
APPENDIX A – TERMS OF DESIGNATION



ABOUT THIS DOCUMENT

On May 11, 1994 the National Oceanic and Atmospheric Administration (NOAA) published the final Olympic Coast National Marine Sanctuary Regulations (59 FR 24586). This official government document also served as the notice of the Sanctuary's designation, the culmination of long and involved public process. The following excerpt from the complete documents is the "Designation Document". You find a complete copy of the original 1994 document at http://sanctuaries.noaa.gov/management/fr/59_fr_24586.pdf or <http://olympiccoast.noaa.gov>.

Designation Document for the Olympic Coast National Marine Sanctuary

Under the authority of Title III of the National Marine Sanctuaries Act of 1972, as amended (the "Act"), 16 U.S.C. 1431 et seq., the waters off the Olympic Coast of Washington State including the U.S. portion of the Strait of Juan de Fuca west of Koitlah Point, and the submerged lands thereunder, as described in Article II, are hereby designated as the Olympic Coast National Marine Sanctuary for the purposes of protecting and managing the conservation, ecological, recreational, research, educational, historical and aesthetic resources and qualities of the area.

Article I. Effect of Designation

The Act authorizes the issuance of such final regulations as are necessary and reasonable to implement the designation, including managing and protecting the conservation, recreational, ecological, historical, research, educational, and aesthetic resources and qualities of the Olympic Coast National Marine Sanctuary. Section 1 of Article IV of this Designation Document lists activities that either will be regulated on the effective date of designation or may have to be regulated at some later date in order to protect Sanctuary resources and qualities. Listing does not necessarily mean that a type of activity will be regulated; however, if an activity is not listed, it may not be regulated, except on an emergency basis, unless Section 1 of Article IV is amended to include the type of activity by the same procedures by which the original designation was made.

Article II. Description of the Sanctuary Area

The Olympic Coast National Marine Sanctuary boundary encompasses approximately 2500 square nautical miles (approximately 8577 sq. kilometers) of coastal and ocean waters, and the submerged lands thereunder, off the central and northern coast of the State of Washington. The Sanctuary boundary extends from Koitlah Point due north to the United States/Canada international boundary seaward to the 100 fathom isobath. The seaward boundary of the Sanctuary approximates the 100 fathom isobath in a southerly direction from the U.S./Canada international boundary to a point due west of the Copalis River, cutting across the heads of Nitnat, Juan de Fuca, and Quinault Canyons.

The shoreward boundary of the Sanctuary is the mean lower low water line when adjacent to Indian reservations and State and county lands. When adjacent to Federally managed lands, the

coastal boundary extends to the mean higher high water line. The coastal boundary cuts across the mouths of all rivers and streams. The precise boundary of the Sanctuary is set forth in Appendix A of this Designation Document.

Article III. Characteristics of the Sanctuary Area That Give It Particular Value

The Sanctuary is a highly productive, nearly pristine ocean and coastal environment that is important to the continued survival of several ecologically and commercially important species of fish, seabirds, and marine mammals. Its rugged and undeveloped coastline makes the region one of the more dramatic natural wonders of the coastal United States, paralleling the majestic splendor of such terrestrial counterparts as Yosemite National Park and the Grand Tetons. The region's high biological productivity is fueled by seasonal enhanced upwelling along the edge of the continental shelf, especially at submarine canyons, during periods of high solar radiation.

The diversity of habitats that make up the Sanctuary support a great variety of biological communities. This unusually large range of habitat types include offshore islands and rocks; some of the most diverse kelp beds in the world; intertidal pools; erosional features such as rocky headlands, seastacks, and arches; interspersed exposed beaches and protected bays; submarine canyons and ridges; the continental shelf, including a broad shallow plateau extending from the mouth of the Juan de Fuca canyon; and continental slope environments. The numerous seastacks and rocky outcrops along the Sanctuary shoreline, coupled with a large tidal range and wave splash zone, support some of the most diverse and complex intertidal zones in the United States.

The Sanctuary provides an essential habitat for a wide variety of marine mammals and birds, and is of particular interest due to the presence of endangered and threatened species that live or migrate through the region. Twenty seven species of marine mammals are reported to breed, rest within, or migrate offshore of the Olympic Peninsula. Of particular interest is the migration route of the endangered California gray whale, the threatened northern sea lion, the occasional presence of the endangered right, fin, sei, blue, humpback, and sperm whales, and the reintroduced resident population of sea otters.

