

Union Calendar No. 340

110TH CONGRESS
2^D SESSION

H. R. 1187

[Report No. 110-557]

To expand the boundaries of the Gulf of the Farallones National Marine
Sanctuary and the Cordell Bank National Marine Sanctuary.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Ms. WOOLSEY (for herself and Mr. GILCREST) introduced the following bill;
which was referred to the Committee on Natural Resources

MARCH 31, 2008

Additional sponsors: Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER
of California, Mr. SAXTON, Mr. STARK, Mr. THOMPSON of California, Mr.
DEFazio, Mrs. NAPOLITANO, Mr. FARR, Mr. BISHOP of New York, Mr.
ALLEN, Mr. BERMAN, Ms. MCCOLLUM of Minnesota, Mr. WAXMAN, Mrs.
CAPPS, Ms. ESHOO, Mr. SCHIFF, Mr. HINCHEY, Mr. LANTOS, Mr.
McDERMOTT, Mr. OLVER, Mr. HONDA, Mrs. TAUSCHER, Ms. HARMAN,
Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. HIGGINS, Ms. MATSUI, Mr.
GRIJALVA, Mr. COHEN, Ms. LORETTA SANCHEZ of California, Mr.
MEEKS of New York, Mr. GORDON of Tennessee, Mr. WU, Mr. BECERRA,
Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Ms.
LINDA T. SÁNCHEZ of California, Mr. INSLEE, Mr. UDALL of Colorado,
Ms. WATSON, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Ms. LEE,
Mr. KIND, Mr. STUPAK, Mr. VISCLOSKEY, Ms. CASTOR, Mr. McNERNEY,
and Mr. MARKEY

MARCH 31, 2008

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 16, 2007]

A BILL

To expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Gulf of the Farallones*
5 *and Cordell Bank National Marine Sanctuaries Boundary*
6 *Modification and Protection Act”.*

7 **SEC. 2. FINDINGS.**

8 *The Congress finds the following:*

9 *(1) The Gulf of the Farallones extends approxi-*
10 *mately 100 miles along the coast of Marin and*
11 *Sonoma counties of northern California. It includes*
12 *approximately one-half of California’s nesting*
13 *seabirds, rich benthic marine life on hard-rock sub-*
14 *strate, prolific fisheries, and substantial concentra-*
15 *tions of resident and seasonally migratory marine*
16 *mammals.*

17 *(2) Cordell Bank is adjacent to the Gulf of the*
18 *Farallones and is a submerged island with spectac-*

1 *ular, unique, and nationally significant marine envi-*
2 *ronments.*

3 (3) *These marine environments have national*
4 *and international significance, exceed the biological*
5 *productivity of tropical rain forests, and support high*
6 *levels of biological diversity.*

7 (4) *These biological communities are easily sus-*
8 *ceptible to damage from human activities, and must*
9 *be properly conserved for themselves and to protect the*
10 *economic viability of their contribution to national*
11 *and regional economies.*

12 (5) *The Gulf of Farallones and Cordell Bank in-*
13 *clude some of the Nation's richest fishing grounds,*
14 *supporting important commercial and recreational*
15 *fisheries. These fisheries are regulated by State and*
16 *Federal fishery agencies and are supported and fos-*
17 *tered through protection of the waters and habitats of*
18 *Gulf of the Farallones National Marine Sanctuary*
19 *and Cordell Bank National Marine Sanctuary.*

20 (6) *The report of the Commission on Ocean Pol-*
21 *icy established by Public Law 106–256 calls for com-*
22 *prehensive protection for the most productive ocean*
23 *environments and recommends that they be managed*
24 *as ecosystems.*

1 (7) *New scientific discoveries by the National*
2 *Marine Sanctuary Program support comprehensive*
3 *protection for these marine environments by broad-*
4 *ening the geographic scope of the existing Gulf of the*
5 *Farallones National Marine Sanctuary and the*
6 *Cordell Bank National Marine Sanctuary.*

7 (8) *Cordell Bank is at the nexus of an ocean*
8 *upwelling system, which produces the highest biomass*
9 *concentrations on the west coast of the United States.*

10 **SEC. 3. POLICY AND PURPOSE.**

11 (a) *POLICY.—It is the policy of the United States in*
12 *this Act to protect and preserve living and other resources*
13 *of the Gulf of the Farallones and Cordell Bank marine envi-*
14 *ronments.*

15 (b) *PURPOSE.—The purposes of this Act are the fol-*
16 *lowing:*

17 (1) *To extend the boundaries of the Gulf of the*
18 *Farallones National Marine Sanctuary and the*
19 *Cordell Bank National Marine Sanctuary to the areas*
20 *described in section 5.*

21 (2) *To strengthen the protections that apply in*
22 *the Sanctuaries.*

23 (3) *To educate and interpret for the public the*
24 *ecological value and national importance of those ma-*
25 *rine environments.*

