How the National Marine Sanctuaries Act Diverged from the Wilderness Act Model and Lost Its Way in the Land of Multiple Use

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Abstract—*The fundamental flaw of the National Marine Sanctuaries Act is its lack of a singular focus on preservation. This conclusion is all the more obvious when it is compared to the Wilderness Act, enacted just eight years before. The stated objective of the Wilderness Act is to preserve roadless areas of "untrammeled" wilderness. More than 675 wilderness areas in 44 states have been designated under the Act's auspices. The Wilderness Act has proved to be an effective conservation and management tool because it established: a clear national policy to preserve wilderness; a specific and practical definition of wilderness; a permanent wilderness preservation system; clear management guidelines for all wilderness areas, including a general prohibition on commercial enterprises, roads, and structures; a wilderness review process that included an inventory of all potential sites and a time limit for the executive branch to recommend suitable wilderness areas to Congress; and, Congress as the exclusive decision-maker on granting and removing wilderness area designations (Scott 2001). In contrast, the Sanctuaries Act lacks a central focus on preservation and a rigorous process to achieve it. Congress has never defined what constitutes a sanctuary system, vaguely identifies the Act's purpose as protecting special areas of national significance, and does not outright prohibit any extractive uses. Guidelines do not exist as to where or how many sanctuaries must be established by the Secretary of Commerce, nor is there a requirement for a comprehensive survey to identify all potential sanctuaries.*

INTRODUCTION

"The oceans are in danger of dying." - Jacques Cousteau (Time 1970)

Coastal and ocean degradation caused by pollution, industrial and commercial development, and waste dumping became salient environmental issues in the 1960s and 1970s. Public awareness of ocean problems was heightened by large oil spills, "dead seas" resulting from the dumping of dredge spoil and sewage sludge off America's coasts, and numerous scientific reports detailing the environmental decline of coastal areas. In response, the U.S. Congress approved a number of remedial measures to protect coasts and estuaries, including a federal program to assist states in developing coastal zone management plans, new water pollution and ocean dumping policies, and programs to create estuarine and marine sanctuaries.

Early proponents of marine sanctuaries, including President Johnson's 1966 Science Advisory Committee, envisioned a system of protected ocean areas analogous to those established for terrestrial areas, such as national parks and wilderness areas (Panel on Oceanography 1966). Like wilderness areas, the marine preserves recommended by the Advisory Committee were intended to maintain the oceans' natural characteristics and values and only allow uses compatible with this goal. In his 1971 testimony before the Senate Subcommittee on Oceanography, world-renowned oceanographer Jacques Cousteau warned Congress that the world faced destruction of the oceans from pollution, overfishing, extermination of species, and other causes. He called for immediate action on several fronts to reverse the situation.

In 1972, the floodgates of environmental legislation opened. Congress passed a number of environmental laws, among them the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 (Pub. L. No. 92-532 1972). The MPRSA authorized a trio of programs to protect and restore ocean ecosystems. Of relevance here, it authorized the Secretary of Commerce to designate national marine sanctuaries for the "purpose of preserving or restoring [marine] areas for their conservation, recreational, ecological, or esthetic values." Unfortunately, the Sanctuaries Act as enacted did not strictly follow the model of the U.S. Wilderness Act.

For much of its history, the Sanctuaries Act has been a work in progress, largely because of ambiguity of intent. The original Act and its accompanying legislative history were incongruous in that the law directed the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration (NOAA), to establish sanctuaries for preservation and restoration purposes, but the House legislative history, especially the floor debate, allowed for both preservation and extractive uses in sanctuaries. This ambiguity produced confusion and led to implementation difficulties, triggering periodic efforts by NOAA and Congress to clarify the Act's purposes and provisions.

Over time, Congress confirmed multiple use as one of several purposes of the Act and gave the Secretary of Commerce the discretion to determine which uses in each sanctuary are consistent with that sanctuary and the resource protection objectives of the Act. Although key areas of the oceans and Great Lakes have been protected to some degree in the 13 sanctuaries established since 1972, the Sanctuary Program has yet to produce a comprehensive national network of marine conservation areas that restores and protects the full range of the nation's marine biodiversity, nor does it have a credible strategy for doing so. Established sanctuaries cover less than 0.5 percent of U.S. waters, and many significant marine areas and resources are missing from the system.

Meanwhile, the ocean degradation of which Cousteau warned, and which Congress sought to arrest when it passed the MPRSA and other marine conservation laws, is rapidly coming to pass. Although progress has been made on some fronts, such as bans on ocean dumping of toxic wastes and stronger protection for marine mammals, other problems, such as fisheries depletion and dead zones, have worsened.

