

Calendar No. 169

111TH CONGRESS
1ST SESSION

H. R. 905

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2009

Received; read twice and placed on the calendar

AN ACT

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
14 equal 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 BOUNDARY ADJUSTMENT.—The area
22 referred to in subsection (a) is all submerged lands, in-
23 cluding the underwater cultural resources, lakeward of the
24 mean high waterline, 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 45.6262N, 84.2043W at the intersection of the
3 northern Presque Isle and northeastern Cheboygan Coun-
4 ty boundary, then north to a point approximately
5 45.7523N, 84.2011W, then northeast to a point approxi-
6 mately 45.7777N, 84.1231W, then due east to the inter-
7 national boundary between the United States and Canada
8 approximately located at 45.7719N, 83.4840W then fol-
9 lowing the international boundary between the United
10 States and Canada in a generally southeasterly direction
11 to a point approximately 44.5128N, 82.3295W, then due
12 west to a point along the mean high water line located
13 approximately at 44.5116N, 83.3186W at the intersection
14 of the southern Alcona County and northern Iosco County
15 boundary, returning to the first point along the mean high
16 water line.

17 (c) AUTHORITY TO MAKE MINOR ADJUSTMENTS.—
18 The Secretary may make minor adjustments to the bound-
19 ary described in subsection (b) to facilitate enforcement
20 and clarify the boundary to the public provided the result-
21 ing boundary is consistent with the purposes described in
22 section 2(b).

23 (d) INCLUSION IN THE SYSTEM.—The area described
24 in subsection (b), as modified in accordance with sub-
25 section (c), shall be managed as part of the National Ma-

1 rine Sanctuary System established by section 301(c) of the
2 National Marine Sanctuaries Act (16 U.S.C. 1431(c)), in
3 accordance with that Act.

4 (e) UPDATED NOAA CHARTS.—The Secretary
5 shall—

6 (1) produce updated National Oceanic and At-
7 mospheric Administration charts for the area in
8 which the Sanctuary is located; and

9 (2) include on such charts the boundaries of the
10 Sanctuary described in subsection (b), as modified in
11 accordance with subsection (c).

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

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

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

1 graphic area added to the Sanctuary pursuant to section
2 4.

3 (c) DATE OF SANCTUARY DESIGNATION.—For pur-
4 poses of section 922.194 of title 15, Code of Federal Regu-
5 lations, the date of the enactment of this Act shall be
6 deemed to be the date of Sanctuary designation.

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

Passed the House of Representatives September 29,
2009.

Attest:

LORRAINE C. MILLER,

Clerk.

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