

DISSENTING VIEWS—H.R. 1187, GULF OF THE FARALLONES AND  
CORDELL BANK NATIONAL MARINE SANCTUARIES BOUNDARY  
MODIFICATION AND PROTECTION ACT

H.R. 1187, Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act, would add approximately 1,200 square miles and almost 100 miles of the California coastline to two existing National Marine Sanctuaries—the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries. This expansion would almost double the size of the two sanctuaries with no formal public input on the expansion or the management regime that this legislation would impose on the new areas. This addition would bring the total of area under the four sanctuaries off California to almost 10,000 square miles.

While the National Oceanic and Atmospheric Administration (NOAA) began the scoping process for changes to the management of the existing sanctuary areas in 2001 and has been conducting public comment on those changes, the expansion of the sanctuaries was not considered because it was “very complicated” and would “require a lot of effort and analysis and talking to the public.” This legislation ignores the complexity of the expansion and ignores the need for public comment on any expansion of the sanctuaries—both of which could have been addressed by NOAA through the existing statutory process.

The legislation imposes a new management regime for the expanded boundary without public comment. While significant public comment was gathered on the management regime for the existing sanctuary areas, no public comment was requested on how these new management rules would affect the expanded areas. The legislation imposes the regulations until new regulations can be determined. The current process would allow for new regulations to be imposed after public comment, but this legislation flips the process on its head and puts the new regulations in place before the public comment.

This legislation short circuits the public process for both the expansion of the two sanctuaries and the new rules for managing the resources within the expanded areas. All of the provisions of this legislation could and should be accomplished through the existing process.

Additionally, H.R. 1187 ignores the statutory moratorium on new designations that was enacted due to concerns about funding levels. Congress imposed this moratorium because of concerns that the National Marine Sanctuary system would grow without the necessary growth in the funding levels. H.R. 1187 would almost double the size of two sanctuaries and establish a new requirement for NOAA to initiate a public process on new management measures for the expanded areas. NOAA estimates that the cost of managing the new areas would add an additional \$2 to \$3 million per

year for management and the costs of initiating a public process on the management regime would impose an additional \$4 to \$5 million over three years. At a time when the funding levels for the National Marine Sanctuary Program have fluctuated and costs for the new Papahānaumokuākea Marine National Monument have been added to the National Marine Sanctuary Program, without additional appropriations, the entire sanctuary program will suffer as a result of this legislation.

H.R. 1187, in addition to expanding the size of the sanctuaries, will put more area of the Federal Outer Continental Shelf off limits to any oil or natural gas production despite the current energy crisis. This legislation will continue this Congress' efforts to further restrict access to the Nation's energy resources and will ultimately require even further increases of imported fossil fuels.

This bill would impose a Congressional prohibition on any exploration or development of any hydrocarbon—including natural gas—and prohibit the transportation by pipeline of any hydrocarbon. The four National Marine Sanctuaries off California—with this expansion—will now cover approximately 33 percent of the California coastline and include almost 10,000 square miles. At a time when the Nation is facing an energy crisis, additional barriers to developing the Nation's potential natural gas reserves is irresponsible.

The National Marine Sanctuary Program has enjoyed popular support for many years. One of the reasons for this popularity was that the program allowed multiple uses of the offshore areas included within the program. The experience the commercial and recreational fishing community has had in other sanctuaries off the California coast has made them leery of any increased Federal designations in the Federal waters off California. Fishermen have seen their opportunities to fish in the waters of the sanctuaries off California diminished with little or no scientific basis. Despite the fact that neither of these sanctuaries was established to protect fisheries, fishermen remain concerned that this legislation will add an additional 1,200 square miles to the sanctuaries and impose new fishery management restrictions to these expanded areas without the necessary public comment. Action by Congress to expand sanctuary boundaries and impose new management regimes by statute rather than through a public process does nothing to calm their concerns.

HENRY E. BROWN, JR.  
DON YOUNG.

