Proposed Mallows Bay - Potomac River National Marine Sanctuary (MBPR)

On March 27, 2017, the ACA sent an action alert to members in Maryland and Virginia. This alert called on these members to voice their support of the proposed MBPR Sanctuary. The background notes which provide the rationale for requesting our members’ support follow:

The National Marine Sanctuary System was established in 1972 to recognize and promote the conservation, recreational, ecological, historical, research and aesthetic values of special areas in the coastal and marine environment. The existing network includes 14 sites from the Great Lakes to the Gulf of Mexico and from the Atlantic coast through the far-Pacific. Sanctuaries are established for different purposes including protection and promotion of historic shipwrecks, coral reefs, whales, marine mammals or coastal ecosystems. No two sanctuaries are exactly alike, but they all serve as natural classrooms and living laboratories to promote stewardship of our coastal and marine waters. Sanctuaries also promote and balance multiple uses on the water. They are often exceptional areas for sports-fishing, diving, boating and other recreational activities, and they support commercial industries such as tourism and fishing. Together they generate an estimated $8 billion dollars annually in local marine-related economies.

Sanctuary Nomination and Designation Process

On June 13, 2014, NOAA published a notice in the Federal Register inviting communities to submit nominations for consideration as new National Marine Sanctuaries. To be eligible, an area must have strong community-based support and contain nationally significant marine heritage and/or natural resources, support economic uses such as recreation and tourism and demonstrate need for conservation and management of the area’s resources.

In response to this solicitation, on September 15, 2014, the State of Maryland, in partnership with Charles County and a broad coalition of individuals and community organizations, submitted the nomination of an approximately 18 square mile section of the Potomac River in the Mallows Bay area as a proposed new maritime heritage National Marine Sanctuary. The nomination was modeled largely on the Thunder Bay National Marine Sanctuary on Lake Huron in Michigan and focused on the vast collection of historic shipwrecks - the largest in the Western Hemisphere -- found in this section of the Potomac River, including the WWI steamship “Ghost Fleet,” civil and revolutionary war vessels, as well as the remnants of the historic Potomac River fishing industry. The nomination cited the potential opportunities for increased public access, tourism, economic development, education and research.

NOAA accepted the nomination as meeting all the eligibility criteria and in October 2015, NOAA issued a “Notice of Intent” to prepare a draft environmental impact statement (DEIS) and draft management plan and to carry out a public scoping process. Two public scoping
meetings were held in November 2015 and written and oral comments were received through January 15, 2016 on the concept of designating the sanctuary, the proposed size of the sanctuary and its goals and purposes.

A year later, in December 2016, NOAA and its partners, the State of Maryland and Charles County, completed the DEIS and Draft Management Plan and initiated another round of public comments on the Draft Statement which runs through March 31, 2017. As required by law, the DEIS considered the comments submitted during the public scoping process and identified 4 alternative boundary areas for the potential sanctuary: (A) no sanctuary at all, (B) the original 18 square mile nomination, (C) a 52 square mile area and (D) a 100 square mile boundary extending from the mouth of Pomonkey Creek in the north to near the MD 301 bridge.

It **recommends** designating alternative (C), the 52 square mile area in the Potomac River from approximately the Dominion powerlines just north of Quantico to the eastern edge of Virginia’s Caledon State Park as the alternative that would best accomplish the principal goals identified in the public scoping process -- protecting and promoting all of the known historic shipwrecks in this transect of the Potomac River and providing opportunities for increased public access on public lands to the area.

The DEIS specifically states that:

- The principal purpose of the sanctuary is the “protection, access and interpretation of the maritime cultural features of the area, including the “Ghost Fleet”, other vessels of historic significance, and related maritime infrastructure.”
- The sanctuary would be managed jointly by NOAA, the State of Maryland and Charles County, Maryland. Details of co-management will be established in a Memorandum of Understanding (MOU).
- “The action alternatives will not include any direct management, regulation or authority by NOAA of the natural environment, including fish and wildlife, water quality, or habitat.”
- “Authorities related to natural resources and their management will remain with Maryland Department of Natural Resources and other local jurisdictions” (including the Potomac River Fisheries Commission.)
- There are no anticipated changes or impacts to commercial or recreational fishing because of sanctuary designation and there may be benefits from potential increases in access, partnerships, and additional resources for watermen and recreational fishermen in heritage tourism services.
- All other recreational uses occurring on the river or on Maryland public lands, including hunting, fossil collecting, birding, wildlife viewing, boating and paddling, would continue and not be regulated by NOAA.
- “There are expected to be direct and indirect beneficial impacts to the local economy and small businesses.”
- “Sanctuary regulations will have no impact on personal property rights, land use and planning.”
• The only new NOAA regulations strengthen existing laws related to the historical shipwrecks and focus only on the protection of the shipwrecks and associated maritime heritage resources.

**Next Steps:**

After the public comment period is over, the comments will be reviewed, a summary of the comments and the responses from NOAA will be included in a Final EIS and changes may be made to the EIS as well as the proposed rule and draft management plans. This process may take a year to complete.