

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Announcement of the Decision to Consider New Sites for Addition to the National Marine Sanctuary Program Site Evaluation List**

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: NOAA has determined that new sites should be considered for addition to its Site Evaluation List (SEL), the list from which sites are selected for evaluation as candidates for designation as national marine sanctuaries.

DATE: Comments on this determination will be considered if received by March 28, 1990.

ADDRESSES: Send comments to Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Debra Malek, 202/673-5126.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research, and Sanctuaries Act, as amended, 16 U.S.C. 1431 et seq., authorizes the Secretary of Commerce to designate discrete areas of the marine environment as national marine sanctuaries if the designation will fulfill the purposes and policies of title III (set forth in section 301(b) of the Act (16 U.S.C. 1431(b))) and: (1) The area proposed for designation is of special national significance due to its resource or human-use values; (2) existing state and Federal authorities are inadequate to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education; (3) designation of the area as a national marine sanctuary will facilitate the coordinated and comprehensive conservation and management of the area; and (4) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.

Under National Marine Sanctuary Program regulations (15 CFR part 922), only sites on the SEL may be considered by the Secretary for subsequent review as "Active Candidates" for designation.

The original SEL, established in 1983 (48 FR 35568, August 4, 1983), consisted of 29 marine sites. These sites were identified and recommended for inclusion on the SEL by regional resource evaluation teams in accordance with site identification and selection criteria established for the purpose (48 FR 24296, May 31, 1983).

At that time, only sites with high natural resource values were considered for inclusion on the SEL. Later, in 1984, Title III was amended (Pub. L. No. 98-498) to include significant historical qualities as factors to be considered when selecting sanctuary sites. Sites possessing historical resources of special national significance, however, will be added to the SEL by a separate process in accordance with § 922.22 of the National Marine Sanctuary Program regulations.

With respect to sites considered for inclusion on the SEL because of their high natural resource values, the National Marine Sanctuary Program regulations provide for only two methods of adding such sites to the SEL: (1) By initiating a new site identification process following a five-year reevaluation of SEL sites as specified in § 922.21(d) of the regulations; or (2) as specified in § 922.21(e), by adding sites recommended for SEL status after determining that they meet the selection criteria and are highly qualified in accordance with the Program's mission and goals.

Five-Year Reevaluation

A recently completed five-year reevaluation of the sites on the SEL reveals that only four of the 29 sites have had a change in status. One (the Flower Garden Banks) is nearing designation while the other three (Stellwagen Bank, Washington State Nearshore and Western Washington Outer Coast) have become active candidates as the result of an amendment to title III of the Marine Protection, Research, and Sanctuaries Act. This amendment, signed into law on November 7, 1988, also required that studies be made of four areas not presently on the SEL to determine their suitability for designation.

Since the establishment of the SEL in 1983, no sites have been either added to the list or deleted from it. The 25 sites that have had no change in status continue to be as qualified as they were when they were placed on the SEL. There is therefore no reason to delete any of them from the list. Meanwhile, no sites have been recommended to NOAA for addition to the SEL under the

provisions of § 922.21(e). There has therefore been no opportunity to add sites to the list.

As a result of its five-year reevaluation of SEL sites, NOAA has decided that new sites should now be considered for addition to the SEL.

Site Addition Procedure

The Marine Sanctuary Program regulations (§ 922.21(d)) state: "If, after a five-year reevaluation, the Secretary determines that new sites should be considered for addition to the SEL, the Secretary shall publish a notice in the *Federal Register* at least 12 months prior to initiating a new site identification process. After a 90 day period is provided for public comment on the Secretary's determination, the Secretary shall reevaluate the prior SEL development process and publish a notice in the *Federal Register* requesting public comment on that process and any proposed modifications, if necessary."

This notice announcing the determination to consider new sites for addition to the SEL begins the procedure. Public Participation is provided for by the 90-day comment period on this determination and by the opportunity to comment on proposed modifications to the site identification process. Although the new site identification process has yet to be formulated and can not be initiated until 12 months after this date, sites may be recommended for addition to the SEL as specified by § 922.21(e) in the meantime.

Under the provisions of § 922.21(e), "the Secretary will consider recommendations of potential additional sites to the SEL only if such sites are important new discoveries or if substantial new information previously unavailable establishes the national significance of a known site. The Secretary may determine, after an opportunity for public review and comment, whether such sites meet the selection criteria and are highly qualified in accordance with the Program's mission and goals. Qualified sites will be added to the SEL for further evaluation as National Marine Sanctuaries, consistent with the procedures set forth in these regulations."

