



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Monitor National Marine Sanctuary
100 Museum Drive
Newport News, VA 23606

November 01, 2018

Jessica R. McCawley
Chair, South Atlantic Fishery Management Council
Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation
Commission
2590 Executive Center Circle E., Suite 201
Tallahassee, FL 32301

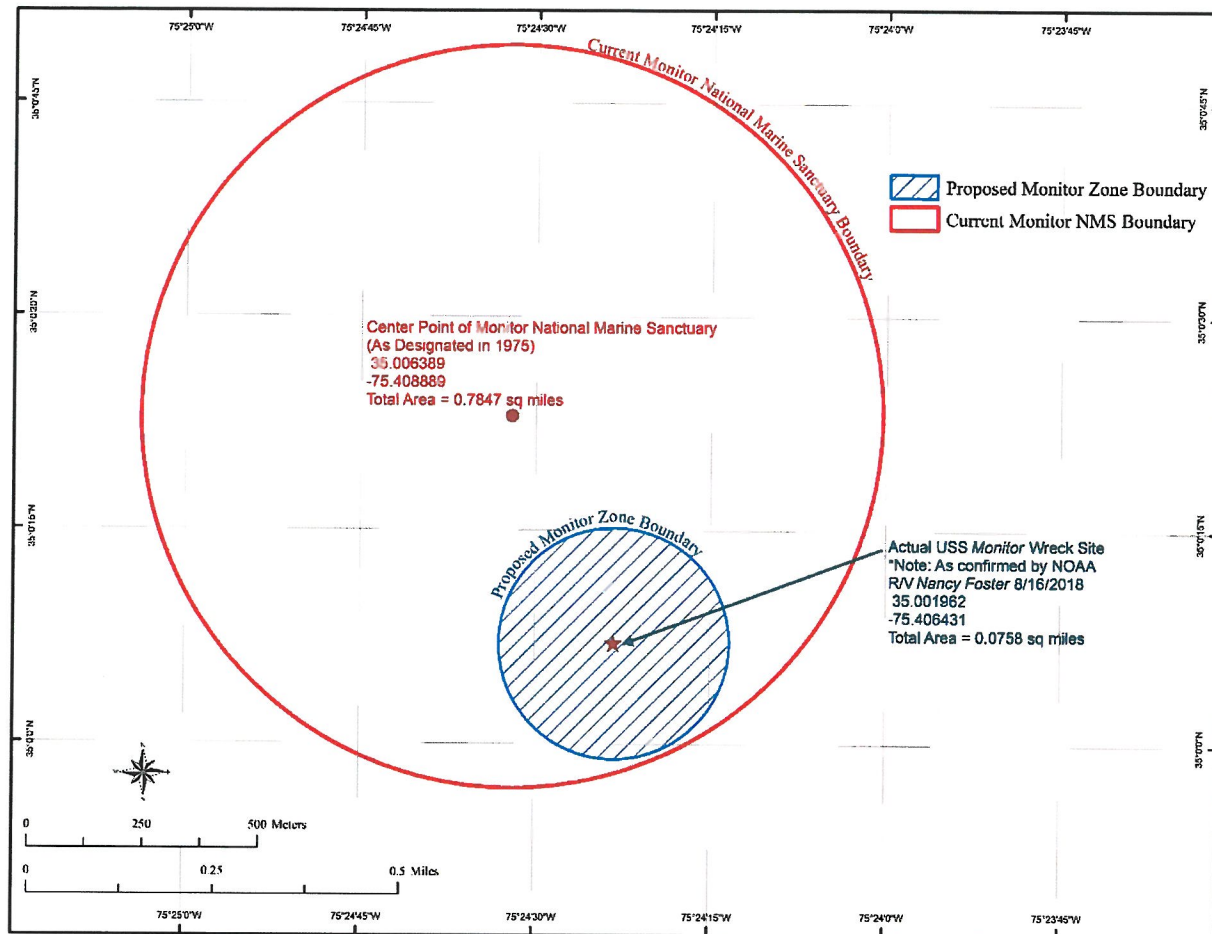
Dear Ms. McCawley:

The National Oceanic Atmospheric Administration's (NOAA's) Monitor National Marine Sanctuary (MNMS or sanctuary) was designated as the nation's first national marine sanctuary in 1975. The sanctuary protects the wreck of the historic USS *Monitor*, which sank in 1862 with the loss of sixteen sailors. It is located approximately 16 miles southeast of Cape Hatteras, North Carolina. The sanctuary boundary is one mile in diameter and extends from the seabed to the surface of the water.

