

Calendar No. 299112TH CONGRESS
2^D SESSION**S. 485****[Report No. 112-134]**

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

MARCH 3, 2011

Mr. LEVIN (for himself and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JANUARY 26, 2012

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause 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 45.6262N, 84.2043W at the intersection of the
3 northern Presque Isle and northeastern Cheboygan Coun-
4 ty boundary, then north to a point approximately
5 45.7523N, 84.2011W, then northeast to a point approxi-
6 mately 45.7777N, 84.1231W, then due east to the inter-
7 national boundary between the United States and Canada
8 approximately located at 45.7719N, 83.4840W then fol-
9 lowing the international boundary between the United
10 States and Canada in a generally southeasterly direction
11 to a point located approximately at 44.5128N, 82.3295W,
12 then due west to a point along the mean high water line
13 located approximately at 44.5116N, 83.3186W at the
14 intersection of the southern Alcona County and northern
15 Iosco County boundary, returning to the first point along
16 the mean high water line.

17 (c) AUTHORITY TO MAKE MINOR ADJUSTMENTS.—

18 The Secretary may make minor adjustments to the bound-
19 ary described in subsection (b) to facilitate enforcement
20 and clarify the boundary to the public if the resulting
21 boundary is consistent with the purposes described in sec-
22 tion 2(b).

23 (d) INCLUSION IN THE NATIONAL MARINE SANC-

24 TUARY SYSTEM.—The area described in subsection (b), as
25 modified in accordance with subsection (c), shall be man-

1 aged as part of the National Marine Sanctuary System
2 established by section 301(e) of the National Marine Sane-
3 tuaries Act (16 U.S.C. 1431(e)), in accordance with that
4 Act.

5 (e) UPDATED NATIONAL OCEANIC AND ATMOS-
6 PHERIC ADMINISTRATION CHARTS.—The Secretary
7 shall—

8 (1) produce updated National Oceanic and At-
9 mospheric Administration charts for the area in
10 which the Sanctuary is located; and

11 (2) include on such charts the boundaries of the
12 Sanctuary described in subsection (b), as modified in
13 accordance with subsection (c).

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

15 (a) REGULATIONS.—The regulations applicable to
16 the Sanctuary codified in subpart R of part 922 of title
17 15, Code of Federal Regulations, as in effect on the date
18 of the enactment of this Act, shall apply to the geographic
19 area added to the Sanctuary pursuant to section 4, unless
20 the Secretary specifies otherwise by regulation.

21 (b) EXISTING CERTIFICATIONS.—The Secretary may
22 certify that any license, permit, approval, other authoriza-
23 tion, or right to conduct a prohibited activity authorized
24 pursuant to section 922.194 of title 15, Code of Federal
25 Regulations, that exists on the date of the enactment of

1 this Act shall apply to such an activity conducted within
2 the geographic area added to the Sanctuary pursuant to
3 ~~section 4.~~

4 (c) ~~DATE OF SANCTUARY DESIGNATION.~~—For pur-
5 poses of ~~section 922.194~~ of title 15, Code of Federal Regu-
6 lations, the date of Sanctuary designation shall be the date
7 of the enactment of this Act.

8 (d) ~~MANAGEMENT PLAN.~~—To the extent practicable,
9 the Secretary shall apply the management plan in effect
10 for the Sanctuary on the date of the enactment of this
11 Act to the geographic area added to the Sanctuary pursu-
12 ant to ~~section 4.~~

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Thunder Bay National*
15 *Marine Sanctuary and Underwater Preserve Boundary*
16 *Modification Act”.*

17 **SEC. 2. FINDINGS AND PURPOSES.**

18 (a) *FINDINGS.*—Congress makes the following findings:

19 (1) *Thunder Bay National Marine Sanctuary*
20 *and Underwater Preserve in Lake Huron contains*
21 *more than 100 recorded historic vessel losses.*

22 (2) *The areas immediately surrounding the*
23 *Sanctuary, including the offshore waters of Presque*
24 *Isle and Alcona counties, Michigan, contain an equal*
25 *number of historic vessel losses.*

1 (3) *Many of these shipwrecks and underwater*
 2 *cultural resources are popular recreational diving*
 3 *destinations and all contribute to our collective mari-*
 4 *time heritage.*

5 (4) *These resources are susceptible to damage*
 6 *from human activities and must be properly pre-*
 7 *served for their innate value and to protect the eco-*
 8 *nommic viability of their contribution to national and*
 9 *regional economies.*

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

11 (1) *to expand the Thunder Bay National Marine*
 12 *Sanctuary and Underwater Preserve boundaries to*
 13 *encompass the offshore waters of Presque Isle and*
 14 *Alcona counties, Michigan, and outward to the inter-*
 15 *national border between the United States and Can-*
 16 *ada; and*

