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Title 15 —Commerce and Foreign Trade

Subtitle B —Regulations Relating to Commerce and Foreign Trade

Chapter IX —National Oceanic and Atmospheric Administration, Department of Commerce

Subchapter B —Ocean and Coastal Resource Management

Part 922 —National Marine Sanctuary Program Regulations

Subpart A —Regulations of General Applicability

EDITORIAL NOTE ON PART 922

Editorial Note: Nomenclature changes to part 922 appear at 62 FR 3789, Jan. 27, 1997 and at 62 FR 67724, Dec. 30, 1997.

§ 922.12 Sanctuary nomination process.

- (a) The sanctuary nomination process (see National Marine Sanctuaries website www.sanctuaries.noaa.gov) is the means by which the public can submit areas of the marine and Great Lakes environments for consideration by NOAA as a national marine sanctuary.
- (b) The Director will consider the following national significance criteria in determining if a nominated area is of special national significance:
 - (1) The area's natural resources and ecological qualities are of special significance and contribute to: biological productivity or diversity; maintenance or enhancement of ecosystem structure and function; maintenance of ecologically or commercially important species or species assemblages; maintenance or enhancement of critical habitat, representative biogeographic assemblages, or both; or maintenance or enhancement of connectivity to other ecologically significant resources.
 - (2) The area contains submerged maritime heritage resources of special historical, cultural, or archaeological significance, that: individually or collectively are consistent with the criteria of eligibility or listing on the National Register of Historic Places; have met or which would meet the criteria for designation as a National Historic Landmark; or have special or sacred meaning to the indigenous people of the region or nation.
 - (3) The area supports present and potential economic uses, such as: tourism; commercial and recreational fishing; subsistence and traditional uses; diving; and other recreational uses that depend on conservation and management of the area's resources.
 - (4) The publicly-derived benefits of the area, such as aesthetic value, public recreation, and access to places depend on conservation and management of the area's resources.
- (c) The Director will consider the following management considerations in determining the manageability of a nominated area:
 - (1) The area provides or enhances opportunities for research in marine science, including marine archaeology.
 - (2) The area provides or enhances opportunities for education, including the understanding and appreciation of the marine and Great Lakes environments.
 - (3) Adverse impacts from current or future uses and activities threaten the area's significance, values, qualities, and resources.
 - (4) A national marine sanctuary would provide unique conservation and management value for this area that also have beneficial values for adjacent areas.
 - (5) The existing regulatory and management authorities for the area could be supplemented or complemented to meet the conservation and management goals for the area.
 - (6) There are commitments or possible commitments for partnerships opportunities such as cost sharing, office space or exhibit space, vessel time, or other collaborations to aid conservation or management programs for the area.

(7) There is community-based support for the nomination expressed by a broad range of interests, such as: individuals or locally-based groups (e.g., friends of group, chamber of commerce); local, tribal, state, or national agencies; elected officials; or topic-based stakeholder groups, at the local, regional or national level (e.g., a local chapter of an environmental organization, a regionally-based fishing group, a national-level recreation or tourism organization, academia or science-based group, or an industry association).

(d) Following evaluation of a nomination against the national significance criteria and management considerations, the Director may place nominated areas in a publicly available inventory for future consideration of designation as a national marine sanctuary.

(e) A determination that a site is eligible for national marine sanctuary designation, by itself shall not subject the site to any regulatory control under the Act. Such controls may only be imposed after designation.