

**TESTIMONY OF
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PERFORMING THE DUTIES OF THE ASSISTANT SECRETARY FOR
CONSERVATION AND MANAGEMENT
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE**

**ON
NATIONAL MARINE SANCTUARIES AND MARINE NATIONAL MONUMENTS**

**BEFORE THE
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES**

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Introduction

Good morning, Mr. Chairman and Members of the Committee. Thank you for the opportunity to testify before you today. My name is Holly Bamford and I am the Assistant Administrator for the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service performing the duties of the Assistant Secretary for Conservation and Management. NOAA is dedicated to the stewardship of living marine resources through science-based conservation and management, and the promotion of healthy ecosystems.

As a steward, NOAA works under a number of authorities to conserve, protect, and manage living marine resources to ensure functioning and healthy marine ecosystems, which support a wide range of recreational, economic, cultural and other opportunities for the American public. These include the National Marine Sanctuaries Act (NMSA), Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, and Marine Mammal Protection Act. Based on these authorities, NOAA also has been given certain responsibilities for the stewardship and management of marine national monuments established by the President under the Antiquities Act.

Today I will focus my testimony on the authorities, processes, management, and benefits of both national marine sanctuaries and marine national monuments.

National Marine Sanctuaries

National marine sanctuaries are special places in marine and Great Lakes waters that protect and manage nationally significant natural, historical, and cultural resources. NOAA manages 13 national marine sanctuaries created to 1) improve the conservation, understanding, management, and sustainable use of marine resources; 2) enhance public awareness, understanding, and appreciation of the marine environment; and 3) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources in these areas.

For more than 40 years, NOAA's Office of National Marine Sanctuaries has worked to protect special places in America's ocean and Great Lakes waters, from the site of a single Civil War shipwreck to a vast expanse of ocean surrounding remote coral reefs and tiny atolls. From Washington State to the Florida Keys, and from Lake Huron to American Samoa, NOAA seeks to preserve scenic beauty, biodiversity, historical connections, and economic productivity of these precious underwater treasures. A healthy ocean is the basis for thriving recreation, tourism and commercial activities that drive coastal economies.

The NMSA authorizes the Secretary of Commerce, through NOAA, to identify, designate, and protect areas of the marine and Great Lakes environment with special national significance due to their conservation, recreational, ecological, historical, cultural, archeological, educational, or esthetic qualities. Sanctuaries are designated by NOAA under the NMSA or through Congressional action and are managed by NOAA using the authorities granted through the NMSA. Currently, ten sanctuaries have been designated by NOAA and three have been designated by Congress (Stellwagen Bank, Hawaiian Islands Humpback Whale, and Florida Keys National Marine Sanctuaries).

The sanctuary designation process is described in the NMSA and has four principal steps:

1. Scoping: NOAA announces its intent to designate a new National Marine Sanctuary and asks the public for input on potential boundaries, resources that could be protected, issues NOAA should consider, and any information they believe should be included in the resource analysis.
2. Sanctuary Proposal: NOAA prepares draft designation documents including a draft management plan and a draft environmental impact statement under the National Environmental Policy Act that analyzes a range of alternatives, proposed regulations, and proposed boundaries. NOAA may also form an advisory council to help inform the proposal and focus stakeholder participation.
3. Public Review: The public, agency partners, tribes, and other stakeholders provide input on the draft documents. NOAA considers all input and determines appropriate changes.
4. Sanctuary Designation: NOAA makes a final decision and prepares final documents.

In 2014, NOAA established a new sanctuary nomination process where a collection of interested individuals or groups can identify and recommend special areas of the marine or Great Lakes environment for possible designation as a national marine sanctuary. NOAA evaluates the strength of a nomination based on the information provided for the national significance criteria and management considerations, as listed and described in the Sanctuary Nomination Process June 2014 final rule (79 FR 33851). The nomination should demonstrate broad support from a variety of stakeholders and interested parties and identify the specific goal or intent for designation. Once NOAA accepts the nomination of the sanctuary to the inventory, NOAA can begin the process to designate the sanctuary at any time. In general from identification of a potential sanctuary to its designation takes two to four years.

While the primary objective of the NMSA is ecosystem- and science-based resource protection, NOAA also facilitates compatible use of all public and private users in sanctuaries in a manner that is adaptive over time. To accomplish this, NOAA prepares terms of designation for every sanctuary that describe the activities that NOAA may regulate, regulations that describe what

actions are prohibited or restricted, and procedures that allow permits to be issued for certain activities. Sanctuary regulations are enforced by NOAA and its state and federal partners. The NMSA also provides NOAA the authority to recover monetary damages for injury to sanctuary resources that are used for their restoration and recovery.

The NMSA requires NOAA to manage national marine sanctuaries through an extensive public process, local community engagement, stakeholder involvement, and citizen participation. NOAA establishes local offices to manage each national marine sanctuary with staff who live in the community, and management plans are developed, implemented, reviewed, and revised for each sanctuary site, taking into account the specific needs and circumstances of that area. These management plans focus on resource protection, science, research, education, and outreach. The NMSA also calls for NOAA to establish community-based National Marine Sanctuary Advisory Councils, comprised of a diversity of interests (e.g., recreational fishers, divers, teachers, boaters, scientists, and elected officials) at each sanctuary to provide advice and recommendations to the superintendent of the site on issues including management, science, service, and stewardship.

