

111TH CONGRESS
1ST SESSION

S. 380

To expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2009

Mr. LEVIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Thunder Bay National
5 Marine Sanctuary and Underwater Preserve Boundary
6 Modification Act”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

1 (1) Thunder Bay National Marine Sanctuary
2 and Underwater Preserve in Lake Huron contains
3 more than 100 recorded historic vessel losses.

4 (2) The areas immediately surrounding the
5 Sanctuary, including the offshore waters of Presque
6 Isle and Alcona counties, Michigan, contain an equal
7 number of historic vessel losses.

8 (3) Many of these shipwrecks and underwater
9 cultural resources are popular recreational diving
10 destinations and all contribute to our collective mari-
11 time heritage.

12 (4) These resources are susceptible to damage
13 from human activities and must be properly pre-
14 served for their innate value and to protect the eco-
15 nomic viability of their contribution to national and
16 regional economies.

17 (b) PURPOSES.—The purposes of this Act are—

18 (1) to expand the Thunder Bay National Ma-
19 rine Sanctuary and Underwater Preserve boundaries
20 to encompass the offshore waters of Presque Isle
21 and Alcona counties, Michigan, and outward to the
22 international border between the United States and
23 Canada; and

1 (2) to provide the underwater cultural resources
2 of those areas equal protection to that currently af-
3 forded to the Sanctuary.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **SANCTUARY.**—The term “Sanctuary”
7 means the Thunder Bay National Marine Sanctuary
8 and Underwater Preserve.

9 (2) **SECRETARY.**—The term “Secretary” means
10 the Secretary of Commerce.

11 **SEC. 4. SANCTUARY BOUNDARY ADJUSTMENT.**

12 (a) **BOUNDARY ADJUSTMENT.**—Notwithstanding any
13 other provision of law, including section 922.190 of title
14 15, Code of Federal Regulations, as in effect on the date
15 of the enactment of this Act, the Sanctuary shall consist
16 of the geographic area described in subsection (b).

17 (b) **EXPANDED SANCTUARY BOUNDARY.**—The area
18 referred to in subsection (a) is all submerged lands, in-
19 cluding the underwater cultural resources, lakeward of the
20 mean high water line, within the boundaries of a line
21 formed by connecting points in succession beginning at a
22 point along the mean high water line located approxi-
23 mately at 45.628741N, 84.206983W (at Hammond Bay
24 in Presque Isle County) then due east to the international
25 boundary between the United States and Canada approxi-

1 mately located at 45.628741N, 83.163783W then fol-
2 lowing the international boundary between the United
3 States and Canada in a generally southeasterly direction
4 where it intersects latitude 44.511111N, then due west to
5 a point along the mean high water line located approxi-
6 mately at 44.511111N, 83.318483W (in Alcona County
7 just south of the town of Greenbush) returning to the first
8 point along the mean high water line.

9 (c) AUTHORITY TO MAKE MINOR ADJUSTMENTS.—
10 The Secretary may make minor adjustments to the bound-
11 ary described in subsection (b) to facilitate enforcement
12 and clarify the boundary to the public if the resulting
13 boundary is consistent with the purposes described in sec-
14 tion 2(b).

15 (d) INCLUSION IN THE NATIONAL MARINE SANC-
16 TUARY SYSTEM.—The area described in subsection (b), as
17 modified in accordance with subsection (c), shall be man-
18 aged as part of the National Marine Sanctuary System
19 established by section 301(c) of the National Marine Sanc-
20 tuaries Act (16 U.S.C. 1431(c)), in accordance with that
21 Act.

22 (e) UPDATED NATIONAL OCEANIC AND ATMOS-
23 PHERIC ADMINISTRATION CHARTS.—The Secretary
24 shall—

1 (1) produce updated National Oceanic and At-
2 mospheric Administration charts for the area in
3 which the Sanctuary is located; and

4 (2) include on such charts the boundaries of the
5 Sanctuary described in subsection (b), as modified in
6 accordance with subsection (c).

7 **SEC. 5. EXTENSION OF REGULATIONS AND MANAGEMENT.**

8 (a) **REGULATIONS.**—The regulations applicable to
9 the Sanctuary codified in subpart R of part 922 of title
10 15, Code of Federal Regulations, as in effect on the date
11 of the enactment of this Act, shall apply to the geographic
12 area added to the Sanctuary pursuant to section 4, unless
13 the Secretary specifies otherwise by regulation.

14 (b) **EXISTING CERTIFICATIONS.**—The Secretary may
15 certify that any license, permit, approval, other authoriza-
16 tion, or right to conduct a prohibited activity authorized
17 pursuant to section 922.194 of title 15, Code of Federal
18 Regulations, that exists on the date of the enactment of
19 this Act shall apply to such an activity conducted within
20 the geographic area added to the Sanctuary pursuant to
21 section 4.

22 (c) **DATE OF SANCTUARY DESIGNATION.**—For pur-
23 poses of section 922.194 of title 15, Code of Federal Regu-
24 lations, the date of Sanctuary designation shall be the date
25 of the enactment of this Act.

1 (d) MANAGEMENT PLAN.—To the extent practicable,
2 the Secretary shall apply the management plan in effect
3 for the Sanctuary on the date of the enactment of this
4 Act to the geographic area added to the Sanctuary pursu-
5 ant to section 4.

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