Further information about how to recommend sites for addition to the SEL under § 922.21(e) may be obtained from NOAA's Marine and Estuarine Management Division at the address listed at the beginning of this notice.

Status of Sites on 1983 Site Evaluation List

North Atlantic

Mid-Coastal Maine, Maine

Site Description: The site encompasses an area of 430 mi² (1,114 km²) of coastal waters partially under State and partially under Federal jurisdiction. Johns and Muscongus Bays and the estuaries of the Kennebec, Sheepscot, and Damariscotta rivers are located within the site boundaries. Also included within these boundaries are Southport, Sequin, Damariscove, Fishermen's Inner Heron, Outer Heron, White, Squirrel, Georges, and Monhegan Islands.

Status: Unchanged.

Stellwagen Bank

Site Description: The site, encompassing an area of 600.9 mi² (1,556 km²), is centered on Stellwagen Bank, which is in Federal waters, 6.3 miles (10.2 km) north of Cape Cod, Massachusetts.

Status: An amendment to Title III of the Marine Protection, Research, and Sanctuaries Act, signed into law on November 7, 1986, directs the Secretary of Commerce to submit a prospectus on the proposed designation of the site as a national marine sanctuary to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate no later than September 30, 1990. The site has since become an active candidate.

Nantucket Sound/Shoals and Oceanographer Canyon

Site Description: The site encompasses approximately 1,800 mi² (4,660 km²) and includes Nantucket Sound, Nantucket Shoals, and Oceanographer Canyon. The Nantucket Sound site is in Federal waters between Nantucket Island and Cape Cod, Massachusetts, and its boundaries are contiguous with the Massachusetts Ocean Sanctuaries.

Status: Unchanged.

Virginia/Assateague Island

Site Description: The site encompasses approximately 1,200 mi² (3,100 km²) and includes the estuarine waters and wetlands adjacent to the barrier islands and mainland along the coast of Maryland and Virginia from the north end of Assateague Island southward to Fisherman's Island and the marine waters extending to 10 miles (16 km) from the shore.

Status: Unchanged.

South Atlantic Region

Ten Fathom Ledge-Big Rock

Site Description: The site consists of two areas. The inner-shelf site (Ten Fathom Ledge) is a 135 mi² (350 km²) rectangle with its center located about 17 miles (27 km) south of Cape Lookout, North Carolina. The outer shelf site (Big Rock) is located on the shelf break about 36 miles (58 km) offshore, and is a 36 square mile (93 km²) area.

Status: Unchanged.

Port Royal Sound, South Carolina

Site Description: The site lies entirely within State waters encompassing an area of approximately 55 mi² (140 km²).

Status: Unchanged.

Florida Coral Grounds, Florida

Site Description: The site consists of two areas off the coast of Florida. These two areas are the 4.5 mi² (11.7 km²) "worm" or "bathtub" reef at St. Lucia, Florida, and 92 mi² (238 km²) of the Oculina Reefs located 17 miles (27 km) off the Florida coast in 230 to 330 feet (70 to 100 m) of water.

Status: Unchanged.

Caribbean Region

Cordillera Reefs, Puerto Rico

Site Description: The site encompasses approximately 62 mi² (160 km²) around the Cordillera Islands lying entirely within the waters of the Commonwealth off its northeast coast.

Status: Unchanged.

Southeast St. Thomas, U.S. Virgin Islands

Site Description: The site consists of 12.3 mi² (32 km²) of territorial waters immediately southeast of St. Thomas, Jersey and Cowpet Bays, and the waters surrounding Great and Little St. James, Dog, Buck, and Capella Islands.

Status: Unchanged.

East End, St. Croix, U.S. Virgin Islands

Site Description: The site encompasses an area of approximately 40 mi² (105 km²). Entirely within territorial waters, it extends from the east end of St. Croix to Great Pond Bay on the south coast and includes the waters east of Buck Island and the area of Lang Bank out to a depth of 60 feet.

Status: Unchanged.

Gulf of Mexico Region

Big Bend Seagrass Beds, Florida

Site Description: The site encompasses 100 mi² (259 km²) of seagrass beds in the "big bend" region of Florida's west coast off the northernmost part of the peninsula.

Status: Unchanged.

Shoalwater Bay-Chandeleur Sound, Louisiana

Site Description: The site encompasses approximately 80 mi² (207 km²) of shallow-water seagrass beds located upon a subsiding remnant of abandoned Mississippi River delta in State waters. Adjacent to the east of this site is the Breton National Wildlife Refuge.