1 (4) *To manage human uses of the Sanctuaries*
2 *under this Act and the National Marine Sanctuaries*
3 *Act (16 U.S.C. 1431 et seq.).*

4 (c) *EFFECT ON FISHING ACTIVITIES.*—*Nothing in this*
5 *Act is intended to alter any existing authorities regarding*
6 *the conduct and location of fishing activities in the Sanc-*
7 *tuaries.*

8 **SEC. 4. DEFINITIONS.**

9 *In this Act:*

10 (1) *MARICULTURE.*—*The term “mariculture”*
11 *means the propagation or rearing of aquatic orga-*
12 *nisms in controlled or selected aquatic environments*
13 *for any commercial, recreational, or public purpose.*

14 (2) *CORDELL BANK NMS.*—*The term “Cordell*
15 *Bank NMS” means the Cordell Bank National Ma-*
16 *rine Sanctuary.*

17 (3) *FARALLONES NMS.*—*The term “Farallones*
18 *NMS” means the Gulf of the Farallones National Ma-*
19 *rine Sanctuary.*

20 (4) *SANCTUARIES.*—*The term “Sanctuaries”*
21 *means the Gulf of the Farallones National Marine*
22 *Sanctuary and the Cordell Bank National Marine*
23 *Sanctuary, as expanded by section 5.*

24 (5) *SECRETARY.*—*The term “Secretary” means*
25 *the Secretary of Commerce.*

1 **SEC. 5. NATIONAL MARINE SANCTUARY BOUNDARY AD-**
2 **JUSTMENTS.**

3 (a) *GULF OF THE FARALLONES.*—

4 (1) *BOUNDARY ADJUSTMENT.*—*The areas de-*
5 *scribed in paragraph (2) are added to the existing*
6 *Gulf of the Farallones National Marine Sanctuary*
7 *described in part 922.80 of title 15, Code of Federal*
8 *Regulations.*

9 (2) *AREAS INCLUDED.*—

10 (A) *IN GENERAL.*—*The areas referred to in*
11 *paragraph (1) consist of the following:*

12 (i) *All submerged lands and waters, in-*
13 *cluding living marine and other resources*
14 *within and on those lands and waters, from*
15 *the mean high water line to the boundary*
16 *described in subparagraph (B).*

17 (ii) *The submerged lands and waters,*
18 *including living marine and other resources*
19 *within those waters, within the approxi-*
20 *mately two-square-nautical-mile portion of*
21 *the Cordell Bank NMS (as in effect imme-*
22 *diately before the enactment of this Act)*
23 *that is located south of the area that is*
24 *added to Cordell Bank NMS by subsection*
25 *(b)(2), which are transferred to the*

1 *Farallones NMS from the Cordell Bank*
2 *NMS.*

3 *(B) BOUNDARY DESCRIBED.—The boundary*
4 *referred to in subparagraph (A)(i) commences*
5 *from the mean high water line (MHWL) at*
6 *39.00000 degrees north in a westward direction*
7 *approximately 29 nautical miles (nm) to*
8 *39.00000 north, 124.33333 west. The boundary*
9 *then extends in a southeasterly direction to*
10 *38.30000 degrees north, 124.00000 degrees west,*
11 *approximately 44 nm westward of Bodega Head.*
12 *The boundary then extends eastward to the most*
13 *northeastern corner of the expanded Cordell*
14 *Bank NMS at 38.30000 north, 123.20000 degrees*
15 *west, approximately 6 nm miles westward of*
16 *Bodega Head. The boundary then extends in a*
17 *southeasterly direction to 38.26500 degrees north,*
18 *123.18166 degrees west at the northwestern most*
19 *point of the current Gulf of the Farallones*
20 *Boundary. The boundary then follows the cur-*
21 *rent northern Gulf of the Farallones NMS*
22 *boundary in a northeasterly direction to the*
23 *MHWL near Bodega Head. The boundary then*
24 *follows the MHWL in a northeasterly direction*
25 *to the commencement point at the intersection of*

1 *the MHWL and 39.00000 north. Coordinates*
2 *listed in this subparagraph are based on the*
3 *North American Datum 1983 and the geographic*
4 *projection.*

5 **(b) CORDELL BANK.—**

6 **(1) BOUNDARY ADJUSTMENT.—***The area de-*
7 *scribed in paragraph (2) is added to the existing*
8 *Cordell Bank National Marine Sanctuary described*
9 *in part 922.80 of title 15, Code of Federal Regula-*
10 *tions.*

11 **(2) AREA INCLUDED.—**

12 **(A) IN GENERAL.—***The area referred to in*
13 *paragraph (1) consists of all submerged lands*
14 *and waters, including living marine and other*
15 *resources within those waters, within the bound-*
16 *ary described in subparagraph (B).*