EARLY SANCTUARY BILLS (1967-1970)

In 1967, bipartisan members of Congress, including Representatives Hastings Keith (R-Mass.), Phil Burton (D-Calif.), and George E. Brown, Jr. (D-Calif.), introduced bills to direct the Secretary of the Interior to study the feasibility of a national system of marine sanctuaries patterned after the U.S. National Wilderness Preservation System (H.R.11584 and S.2415 1967). At the time, the petroleum industry was rapidly expanding its operations in offshore waters. A principal factor prompting this legislation was the desire to protect scenic coastlines and special marine places, including rich fishing grounds like Georges Bank, from oil and gas development.

The House Merchant Marine and Fisheries Committee held a hearing on the sanctuary study bills in 1968, but they were opposed by the Department of the Interior (DOI) on grounds that existing law permitted the DOI to manage the ocean for multiple uses, including environmental protection, and that sanctuaries might limit offshore energy development. Nevertheless, several members of the House continued to promote legislation to study sanctuary feasibility in the next two Congresses.

Concurrently, a second strategy for protecting ocean places was advanced by members of the California delegation who wished to designate areas on the Outer Continental Shelf (OCS) of California in which oil drilling would be prohibited. In 1968, bills were introduced but not passed in the House and the Senate to ban drilling in a section of waters near Santa Barbara. Following a massive oil spill from a ruptured well in the Santa Barbara Channel in 1969, Senator Alan Cranston (D-Calif.) became the most vocal advocate for prohibiting drilling at selected places along the California coast. The DOI opposed these bills as well, claiming that new drilling guidelines and procedures implemented after the Santa Barbara accident would be sufficient to prevent future spills. The Senate and House Interior and Insular Affairs Committees, which had authority over the OCS minerals leasing program, were sympathetic to the DOI's concerns and declined to act.

A third approach to ocean protection was spawned by concern about the effects of waste dumping in the ocean. Oil-covered beaches, closed shellfish beds, and "dead seas" around ocean dump sites prompted the introduction of bills in 1969 and 1970 to comprehensively regulate ocean dumping. A 1970 report of the President's Council on Environmental Quality called for comprehensive regulation of dumping. However, the report made no mention of the need for a marine sanctuary system (CEQ 1970).

Despite the Nixon Administration's opposition to marine sanctuaries, the Democrat-controlled House Merchant Marine and Fisheries Committee was determined to act. The ocean dumping crisis gave the committee the opening it needed. As the 91st Congress drew to a close, momentum for an ocean dumping law had become unstoppable.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

In June 1971, the House Merchant Marine and Fisheries Committee unanimously recommended that the entire House pass the Marine Protection, Research, and Sanctuaries Act (MPRSA), which contained titles on ocean dumping, marine research, and sanctuaries. The Act's sanctuaries title (Title III) was an amalgam of concepts from various bills pending before the committee and new ones forged in executive session. The sanctuary's title did not mirror the Wilderness Act, as had been recommended by President Johnson's Science Advisory Committee. Furthermore, it lacked any prohibitions on industrial development, including energy development, within designated sanctuaries, which had been a principal goal of Representative Keith and others.

The House bill gave the Secretary of Commerce broad discretionary authority to designate marine sanctuaries in coastal, ocean, and Great Lakes waters to preserve and restore an area's conservation, recreational, ecological, or esthetic values. The Secretary was to make the first designations within two years and additional ones periodically thereafter. The Secretary was given broad power to regulate uses and to ensure they were consistent with a sanctuary's purposes, but no uses were specifically prohibited by the Act. The Sanctuaries Act was authorized for three years and granted annual budget authority of up to $10 million.

The MPRSA passed the House overwhelmingly in 1971, despite Nixon Administration opposition to the sanctuaries title. The Senate Commerce Committee did not support marine sanctuaries and deleted the program from its version of the legislation. Nevertheless, the House-Senate conference committee on the dumping bill ultimately reinserted the House sanctuaries title, with only minor changes. President Nixon signed the MPRSA on October 23, 1972, sanctuaries title and all.

THE RISE OF MULTIPLE USE (1974-1986)

During House floor debate on the Act, members of the Merchant Marine and Fisheries Committee emphasized that Title III was not purely a preservation statute and that multiple use of sanctuaries was expected. The committee even considered extractive activities like oil and gas as potentially compatible with the statute's preservation and restoration purposes in certain situations. Taking this cue, NOAA's first regulations to implement the Sanctuaries Act permitted multiple uses that were compatible with the primary purposes of the sanctuaries.

