



# Overview of The National Marine Sanctuaries Act





# History of the NMSA

- **Enacted originally as Title III of the Marine Protection, Research, and Sanctuaries Act of 1972**
- **1992 reauthorization separated Title III and renamed it the National Marine Sanctuaries Act**
- **Reauthorized in 1975, 1976, 1977, 1980, 1984, 1988, 1990, 1992, 1996, and 2000; reauthorization was due in 2005**
- **Reauthorizations have generally validated conservation mandate of the ONMS and increased the tools and authorities at our disposal to achieve that mandate.**

# The National Marine Sanctuaries Act Mandate

*“...to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System...”*

# The National Marine Sanctuaries Act

- **Founding and guiding legislation of the Office of National Marine Sanctuaries**
- **Source of our authorities and tools**
- **Foundation for all guiding documents of the ONMS (strategic plans, management plans, annual operating plans, etc.)**



# National Marine Sanctuaries

## All National Marine Sanctuaries:

- Focus on resource protection as “primary objective”
- Have a community-based focus through a national system
- Use a public participatory process to address management issues, while using science (often acquired through partnerships) to inform the process



# NMSA Section 301: Purposes and Policies; Establishment

- Lays out the nine purposes and policies of the program
  - To designate and manage sanctuaries
  - To provide comprehensive conservation and management; complement existing regulatory authorities
  - To maintain natural biological communities; protect, restore and enhance natural habitats, populations, processes
  - To enhance public awareness
  - To support scientific research on sanctuary resources
  - **To facilitate uses compatible with primary purpose of resource protection**
  - To provide coordinated management
  - To apply innovative management techniques
  - To cooperate globally
- Establishes the system of sanctuaries



# NMSA Compatible Use Provision

**...to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;** *National Marine Sanctuaries Act (sec. 301)*



# NMSA Section 303: Designation Standards

- Lays out the standards that must be met for sites to be considered for designation (e.g., significance of the area & existing authorities)
- Lays out factors to be considered in meeting those standards (value, significance, threats, existing authorities, benefits, impacts, feasibility, etc.)
  - **Significance = conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, aesthetic qualities, biological communities, human use value**
- Requires consultations with Congress, federal agencies, state and local agencies, fishery management councils, and interested persons [Sec. 303(b)(2)]

# NMSA Section 304: Designation & Implementation Procedures

- Lays out required steps and documents for designating a sanctuary
  - Draft environmental impact statement (NEPA, 1969)
  - Resource assessment
  - Draft management plan
- Defines the “terms of designation,” including:
  - Boundary
  - Significance (conservation, recreational, ecological, etc.)
  - Activities subject to regulation
- Outlines how any sanctuary fishing regulations are developed in cooperation with fishery management councils
- Requires federal agencies to consult with the ONMS on some types of actions
- **Requires review of management plans every five years**
- Requires certain findings be made before proposing any new sanctuaries (e.g., sufficient resources available)

# NMSA Section 304 (e): Review Of Management Plans

- **Not more than 5 years after designation and thereafter at intervals not exceeding 5 years, evaluate progress on plan and management goals**
  - **Especially site-specific management**
  - **Revise plan as needed, with prioritization of objectives**

# NMSA Section 304: Designation & Implementation Procedures

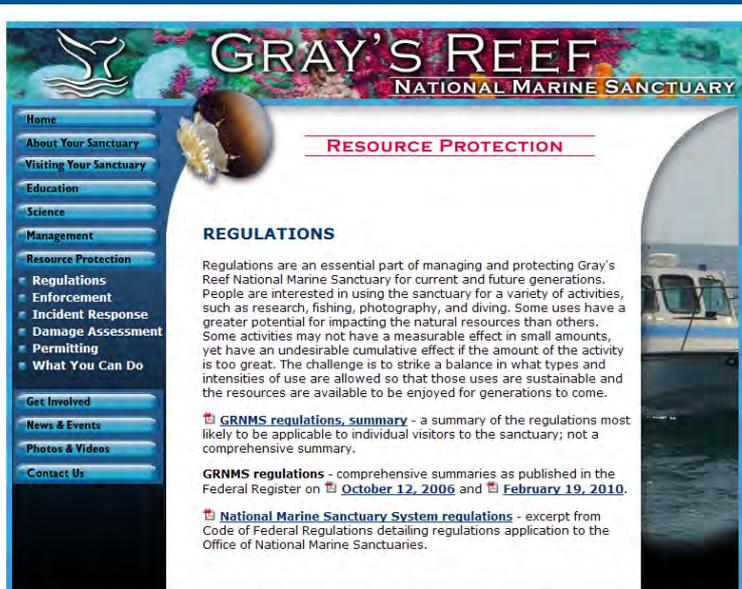
- **Fishing Regulations**

- **(a)(5) Fishing Regulations.--The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft regulations for fishing....**



# NMSA Section 306: Prohibited Activities

- Makes it unlawful to destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary
- Makes it unlawful to interfere with enforcement



The screenshot shows the website for Gray's Reef National Marine Sanctuary. The header features the sanctuary's logo and name. A navigation menu on the left includes links for Home, About Your Sanctuary, Visiting Your Sanctuary, Education, Science, Management, Resource Protection, Regulations, Enforcement, Incident Response, Damage Assessment, Permitting, and What You Can Do. The main content area is titled 'RESOURCE PROTECTION' and contains a 'REGULATIONS' section. This section explains that regulations are essential for managing and protecting the sanctuary's resources and lists links for 'GRNMS regulations, summary' and 'National Marine Sanctuary System regulations'.