17 (2) *to provide the underwater cultural resources*
 18 *of those areas equal protection to that currently af-*
 19 *forded to the Sanctuary.*

20 **SEC. 3. DEFINITIONS.**

21 *In this Act:*

22 (1) **SANCTUARY.**—*The term “Sanctuary” means*
 23 *the Thunder Bay National Marine Sanctuary and*
 24 *Underwater Preserve.*

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

3 **SEC. 4. SANCTUARY BOUNDARY ADJUSTMENT.**

4 (a) *BOUNDARY ADJUSTMENT.*—*Notwithstanding any*
5 *other provision of law, including section 922.190 of title*
6 *15, Code of Federal Regulations, as in effect on the date*
7 *of the enactment of this Act, the Sanctuary shall consist*
8 *of the geographic area described in subsection (b).*

9 (b) *EXPANDED SANCTUARY BOUNDARY.*—*The area re-*
10 *ferred to in subsection (a) is all submerged lands, including*
11 *the underwater cultural resources, lakeward of the mean*
12 *high water line, within the boundaries of a line formed by*
13 *connecting points in succession beginning at a point along*
14 *the mean high water line located approximately at*
15 *45.6262N, 84.2043W at the intersection of the northern*
16 *Presque Isle and northeastern Cheboygan County boundary,*
17 *then north to a point approximately 45.7523N, 84.2011W,*
18 *then northeast to a point approximately 45.7777N,*
19 *84.1231W, then due east to the international boundary be-*
20 *tween the United States and Canada approximately located*
21 *at 45.7719N, 83.4840W then following the international*
22 *boundary between the United States and Canada in a gen-*
23 *erally southeasterly direction to a point located approxi-*
24 *mately at 44.5128N, 82.3295W, then due west to a point*
25 *along the mean high water line located approximately at*

1 44.5116N, 83.3186W at the intersection of the southern
2 Alcona County and northern Iosco County boundary, re-
3 turning to the first point along the mean high water line.

4 (c) *AUTHORITY TO MAKE MINOR ADJUSTMENTS.*—The
5 Secretary may make minor adjustments to the boundary
6 described in subsection (b) to facilitate enforcement and
7 clarify the boundary to the public if the resulting boundary
8 is consistent with the purposes described in section 2(b).

9 (d) *INCLUSION IN THE NATIONAL MARINE SANCTUARY*
10 *SYSTEM.*—The area described in subsection (b), as modified
11 in accordance with subsection (c), shall be managed as part
12 of the National Marine Sanctuary System established by
13 section 301(c) of the National Marine Sanctuaries Act (16
14 U.S.C. 1431(c)), in accordance with that Act.

15 (e) *UPDATED NATIONAL OCEANIC AND ATMOSPHERIC*
16 *ADMINISTRATION CHARTS.*—The Secretary shall—

17 (1) produce updated National Oceanic and At-
18 mospheric Administration charts for the area in
19 which the Sanctuary is located; and

20 (2) include on such charts the boundaries of the
21 Sanctuary described in subsection (b), as modified in
22 accordance with subsection (c).

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

24 (a) *REGULATIONS.*—The regulations applicable to the
25 Sanctuary codified in subpart R of part 922 of title 15,

1 *Code of Federal Regulations, as in effect on the date of the*
2 *enactment of this Act, shall apply to the geographic area*
3 *added to the Sanctuary pursuant to section 4, unless the*
4 *Secretary specifies otherwise by regulation.*

5 **(b) EXISTING CERTIFICATIONS.**—*The Secretary may*
6 *certify that any license, permit, approval, other authoriza-*
7 *tion, or right to conduct a prohibited activity authorized*
8 *pursuant to section 922.194 of title 15, Code of Federal Reg-*
9 *ulations, that exists on the date of the enactment of this*
10 *Act shall apply to such an activity conducted within the*
11 *geographic area added to the Sanctuary pursuant to section*
12 *4.*

13 **(c) DATE OF SANCTUARY DESIGNATION.**—*For pur-*
14 *poses of section 922.194 of title 15, Code of Federal Regula-*
15 *tions, the date of Sanctuary designation shall be the date*
16 *of the enactment of this Act.*

17 **(d) MANAGEMENT PLAN.**—*To the extent practicable,*
18 *the Secretary shall apply the management plan in effect*
19 *for the Sanctuary on the date of the enactment of this Act*
20 *to the geographic area added to the Sanctuary pursuant*
21 *to section 4.*

22 **SEC. 6. CONSTRUCTION.**

23 *Nothing in this Act may be construed to increase or*
24 *require an increase of the amount of appropriated funds*

- 1 *or of the authorization of appropriations for the Thunder*
- 2 *Bay National Marine Sanctuary and Underwater Preserve.*

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