

Fagatele Bay National Marine Sanctuary

Frequently Asked Questions About Management Plan Review & Sanctuary Site Additions

Q1: What is a national marine sanctuary?

A: A national marine sanctuary (sanctuary) is an area of the marine or Great Lakes environment of special national significance that has been designated as a sanctuary to provide authority for comprehensive and coordinated conservation and management in a manner which complements existing regulatory authorities. With resource protection as the primary objective, sanctuaries support, coordinate, and promote scientific research in these areas, as well as enhance public awareness, understanding, appreciation and wise sustainable use of marine resources. National marine sanctuaries are managed by the National Oceanic and Atmospheric Administration (NOAA) under the National Marine Sanctuaries Act (NMSA). Congress may also establish sanctuaries.

Q2: Under what authority is a national marine sanctuary designated?

A: The Office of National Marine Sanctuaries (ONMS) is a federal program created by Congress in 1972 to protect marine areas of special “national, and in some instances, international” significance. The NMSA authorizes the existence of the ONMS within NOAA, describes the purposes and policies of the NMSA, provides for the designation of sanctuaries and provides authorization for appropriations. The NMSA is reauthorized every four to five years, allowing for updating and adaptation as necessary. The NMSA also requires the ONMS to develop regulations, management plans, policies, and operational procedures for sanctuaries.

Q3: How does a sanctuary become designated?

A: Under the NMSA, the Secretary of Commerce is authorized to designate discrete areas of the marine environment and Great Lakes as national marine sanctuaries to promote comprehensive management of their special conservation, recreational, ecological, historical, research, educational, or aesthetic resources. The U.S. Congress can also directly designate national marine sanctuaries or can direct the Department of Commerce to designate a sanctuary. In both cases, the ONMS is still required to prepare a management plan and implementing regulations through the appropriate public processes. The President can also direct that the sanctuary designation process be initiated (e.g., through an executive order).

Q4: *What is a Sanctuary Management Plan?*

A: Management plans are site-specific documents that the ONMS uses to manage individual sanctuaries. Management plans serve a number of purposes including:

- summarize existing programs and regulations;
 - guide preparation of annual operating plans;
 - articulate visions, goals, objectives, and priorities;
 - guide management decision-making;
 - guide future project planning;
 - ensure public involvement in management processes; and
 - contribute to the attainment of system goals and objectives.
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Q5: *What is the difference between Management Plan Review and Site Expansion / Additional Sanctuary Sites?*

A: Management Plan Review (MPR):

Fagatele Bay National Marine Sanctuary (FBNMS) has begun a comprehensive process to review and possibly revise its current management. This Management Plan Review is being undertaken because the existing management plan is more than 20 years old and evolving issues may not be adequately addressed; reviewing / revising the current management plan will allow managers to incorporate state-of-the-art concepts and practices associated with management of marine protected areas; and the NMSA has a statutory requirement that management plans should be reviewed on a periodic basis.

Site Expansion and Additional Sanctuary Sites:

Management Plan Review could result in an expansion of current sanctuary boundaries. If it is determined that a greater sanctuary presence would benefit the Territory, any proposed additional sanctuary sites would go through a full designation process.

Even though they are separate processes, MPR and incorporating additional sites utilize similar steps to determine the outcome of the processes. These steps include:

1. *Public Scoping* - Scoping is the initial phase of the designation/MPR process and is designed to solicit input from user and interest groups, members of the public, and agencies on what they see as management priorities; the scope of issues to be addressed, and the significant issues related to the proposed designation. This phase includes holding public scoping meetings. Scoping helps provide needed information to develop alternatives for the draft Environmental Impact Statement (EIS) and draft management plan for the proposed sanctuary.
2. *Issue Characterization* - After scoping meetings are held, the ONMS reviews all comments and will work with its partner agencies, the Sanctuary Advisory Council, and the public to understand and characterize issues. Information gathered will be used to generate an outline of priority management needs related to the Territory's marine ecosystem.
3. *Management Plan Development* - As part of the MPR/Site Expansion, a draft management plan and draft environmental impact statement (DEIS) will be developed for the existing sanctuary (Fagatele Bay) and for any proposed sanctuary sites. Strategies and activities to address management needs identified during the scoping and issue

characterization phases will be included in any draft management plan(s). Management plans for Fagatele Bay and for any additional potential locations will be developed with input from local villages.