Between 1972 and 1979, little money was spent to develop the program and only two small, non-controversial sanctuaries were designated. Once implementation began in earnest under the Carter Administration, controversies erupted over the scope, requirements, and impact of the program as NOAA attempted to designate larger areas. Ultimately, President Carter designated four sanctuaries, but other proposals remained mired in controversy.

Oil and commercial fishing industries were increasingly antagonistic toward the program because of its potential to infringe on their activities. The oil industry sought to have oil development allowed in sanctuaries, and the fishing industry sought to prevent sanctuaries from restricting their access to fishing grounds. From roughly 1977 until 1986, commercial fishing and oil interests and their congressional allies challenged the Sanctuaries Act's existence and battled individual sanctuary proposals. Failing an outright repeal, oil and fishing industries were largely successful in limiting the Act's application and watering down its preservation purpose.

By 1984, NOAA and Congress had made a series of regulatory and legislative decisions that emphasized balancing preservation with other human uses of sanctuaries. As applied by NOAA, the balancing doctrine has made it extremely difficult to establish fully-protected sanctuaries or even fully-protected zones within sanctuaries.

EMPHASIZING PRESERVATION (1988-2000)

The Sanctuary Program suffered greatly under the Reagan Administration, which undercut the program's funding and staffing, and considered only one tiny site for designation (Owen 2003). Meanwhile, a series of marine pollution events highlighted the continuing need for protection. These events included algal blooms, mass dolphin deaths, medical waste that washed up on the Atlantic Coast, and the discharge of copper ore and bunker fuel oil from a shipwreck near the Channel Islands National Marine Sanctuary.

Congressional frustration over the lack of new designations led to a new phase in which Congress legislatively designated four sanctuaries. Congress also passed laws protecting a total of four sanctuaries from oil extraction, but failed to amend the Act to protect all sanctuaries from this use. Congress attempted repeatedly to strengthen the Act's preservation mission. However, because Congress did not also clarify the Act's purpose and revise the multiple use provisions, the amendments passed in those years had only a modest effect on the program's preservation mission. Moreover, amendments in 2000 prohibited the designation of new sanctuaries until existing ones are inventoried and fully funded.

ASSESSING THE SANCTUARIES ACT'S EFFECTIVENESS

The Unfulfilled Preservation Mandate

The Sanctuaries Act has been used to set aside 13 key places. Although sanctuaries generally have been managed for multiple use, preservation zones where all extractive uses are prohibited have only been established in one sanctuary. Sanctuaries also have served as focal points for educating the public about marine conservation and encouraging public involvement in banning oil and gas drilling, mining, and other intensive uses in or near special marine places.

Generally, it is against the law to "destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary" (Sanctuaries Act 2004). However, the prohibition applies only to resources that are specifically identified in the designation document for each sanctuary. For example, most sanctuaries do not regulate fishing or prohibit bottom-trawling, despite the fact that fish populations are depleted in some sanctuaries and that research has documented how bottom-trawling has leveled the seabed and stripped vegetation at some sanctuaries (Center for the Economy and the Environment 2000; Sanctuary Program Regulations 2004). One small sanctuary (42 square nautical miles) within an oil producing area off Texas prohibits oil and gas development in some areas of the sanctuary but not others (Sanctuary Program Regulations 2004). The Sanctuaries, unlike Wilderness Areas, are not comprehensively protected from even the most intensive, potentially destructive uses.

Marine Reserves

The Sanctuaries Act was passed to preserve places in the sea from destruction, but the Act's multiple use provisions have made it difficult to create inviolate sanctuaries where no extraction of living or nonliving resources is allowed. Scientific thinking about conserving ocean ecosystems was in its infancy at the time the Sanctuaries Act was passed, but our knowledge has evolved substantially since the 1970s. Today, scientists call for the establishment of networks of marine reserves—areas exempt from all extractive or harmful activities, including commercial and recreational fishing—as a necessary tool to conserve marine biodiversity, restore and preserve the integrity of marine ecosystems, and maintain sustainable fisheries (Ecological Applications 2003). However, the United States has moved slowly in creating fully-protected marine reserve areas, even within sanctuaries. While Congress directed that one of the sanctuaries be considered for "not-take" zones, it failed to require this throughout the Program (Pub. L. No. 101-605 1990). NOAA's response to Congress, zoning the Florida Keys Sanctuary, drew vociferous opposition from some commercial and recreational fishing interests, and eventually established reserves covering less than 1 percent of the sanctuary.