# NMSA Sections 312 & 315

- **Section 312: Destruction, loss or injury to resources (cost recovery and restoration)**
  - Provides authority to seek recovery of response costs and damages for injury, destruction, or loss of sanctuary resources
  - Principal purpose is to ensure restoration of injured sanctuary resources where possible
- **Section 315: Advisory councils—provides public process**



# Achieving Our NMSA Mandate: Maximizing Public Participation

## *Sanctuary Advisory Councils*

**All 14 Councils operational**

**390 members and alternates**

**All Council meetings open to  
the public**

**Represent diverse stakeholders  
(e.g. environmental, business,  
fishing, science, education,  
recreation)**



*“Sanctuary Advisory Councils have demonstrated considerable value both to NOAA and to its council members...across the board satisfaction with council experiences and a growing list of notable accomplishments...”*

*University of Michigan study of  
Sanctuary Advisory Councils, June  
2006*

***“Leaders and Pioneers in Participatory Management”***

# The National Marine Sanctuaries Act

## Summary:

- Authorizes the Secretary of Commerce to designate and manage areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities as National Marine Sanctuaries.
- Has primary objective to protect marine resources, such as coral reefs, sunken historical vessels or unique habitats.
- Directs the Secretary to facilitate all public and private uses of those resources that are compatible with the primary objective of resource protection.
- Sanctuaries are managed according to site-specific management plans prepared by the National Oceanic and Atmospheric Administration's Office of National Marine Sanctuaries.



# The National Marine Sanctuaries Act

Since 1972 National Marine Sanctuaries have been designated by several legal mechanisms:

- Administratively designated
- Site Evaluation List - public nominations
- Congressionally directed
- Congressionally designated
- Executive Order
- Monument designation through *Antiquities Act*

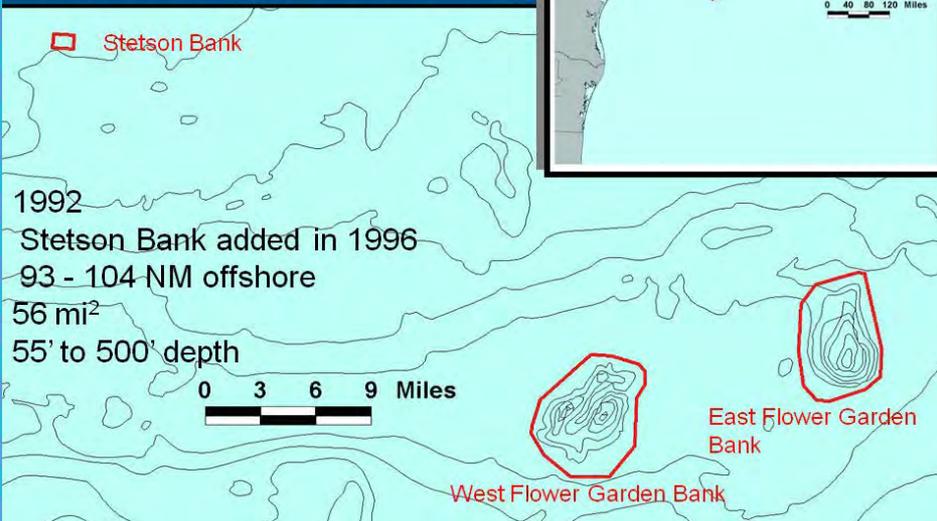


# The National Marine Sanctuaries Act

- **Congressionally designated/directed**
  - **Florida Keys National Marine Sanctuary and Protection Act of 1990**
    - **First Congressionally-designated Sanctuary**
  - **Congress added Stetson Bank to Flower Garden Banks National Marine Sanctuary in 1996**