In addition, the seabird colonies of Washington's outer coast are among the largest in the continental United States and include a number of species listed as endangered or threatened including the short-tailed albatross, peregrine falcon, brown pelican, Aleutian Canada goose, marbled murrelet, and one of the largest populations of bald eagles in the continental United States.

The high biological productivity of the coastal and offshore waters in the Sanctuary support valuable fisheries that contribute significantly to the State and tribal economies. The commercially important species of fish include five species of salmon, groundfish, and shellfish.

In addition to the Sanctuary's value with respect to its biological resources, the region encompasses significant historical resources including Indian village sites, ancient canoe runs, petroglyphs, Indian artifacts, and numerous shipwrecks.

The diversity and richness of marine resources suggests that the marine sanctuary designations will provide exceptional opportunities for scientific research in the areas of species interactions, population dynamics, physiological ecology, linkages between terrestrial and aquatic ecosystems, and marine anthropology. The scientific research encouraged by the Sanctuary management plan will, in turn, help support an intensive public education and awareness program that will address the diverse, complex, and sensitive ecosystems in Washington's coastal and oceanic environments.

Article IV. Scope of Regulations

Section 1. Activities Subject to Regulation

The following activities are subject to regulation, including prohibition, to the extent necessary and reasonable to ensure the protection and management of the conservation, ecological, recreational, research, educational, historical and aesthetic resources and qualities of the area:

- a. Exploring for, developing, or producing oil, gas or minerals (e.g., clay, stone, sand, metalliferous ores, gravel, non-metalliferous ores or any other solid material or other solid matter of commercial value) within the Sanctuary;
- b. Discharging or depositing from within the boundary of the Sanctuary, any material or other matter;
- c. Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter;
- d. Taking, removing, moving, catching, collecting, harvesting, feeding, injuring, destroying or causing the loss of, or attempting to take, remove, move, catch, collect, harvest, feed, injure, destroy or cause the loss of, a marine mammal, sea turtle, seabird, historical resource or other Sanctuary resource;
- e. Drilling into, dredging, or otherwise altering the seabed of the Sanctuary; or constructing, placing, or abandoning any structure, material or other matter on the seabed of the Sanctuary;
- f. Possessing within the Sanctuary a Sanctuary resource or any other resource, regardless of where taken, removed, moved, caught, collected or harvested, that, if it had been found within the Sanctuary, would be a Sanctuary resource;
- g. Flying a motorized aircraft above the Sanctuary;
- h. Operating a vessel (i.e., watercraft of any description) in the Sanctuary;
- i. Interfacing with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.

Section 2. Emergencies

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss or injury, any and all

activities, including those not listed in Section 1 of this Article, are subject to immediate temporary regulation, including prohibition.

Article V. Effect on Leases, Permits, Licenses, and Rights

Pursuant to section 304(c)(1) of the Act, 16 U.S.C. 1434(c)(1), no valid lease, permit, license, or other authorization issued by any Federal, State, or local authority of competent jurisdiction, or any right of subsistence use of access, may be terminated by the Secretary of Commerce or designee as a result of this designation. The Secretary of Commerce or designee, however, may regulate the exercise (including, but not limited to, the imposition of terms and conditions) of such authorization or right consistent with the purposes for which the Sanctuary is designated.

In no event may the Secretary or designee issue a permit authorizing, or otherwise approve: (1) Exploration for, development or production of oil, gas or minerals within the Sanctuary; (2) the discharge of primary treated sewage (except for regulation, pursuant to section 304(c)(2) of the Act, of the exercise of valid authorizations in existence on the effective date of Sanctuary designation and issued by other authorities of competent jurisdiction); (3) the disposal of dredged material within the Sanctuary other than in connection with beach nourishment projects related to harbor maintenance activities; or (4) bombing activities within the Sanctuary. Any purported authorizations issued by other authorities after the effective date of Sanctuary designation for any of these activities within the Sanctuary shall be invalid.

Article VI. Alteration of This Designation

The terms of designation, as defined under Section 304(a) of the Act, may be modified only by the same procedures by which the original designation is made, including public hearings consultation with interested Federal, State, and local agencies, review by the appropriate Congressional committees and the Governor of the State of Washington, and approval by the Secretary of Commerce or designee.