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## **SUMMARY OF THE SANCTUARY ENHANCEMENT ACT OF 2008**

1. Reauthorizes the National Marine Sanctuaries Act (NMSA) for 5 years (Fiscal Years 2009-2013).
2. Lifts the limitation on the designation of new sanctuaries.
3. Improves NOAA's Office of National Marine Sanctuaries' ability to protect resources by:
  - Clarifying the primary purpose of NMSA is resource protection within the Purposes and Policies section and reiterated throughout the bill.
  - Including a mission statement for the NMS System to "protect, conserve, preserve, restore and enhance the biodiversity, ecological integrity, and cultural legacy of the living and non-living resources within the System for the benefit of present and future generations."
  - Allowing greater permitting discretion of the Secretary
  - Encouraging use of authorizing temporally and spatially managed zones (e.g., marine reserves) within sanctuaries.
  - Increasing penalties for civil (from \$100,000 to \$250,000 fine) and criminal (from 6 mo to 2 yrs in prison) violations of NMSA.
  - Allowing NOAA to withhold information that would otherwise be required to release publically if the information might result in injury to System resources.
4. Expands the NMS System to not only include sanctuaries designated by the Secretary of Commerce, but also congressionally designated sanctuaries and marine national monuments that are put under the Secretary's jurisdiction (in whole or in part) by the President via the Antiquities Act.
  - This consolidates the components under the governing law explicitly, though Congress has already designated sanctuaries and given NOAA the managing authority in the past, and we now have a precedent for marine national monuments that didn't exist before now.
  - Also, throughout the bill, NOAA is given the appropriate leeway to apply NMSA authorities to monuments, or portions thereof, for which they have jurisdiction.
5. Mandates an inventory of ecosystem and maritime heritage resources within the U.S. EEZ, which would be used to list and prioritize potential new sanctuary sites that represent a range of diverse and unique places/resources.
  - Establishes a process for assessing "special places" in a timely manner with a goal of appropriately expanding the NMS System to include representative samples by 2030.
6. Establishes System-wide prohibitions on certain activities, including: direct discharge of sewage effluent or solid waste with less than secondary treatment, with a couple minor exceptions; disturbing or removing of maritime heritage resources; exploration, lease, developing, producing or extracting mineral resources; disturbing, constructing on, or altering of the sea bed, including bottom trawling (with a separate consideration for

currently existing sanctuaries); releasing toxic or hazardous materials; detonating explosives; or intentionally introducing or releasing non-native species.

7. Clarifies the process for issuing regulations of fishing activities in the System for a more streamlined process and erring in favor of the mission of the System and the NMSA purposes and policies, which are meant to protect sanctuary resources on an ecosystem basis.
8. Increases time between management plan reviews because of the extensiveness of the process from 5 years to 7 years for the first review after designation and 10 years for subsequent reviews, and explicitly includes fishing regulations and overall management priorities in such reviews.
9. Expands cooperative agreement authority by expanding the types of entities with whom NOAA can enter into funded memoranda of understanding from State and Federal agencies to also now include local, tribal, and other governmental entities.
10. Increases authorization levels to \$350 million over five years (FY 2009-2013: \$60M, \$65M, \$70M, \$75M, \$80M) for operations and an additional \$100 million over five years (\$20 million annually) for construction. An additional \$5 million would be authorized to implement the newly mandated inventory of the EEZ resources.