Structural Flaws of the Sanctuaries Act

The paucity of protections resulting from the Sanctuaries Act is a result of several structural flaws:

- The Act's language makes it difficult to prohibit activities.
- Management of fisheries in sanctuaries has largely been ceded to NOAA Fisheries, not retained by sanctuary managers.
- The Act's multiple use provision can be employed by politically powerful lobby groups to trump scientifically sound regulations.
- The exhaustive consultation requirements and mandate to facilitate multiple uses "consistent with protection" are not found in national parks and wilderness protection laws.

Holes in the System

Many ocean areas that are most desirable from a conservation standpoint, such as the Caribbean and North Pacific, are missing from the sanctuary system. In addition to geographic holes in coverage, NOAA has not adequately used the Sanctuaries Act to address protection of diverse ocean wildlife. In 2000, Congress clarified that one of the Act's purposes is "to maintain the natural biological communities in the national marine sanctuaries, and to protect, and where appropriate, restore and enhance natural habitats, populations, and ecological processes" (Pub. L. 106-513 2000). However, little effective action has been taken. NOAA has no comprehensive program to assess the status of endangered species found within sanctuaries, address how sanctuaries should be managed to better conserve these species, or identify where additional sanctuaries are needed to protect other endangered wildlife.

The Act has been used to protect many sanctuaries from oil development and pollution, but even this success is threatened by annual attempts by some in Congress to remove these protections. Additionally, the Sanctuary Program has neither prevented overfishing within the borders of the sanctuaries nor consistently protected sanctuary bottom habitats from destructive fishing practices such as bottom trawling, and Congress continues to receive pressure to allow fisheries in sanctuaries to be managed by the National Marine Fisheries Service (NMFS) rather than the Sanctuary Program.

Oil Development and Commercial Fishing

Oil development and commercial fishing, two of the biggest threats to sanctuary resources, have been flashpoints throughout the Act's history. New oil development is prohibited in the system, at least for the moment. Although assertions were made that oil development could be compatible with other sanctuary uses, a number of sanctuaries specifically prohibited new oil and gas development when they were designated by either NOAA (for example, Channel Islands, Gulf of the Farallones) or Congress (for example, Monterey Bay, Cordell Banks). Public sentiment was a key reason for the limits of oil from the Monterey Bay and Channel Islands sanctuaries. However, oil and gas leases in place before a sanctuary's designation are often allowed to continue within the sanctuary (for example, in Channel Islands).

In 1998, President Clinton issued an executive memorandum that prohibited new oil and gas leases in any sanctuary until the year 2012. However, the Clinton memorandum can be rescinded by a succeeding president. Congress can also intervene to allow oil and gas exploration (distinct from the issuance of new leases), as it did in 2003, when a proposed energy bill allowed for oil exploration throughout the entire Outer Continental Shelf, including in marine sanctuaries (Wkly. Comp. Pres. Doc. 1998). Though the measure passed the Senate, it was stopped in the House by coastal state opposition. As oil prices rise, offshore oil development in marine sanctuaries will continue to be a threat.

Since 1972, commercial fishing has contributed to severe population declines of many fish species. Depleted populations include New England cod, snapper and grouper reef fish in the Southeast Coast and Gulf of Mexico, various species of rockfish and the nearly extinct white abalone along the Pacific Coast, and several species of lobster in Hawaii. According to NOAA, 76 populations in the United States are classified as overfished (NMFS 2004). Although sanctuaries are home to some of these depleted populations, most sanctuaries do not comprehensively prevent or even regulate commercial or recreational fishing. Eight sanctuaries do not regulate any fishing within their waters or expressly exempt "traditional fishing

practices," including bottom trawling. Bottom trawling is allowed in seven of the 13 sanctuaries even though this method of fishing causes extensive damage to seafloor ecosystems that provide vital breeding, nursing, and feeding grounds to fish.

The Sanctuaries Act requires the Secretary of Commerce to give the appropriate regional fishery management council the opportunity to draft fishing regulations for each proposed sanctuary, but the councils must meet certain standards. If a council chooses to draft regulations, it must use as guidance the national standards of the Magnuson-Stevens Act, the law under which federal fisheries are managed primarily for exploitation, "to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation." A council's draft regulations must also "fulfill the purposes and polices [of the Sanctuaries Act] and the goals and objectives of the proposed designation," or the Secretary must reject the draft and prepare the regulations himself (Sanctuaries Act 2004). Any amendments to the fishing regulations must follow the same standards and process of development. Therefore, while the draft fishing regulations are guided by some provisions of the Magnuson-Stevens Act, they must be entirely compatible with and assist fulfillment of the National Marine Sanctuaries Act.

