

# **Committee on Resources**

## **Subcommittee on Fisheries Conservation, Wildlife and Oceans**

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### **Statement**

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#### **WRITTEN TESTIMONY OF**

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**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

**U.S. DEPARTMENT OF COMMERCE**

**BEFORE THE**

**SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS**

**COMMITTEE ON RESOURCES**

**U.S. HOUSE OF REPRESENTATIVES**

**May 6, 1999**

#### **INTRODUCTION**

Good morning, Mr. Chairman, and members of the Subcommittee. My name is Sally Yozell and I am the Deputy Assistant Secretary for Oceans and Atmosphere for the National Oceanic and Atmospheric Administration (NOAA). I would like to thank you for the opportunity to testify today on the reauthorization of the National Marine Sanctuaries Act, including our views on the bill, H.R. 1243, recently introduced by Chairman Saxton. I believe that H.R. 1243 represents an excellent start to the reauthorization process, and we at NOAA appreciate the interest in, and strong support for, the National Marine Sanctuary (NMS) System demonstrated by Chairman Saxton and the other Committee Members.

In 1972 Congress established the National Marine Sanctuary System to protect special natural and cultural areas of the marine environment. Today, at just over twenty-five years old, there are now 12 sanctuaries in the system, with a thirteenth, Thunder Bay in Lake Huron, Michigan under designation. They range from the historic shipwreck of the USS *Monitor*, to the 5,300 square miles encompassing the submerged Monterey Canyon. In all, over 18,000 square miles of important marine habitats, including coral reefs, kelp forests, rocky shores, sandy beach and open ocean, are managed and protected by NOAA.

I would like to begin by first talking about the strong support shown for the National Marine Sanctuary program by the President's Lands Legacy Initiative. Second, I will highlight some of the recent accomplishments of the National Marine Sanctuary System. Third, I will comment on some of the provisions in Chairman Saxton's bill. Finally, I would like to present some ideas regarding the 1999 reauthorization of the NMSA. This testimony will also address the following four points raised in the letter from Representative Saxton to Dr. Baker:

- prioritized projects for the requested construction money;
- status of the implementation of sanctuary management plans, and in particular the *Monitor* Recovery Plan;
- amount of financial assistance provided to the sanctuary program under sections 311 and 316 of the Act; and

- type of activities included in a system-wide monitoring program to assess management effectiveness.

## **THE PRESIDENT'S LAND LEGACY INITIATIVE**

The President recently announced a \$1 billion Lands Legacy Initiative to expand federal efforts to save America's natural treasures. The Lands Legacy Initiative would provide \$105 million to NOAA to protect America's valuable ocean and coastal resources and to strengthen state and local efforts to address the problems caused by urban growth and sprawl.

America's ocean and coastal areas are under siege by a whole suite of activities, including coastal population growth, development, maritime commerce, commercial and recreational fishing, and tourism. The economic and environmental well-being we derive from the essential natural resources and beauty provided by these areas is being undermined by the use of these resources in a way that cannot be sustained. Escalating losses and degradation of wetlands, beaches, fisheries and wildlife habitats, and marine ecosystems must be reversed.

The Lands Legacy Initiative will help ensure that our Nation's most treasured marine areas are conserved and protected for the benefit of present and future generations. The proposed \$15 million Lands Legacy increase for Sanctuary program funding would, for the first time, allow all existing twelve marine sanctuaries to approach core operating and staffing levels. At core operating level, each sanctuary would have enough staff, equipment, boats, facilities, and resources to carry out its mandate to protect sanctuary resources, conduct basic research, monitoring, education and interpretive programs, and involve local communities in their management. The core operating level varies from site to site and is a function of the Sanctuary's size, location, complexity of resource issues, and management objectives and priorities.