17 **(B) BOUNDARY.—***The boundary referred to*
18 *in subparagraph (A) commences at the most*
19 *northeastern point of the current Cordell Bank*
20 *NMS boundary at 38.26500 degrees north,*
21 *123.18166 degrees west and extends*
22 *northwestward to 38.30000 degrees north,*
23 *123.20000 degrees west, approximately 6 nau-*
24 *tical miles (nm) west of Bodega Head. The*
25 *boundary then extends westward to 38.30000 de-*

1 *grees north, 124.00000 degrees west, approxi-*
2 *mately 44 nautical miles west of Bodega Head.*
3 *The boundary then turns southeastward and con-*
4 *tinues approximately 34 nautical miles to*
5 *37.76687 degrees north, 123.75142 degrees west,*
6 *and then approximately 15 nm eastward to*
7 *37.76687 north, 123.42694 west at an intersec-*
8 *tion with the current Cordell Bank NMS bound-*
9 *ary. The boundary then follows the current*
10 *Cordell Bank NMS, which is coterminous with*
11 *the current Gulf of the Farallones boundary, in*
12 *a northeasterly and the northwesterly direction*
13 *to its commencement point at 38.26500 degrees*
14 *north, 123.18166 degrees west. Coordinates listed*
15 *in this subparagraph are based on NAD83*
16 *Datum and the geographic projection.*

17 *(c) INCLUSION IN THE SYSTEM.—The areas included*
18 *in the Sanctuaries under subsections (a) and (b) shall be*
19 *managed as part of the National Marine Sanctuary Sys-*
20 *tem, established by section 301(c) of the National Marine*
21 *Sanctuaries Act (16 U.S.C. 1431(c)), in accordance with*
22 *that Act.*

23 *(d) UPDATED NOAA CHARTS.—The Secretary shall—*

1 (1) *produce updated National Oceanic and At-*
2 *mospheric Administration nautical charts for the*
3 *areas in which the Sanctuaries are located; and*

4 (2) *include on those nautical charts the bound-*
5 *aries of the Sanctuaries, as revised by this Act.*

6 (e) *BOUNDARY ADJUSTMENTS.—In producing revised*
7 *nautical charts as directed by subsection (d) and in describ-*
8 *ing the boundaries in regulations issued by the Secretary,*
9 *the Secretary may make technical modifications to the*
10 *boundaries described in this section for clarity and ease of*
11 *identification, as appropriate.*

12 **SEC. 6. PROHIBITION OF OIL AND GAS LEASING AND PER-**
13 **MITTING.**

14 *No lease or permit may be issued that authorizes explo-*
15 *ration, development, production, or transporting by pipe-*
16 *line of minerals or hydrocarbons within the Sanctuaries.*

17 **SEC. 7. MANAGEMENT PLANS AND REGULATIONS.**

18 (a) *INTERIM PLAN.—The Secretary shall complete an*
19 *interim supplemental management plan for the Sanctuaries*
20 *by not later than 24 months after the date of enactment*
21 *of this Act, that focuses on management in the areas added*
22 *to the Sanctuaries under this Act. The Secretary shall en-*
23 *sure that the supplemental plan does not weaken existing*
24 *resource protections.*

1 (b) *REVISED PLANS.*—*The Secretary shall issue a re-*
2 *vised comprehensive management plan for the Sanctuaries*
3 *during the first management review initiated after the date*
4 *of the enactment of this Act under section 304(e) of the Na-*
5 *tional Marine Sanctuaries Act (16 U.S.C. 1434(e)) for the*
6 *Sanctuaries, and issue such final regulations as may be*
7 *necessary.*

8 (c) *APPLICATION OF EXISTING REGULATIONS.*—*The*
9 *regulations for the Gulf of the Farallones National Marine*
10 *Sanctuary (15 C.F.R. 922, subpart H) and the Cordell*
11 *Bank National Marine Sanctuary (15 C.F.R. 922, subpart*
12 *K), including any changes made as a result of a joint man-*
13 *agement plan review for the Sanctuaries conducted pursu-*
14 *ant to section 304(e) of the National Marine Sanctuaries*
15 *Act (16 U.S.C. 1434(e)), shall apply to the areas added to*
16 *each Sanctuary, respectively, under section 5 until the Sec-*
17 *retary modifies such regulations in accordance with sub-*
18 *section (d) of this section.*

19 (d) *REVISED REGULATIONS.*—

20 (1) *IN GENERAL.*—*The Secretary shall carry out*
21 *an assessment of necessary revisions to the regulations*
22 *for the Sanctuaries in a manner that ensures the pro-*
23 *tection of the resources of the Sanctuaries consistent*
24 *with the purposes and policies of the National Marine*
25 *Sanctuaries Act and the goals and objectives for the*