Status: Unchanged.

Flower Garden Banks

Site Description: The Flower Garden Banks are located due south of the Texas-Louisiana border at the edge of the continental shelf. The boundaries of the proposed sanctuary encompass an area of 55.2 mi² (41.7 nautical mi² or 143 km²) at the East Bank and 29.8 mi² (22.5 nautical mi² or 77.17 km²) at the West Bank.

Status: This site was announced as an active candidate in August 1984.

Baffin Bay

Site Description: At high tide, the site encompasses an area approximately 95 mi² (246 km²) entirely within Texas State waters. It incorporates Baffin Bay, Laguan Salada, Cayo del Grullo, and Alazan Bay.

Status: Unchanged.

Eastern Pacific

Washington State Nearshore, Washington

Site Description: The site encompasses approximately 250-275 mi² (650-720 km²) of waters around the San Juan Islands in Puget Sound.

Status: An amendment to Title III of the Marine Protection, Research, and Sanctuaries Act, signed into law on November 7, 1988, directs the Secretary of Commerce to submit a prospectus on the proposed designation of this site as the Northern Puget Sound National Marine Sanctuary to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate no later than March 31, 1991. The site, now known as Northern Puget Sound, has since become an active candidate.

Western Washington Outer Coast, Washington

Site Description: The site extends from Duntz Rock (north of Tatoosh Island on the northwestern tip of Washington State), 90 miles (145 km) southward along the coast to Point Grenville. The area, encompassing approximately 230 mi² (600 km²), is

wholly within the jurisdiction of Washington State. The inshore boundary would extend to mean high water; the offshore boundary is contiguous with the boundary established for the Washington Islands National Wildlife Refuge, 2 to 3 miles (3.2 to 4.8 km) offshore.

Status: An amendment to Title III of the Marine Protection, Research, and Sanctuaries Act, signed into law on November 7, 1988, directs the Secretary of Commerce to designate this site as a national marine sanctuary no later than June 30, 1990. The site has since become an active candidate.

Heceta-Stonewall Banks of Oregon

Site Description: The site encompasses an area of approximately 400 square miles (1,000 km²) in Federal waters off the coast of Oregon. Its outer boundary lies along the 100-fathom (197 m) depth contours.

Status: Unchanged.

Morro Bay, California

Site Description: Situated south of the city of Morro Bay in San Luis Obispo County, this 2,000 acre embayment lies wholly within California State waters.

Status: Unchanged.

Tanner-Cortes Banks off California

Site Description: The site consists of two neighboring rocky-bottom banks some 112 miles (180 km) west of San Diego, California. The composite area of the two sites is approximately 10 mi² (260 km²).

Status: Unchanged.

Western Pacific Region

Northern Mariana Islands

Site Description: The site, encompassing approximately 700 mi² (1800 km²), includes waters out to 12 miles (20 km) from Uracus, Maug, Asuncion, Pagan, Guguan and Saigan Islands.

Status: Unchanged.

Southern Marianas Islands

Site Description: The site consists of a variety of subunits off the islands of Saipan, Rota, Tinian, and Aguijan Islands and Naftan Rock. All subunit sites extend from the high water line to the 150 foot (46 m) depth contour. The subunit sites are located as follows: Saipan—Tanapag Lagoon, the fringing reefs around Managaha Island, the barrier reef around Point Sabaneta and south to Point Tanke; Tinian—the patch reef just south of the harbor; Rota—the fringing reefs and submarine terrace from West Dock south around Puntan Taipingot to East Dock as well as the southeastern portion of Sosanjaya Bay;

Aguijan Islands—the waters surrounding the Aguijan Islands and Naftan Rock.

Status: Unchanged.

Cocos Lagoon, Guam

Site Description: The site includes the Cocos barrier reefs, Cocos Lagoon, three islets (Cocos Island, Babe Island, and a third sandy island), and the coastal region lying between the mouth of Mamaon and Manell Channels. The area of the barrier reefs and lagoon together is 3.9 mi² (10 km²).

Status: Unchanged.

Facpi Point to Fort Santa Angel, Guam

Site Description: The site extends from Facpi Point to Fort Santo Angel on the northern side of Umatac Bay and includes offshore waters to the 60 foot (18.3 m) depth contour. The total area of the site is approximately 2 mi² (5 km²).

Status: Unchanged.

