

MARINE PROTECTION, RESEARCH, AND  
SANCTUARIES AUTHORIZATIONS

APRIL 23, 1981.—Ordered to be printed

Filed under the authority of the order of the Senate of APRIL 8 (legislative  
day, FEBRUARY 16), 1981Mr. PACKWOOD, from the Committee on Commerce, Science, and  
Transportation, submitted the following

## REPORT

[To accompany S. 1003]

The Committee on Commerce, Science, and Transportation reports an original bill (S. 1003) to amend Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1982 and 1983 and recommends that the bill do pass.

## PURPOSE AND SUMMARY

It is the purpose of this bill to authorize appropriations for Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, for fiscal years 1982 and 1983.

## BACKGROUND

Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 established the marine sanctuaries program within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). The program allows for the designation of specific ocean, coastal, or Great Lakes waters as marine sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The Secretary is also authorized to issue necessary and reasonable regulations to control activities permitted within designated sanctuaries.

Although Title III was authorized for each fiscal year from enactment through fiscal year 1978, no funds were appropriated or requested

to be appropriated for this program before fiscal year 1979. The appropriations for fiscal years 1979, 1980, and 1981 were \$.5 million, \$1.75 million, and \$2.5 million respectively. Small sums were made available to the program by reprogramming and discretionary funding from enactment through 1978.

As a consequence of the initial lack of funding, only two sanctuaries were designated by the close of 1975. One was the Monitor Marine Sanctuary, which protects the wreck of the U.S.S. *Monitor*, a Civil War naval vessel. The sanctuary is located southeast of Cape Hatteras and covers an area 1 mile in diameter. The second was the Key Largo Reef Marine Sanctuary, which provides protective management of a 100-square mile coral reef area south of Miami.

Since 1975, four sanctuaries have been designated. One consists of a 6-nautical mile zone surrounding Santa Barbara Island and the Northern Channel Islands. The others are situated in waters around Point Reyes and the Farallon Islands also off the California Coast, at Looe Key in the lower Florida Keys, and at Grey's Reef off the Georgia Coast.

Reauthorization hearings for Title III were held by the Committee on March 30, 1981. Testimony was received from representatives of the administration, industry, environmental groups, and state governments. The consensus of the witnesses was that the basic purpose and merits of Title II are laudable, but implementation of the program at certain sites caused concern among affected industries.

An example of such concern is the oil industry's objection to regulations prohibiting hydrocarbon development within the California sanctuaries. However, these regulations were suspended on March 30, 1981, for 30 days. During this period, NOAA will consider whether to continue the suspension of these regulations or make them effective on an interim basis while a regulatory impact analysis is conducted in accordance with the new Executive Order 12291. A final decision regarding activities allowed within these two California sanctuaries will be reached by September 30, 1981.

The Committee expects that the regulations arrived at by this date will reflect the intent of Congress. That intent is to provide sound management of unique marine areas to assure long-term conservation of resources that require protection in those areas; activities inconsistent with this purpose are to be prohibited.

NOAA has recently made major refinements to the designation procedure which will resolve much of the confusion and controversy regarding this process. The Committee applauds the efforts made by NOAA to eliminate inappropriate recommendations for sanctuary approval. The use of regional resource teams and more clearly defined criteria will assure that only those sites with exceptional resource values will be nominated. This filtering process will eliminate frivolous or unrealistic nominations and further advance the goals of the sanctuary program.

#### COMMITTEE ACTION

The Committee reported out an original bill to amend Title III of the Marine Protection, Research and Sanctuaries Act of 1972 on April 7, 1981. The bill would reauthorize the marine sanctuary program for

fiscal year 1982 at a level of \$2.235 million and at the same level for fiscal year 1983. The administration request is the same for fiscal year 1982 and "such sums as may be required" for fiscal year 1983. The authorization level of \$2.235 million is consistent with this Committee's report to the Budget Committee and will provide the necessary funds to maintain this program and carry out the purposes of the act.

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 5 of rule XXIX of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

The bill would authorize appropriations to carry out the functions of title III of the Marine Protection, Research, and Sanctuaries Act of 1972 for fiscal years 1982 and 1983. The 1972 act provided for the designation of marine sanctuaries to preserve or restore areas of ocean, coastal, and Great Lakes waters for the purposes of conservation, recreational, ecological or esthetic values. The committee believes that passage of the bill will neither increase nor reduce the amount of Federal regulation.

#### SECTION-BY-SECTION ANALYSIS

##### SECTION 1

Section 1 of the bill amends section 304 of the Marine Protection, Research and Sanctuaries Act of 1972 to authorize the appropriation of up to \$2.235 million to carry out the purposes of Title III of such act for fiscal year 1982 and \$2.235 million for fiscal year 1983.

#### ESTIMATED COSTS

In accordance with paragraph 11 (a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, D.C., April 22, 1981.*

HON. BOB PACKWOOD,  
*Chairman, Committee on Commerce, Science, and Transportation,  
U.S. Senate,  
Dirksen Senate Office Building,  
Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for the bill to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1982 and 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

April 22, 1981.

1. Bill Number: 1003.
  2. Bill title: A bill to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1982 and 1983.
  3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, April 7, 1981.
  4. Bill purpose: The bill authorizes appropriations for fiscal years 1982 and 1983 for the establishment and maintenance of marine sanctuaries in the Coastal Zone Management Program of the National Oceanic and Atmospheric Administration (NOAA).
- Appropriations for the marine sanctuaries program were \$1.8 million in fiscal year 1980 and \$2.3 million in fiscal year 1981. The President has requested \$2.2 million for fiscal year 1982 for this program.
5. Cost estimate:

## Estimated authorization level:

Fiscal year:	Millions
1981	-----
1982	----- \$2.2
1983	----- 2.2
1984	-----
1985	-----

## Estimated outlays:

Fiscal year:	Millions
1981	-----
1982	----- 1.8
1983	----- 2.2
1984	-----
1985	-----

The costs of this bill fall within budget function 300.

6. Basis of estimate: The authorization levels are those stated in the bill. It is assumed that all funds authorized will be appropriated by the beginning of each fiscal year.

Based on information from NOAA and historical data for this program, it is estimated that spending will occur at a rate of 80 percent in the first year and 20 percent in the second. This rate assumes continuation of existing obligation and spending patterns.

7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Debbie Goldberg.
10. Estimate approved by:

JAMES L. BLUM,  
Assistant Director for Budget Analysis.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT  
OF 1972

SEC. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976), not to exceed \$500,000 for fiscal year 1977, not to exceed \$500,000 for fiscal year 1978, and not to exceed \$2,250,000 for fiscal year 1981, *not to exceed \$2,235,000 for fiscal year 1982, and not to exceed \$2,235,000 for fiscal year 1983* to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.