The Lands Legacy Initiative would also provide resources to:

### **1) Enhance Conservation of Existing Sanctuaries**

- Design permanent system-wide monitoring programs to track the status and trends of Sanctuary resources and the overall health of the Sanctuary ecosystem;
- Expand coral reef monitoring program;
- Initiate submerged cultural resource survey inventories where appropriate;
- Develop system-wide Geographic Information System (GIS) capability;
- Continue the 5-year review and revision of Sanctuary management plans at selected sites; and
- Conduct habitat characterization and mapping at each Sanctuary.

### **2) Carefully Plan Growth of the Sanctuary System.**

The Lands Legacy funding will also position the Sanctuary system to consider the protection and conservation of additional significant and threatened areas, by:

- Allowing the designation and full implementation of NOAA's thirteenth sanctuary and only site currently in the designation process, Thunder Bay, Michigan in Lake Huron.
- Working with states and communities to identify potential sites for the future.

### **3) Expand Environmental Education and Outreach Efforts**

Of the \$15 million increase, \$3 million was requested to begin establishing a network of interpretive facilities, where the public and environmental decision-makers can learn about sanctuary resources and conservation issues. Adequate facilities, particularly interpretive centers, are particularly critical for the Sanctuary system, as they provide the

gateway to visiting a Sanctuary. Interpretive centers are where many people can experience and learn about the diverse wonders teeming beneath the waves. This would be accomplished, whenever possible, through partnerships with existing aquaria, museums, and other facilities.

The FY2000 program priorities for construction funds include:

1. Completing renovation of the Hawaiian Islands Humpback Whale NMS office and interpretive center complex in Kihei, Maui to make it safer, more accessible, and useful to the public.
2. Completing the transfer of land, buildings and dock facilities from the Navy's Truman Annex in Key West to the Florida Keys NMS, and renovate them to create a joint Sanctuary, National Park Service and Fish and Wildlife Service interpretive facility, office space, and a field operations support base.
3. Initiate the design development for interpretive facilities, and administrative support facilities at several sites, including:
  - Gerry E. Studds/Stellwagen Bank NMS (in the new expansion of the New England Aquarium);
  - Gray's Reef NMS (at the Atlanta Fernbank Museum);
  - Olympic Coast NMS (jointly with Olympic National Park and US Fish and Wildlife Service);
  - Fagatele Bay NMS (shared with the National Park of Am. Samoa)
  - *MONITOR* NMS (in planned expansion of The Mariners' Museum in Newport News, Virginia);
  - Monterey Bay NMS, including the southern and northern regions (Cambria and Santa Cruz, respectively); and
  - Gulf of the Farallones NMS (completing renovation).

## **YEAR OF OPPORTUNITY**

The Year of the Ocean in 1998 was a tremendous year of opportunity and visibility for NOAA and the National Marine Sanctuary System. In March of 1998, Dr. Bob Ballard, in one of the first activities celebrating the United Nations' Year of the Ocean, brought the Jason Project to the Monterey Bay Sanctuary in California. Using student argonauts and teachers from around the country, the Jason Project broadcast live educational programs from the Monterey Bay Aquarium, the Sanctuary, and NOAA ships to over two million school children across the U.S. and several other nations.

One year ago, with a \$5 million grant from the Richard and Rhoda Goldman Fund, the National Geographic Society launched the Sustainable Seas Expeditions, a five-year project of deep-water exploration and public education in NOAA's National Marine Sanctuaries. Dr. Sylvia Earle, National Geographic Society Explorer-in-Residence, is leading the expeditions to the 12 marine sanctuaries, using the newly designed DeepWorker, a one-person submersible capable of exploring to depths of 2000 feet.

The Sustainable Seas Expeditions began on April 15 at the Gulf of the Farallones NMS off San Francisco. In total over, 29 research projects and dozens of education projects including teacher trainings and student summits will be conducted throughout the sanctuaries in this first year alone. Through live internet broadcasts and news coverage, millions of Americans will be able to experience these scientific discoveries and extraordinary educational experiences first-hand.

In June, Monterey Bay hosted another important Year of the Ocean activity -- the National Oceans Conference. NOAA and the Navy co-hosted an ocean policy conference that brought President Clinton, the First Lady, Vice President Gore, congressional members, agency heads, conservation groups and industry, scientists and teachers to discuss the role that the oceans play in our lives and our environment. The Sanctuary organized a highly successful

community Oceans Fair to celebrate our ties to the community and our commitment to conserving the oceans.