The purpose of this letter is to initiate consultation with the South Atlantic Fishery Management Council (SAFMC) pursuant to section 304(a)(5) of the National Marine Sanctuaries Act (NMSA) on a proposal to change the existing sanctuary boundary to be directly centered over the USS *Monitor* wreck site, and reduce the diameter of this boundary from one mile to 500 meters. Current MNMS regulations prohibit trawling within the one-mile boundary of the sanctuary. NOAA's proposal to re-center and reduce the size of the boundary over the wreck site would retain the *Monitor* unit within the footprint of the existing sanctuary boundary. Per the map below, reducing and centering the boundary around the USS *Monitor* wreck site would decrease the total area of the MNMS trawling prohibition from 0.78 square miles to 0.076 square miles.

NOAA is also proposing to add new areas to the sanctuary to provide long-term protection and comprehensive management for additional historic shipwrecks, including several U.S. and foreign vessels that participated in World War II's "Battle of the Atlantic" off the North Carolina coast. NOAA would prohibit damaging, altering, or possessing historic resources in the expansion areas. However, NOAA would include a regulatory exception to this prohibition for lawful fishing occurring in the expansion area and the trawling prohibition would continue to apply only in the 500-meter diameter unit around the USS *Monitor*. Because NOAA is not proposing to regulate fishing within these new sanctuary areas, consultation under NMSA section 304(a)(5) is not required for this part of the proposal. We can provide you with additional information if you would like to learn more about the proposed expansion.





The primary goal of the proposed *Monitor* unit is to continue the long-term protection and management of the wreck of the USS *Monitor*, while allowing other compatible uses. NOAA believes the proposed action to reduce and re-center the boundary, and the continued prohibition on trawling, provide sufficient protections to the fragile remains of the USS *Monitor*. While NOAA recognizes that this is a minor change to the area in which the trawling prohibition applies, we nonetheless are required to consult with the SAFMC pursuant to section 304(a)(5) of the NMSA. Thus, NOAA requests SAFMC concurrence that the revised USS *Monitor* boundary is still consistent and compatible with the sanctuary's goals and objectives. Please note that the Office of National Marine Sanctuaries (ONMS) regulations provide the SAFMC with 120 days from the date you receive this letter to respond (15 C.F.R. § 922.22(b)).

We note that, while ONMS regulations prohibit trawling, fishery regulations at 50 C.F.R. § 600.705 more broadly prohibit fishing within the MNMS boundary.¹ ONMS does not plan to prohibit fishing other than trawling in the new 0.076 square mile area around the USS *Monitor*,

¹ "All fishing activity, regardless of species sought, is prohibited under 15 C.F.R. part 924 in the U.S.S. Monitor National Marine Sanctuary, which is located approximately 15 miles southwest of Cape Hatteras off the coast of North Carolina." 50 C.F.R. § 600.705.

and has encouraged the National Marine Fisheries Service to consider revising its fishing regulations consistent with that approach.

We appreciate the SAFMC's continued support of the goals and objectives of MNMS throughout this process. We are happy to discuss this consultation with you directly and brief SAFMC at an upcoming council meeting, as appropriate.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Alberg', followed by a long horizontal flourish.

David Alberg
Superintendent

cc:

Mel Bell, Vice Chair, SAFMC
Gregg Waugh, Executive Director, SAFMC
Roy Crabtree, Regional Administrator, NMFS Southeast Regional Office
Rebecca Holyoke, Deputy Director, ONMS
Matt Brookhart, Regional Director, ONMS
Vicki Wedell, Acting Chief, Policy and Planning, ONMS