

Calendar No. 148111TH CONGRESS
1ST SESSION**S. 380****[Report No. 111-65]**

To expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2009

Mr. LEVIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 4, 2009

Reported by Mr. ROCKEFELLER, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Thunder Bay National
3 Marine Sanctuary and Underwater Preserve Boundary
4 Modification Act”.

5 **SEC. 2. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Thunder Bay National Marine Sanctuary
9 and Underwater Preserve in Lake Huron contains
10 more than 100 recorded historic vessel losses.

11 (2) The areas immediately surrounding the
12 Sanctuary, including the offshore waters of Presque
13 Isle and Alcona counties, Michigan, contain an equal
14 number of historic vessel losses.

15 (3) Many of these shipwrecks and underwater
16 cultural resources are popular recreational diving
17 destinations and all contribute to our collective mari-
18 time heritage.

19 (4) These resources are susceptible to damage
20 from human activities and must be properly pre-
21 served for their innate value and to protect the eco-
22 nomic viability of their contribution to national and
23 regional economies.

24 (b) PURPOSES.—The purposes of this Act are—

25 (1) to expand the Thunder Bay National Ma-
26 rine Sanctuary and Underwater Preserve boundaries

1 to encompass the offshore waters of Presque Isle
2 and Alcona counties, Michigan, and outward to the
3 international border between the United States and
4 Canada; and

5 (2) to provide the underwater cultural resources
6 of those areas equal protection to that currently af-
7 forded to the Sanctuary.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **SANCTUARY.**—The term “Sanctuary”
11 means the Thunder Bay National Marine Sanctuary
12 and Underwater Preserve.

13 (2) **SECRETARY.**—The term “Secretary” means
14 the Secretary of Commerce.

15 **SEC. 4. SANCTUARY BOUNDARY ADJUSTMENT.**

16 (a) **BOUNDARY ADJUSTMENT.**—Notwithstanding any
17 other provision of law, including section 922.190 of title
18 15, Code of Federal Regulations, as in effect on the date
19 of the enactment of this Act, the Sanctuary shall consist
20 of the geographic area described in subsection (b).

21 (b) **EXPANDED SANCTUARY BOUNDARY.**—The area
22 referred to in subsection (a) is all submerged lands, in-
23 cluding the underwater cultural resources, lakeward of the
24 mean high water line, within the boundaries of a line
25 formed by connecting points in succession beginning at a

1 point along the mean high water line located approxi-
 2 mately at ~~45.628741N, 84.206983W~~ (at Hammond Bay
 3 ~~in Presque Isle County~~) *45.6262N, 84.2043W at the inter-*
 4 *section of the northern Presque Isle and northeastern Che-*
 5 *boygan County boundary, then north to a point approxi-*
 6 *mately 45.7523N, 84.2011W, then northeast to a point ap-*
 7 *proximately 45.7777N, 84.1231W, then due east to the*
 8 international boundary between the United States and
 9 Canada approximately located at ~~45.628741N,~~
 10 ~~83.163783W~~ *45.7719N, 83.4840W* then following the inter-
 11 national boundary between the United States and Canada
 12 in a generally southeasterly direction ~~where it intersects~~
 13 ~~latitude 44.511111N,~~ *to a point located approximately at*
 14 *44.5128N, 82.3295W, then due west to a point along the*
 15 mean high water line located approximately at
 16 ~~44.511111N, 83.318483W~~ (in Alcona County just south
 17 ~~of the town of Greenbush~~) *44.5116N, 83.3186W at the*
 18 *intersection of the southern Alcona County and northern*
 19 *Iosco County boundary, returning to the first point along*
 20 the mean high water line.

21 (c) AUTHORITY TO MAKE MINOR ADJUSTMENTS.—
 22 The Secretary may make minor adjustments to the bound-
 23 ary described in subsection (b) to facilitate enforcement
 24 and clarify the boundary to the public if the resulting

1 boundary is consistent with the purposes described in sec-
2 tion 2(b).

3 (d) INCLUSION IN THE NATIONAL MARINE SANC-
4 TUARY SYSTEM.—The area described in subsection (b), as
5 modified in accordance with subsection (c), shall be man-
6 aged as part of the National Marine Sanctuary System
7 established by section 301(c) of the National Marine Sanc-
8 tuaries Act (16 U.S.C. 1431(c)), in accordance with that
9 Act.

10 (e) UPDATED NATIONAL OCEANIC AND ATMOS-
11 PHERIC ADMINISTRATION CHARTS.—The Secretary
12 shall—

13 (1) produce updated National Oceanic and At-
14 mospheric Administration charts for the area in
15 which the Sanctuary is located; and

16 (2) include on such charts the boundaries of the
17 Sanctuary described in subsection (b), as modified in
18 accordance with subsection (c).

19 **SEC. 5. EXTENSION OF REGULATIONS AND MANAGEMENT.**

20 (a) REGULATIONS.—The regulations applicable to
21 the Sanctuary codified in subpart R of part 922 of title
22 15, Code of Federal Regulations, as in effect on the date
23 of the enactment of this Act, shall apply to the geographic
24 area added to the Sanctuary pursuant to section 4, unless
25 the Secretary specifies otherwise by regulation.

1 (b) EXISTING CERTIFICATIONS.—The Secretary may
2 certify that any license, permit, approval, other authoriza-
3 tion, or right to conduct a prohibited activity authorized
4 pursuant to section 922.194 of title 15, Code of Federal
5 Regulations, that exists on the date of the enactment of
6 this Act shall apply to such an activity conducted within
7 the geographic area added to the Sanctuary pursuant to
8 section 4.

9 (c) DATE OF SANCTUARY DESIGNATION.—For pur-
10 poses of section 922.194 of title 15, Code of Federal Regu-
11 lations, the date of Sanctuary designation shall be the date
12 of the enactment of this Act.

13 (d) MANAGEMENT PLAN.—To the extent practicable,
14 the Secretary shall apply the management plan in effect
15 for the Sanctuary on the date of the enactment of this
16 Act to the geographic area added to the Sanctuary pursu-
17 ant to section 4.

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