And finally, the Audubon Society took the opportunity in its December 1998 issue of Audubon to reflect back on the greatest conservation accomplishments of the past 100 years. In the article, entitled "The Century of Conservation," the society lists "10 of the top gems" in the nation's "crown jewels of its natural heritage." Within this distinguished list is NOAA's Monterey Bay National Marine Sanctuary.

## **PROGRAM SUPPORT AND FINANCIAL ASSISTANCE**

I would now like to focus my testimony to respond to a question raised by the Chairman as to how much the program has gained from revenue enhancement authorities in sections 311 and 316 of the National Marine Sanctuaries Act.

### Section 311: Cooperative Agreements, Donations, and Acquisitions

The Sanctuary program receives donations of cash and in-kind contributions from a variety of sources across the country. This comes in the form of (1) volunteer time by individuals and students, (2) donated services from individuals and corporations, such as free and subsidized rental space (i.e., free use of a boat or monitoring equipment for a research project, donated printing of a brochure, etc.), and (3) donated assets, equipment, and materials, such as vehicles, boats, diving gear, computers, software, land and buildings.

The last comprehensive assessment of donations and in-kind contributions revealed that annual contributions to the sanctuary program approached \$10 million. Since this assessment, the program has also received numerous additional important donations and contributions. Some examples include:

The Sustainable Seas Expeditions was launched by National Geographic Society with a \$5 million grant from the Richard and Rhoda Goldman Fund, and \$1 million from National Geographic Society. Other in-kind contributions by other components of NOAA, such as the National Ocean Service and the NOAA Corps, the Navy, USGS, and NASA total in the millions.

The USGS Coastal and Marine Geology Program have performed continental shelf imaging, mapping, habitat characterization, and damage assessment projects in Stellwagen Bank, Flower Garden Banks, Monterey Bay, Florida Keys & Hawaii Islands Humpback Whale national marine sanctuaries. They have used \$11.5 million of their own federal appropriations to meet the joint goals of the USGS Coastal and Marine Geology Program and the National Marine Sanctuary System.

Recent expeditions to survey, stabilize and recover artifacts from the *Monitor* have been a tremendous success due to the combined efforts of the U.S. Navy, NOAA's National Marine Sanctuaries, NOAA Diving Center, The National Undersea Research Center (NURC) / University of North Carolina at Wilmington, the Cambrian Foundation, and The Mariners' Museum. The Navy's in-kind contributions alone totaled over \$600K.

- NOAA partnered with the Environmental Protection Agency and the State of Florida to develop a comprehensive monitoring program throughout the 2,800 square nautical miles of the Florida Keys National Marine Sanctuary. This monitoring programs involves systematic, long-term data collection and analysis to measure the status of water quality and biological resources (corals and seagrasses) and to detect changes over time. Detecting such changes can focus special studies on determining the cause, can prompt management decisions for corrective action, and can be used to evaluate the success of corrective action. This monitoring program was initiated in fiscal year 1995 and is funded by EPA's Office of Water. EPA funding in FY1998 was \$1.805 million and in FY1999 was \$1.690 million.
- National Marine Sanctuaries depend upon the involvement and enthusiasm of local communities to help protect sanctuary resources. Volunteers are an essential component of any sanctuary, helping to staff sanctuary interpretive facilities, conduct community outreach and education programs, lead community based enforcement programs, and participate in local research and monitoring efforts. Each year hundreds of volunteers contribute tens of thousands of hours of their own time and services totaling in the hundreds of thousands of dollars.
- At the Flower Garden Banks sanctuary the oil and gas industry, sport diving community, and environmental groups

have contributed over \$50K in funds to the Flower Gardens Fund of the Gulf of Mexico Foundation to help implement sanctuary research and education programs. In addition, the Minerals Management Service (MMS) annually funds \$22.5K toward the cost of running the long-term baseline monitoring program. MMS also contributes significant in-kind services throughout the year with Geographic Information System database support, and the collection and dissemination of regional oceanographic data.

