

## PART I: INTRODUCTION

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### A. Authority for Designation

Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431 et seq., as amended (MPRSA), authorizes the Secretary of Commerce to designate discrete marine areas of special national significance as National Marine Sanctuaries to promote comprehensive management of their conservation, recreational, ecological, historical, research, educational, or esthetic values. National Marine Sanctuaries may be designated in those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, consistent with international law. National Marine Sanctuaries are built around the existence of distinctive natural and cultural resources whose protection and beneficial use requires comprehensive planning and management. The National Oceanic and Atmospheric Administration (NOAA) manages the program through the Marine and Estuarine Management Division (MEMD) in the Office of Ocean and Coastal Resource Management.

### B. Goals of the National Marine Sanctuary Program

Consistent with the mission of developing a system of National Marine Sanctuaries for the purpose of serving the long-term benefit and enjoyment of the public, the following goals were established for the Program:

1. Enhance resource protection, through comprehensive and coordinated conservation and management tailored to the specific resources, that complements existing regulatory authorities;
2. Support, promote and coordinate scientific research on, and monitoring of, the site-specific marine resources to improve management decision-making in National Marine Sanctuaries;
3. Enhance public awareness, understanding, and wise use of the marine environment through public interpretive and recreational programs; and

4. Facilitate, to the extent compatible with the primary goal of resource protection, multiple use of these marine areas.

C. Terms of the Designation

Section 304(a)(4), 16 U.S.C. 1434(a)(4), of the MPRSA provides that as a condition for establishing a National Marine Sanctuary, the Secretary of Commerce must set forth the terms of the designation. The terms must include: (a) the geographic area included within the Sanctuary; (b) the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational or esthetic value; and (c) the types of activities that will be subject to regulation in order to protect those characteristics. The terms of the designation may be modified only by the same procedures through which the original designation was made.

D. Status of the National Marine Sanctuary Program

Seven National Marine Sanctuaries have been established since the Program's inception in 1972 (Figure 1):

- ° The Monitor National Marine Sanctuary serves to protect the wreck of the Civil War ironclad, U.S.S. MONITOR. It was designated in January 1975 and is an area one mile in diameter, 16 miles southeast of Cape Hatteras, North Carolina.
- ° The Key Largo National Marine Sanctuary, designated in December 1975, provides protection and management of a 100 square mile coral reef area south of Miami, Florida.
- ° The Channel Islands National Marine Sanctuary, designated in September 1980, consists of an area of approximately 1,252 square nautical miles off the coast of California adjacent to the northern Channel Islands and Santa Barbara Island. The sanctuary ensures that valuable habitats for marine mammals, including extensive pinniped assemblages and seabirds, are protected.
- ° The Looe Key National Marine Sanctuary, designated in January 1981, consists of a submerged section of the Florida reef southwest of Big Pine Key. The site, five square nautical miles in size, includes a beautiful "spur and groove" coral formation supporting a diverse marine community and a wide variety of human uses.

Figure 1

# National Marine Sanctuary Program



- ° The Gray's Reef National Marine Sanctuary, designated in January 1981, is a submerged live bottom area located on the South Atlantic continental shelf due east of Sapelo Island, Georgia. The sanctuary, which encompasses about 17 square nautical miles protects a highly productive and unusual habitat for a wide variety of species including corals, tropical fish, and sea turtles.
- ° The Point Reyes-Farallon Islands National Marine Sanctuary, designated in January 1981, is a 948 square nautical mile area off the California coast north of San Francisco. It provides a habitat for a diverse array of marine mammals and birds as well as pelagic fish, plants, and benthic biota.
- ° The Fagatele Bay National Marine Sanctuary in American Samoa was designated in August 1986. The 163-acre bay contains deepwater coral terrace formations that are unique to the high islands of the tropical Pacific. It serves as habitat for a diverse array of marine flora and fauna included the endangered hawksbill turtle and the threatened green sea turtle.

#### E. History of the Proposal

In July 1981, NOAA received a recommendation to establish Cordell Bank as a National Marine Sanctuary from Cordell Bank Expeditions, a non-profit association dedicated to the exploration and description of the Bank. NOAA evaluated the recommendation in accordance with the requirements of the National Marine Sanctuary Program regulations (15 CFR 922). Cordell Bank was found eligible for inclusion on the List of Recommended Areas (LRA), and NOAA announced its placement on the LRA on August 31, 1981 (46 FR 43731).

More complete information on the site was collected by NOAA and incorporated into a resource summary and site description. The summary was distributed in July 1982. At that time, additional information and public comment relating to the site and its potential for designation as a sanctuary were requested. The request was sent to state and local government agencies, academic institutions, industry representatives, conservation groups and other interested parties. Meanwhile, NOAA conducted preliminary consultations with other Federal agencies to assess their views about the proposal. In general,

the comments received in response to these actions were favorable to proceeding with the evaluation of the site as an active candidate for sanctuary designation.

Concurrently with the evaluation of Cordell Bank for active candidate selection, NOAA was revising its procedures for selecting and designating Sanctuary candidates. Revised regulations (48 FR 24297 (1983)) replaced the LRA with the Site Evaluation List (SEL) and established new criteria for placement on the SEL. Cordell Bank was evaluated in terms of both the old and the new criteria for Sanctuary candidacy and was named an active candidate in the Federal Register on June 30, 1983 (48 FR 30178).

