Proposed Rules

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
[15 CFR Part 922]
MARINE SANCTUARIES
Program Guidelines

The following guidelines setting forth the procedures by which areas may be nominated as marine sanctuaries and the policies and procedures for the selection, designation, and operation of a marine sanctuary are proposed by the Administrator of the National Oceanic and Atmospheric Administration pursuant to the authority of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532; 86 Stat. 1061) hereinafter referred to as the Title, and the delegation of authority of the Secretary of Commerce dated March 15, 1974, authorizing the Administrator of the National Oceanic and Atmospheric Administration to exercise the authority under the Title.

The Title recognizes that certain areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, or other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters need to be preserved or restored for their conservation, recreational, ecological or esthetic values.

The Secretary of Commerce, after consultation with the Secretaries of State, Defense, the Interior, Transportation, the Administrator of the Environmental Protection Agency, other interested Federal Agencies, the State(s) involved and with the approval of the President, may designate a marine sanctuary.

Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any state or adjacent to the subsoil and seabed within the seaward boundary of a coastal state, the Secretary shall consult with and give due consideration to the view of the responsible state officials involved. A designation under this section shall become effective sixty days after it is published, unless the governor of any state involved shall, before the expiration of the sixty day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to the state, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the governor withdraws his certification of unacceptable.

Where areas outside the territorial sea are involved, the State Department is to take whatever action is necessary to negotiate with other Governments to assure protection of a sanctuary.

Prior to a designation of a marine sanctuary, public hearings must be held in the coastal areas most affected by the designation. Regulations are to be promulgated for each such designation.

These guidelines set forth the concepts and procedures under which marine sanctuaries will be designated and managed.

Pursuant to the Office of Management and Budget (OMB) memorandum of October 5, 1971, which established a procedure for improving interagency coordination of proposed agency regulations, standards and guidelines pertaining to environmental quality, the following guidelines have been circulated to all interested Federal agencies for their review and comment. Comments submitted will be reviewed before final guidelines are published.

Prior to adoption of the proposed guidelines as final guidelines, consideration will be given to comments which are submitted in writing to the Office of Coastal Environment, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, before May 1, 1974.

Robert M. White, Administrator.

March 14, 1974.

Subpart A—General

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Subpart A—General

§ 922.1 Policy and objectives.

(a) The Marine Sanctuaries Program shall be conducted under the express policy of the Title which is to designate areas from the near high tide line to the outer edge of the continental shelf, as defined in the Convention of the Continental Shelf (US U. S. T. 74; IIA S 5787), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which the Administrator determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological or esthetic values.

(b) Multiple use of marine sanctuaries as defined in this subpart will be permitted to the extent the uses are compatible with the primary purpose of the sanctuary.

(c) It is anticipated that the marine sanctuaries program will be conducted in close cooperation with section 312 of the Coastal Zone Management Act of 1972, Pub. L. 92-583; which recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources of immediate and potential value to the present and future well-being of the nation and which authorizes the Secretary of Commerce to make available to a coastal State grants of up to 50 percent of the costs of acquisition, development and operation of marine sanctuaries.

§ 922.2 Programmatic objectives.

Marine Sanctuaries may be designated to preserve, restore, or areas for their conservation, recreational, ecological, or esthetic values in coastal waters. Anticipated examples include:

(a) Areas necessary to protect valuable, unique or endangered marine life, geological features, and oceanographic features.

(b) Areas to complement and enhance public areas such as parks, national seashores and national or state monuments and other preserved areas.

(c) Areas important to the survival and preservation of the nation's fisheries and other ocean resources.

(d) Areas to advance and promote research which will lead to a more thorough understanding of the marine ecosystem and the impact of man's activities.

Subpart B—Classifications of Marine Sanctuaries

§ 922.10 Classifications.

Marine sanctuaries will be established for or a combination of the following purposes:

(a) Habitat Preserves. Preserves established under this concept are for the preservation, protection and management of essential or specialized habitats representative of important marine systems. Management emphasis will be toward preservation or restrictive use. This does not necessarily mean all human activity will be prohibited. However, the quantity and type of public use will be limited and controlled to protect the
values for which the preserve was created.

(b) Species Preserves. Preserves established under this concept are for conservation of genetic resources. Management emphasis will be to maintain species, populations and communities for recreation and research, and for reestablishment purposes in the future. The result will be a contribution to the goal stated by the Council on Environmental Quality, that is, the "widest possible diversity of life species should be maintained for ecological stability of the biosphere and for use as natural resources." The orientation envisaged will be toward species protection by protection of such areas as migratory pathways, spawning grounds, nursery grounds, and the constraints on these areas will be those necessary to achieve these purposes. Uses which are compatible with protection of the selected species will be permitted.

(c) Research Areas. Areas established under this concept will exist for scientific research and will be of two types: natural areas and field laboratories. Research natural areas will be left essentially undisturbed.

(1) In field laboratories certain manipulations research to ascertain the response to specific human modification may be permitted.