- Local Coast Guard Districts have greatly enhanced the ability of sanctuaries to respond to emergencies and protect resources. The Coast Guard has employed ships, airplanes, helicopters, and dedicated staff in response to oil and hazardous waste spills, in the surveillance and enforcement of sanctuary regulations, and in the transfer of staff and equipment to research sites. The annual value of these in-kind services throughout the program total in the hundreds of thousands of dollars.
- Certain sanctuaries have been successful at acquiring surplus government properties, buildings and vessels. For example:
  - The Hawaiian Islands NMS acquired 1.13 acres of land and several buildings in Kihei, Maui for the Hawaii Sanctuary office and interpretive center.
  - NOAA is close to receiving surplus property from the Navy in Key West, Florida for Sanctuary offices and joint Sanctuary, National Park Service, and Fish and Wildlife Service lower keys interpretive center.
  - At least 25 sanctuary vessels have been acquired from US Customs seizures or from surplus Navy and Coast Guard Boats. Channel Islands and Monterey Bay also share use of a small amphibious airplane acquired from the Air Force for surveillance.

The program is also aggressively pursuing partnerships to solicit private donations from private non-profit foundations such as the Gulf of Mexico Foundation - Flower Gardens Fund and the Farallones Marine Sanctuary Association. The National Program is also working with the non-profit Marine Sanctuary and Estuarine Research Reserve Foundation (MSERF) to seek private donations and to help implement the sanctuary logo marketing plan.

#### Section 316: Enhancing Support for National Marine Sanctuaries

As authorized under section 316 of the NMSA, a whale tail national marine sanctuary logo was created and registered as a Trademark in 1995 for use by the Sanctuary program to obtain official sponsors. Limited sponsorship use of the logo was promoted by local sites over the next two years. These local sponsorships have since expired.

A National Marine Sanctuary Sponsorship Program was developed in 1997 to provide an integrated framework to use the logo sponsorship authorities provided under section 316 of the Act. The Sponsorship Program was approved by NOAA in 1998.

At present, the test case involving Robert Lyn Nelson studios is undergoing final agency review. It is anticipated that the test case could be approved in the next few months, at which time the National Marine Sanctuaries will be able to immediately take part in this revenue enhancement opportunity. Other sponsors will be solicited after the test case is approved and implemented.

### **SANCTUARY MANAGEMENT PLAN IMPLEMENTATION**

I would now like to address another of the Chairman's questions concerning the status of sanctuary management plan implementation, particularly the *Monitor's* Comprehensive, Long-Range Preservation Plan.

#### Management Plan Implementation

All twelve designated national marine sanctuaries have management plans that contain site-specific long-range research and education priorities, regulations, and other resource management measures to conserve and protect

sanctuary resources. The plans vary in age as well as the resources they protect and in their complexity. Each year, the sanctuary managers develop annual operating plans to prioritize and detail action items that implement components of their management plans. The number and types of elements included in an annual operation plan is ultimately determined by annual program funding.

The Sanctuary program has made substantial progress over the last few years, with modest appropriation increases and through partnerships, to find additional resources to help implement components of individual sanctuary management plans. We need to continue to work aggressively to identify new partnerships and other sources of funding to be able to implement every management plan.

### Sanctuary Management Plan Review

Some of the sanctuary management plans are nearly twenty years old. The site priorities and specific education, research, and resource protection goals may be outdated. This last year, NOAA initiated a process to involve the public in a systematic review of sanctuary management plans. Stellwagen Bank NMS in Massachusetts became the first site in the national system to begin a management plan review process by holding public scoping meetings last December that will help evaluate the success in meeting sanctuary goals and objectives and by making revisions, if necessary, to its management plan and regulations. Both Channel Islands (California) and Gray's Reef (Georgia) NMSs will begin their review processes later this year.

