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Marine Sanctuaries: Fisheries, Access, the Environment, and Maritime Heritage

Chairman Dan Sullivan

Good morning. I'd like to start by thanking our witnesses for appearing before this Subcommittee today. I know that all of you travelled a long way to get here.

The National Marine Sanctuary Act grants the Secretary of Commerce the authority to designate areas of additional restriction and management over areas in America's oceans and Great Lakes that bear unique conservation, cultural, or historic significance.

While the concept of National Marine Sanctuaries is well-intentioned, many of these protected areas have caused some challenges for coastal and Great Lakes communities across the country that are dependent upon the abundant resources found in America's waters.

Recognizing these concerns, President Trump issued an Executive Order in April that pauses the Secretary from issuing any new designations and instituting a review of current sanctuaries. Just last week, NOAA initiated a public comment period for this review.

Marine sanctuaries vary in size, with some less than 1 square mile and others that exceed 6,000 square miles. Today, sanctuaries encompass more than 600,000 square miles.

Similar to the Antiquities Act, the National Marine Sanctuary Act is one of the few laws that allows for unilateral and restrictive conservation designations solely by the Executive branch. This is an extraordinary power. Designating national parks, forests, Wilderness Areas, Wild and Scenic Rivers, and other conservation areas all typically require Congressional action, and of course stakeholder input, which encourages an open and public process that takes local views into account.

In 2014, NOAA reestablished a process by which individuals and entities may nominate areas for consideration as a National Marine Sanctuary. The criteria for areas that are eligible to become a National Marine Sanctuary is considerably broad.

Since then, a multitude of nominations have been submitted. This is of serious concern given the limited resources we currently have available to manage these areas.

As new areas are designated, existing resources are stretched ever thinner. The Sanctuary Act wisely recognized this potential pitfall, and includes language that prohibits the creation of new sanctuaries if their establishment would threaten the management efforts of other sanctuaries.

Another aspect of the sanctuary designation and establishment process that I look forward to hearing about in today hearing, is NOAA's consideration of the views of the public, local communities, and existing management bodies.

The Sanctuary Act requires stakeholder engagement, but has no stipulation that any of it be taken into consideration. This can lead to communities – who are most impacted – feeling betrayed by the agency when the established sanctuaries are unrecognizable to the very communities that spent years working to form a mutually beneficial designation and management structure.

In addition, the National Marine Sanctuary designation process gives NOAA virtually limitless authority to outline the regulations that apply in these sanctuaries.

Among other things, National Marine Sanctuaries establish duplicative regulation that can limit sustainable and economically beneficial commercial and recreational fishing, usurping the authority of existing management entities such as the Regional Fisheries Management Councils. When this happens, the protection of America's precious marine resources is taken out of the hands of the very institutions and experts who have done so successfully for generations.

Since enactment in 1972, the Sanctuary Act has been reauthorized six times, most recently in 2000— that was over seventeen years ago.

Today, we will hear from some of these user groups and communities about challenges and deficiencies in the designation and management of sanctuaries, and I know their experiences will help guide us on how to make sure if we have beneficial changes to the program to make it more effective, efficient, and responsive to local communities.