

Calendar No. 1094

110TH CONGRESS
2D SESSION

S. 2281

[Report No. 110-511]

To expand the boundaries of the Thunder Bay National Marine Sanctuary
and Underwater Preserve, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2007

Mr. LEVIN (for himself and Ms. STABENOW) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

SEPTEMBER 26 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. INOUE without amendment

A BILL

To expand the boundaries of the Thunder Bay National
Marine Sanctuary and Underwater Preserve, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Thunder Bay National
3 Marine Sanctuary and Underwater Preserve Boundary
4 Modification Act”.

5 **SEC. 2. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Thunder Bay National Marine Sanctuary
9 and Underwater Preserve in Lake Huron contains
10 more than 100 recorded historic vessel losses.

11 (2) The areas immediately surrounding the
12 Sanctuary, including the offshore waters of Presque
13 Isle and Alcona counties, Michigan, contain an equal
14 number of historic vessel losses.

15 (3) Many of these shipwrecks and underwater
16 cultural resources are popular recreational diving
17 destinations, and all contribute to our collective mar-
18 itime heritage.

19 (4) These resources are susceptible to damage
20 from human activities, and must be properly pre-
21 served for themselves and to protect the economic vi-
22 ability of their contribution to national and regional
23 economies.

24 (b) PURPOSES.—The purposes of this Act are—

25 (1) to expand the Thunder Bay National Ma-
26 rine Sanctuary and Underwater Preserve boundaries

1 to encompass the offshore waters of Presque Isle
2 and Alcona counties, Michigan, and outward to the
3 international border between the United States and
4 Canada; and

5 (2) to provide the underwater cultural resources
6 of those areas equal protection to that currently af-
7 forded to the Sanctuary.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) SANCTUARY.—The term “Sanctuary”
11 means the Thunder Bay National Marine Sanctuary
12 and Underwater Preserve.

13 (2) SECRETARY.—The term “Secretary” means
14 the Secretary of Commerce.

15 **SEC. 4. SANCTUARY BOUNDARY ADJUSTMENT.**

16 (a) BOUNDARY ADJUSTMENT.—Notwithstanding any
17 provision of law or regulation, including section 922.190
18 of title 15, Code of Federal Regulations, as in effect on
19 the date of the enactment of this Act, the Sanctuary shall
20 consist of the geographic area described in subsection (b).

21 (b) EXPANDED SANCTUARY BOUNDARY.—The area
22 referred to in subsection (a) is all submerged lands, in-
23 cluding the underwater cultural resources, lake ward of
24 the mean high water line, within the boundaries of a line
25 formed by connecting points in succession beginning at a

1 point along the mean high water line located approxi-
2 mately at 45.628741N, 84.206983W (at Hammond Bay
3 in Presque Isle County) then due east to the international
4 boundary between the United States and Canada approxi-
5 mately located at 45.628741N, 83.163783W then fol-
6 lowing the international boundary between the United
7 States and Canada in a generally southeasterly direction
8 where it intersects latitude 44.511111N, then due west to
9 a point along the mean high water line located approxi-
10 mately at 44.511111N, 83.318483W (in Alcona County
11 just south of the town of Greenbush) returning to the first
12 point along the mean high water line.

13 (c) AUTHORITY TO MAKE MINOR ADJUSTMENTS.—
14 The Secretary may make minor adjustments to the bound-
15 ary described in subsection (b) to facilitate enforcement
16 and clarify the boundary to public provided the resulting
17 boundary is consistent the purposes described in section
18 2(b).

19 (d) INCLUSION IN THE SYSTEM.—The area described
20 in subsection (b), as modified in accordance with sub-
21 section (c), shall be managed as part of the National Ma-
22 rine Sanctuary System established by section 301(c) of the
23 National Marine Sanctuaries Act (16 U.S.C. 1431(c)), in
24 accordance with that Act.

1 (e) UPDATED NOAA CHARTS.—The Secretary
2 shall—

3 (1) produce updated National Oceanic and At-
4 mospheric Administration charts for the area in
5 which the Sanctuary is located; and

6 (2) include on such charts the boundaries of the
7 Sanctuary described in subsection (b), as modified in
8 accordance with subsection (c).

9 **SEC. 5. EXTENSION OF REGULATIONS AND MANAGEMENT.**

10 (a) REGULATIONS.—The regulations applicable to
11 the Sanctuary codified in subpart R of part 922 of title
12 15, Code of Federal Regulations, as in effect on the date
13 of the enactment of this Act, shall apply to the geographic
14 area added to the Sanctuary pursuant to section 4, unless
15 the Secretary specifies otherwise by regulation.

16 (b) EXISTING CERTIFICATIONS.—The Secretary may
17 certify that any license, permit, approval, other authoriza-
18 tion, or right to conduct a prohibited activity made pursu-
19 ant to section 922.194 of title 15, Code of Federal Regula-
20 tions, that exists on the date of the enactment of this Act
21 shall apply to such an activity conducted within the geo-
22 graphic area added to the Sanctuary pursuant to section
23 4.

24 (c) DATE OF SANCTUARY DESIGNATION.—For pur-
25 poses of section 922.194 of title 15, Code of Federal Regu-

1 lations, the date of the enactment of this Act shall be
2 deemed to be the date of Sanctuary designation.

3 (d) MANAGEMENT PLAN.—To the extent practicable,
4 the Secretary shall apply the management plan in effect
5 for the Sanctuary of the date of the enactment of this
6 Act to the geographic area added to the Sanctuary pursu-
7 ant to section 4.

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