### Monitor Expeditions Continue to Meet the Goals of the Monitor Comprehensive Plan

Last April, pursuant to Section 4 of Public Law 104-283 (The National Marine Sanctuaries Preservation Act), NOAA submitted to Congress a new plan entitled "Charting a New Course for the *Monitor*: A Comprehensive, Long Range Preservation Plan with Options for Management, Stabilization, Preservation, Recovery, Conservation, and Exhibition of Materials and Artifacts from the *Monitor* National Marine Sanctuary."

The first phase of the plan was initiated last summer during the successful 1998 *Monitor* Expedition, off Cape Hatteras. The primary purpose of this expedition was to complete all tasks that must precede the stabilization of the hull and recovery of major hull components, as called for in the *Monitor* NMS Long Range Comprehensive Preservation Plan. Major 1998 accomplishments include: thoroughly mapping and documenting key areas of the *Monitor's* hull, mapping and recovering exposed artifacts, and recovery of the *Monitor's* unique iron propeller and an 11-foot section of shaft. The expedition was the combined effort of the U.S. Navy, NOAA's National Marine Sanctuaries, NOAA Diving Center, The National Undersea Research Center (NURC) / University of North Carolina at Wilmington, the Cambrian Foundation, and The Mariners' Museum.

The next phase of site operations, scheduled for June 1999, is a Navy expedition to test the feasibility of stabilizing the *Monitor's* hull and removing significant hull components. In August a second expedition involving NOAA, NURC and Cambrian Foundation divers will document and assess the Navy's mission results and continue mapping and recovery of artifacts that might be damaged during the upcoming stabilization and recovery operations. If adequate funding is obtained, the goals for the next two years include the stabilization of the *Monitor's* hull and the recovery of the steam machinery, guns and turret.

## **MONITORING OF PROGRAM EFFECTIVENESS**

I would now like to address Chairman Saxton's question regarding the system-wide monitoring to assess management effectiveness. Although monitoring will be a system-wide effort, this does not mean that exactly the same things will be monitored at each site. Inherent differences exist among the sites, including (1) the nature of the resource, the natural and anthropogenic threats to those resources, and the regulations necessary to protect the resources; (2) varying levels of involvement of local communities and different types of partnerships; and (3) other local, State and Federal agencies that may have joint management authority over Sanctuary resources. Therefore, different parameters may be monitored at different sites, but the results of all monitoring will be used to gauge management effectiveness.

The first component of a monitoring program is to assess the condition of sanctuary resources. Improvement in resource health or lack of degradation are indicators of effective management. In 1997, the Florida Keys National

Marine Sanctuary initiated a five-year zone monitoring program, looking at changes in ecosystem function and populations of key species in order to gauge the relative effectiveness of the sanctuary's zoning program. Sanctuary and Florida Department of Environmental Protection staff recently brought together various scientists involved in monitoring the zones and determined that, after their first full year of protection, the Sanctuary's 23 no-take zones are showing signs of restoring spiny lobster and fish populations.

The effort to establish system-wide monitoring in the Sanctuary system will begin with implementation of a system-wide monitoring program for its coral reef sites - the Florida Keys, Flower Gardens, Gray's Reef, Hawaiian Islands, and Fagatele Bay. The system-wide initiative is an effort to ensure that all sites containing coral reefs and coral communities have at least comparable and effective monitoring of benthic communities, water quality, and fish assemblages. The goals are to obtain information that will provide managers with accurate characterizations of their sites and describe current conditions in a manner that allows detection of changes over time. These data will be critical should environmental disasters occur (particularly for damage assessment purposes) or to detect the effectiveness of specific management measures.

The breadth of system-wide, regional, and local monitoring programs will increase with time as specific needs are identified, as management issues emerge, and as partnership opportunities arise. Initial plans are to work with other relevant parts of NOAA to design a focused monitoring program in the sanctuaries. Specifically, a plan is being developed with NOS' National Centers for Coastal Ocean Science that will incorporate many NOAA experts in the design and implementation of the coral reef and system-wide monitoring efforts. In addition, discussions with mapping experts in NOAA and USGS are likely to lead to cooperation on habitat mapping, which will provide site characterizations at larger scales than is possible using ground surveys. This will prove valuable in the assessment of large-scale, regional, or global change, and the interpretation of changes observed on smaller scales.