(2) The purpose of both types of research areas is to establish ecological baselines against which to compare and predict the effect of man's activities, and to develop an understanding of natural processes. Research areas will be chosen so that they are representative of the significant ecosystems in the nation. The use of the marine sanctuary authority for research purposes will insure that the areas will be relatively unaffected for a long period of time, thus adding a measure of stability to a research program.

(d) Recreational and Esthetic Areas. Areas established under this concept will be for recreation or esthetic or recreational value. These may be used to augment public lands already set aside by local, state or Federal government.

§ 922.11 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(b) "Marine Sanctuary" means areas of the ocean waters as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (U.S. U.N. 1967, TIAS No. 5978), of other coastal waters where the tide ebbs and flows, of the Great Lakes and their connecting waters for the purpose of preserving or restoring such areas for their conservation, recreational, ecological or esthetic values.

(c) The term "multiple use" as used in this part shall mean the simultaneous utilization of an area of resource for a variety of compatible purposes or to provide more than one benefit.

PROPOSED RULES

§ 922.20 Nomination of Candidates.

The nomination of a given marine area for consideration as a designated marine sanctuary may result from studies carried out by Federal, State or local officials or from any other interested persons. Nominations should be addressed to:

Director, Office of Coastal Environmental Policy National Oceanic and Atmospheric Administration

U.S. Department of Commerce

Rockville, Maryland 20852

The nomination for designation as a marine sanctuary must contain the following information:

(a) A general description of the area including the following information:

(1) Purpose for which the nomination is made:
compliance with the Natural Environmental Policy Act of 1969 and implementing CEG guidelines. The designation by the Administrator will clearly state the purpose for which the sanctuary is designated and regulations and guidelines promulgated under which it will operate.

§ 222.25 Operation.

The designation of a marine sanctuary establishes the basis for a continuous operating program designed to maintain the purpose for which the sanctuary is designated. This involves a program of continuous scientific evaluation, surveillance, and enforcement to ensure the integrity of the system. An Interpretative program may be conducted to aid in public understanding and enjoyment of the sanctuary. The mechanisms for this will be specific regulations established for each designated marine sanctuary.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Education
[45 CFR Part 127]

GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL HEALTH AND NUTRITION SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

Notice of Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92-315) and pursuant to the authority contained in section 902 of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 310a, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new part 127 to Title 45 of the Code of Federal Regulations to read as set forth below.

1. Program purpose.

The proposed regulations govern a program of grants to local educational agencies and other eligible entities under extraordinary circumstances, to nonprofit private educational organizations, to support demonstration projects designed to improve health, nutrition and related educational services provided to elementary school children from low-income families. The projects, funded by the Office of Education, will include research and evaluation activities to determine the effectiveness of the programs.

2. Section 503 procedure and effect.

Section 503 of the Education Amendments of 1972 requires the Commissioner to publish a notice of the regulations in the Federal Register to publicize the rules and regulations, or other published interpretations, or orders issued by him or by the Secretary affecting the operation of the program. The purpose of the hearing is to receive comments and suggestions that are not otherwise available.


Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing to comment on the regulations as follows:

A hearing will take place at the U.S. Office of Education on April 15, 1975, at 10:00 a.m. in the auditorium of Regional Office Building Three (ROB-3) located at 7th and D Streets, S.W., Washington, D.C. The hearing will be open to the public.

The purpose of the hearing is to receive oral and written comments on the proposed regulations.

Interested parties may submit written comments to the Chairman of the Office of Education Task Force on section 503 at the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

Sec. 127.1 Scope and purpose.

127.2 Definitions.

127.3 Eligibility for grants.

127.4 Children who may be served.

127.5 Applications.

127.6 Use of funds.

127.7 Advisory committee.

127.8 Health services.

127.9 Mental health services.

127.10 Nutrition services.

127.11 Educational services.

127.12 Administrative services.

Authority: Sec. 164 of P.L. 91-200, 84 Stat. 533 (20 U.S.C. 310a), unless otherwise noted.

§ 127.1 Scope and purpose.

(a) The regulations set forth in this part are applicable to demonstration projects grants under Section 503 of the Elementary and Secondary Education Act of 1965, as amended, to improve health and nutrition services and activities for children from low-income families.

(b) Grants may be made under this part to local educational agencies and under exceptional circumstances, to nonprofit private educational organizations and other nonprofit entities designed to improve health and nutrition services in public and private schools serving areas with high concentrations of children from low-income families.

(c) Projects approved under this part shall be designed to demonstrate exemplary methods of organizing a system of health, nutrition, and related services.

(i) By more effectively coordinating programs providing such services so that:

(1) Project target school personnel, parents, and community service providers jointly develop a comprehensive school system of assessment and response to the health and related educational needs of children from low-income families.

(ii) The school plays a major role in implementing a design for the early detection and removal of health- and nutrition-related barriers to a child's optimum development.

(iii) The community service families, particularly federally-assisted health, mental health, and nutrition programs, become an integral part of the response to more effectively facilitating the delivery of their services to children from low-income families; and