The draft management plan(s) will be issued for public comment together with the DEIS. The ONMS will take oral and written comments and host a series of public hearings on the draft plan. Comments will be reviewed and necessary changes made to the plan before issuing a final environmental impact statement and management plan.

Because MPR and the addition of new sanctuary sites both include similar steps, FBNMS has decided to simultaneously pursue these separate actions on parallel tracks. For example, initial public scoping meetings will address both Management Plan Review and Site Expansion/Additional Sanctuary Sites.

Q6: What types of activities are regulated by the ONMS when a sanctuary is designated?

A: The primary objective of the NMSA is resource protection. Other purposes are considered to the extent that they are compatible with this primary objective and include: maintaining natural biological communities, enhancing public awareness, supporting scientific research, facilitating public and private uses of the resources, conducting comprehensive and coordinated management, and cooperating globally with other programs that encourage conservation of marine resources.

Due to the differing ecosystems and natural and cultural resources of sites within the sanctuary system, and the varying goals and objectives of each site, specific activities that are subject to regulation are determined on a site-by-site basis. Activities subject to regulation for a given sanctuary are listed in the terms of designation. While each sanctuary has its own unique set of regulations, there are some regulatory prohibitions that are typical for most sanctuaries:

1. Discharging material or other matter into the sanctuary.
2. Disturbance of, construction on, or alteration of the submerged lands.
3. Disturbance of cultural resources.
4. Exploring for, developing, or producing oil, gas, or minerals.

On occasion, preexisting operations that are small in scope and cause limited harm to sanctuary resources may be allowed via a “grandfather” clause in the regulations. In addition, some sanctuaries prohibit other activities, such as the disturbance of marine mammals, seabirds, and sea turtles; operation of aircraft in certain zones; use of personal watercraft; and anchoring of vessels in specific locations.

Q7: Does establishing a sanctuary mean that fishing will not be allowed?

A: No. The ONMS does not regulate or prohibit fishing in most (eight of the thirteen) sanctuaries. In the case of American Samoa, regulations for individual sanctuary sites could vary depending upon the issues raised during the scoping and issue characterization processes. See Question 9 for more information on the ONMS’s authority to regulate fishing.

Q8: Does the National Marine Sanctuary Program have the authority to regulate fishing?

A: Yes. Under sections 304 and 308 of the NMSA (16 U.S.C. §§ 1434 and 1439), the ONMS may issue regulations as may be necessary to protect the resources and qualities for which individual sanctuaries are designated. This would include the authority to regulate certain fishing activities if determined necessary to protect sanctuary resources or qualities.

The NMSA has specific requirements as to how sanctuary fishing regulations are to be developed. Specifically, section 304(a)(5) of the NMSA requires the ONMS to provide the appropriate Fishery Management Council(s) the opportunity to prepare draft sanctuary fishing regulations for the Exclusive Economic Zone portion of the sanctuary that would fulfill the purposes and policies of the NMSA and the goals and objectives of the proposed Sanctuary . To date, the ONMS regulates some aspect of fishing in five of the thirteen sanctuaries. All of these were developed via a public process that included consultation with the relevant fishery management councils and state fishery managers.

Q9: How will the sanctuary designation process supplement or complement existing MPA efforts of the Territory?

A: There are currently a number of MPA initiatives in American Samoa. Fagatele Bay NMS management plan review, and possible sanctuary expansion, is not meant to compete with these initiatives, but rather to compliment and supplement them. As an office within NOAA, the ONMS has access to decision-makers at the national level and through its national network could provide a more direct connection with the sources of funding for marine resource protection endeavors. ONMS also has the ability to develop protections for special areas of the marine environment found in federal waters. In addition, the ONMS has a well-established education and outreach program that could help to bring national and possibly international recognition to these collaborative efforts. Working cooperatively with partner agencies, will allow all parties to leverage resources and find the best solutions to protecting the marine resources of the Territory.

Q10: Why is my input important?

A: Active and informed public participation is a key element of sanctuary management, particularly during management plan review. Due to ‘everyday’ experience, local stakeholders often have specific knowledge of the status of local resources and/or various resource protection issues. This is particularly true in American Samoa where much of the marine resources are communally owned. The ONMS recognizes the public as a key resource management partner and values their input in helping shape and manage marine sanctuaries. Your input is important and can help us better manage the sanctuary by sharing the information you have about local resources, and helping us identify appropriate management measures.