On April 25, 1984, NOAA sponsored a public scoping meeting at the California Academy of Sciences in San Francisco to solicit public comment on the scope and significance of issues involved in designating a Cordell Bank Sanctuary. Those attending the meeting were asked to comment on readily identifiable issues, to suggest additional issues for examination, and to provide information useful in evaluating the site's potential as a Sanctuary. Again the response was generally favorable to proceeding with the evaluation.

The Amendments to the National Marine Sanctuaries Program (P.L. 100-627), which became law on November 7, 1988, require the Secretary of Commerce to issue a Notice of Designation with respect to Cordell Bank National Marine Sanctuary by December 31, 1988. In view of a delay in issuing the Notice of Designation, and in adherence with the intent of Section 202 of P.L. 100-627, a notice was published on December 30, 1988 in the Federal Register (53 FR 53049) that issued findings regarding why the Secretary of Commerce was unable to issue the notice of Designation for Cordell Bank National Marine Sanctuary on or before December 31, 1988. The notice stated that a Notice of

Designation for the Cordell Bank National Marine Sanctuary will be issued by March 31, 1989.

Congress pursuant to Section 304(b) of the Act then has the opportunity to review the designation and regulations before they take effect. The designation and regulations shall take effect and become final after the close of a review period of forty-five days of continuous session of Congress beginning on the day on which the Sanctuary Designation Document is published unless the designation or any of its terms is disapproved by Congress through enactment of a joint resolution.

Because of the complexity of the issues in the DEIS/MP, a large number of comments were received which supported diverse views on what should and should not be regulated. More time was required to respond to all of the comments and to determine an appropriate balance with regard to regulations than was anticipated. Further, when the Congressionally mandated deadline of December 31, 1988 for issuing a Designation Document became law on November 7, 1988, there was not sufficient time available to meet the mandatory procedural provisions of both the National Environmental Policy Act and the Marine Protection, Research and Sanctuaries Act by that date.

F. Purpose and Need for Designation

Because of its position and the unusual characteristics of its marine environment, Cordell Bank supports an extraordinarily diverse and abundant community of marine life. The assortment of benthic organisms is exceptional due to its combination of nearshore and oceanic species, the distribution of organisms by depth-zone, and the presence of several previously undescribed species as well as species previously unknown in these waters or at these

depths. One of these is a species of hydrocoral, Allopora californica, which is abundant on the Bank.

Circulating in the water around and above Cordell Bank are large numbers of rockfish which attract marine mammals and seabirds. Fourteen species of marine mammals have been identified in nearby waters and seabirds of at least forty-seven species forage above the Bank. Four of these endangered species have been regularly sighted in the Sanctuary study area: (1) the humpback whale has been observed in fairly sizeable numbers while feeding in Bank waters; (2) the blue whale was sighted on nine separate, out of sixteen total, "whale-watching" trips to Cordell Bank, and on at least one occasion feeding behavior was observed; (3) the Brown pelican has frequently been seen feeding in the area; and (4) the short-tailed albatross has recently been sighted over the Bank. One of this albatross species was identified and photographed on two separate occasions during early November, 1985. It was located 22 miles south of Point Reyes directly over Cordell Bank (Point Reyes Bird Observatory, 1985). In addition, the Bank and its surrounding waters may contain cultural and historical resources of national significance.

Human activity in the Cordell Bank region consists largely of recreational and commercial fishing. Most fishing operations pose no threat to the Bank ecosystem, but commercial gill-net fishing, which became increasingly intensive in recent years, might have eventually posed a threat to the Cordell Bank rockfish stocks if it had continued. Presently, however, the use of gill-nets at Cordell Bank is prohibited by a California law that applies to fishing vessels operating beyond the territorial sea which either use California ports or are licensed in California. Because the gill-net fishing at Cordell Bank was largely from California-registered vessels based

in California ports, the law in effect prohibits gill-net operations in Bank waters.

Another possible threat to the ecosystem are discharges of oil or materials primarily from ships transiting the area. Other activities that might have an impact, although less serious, are (1) increased boat traffic for such purposes as viewing marine mammals and seabirds which could disturb these populations, and (2) unrestricted diving which might adversely affect the benthic community.

A number of Federal agencies now have regulatory responsibilities in the Cordell Bank area, but each of these agencies is concerned only with specific activities, rather than with the Bank environment as a whole. Designation of Cordell Bank as a National Marine Sanctuary can provide the long-term comprehensive planning and management needed to protect its habitats and ecosystem. Because many of the marine mammals and seabirds that visit Cordell Bank to feed in its waters are also dependent on habitats in the Point Reyes-Farallon Islands National Marine Sanctuary, designation would provide the means for better overall management and protection of these resources. Designation also would provide support for management-related research focused on the Bank's environment and for interpretive programs to inform the public of the area's importance and the need to use its resources wisely.

G. The Plan for Managing the Sanctuary

The remainder of this report consists of a final management plan and final environmental impact statement for the proposed Cordell Bank National Marine Sanctuary. The plan provides information on the resources and uses of the proposed Sanctuary, as well as Sanctuary goals and objectives. Programs (Resource Protection, Research, and Interpretation) for implementing the goals



and objectives are described. The plan proposes actions for resolving immediate management concerns and formulates guidelines for continuing long-term management.