1 *new areas added to each sanctuary under section 5 of*
2 *this Act. The assessment and any corresponding regu-*
3 *latory changes shall be complete within 24 months of*
4 *the date of enactment of this Act.*

5 (2) *REGULATION OF SPECIFIC ACTIVITIES.—In*
6 *revising the regulations for the Sanctuaries pursuant*
7 *to this subsection, the Secretary shall consider appro-*
8 *priate regulations for the following activities:*

9 (A) *The deposit or release of introduced spe-*
10 *cies.*

11 (B) *The alteration of stream and river*
12 *drainage into the Sanctuaries.*

13 (C) *Mariculture operations in the Sanc-*
14 *tuaries.*

15 (3) *CONSIDERATIONS.—In revising the regula-*
16 *tions for the Sanctuaries pursuant to this subsection,*
17 *the Secretary shall consider exempting from further*
18 *regulation under the National Marine Sanctuaries*
19 *Act and this Act discharges that are permitted under*
20 *a National Pollution Discharge Elimination System*
21 *permit in effect on the date of enactment of this Act,*
22 *or under a new or renewed National Pollution Dis-*
23 *charge Elimination System permit that does not in-*
24 *crease pollution in the Sanctuaries and that origi-*
25 *nates—*

1 (A) *in the Russian River Watershed outside*
2 *the boundaries of the Gulf of the Farallones Na-*
3 *tional Marine Sanctuary; or*

4 (B) *from the Bodega Marine Laboratory.*

5 (e) *CONTENTS OF PLANS.—Revisions to each com-*
6 *prehensive management plan under this section shall, in*
7 *addition to matters required under section 304(a)(2) of the*
8 *Marine Protection, Research, and Sanctuaries Act of 1972*
9 *(16 U.S.C. 1434(A)(2))—*

10 (1) *facilitate all appropriate public and private*
11 *uses of the national marine sanctuary to which each*
12 *respective plan applies consistent with the primary*
13 *objective of sanctuary resource protection;*

14 (2) *establish temporal and geographical zoning if*
15 *necessary to ensure protection of sanctuary resources;*

16 (3) *identify priority needs for research that*
17 *will—*

18 (A) *improve management of the Sanc-*
19 *tuaries;*

20 (B) *diminish threats to the health of the*
21 *ecosystems in the Sanctuaries; or*

22 (C) *fulfill both of subparagraphs (A) and*
23 *(B);*

24 (4) *establish a long-term ecological monitoring*
25 *program and database, including the development*

1 *and implementation of a resource information system*
2 *to disseminate information on the Sanctuaries' eco-*
3 *system, history, culture, and management;*

4 *(5) identify alternative sources of funding needed*
5 *to fully implement the plan's provisions and supple-*
6 *ment appropriations under section 313 of the Marine*
7 *Protection, Research, and Sanctuaries Act of 1972 (16*
8 *U.S.C. 1444);*

9 *(6) ensure coordination and cooperation between*
10 *sanctuary superintendents and other Federal, State,*
11 *and local authorities with jurisdiction over areas*
12 *within or adjacent to the Sanctuaries to deal with*
13 *issues affecting the Sanctuaries, including surface*
14 *water run-off, stream and river drainages, and navi-*
15 *gation;*

16 *(7) in the case of revisions to the plan for the*
17 *Farallones NMS, promote cooperation with farmers*
18 *and ranchers operating in the watersheds adjacent to*
19 *the Farallones NMS and establish voluntary best*
20 *management practices programs;*

21 *(8) promote cooperative and educational pro-*
22 *grams with fishing vessel operators and crews oper-*
23 *ating in the waters of the Sanctuaries, and, whenever*
24 *possible, include individuals who engage in fishing*
25 *and their vessels in cooperative research, assessment,*

1 *and monitoring programs and educational programs*
2 *to promote sustainable fisheries, conservation of re-*
3 *sources, and navigational safety; and*

4 *(9) promote education and public awareness,*
5 *among users of the Sanctuaries, about the need for*
6 *marine resource conservation and safe navigation and*
7 *marine transportation.*

8 *(f) PUBLIC PARTICIPATION.—The Secretary shall pro-*
9 *vide for participation by the general public in the revision*
10 *of the comprehensive management plans and relevant regu-*
11 *lations under this section.*

12 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

13 *There are authorized to be appropriated to the Sec-*
14 *retary—*

15 *(1) \$3,000,000 to carry out this Act for each of*
16 *fiscal years 2009 through 2013, other than for con-*
17 *struction and acquisition projects; and*

18 *(2) \$3,500,000 for fiscal year 2009 and such*
19 *sums as may be necessary for each of fiscal years*
20 *2010 through 2013 for construction and acquisition*
21 *projects related to the Sanctuaries.*

Amend the title so as to read: “A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes.”.

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