



## Program Criteria and Definitions Informing Findings under Section 304(f) of the National Marine Sanctuaries Act

### Purpose

The National Marine Sanctuaries Act (NMSA) provides the National Oceanic and Atmospheric Administration (NOAA), acting through the Office of National Marine Sanctuaries (ONMS), with authority to identify and designate national marine sanctuaries, comprising areas of the marine and Great Lakes environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities. Under Sec. 304(f) of the NMSA, NOAA is required to make certain findings relating to any proposal to designate a new sanctuary. The purpose of this document is to (1) identify the criteria for the findings required under Sec. 304(f), and (2) define key terms.

### Findings and Key Terms

#### **1. No Negative Impact on the System**

*NMSA 304(f)(1)(A) requires a finding that “the addition of a new sanctuary will not have a negative impact on the System.”*

For this finding, “the System” refers to the National Marine Sanctuary System as defined in the NMSA.<sup>1</sup> NOAA manages the System to fulfill the purposes and policies of the NMSA to protect nationally significant natural and cultural marine resources in the Nation’s marine and Great Lakes waters.

A “negative impact” would occur if the addition of a new sanctuary (1) would compromise NOAA’s capacity to fulfill the purposes and policies of the NMSA (Section 301(b)); or (2) would strain resources to the point NOAA could not provide support for basic management capacity at each sanctuary in the System. Basic management capacity is sanctuary leadership (superintendent/program coordinator(s)), a sanctuary advisory council, and basic administrative and operational support either at the site or through the regional or headquarters level.

#### **2. Effectively Implement Sanctuary Management Plans**

*NMSA 304(f)(1)(B) requires a finding that “sufficient resources were available in the fiscal year in which the finding is made to (i) effectively implement sanctuary management plans for each sanctuary in the System.”*

For this finding, “resources” include fiscal and human resources and other assets or materials provided by the federal government or through partnerships for effective operation of the

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<sup>1</sup> NMSA, Sec. 302(10).



System. NOAA relies on the support of multiple program offices in addition to ONMS to achieve the purposes of the NMSA (for example, NOAA's National Center for Coastal Ocean Science assists ONMS in conducting scientific research on ocean and cultural marine resources; NOAA's Office of Law Enforcement helps ONMS enforce sanctuary regulations). NOAA also relies on strong partnerships among resource management agencies, the scientific community, stakeholders and the public to implement sanctuary management plans. From working with not-for-profit organizations and educational institutions to raise awareness of sanctuary issues, to coordinating enforcement activities with state and federal agencies to protect sanctuary resources, outside partnerships have allowed NOAA to achieve broader goals, harness the expertise and experience of renowned scientists and scholars, and further research, monitoring, education, outreach and enforcement within the sanctuaries. NOAA considers these inter-agency and outside partnerships a critical component of its resource assessment.

“Sanctuary management plans” are site-specific, long-term frameworks for addressing resource protection.<sup>2</sup> Each site within the System has a management plan prepared as part of the designation process. A sanctuary management plan includes a scalable set of strategies and activities to address resource protection, research, education and operations at various levels of resources and management capacity. These plans are reviewed approximately every five years to consider emerging issues and to allow for adaptive management of the sanctuary.

“Effective implementation” of a sanctuary management plan is achieved when strategies and activities identified within the plan are being performed at the level required for basic management capacity. Management plans for each sanctuary are intended to be adaptive and are evaluated, revised, and reprioritized on a regular basis. Certain strategies and activities identified in a management plan may be implemented immediately while others are aspirational and may be implemented only in part or over time. Effective implementation of a management plan involves a range of activities in support of programs for resource protection, research, and/or education that align with the priorities specific to a particular sanctuary. In assessing the resources necessary to effectively implement a management plan for each sanctuary in the System, NOAA considers what is required for basic management capacity. NOAA understands operations and concomitant resources will likely grow through time.

### **3. Complete Site Characterization Studies and Inventory Sanctuary Resources**

*NMSA 304(f)(1)(B) also requires a finding that “sufficient resources were available in the fiscal year in which the finding is made to ... (ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.”*

For this finding, NOAA considers the current status of site characterization studies and inventories of known sanctuary resources by considering the status of the Condition Report for each sanctuary in the System, and specifically whether a Condition Report has been completed for each sanctuary in the System or can be completed within 10 years of the finding. A Condition Report provides a summary of resources in the sanctuary, pressures on those

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<sup>2</sup> See NMSA, Secs. 302(1), 304(a)(2)(C).

resources, the current condition and trends, and management responses to the pressures that threaten the integrity of the marine environment. The report includes information on the status and trends of water quality, habitat, living resources and maritime archaeological resources and the human activities that affect them.

NOAA will apply these program criteria and key terms when making the findings required by 304(f).