

Marine Protection, Research, and Sanctuaries Act:

Marine Sanctuaries

16 U.S.C. §§1431-1447(f)

National Marine Sanctuaries

The Secretary of Commerce may designate any discrete area of the marine environment as a **national marine sanctuary** due to its resource or human-use values. [16 U.S.C. §1433(a)] The Act authorizes efforts to **research, conserve, and manage** these areas. [16 U.S.C. §§1437, 1440]

In designating national marine sanctuaries, the Secretary **shall consider** the natural resource, ecological, historical, and cultural significance of the area; the adequacy of existing state and federal authorities' ability to conserve and manage the area; the potential benefits and economic costs of sanctuary status; and whether the size and nature of the area permit comprehensive coordination and management. [16 U.S.C. §1433]

The Act establishes the **procedures** that the Secretary must follow **in designating** a national marine sanctuary. The Secretary shall prepare a draft environmental impact statement, draft management plan, a resource assessment report, a cost estimate for the proposed plan, and proposed regulations that may be needed to implement the proposal. The Act requires public notice of the proposal and public hearings in the areas most affected by the proposed designation. [16 U.S.C. §§1433(b), 1434(a)] The designation of an area within the seaward boundary of a state will not take effect if the state's governor certifies to the Secretary that the designation is unacceptable. [16 U.S.C. §1434(b)(1)]

The Act authorizes the Secretary of State, in consultation with the Secretary of Commerce, to enter into **negotiations with other governments** for the protection of national marine sanctuaries. [16 U.S.C. §1435(b)]

Enforcement

The Act authorizes broad powers to enforce regulations. Violators may be subject to **civil penalties**; in-

junction relief; **forfeiture** of vessels and other items involved in violations; and payment for storage, care, and other costs. [16 U.S.C. §1437]

Liability

Any person who destroys or injures any sanctuary resource is **liable** to the United States for **response costs and damages**, plus interest. [16 U.S.C. §1443(a)(1)] Any **vessel** used to cause such injury or loss shall be **liable in rem** for such damages. [16 U.S.C. §1443(a)(2)]

The Secretary shall use such response costs and damages to finance response actions, damage assessments, and the restoration and management of national marine sanctuaries. [16 U.S.C. §1443(d)]

Special Use Permits

The Secretary may issue **special use permits** for particular activities in a national marine sanctuary if that activity is compatible with the purposes for the designation of the sanctuary and with the protection of sanctuary resources. [16 U.S.C. §1441] The Secretary may **assess and collect fees** for permitted activities. [16 U.S.C. §1441(c)] **Fishing** activities do not require a permit. [16 U.S.C. §1441(f)]

Cooperative Agreements

The Secretary may enter into **cooperative agreements** with nonprofit organizations to solicit donations to carry out the purposes and policies of the Act. [16 U.S.C. §1442]

Regional Marine Research Programs

The Act establishes regional research programs, under federal oversight, to set priorities for regional marine and coastal research relating to safeguarding water quality and ecosystem health. [16 U.S.C. §§1447b, 1447c]