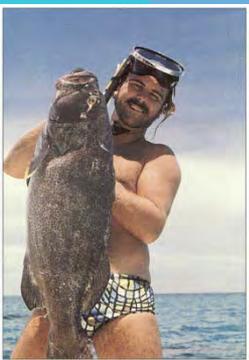


## Flower Garden Banks National Marine Sanctuary



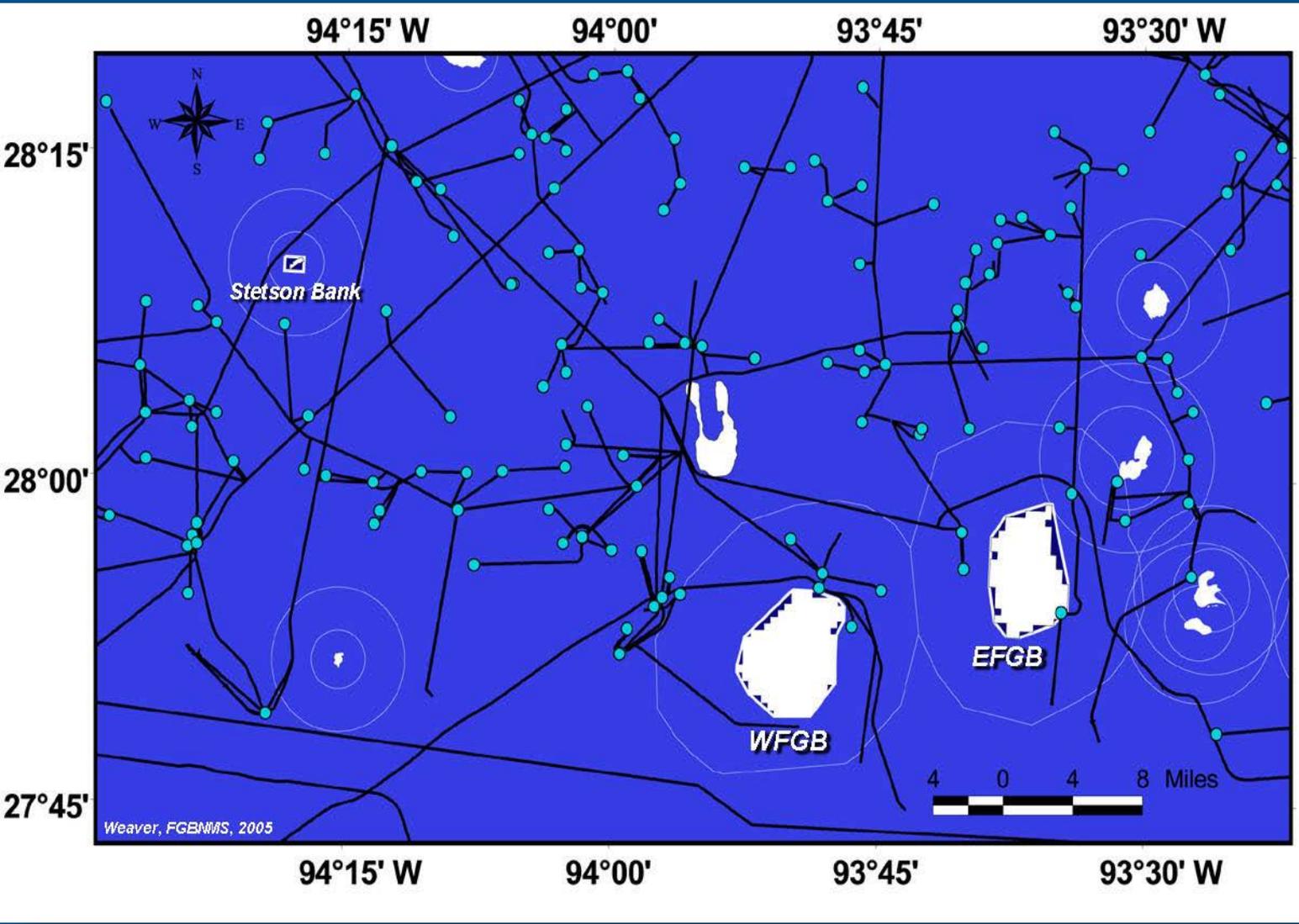
# Flexibility in Management Under NMSA

**X = Spearfishing Banned by Sanctuary Regulations**  
**O = partial ban**



**NMSA Section 308**  
provides the general  
authority to issue  
regulations

# Flexibility in Management Under NMSA



**Flower  
Garden  
Banks  
National  
Marine  
Sanctuary**

 = BOEMRE No Activity Zones  
 = Pipeline

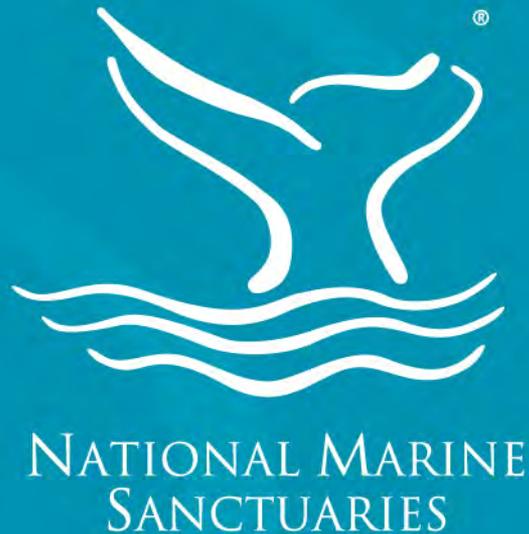
 = NAZ Buffer Zones  
 = Platform

# How Do We Achieve Our NMSA Mandate?

- Resource Protection
- Conservation Science
- Maritime and Cultural Heritage
- Education/Outreach
- Community Involvement



National Marine Sanctuaries  
National Oceanic and Atmospheric Administration



<http://sanctuaries.noaa.gov>