Papalola Point, Ofu Island, American Samoa

Site Description: The site extends from the southernmost tip of Ofu Island eastward to Asagatai Point. It encompasses approximately 3 miles (4.8 km) of shoreline and adjacent fringing reef down to a depth of 150 feet (45 m).

Status: Unchanged.

Great Lakes Region

Cape Vincent (Lake Ontario), New York

Site Description: The site encompasses 450 mi² (1,165 km²) situated in the northeastern corner of Lake Ontario. The area provides the gateway to New York State's Thousand Islands resort district and the St. Lawrence Seaway.

Status: Unchanged.

Western Lake Erie Islands Including Sandusky Bay (Lake Erie), Ohio

Site Description: The site encompasses approximately 440 mi² (1,140 km²) of open Lake Erie waters, Sandusky Bay waters, and wetlands, all under the jurisdiction of the State of Ohio.

Status: Unchanged.

Thunder Bay (Lake Huron), Michigan

Site Description: The site, encompassing Thunder Bay and vicinity (to Middle Island) and extending out to 83° W., has an area of approximately 400 mi² (1,035 km²) and is entirely within Michigan State waters.

Status: Unchanged.

Green Bay (Lake Michigan), Michigan and Wisconsin

Site Description: The site encompasses approximately 1,300 mi²

(3,300 km²) of Michigan and Wisconsin waters in Green Bay and part of Lake Michigan.

Status: Unchanged.

Apostle Islands, Wisconsin/Isle Royale, Michigan (Lake Superior), Wisconsin/Michigan

Site Description: The site, composed of two important subunits, encompasses a total of 1,031 mi² (2,670 km²) of Wisconsin and Michigan waters situated in the western half of Lake Superior. One unit of the site, roughly 375 mi² (970 km²), lies adjacent to the Federally owned Apostle Islands National Lakeshore. The boundaries of this park extend one quarter of a mile (0.4 km) into Lake Superior. The second unit consists of 656 mi² (1,700 km²) of Michigan State waters and submerged lands surrounding Isle Royale National Park and extending to the 600 foot (183 m) depth contour. Eastward of Blake Point, the site boundary extends offshore Isle Royale a maximum distance of approximately 11.5 mi (18.5 km).

Status: Unchanged.

Non-SEL Sites Under Consideration

Active Candidates: Norfolk Canyon

Site Description: The site is centered on Norfolk Canyon, some 60 miles (100 km) off the mouth of Chesapeake Bay.

Monterey Bay, California

Site Description: The site consists of the area of coastal waters between Pigeon Point in San Mateo County and Point Sur in Monterey County and, from the mean high-tide line at these points, extending seaward 14.5 nautical miles on a southwesterly heading of 24°.

Status: Norfolk Canyon and Monterey Bay were two of several sites under consideration by NOAA for designation as national marine sanctuaries before the original SEL was developed. These sites were deliberately omitted from inclusion on the SEL because they had previously been selected for further evaluation. NOAA announced the active candidacy of Norfolk Canyon on February 28, 1986, and of Monterey Bay on January 6, 1989.

Study Areas: American Shoal, Florida

Site Description: The site extends west from Looe Key National Marine Sanctuary to the Marquesas Keys. American Shoal itself is located just to the west of Looe Key on the reef. The site, however, encompasses virtually all of the western part of the coral reef that runs parallel to the Florida Keys and would extend for one mile on each side.

Sombrero Key, Florida

Site Description: The site is centered on Sombrero Key, in the Florida Keys.

Alligator Reef, Florida

Site Description: The site extends from the southwest border of the Key Largo National Marine Sanctuary to Alligator Reef, some 15 miles (24 km) to the southwest along the reef structure paralleling the Keys. It would include one mile of water on each side of the main reef.

Santa Monica Bay, California

Site Description: The site consists of the waters enclosed by a boundary

extending generally southeast along the shoreline from Point Dume to Point Vincente, then west to the 900-meter bathymetric contour, then generally northwest along this contour to a point due west of Point Dume, then east returning to its beginning at Point Dume.

Status: An amendment to Title III of the Marine Protection, Research, and Sanctuaries Act, signed into law on November 7, 1988, directs the Secretary of Commerce to conduct studies of these four areas to determine whether they conform to the criteria for designation and whether their designation or incorporation into existing national marine sanctuaries would fulfill the

purposes and policies of section 303 of the Marine Protection, Research, and Sanctuaries Act.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Environmental Protection, Marine resources, Natural resources.

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Dated: December 19, 1989.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

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