A second component to monitoring the effectiveness of management efforts is to assess whether the site-specific programs are effectively implemented. Local public input will help the sanctuaries determine whether a site's programs are contributing to the improvement in the quality and health of sanctuary resources and whether they have added value in the community by increasing public understanding and stewardship.

The results of system monitoring will be used to adjust the management at each Sanctuary. These adjustments are made in the annual operating plans and during the periodic reviews of the site management plan.

#### **COMMENTS ON H.R.1243**

Now, I would like to turn to the Chairman's bill to reauthorize the National Marine Sanctuaries Act. We have carefully reviewed H.R.1243 and we would like to provide our thoughts to the Committee.

First of all, NOAA would like to thank the Chairman again for proposing a reauthorization bill for the National Marine Sanctuaries Act. We are particularly pleased to see the proposed bill support the Administration request of \$26 million for operations and \$3 million for construction.

Overall the Chairman's bill does a excellent job addressing the issues facing the marine sanctuary program. However, while NOAA recognizes and shares the Chairman's wish that any expansion of the National Marine Sanctuary System be postponed until the existing sites are funded at a level to allow effective implementation of their management plans, how this level is defined may be problematic and unnecessarily restrictive. At this time, NOAA has no plans to propose additional sites for to the National Marine Sanctuary System, with the exception of the Thunder Bay National Marine Sanctuary, which is nearing the end of the designation process. However, NOAA would like to ensure that the language used to set forth this limitation does not unduly constrain the program. If states and communities desire a marine sanctuary we want to work with them to determine feasibility.

NOAA does not wish to miss the opportunity to protect resources that might warrant sanctuary status. While NOAA believes that site characterizations of all natural and cultural resources in each Sanctuary must be completed, we question whether it is necessary or practical to require them all to be completed prior to beginning the designation of new sites. Site characterizations are a very time and resource intensive endeavor allowing for only one or two to be started each year, with each taking several years to complete. Completing full site characterizations for all existing sites should be an ongoing process that is budgeted for and integrated into program development, but completing all characterizations before moving forward may limit appropriate growth of the System. Additionally, NOAA would like to be able to plan for expansion by developing a rigorous protocol for selecting new sites. Such a protocol would mean that when NOAA is ready to designate new sites, we can ensure that they are appropriate to be awarded sanctuary status.

Therefore, we would propose to work further with the Committee on this matter.

#### **NMSA REAUTHORIZATION CONCEPTS**

NOAA has been working with our constituents and organizations that have a stake in how the National Marine Sanctuaries Act is implemented, and performed a "self evaluation" of how well the System is working. Based upon that self evaluation, several issues have been identified that will help us improve the efficiency of our management of the System, and the challenges that face the National Marine Sanctuary system in the future.

NOAA suggests that Congress consider the following concepts to address these issues and challenges:

- a need to clarify the Act's primary mandate for ecosystem protection, including protecting natural biodiversity and biological communities, further stressing the protection of cultural and archaeological resources, and clarifying the use of preventive management;
- a need to strengthen NOAA's ability to manage national marine sanctuaries as a System, and in partnership with others;
- a need to reduce procedural burdens and increase accountability; and,
- a need to strengthen the National Marine Sanctuary System's research, monitoring, and education missions.

I believe that strengthening the Act in these areas will position the National Marine Sanctuary System to more completely protect the Nation's marine treasures into the future. We look forward to working with the Committee on these important areas.

### CONCLUDING REMARKS

In conclusion, the reauthorization of the National Marine Sanctuaries Act is a unique opportunity to lay the foundation to strengthen the Nation's only comprehensive system of marine protected areas. A strong bill and increased funding for the National Marine Sanctuary System will help ensure that these areas are protected for future generations.

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