

April 28, 2003

KEY STEPS AND REQUIREMENTS FOR CHANGING A TERM OF DESIGNATION OF A NATIONAL MARINE SANCTUARY

- The National Marine Sanctuaries Act (NMSA) defines the terms of designation of a sanctuary as—
 - The geographic area of the sanctuary
 - The characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value
 - The types of activities that will be subject to regulation to protect those characteristics

- When changing a term of designation NOAA follows the NMSA procedures for designation of a sanctuary, which are provided in sections 303 and 304 of the Act. Key steps in this process include—
 - Making required determinations and considering factors, as listed in the NMSA
 - Conducting required consultations with Congress, Federal, State, and local agencies, the appropriate Fishery Management Council, and other interested persons
 - Preparing appropriate designation documents which include an environmental impact statement, resource assessments, maps, revised draft management plan with the proposed changes to the term(s) of designation, basis of determinations, and any proposed regulations
 - Providing public notice and opportunity to comment on the proposed designation documents, including holding at least one public hearing
 - Providing the public notice and the proposed designation documents to Congress and the Governor of any State in which the Sanctuary is located
 - Publishing notice of the final designation documents and providing notice to Congress and the Governor

- If the change to the term(s) of designation involves fishing, the appropriate Fishery Management Council shall be provided the opportunity to prepare draft sanctuary fishing regulations within the EEZ to implement the proposed change. NOAA shall also cooperate with other appropriate fishery management authorities with responsibilities in the sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.

- Final changes to a term(s) of designation, and implementing regulations, shall take effect and become final after the close of a review period of 45 days of continuous session of Congress.

- During this final 45-day review period the Governor has the opportunity to certify to NOAA that the change to the term of designation is unacceptable, in which case the unacceptable term of designation shall not take effect in that part of the sanctuary within the boundary of the State.