Marine National Monuments

The authority to establish a national monument was provided to the President by Congress. The Antiquities Act of 1906 (16 U.S.C. 431-433) was the first U.S. law to provide general protection for objects of historic or scientific interest on federal lands. It authorizes the President to proclaim national monuments on federal lands that contain “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.” Sixteen Presidents of both parties have used the Act's authority more than 100 times to protect unique natural and historic resources and places. The Antiquities Act has been used to designate as national monuments such national treasures as the Grand Canyon, the C&O Canal, and the Statue of Liberty.

The Antiquities Act has been used mostly to protect terrestrial resources, but has been used to protect special areas of the marine environment as well. President George W. Bush established four marine national monuments for which NOAA has management responsibilities in partnership with other agencies. These are Papahānaumokuākea Marine National Monument (PMNM) in the Northwest Hawaiian Islands; Mariana Trench Marine National Monument in the Mariana Archipelago; Rose Atoll Marine National Monument in American Samoa; and the Pacific Remote Island Marine National Monument in the south-central Pacific Ocean, recently expanded by President Obama.

The President establishes both terrestrial and marine national monuments by executing a Presidential Proclamation as authorized under the Antiquities Act. The process for establishing a monument is in the President's discretion. Through the America's Great Outdoors Initiative, which involved public listening sessions in every state, this Administration has recommended taking a transparent and open approach to new national monument designations tailored to engaging local, state, and national interests.

Often ideas for areas to be designated are proposed to the Administration by local and state elected officials, non-governmental organizations, or other citizen groups. The four existing marine national monuments each had a level of public engagement prior to their establishment or

expansion. For example, the PMNM was established after public and stakeholder engagement helped develop a proposal for a national marine sanctuary. Another example: in 2014 President Obama indicated that his administration would consider how it might expand protections near the Pacific Remote Islands Marine National Monument in the south-central Pacific Ocean. Following that announcement, the Departments of Commerce and the Interior held a public meeting in the region, convened numerous smaller meetings with affected stakeholders, and accepted written public comments from all interested parties.

The President's Proclamation generally spells out how a marine national monument will be managed, including which agency or agencies will have management responsibility. To date, the four marine national monuments have been managed in partnership among the Department of the Interior (DOI) and NOAA, with other federal and state partners that have existing authority or jurisdiction. For example, NOAA, DOI, and the State of Hawaii co-manage the PMNM. This monument has a Monument Management Board with representatives from the federal and state agencies involved.

As with marine sanctuaries, the public also has had opportunity to engage as part of the process to develop management plans for the long-term stewardship of the designated monument. All marine national monument proclamations have required the development of a monument management plan. The structure and content of management plans for each marine national monument will vary because each monument is unique with regard to underlying protections, agencies involved, and physical and environmental conditions. Draft plans and associated National Environmental Policy Act environmental documents are provided for public input and developed by NOAA and DOI in coordination with other relevant federal and state agencies. For example, the proclamation establishing the Marianas Trench Marine National Monument required the establishment of an Advisory Committee including representatives from the Commonwealth of the Northern Mariana Islands (CNMI). DOI, NOAA, and the CNMI are now drafting a management plan that will soon be made available for public comment.

Management plans for these marine national monuments are intended to incorporate multiple objectives, and address activities such as fishing, takes of birds, and oil and gas or other development activity. Care has been taken to ensure the monuments do not compromise critical activities and exercises of the Armed Forces, and reflect due regard for the rights, freedoms, and lawful uses of the sea enjoyed by all nations under customary international law. NOAA and DOI use specific authorities to protect and manage marine monument resources and address threats to their protection. As a co-manager of living marine resources in the marine national monuments, NOAA has used its authority under several statutes—including the Magnuson-Stevens Fishery Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act—to manage resources and objects to be protected.

Presidents have used the Antiquities Act to protect landscapes, ocean ecosystems, and cultural resources. The four marine national monuments in the Pacific protect the abundant and diverse coral, fish, and seabird populations; facilitate exploration and scientific research; and promote public education regarding the value of these national places. By establishing these areas as marine national monuments, the President has ensured that these marine environments of

significant scientific interest receive a high level of environmental protection for our and future generations.

Economic Benefits of National Marine Sanctuaries and Monuments

In addition to preserving places of great ecological, historical, and scientific value, marine sanctuaries and national monuments can provide significant direct economic benefits for local and regional businesses. For example, across all the national marine sanctuaries, NOAA economists estimate about \$4 billion annually is generated in local coastal and ocean dependent economies from diverse activities like fishing, research and recreation-tourist activities. From restaurants and hotels, to aquariums and kayak operators, the success of many businesses, millions of dollars in sales and thousands of jobs, directly depend on thriving resources that these areas protect and maintain.

Sanctuaries and monuments also create education and outreach opportunities that link communities through innovative programs and help spread awareness of the ocean's connection to all of us. Further, they enable outreach to the broader community about the coastal environment and what they can do to be good stewards of the marine environment.

Conclusion

In closing, NOAA is committed to building a stronger, more resilient future for America's communities, ecosystems and economy. A healthy ocean is the basis for thriving recreation, tourism and commercial activities that drive coastal economies, and for the many ecosystem services that protect our planet. National marine sanctuaries and marine national monuments are based on different authorities, processes, and management – each has its place within the suite of authorities provided to protect our most cherished historical, scientific, and environmental resources.

Thank you again for the opportunity to discuss national marine sanctuaries and marine national monuments