has been probably the best example. Congresswoman Capps already mentioned the fishing along the line. We are seeing that in the Florida Keys as well.

So we are not only seeing more science with regard to marine reserves, we are also beginning to see results. So it is clear that it needs to be part of the system.

Ms. BORDALLO. Thank you. Thank you very much. I want to thank all of the witnesses for their participation in the hearing today, and particular to thank my Ranking Member, Mr. Brown from South Carolina, for being here with us, and Mr. Wittman, the gentleman from Virginia. Ranking Member has a comment/question.

Mr. BROWN. Madam Chair, I would like to enter in the records a letter to the President from the Sport Fishing Association and others, and also a statement from fishery community on marine protected areas.

Ms. BORDALLO. No objection. So ordered. I will also like to remind the members of the Subcommittee, they may have additional questions for the witnesses and we will ask you to respond to these in writing. The hearing record for all involved will be held open for 10 days for these responses.

If there is no further business before the Subcommittee, the Chairwoman again thanks the members of the Subcommittee and all of our witnesses this morning. The Subcommittee on Fisheries, Wildlife and Oceans stands adjourned.

[Whereupon, at 12:20 p.m., the Subcommittee was adjourned.]

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