Although the Sanctuaries Act gives the Secretary the power to object to a council recommendation that would harm sanctuary resources, the Secretary has been reluctant to change the regional council's draft fishing regulations for sanctuaries. The reluctance comes in part because of NOAA's conflicting responsibilities to protect sanctuary resources while promoting the economic viability of fisheries. In practice, staff often resolve conflicts between the National Ocean Service, which manages the Sanctuary Program, and NOAA Fisheries before these disputes ever reach the Secretary of Commerce.

Congress also has failed to address the negative effects of fishing on sanctuaries. For example, the legislative designations of Monterey Bay and Stellwagen Bank were silent on commercial fisheries regulation, leaving it to NOAA to decide whether to cover commercial fishing as a regulated or prohibited activity (Pub. L. 102-587 1992). NOAA chose not to regulate fishing in either sanctuary because there was insufficient support for regulation. As a result, the sanctuaries have not helped stop the declines of certain resident fish populations nor have they halted the disturbance and destruction of seafloor habitat within their boundaries.

Actions in the past year suggest that NOAA's pattern of deference to the councils regarding management of fishing in sanctuaries may be changing. NOAA's draft goals and objectives for the Northwestern Hawaiian Islands, the one sanctuary currently under consideration for addition to the sanctuary system, would prohibit certain fisheries and regulate others, in order to effectively protect sanctuary resources. Furthermore, Monterey Bay National Marine Sanctuary may expand its borders to include Davidson Seamount to protect the seamount from fishing. Finally, Cordell Bank National Marine Sanctuary is considering clarifying that submerged lands are included in the sanctuary's jurisdiction, and has proposed prohibiting bottom trawling in the entire sanctuary.

Each of these proposals has garnered opposition by the councils, which argue that the Magnuson-Stevens Act and the Sanctuaries Act are incompatible, and that the Magnuson-Stevens Act should be the controlling authority. Not only is the councils' interpretation refuted by the plain meaning of the Sanctuaries Act, its acceptance would prevent the comprehensive management of sanctuary ecosystems.

Preservation and Multiple Use

While it is true that "preservation" or "protection" (the precise word used in the Act has changed over time) has always been a purpose of the Sanctuaries Act, it is not the Act's singular purpose. More than anything, it is the provisions related to multiple use that have prevented the development of a marine sanctuary system that lives up to its name.

Even though the Act now states that "resource protection" is the primary objective, by requiring that sanctuaries facilitate all public and private uses "compatible" with this objective, the Act allows users to

> *challenge the Secretary's decision to prohibit certain activities, and creates the expectation among resource users that their use will be facilitated. The Secretary must then defend his or her regulatory decisions by demonstrating that such activities are not "compatible" with resource protection . . . The Secretary must, in effect, answer the question: "Does this activity harm the resource enough in comparison to the benefits people get from that activity to justify regulating it?"* (Turnstone Group 2003: 6)

If protection or preservation is the primary purpose of sanctuaries, at what point do multiple uses compromise resource protection? If most of the ocean is generally open to all uses, then the most direct and effective way to preserve ocean places is to set some of them aside for the singular purpose of preservation just as national parks and wilderness areas have been created on land. Only truly compatible uses of sanctuaries, such as education, science, and low-impact recreation would be allowed. An effective, comprehensive ocean zoning policy, if it existed, would divide the ocean into a number of different use zones, including preservation zones. This was the strategy envisioned in 1966 by President Johnson's Science Advisory Committee, which called for a marine wilderness preservation system, not the creation of multiple-use sanctuaries.

MORATORIUM ON NEW SANCTUARIES

Efforts to designate additional sanctuaries came to a halt in the mid-1990s. Until that time, NOAA's designation process was driven by a list of sites that had passed a preliminary evaluation of appropriateness for sanctuary designation. NOAA inactivated the list because it was out of date and needed to be revised (Sanctuary Program Regulations 1995). Before NOAA could revise the list, Congress enacted a moratorium on new designations in the 2000 Amendments to the Sanctuaries Act.

Lifting the moratorium is contingent upon publication of a study by the Secretary of Commerce concluding that the "addition of a new sanctuary will not have a negative impact on the system," sufficient funding in the annual Commerce Department budget for an inventory of the new sanctuary's resources, and sufficient funding in the Commerce Department budget for complete site characterization studies of all current sanctuaries within ten years (Pub. L. 106-513 2000).

The moratorium is a signal that additions to the sanctuary system are not a high priority for Congress, regardless of the scientific community's urgent call for greater protection of sensitive marine areas. The moratorium has had one positive consequence—forcing NOAA to develop a management program for congressional review—but it throws a pall of uncertainty over the program. It is hard to imagine a similar no-growth injunction being placed on the national park, wilderness area, or wildlife refuge systems, all of which continue to expand.

CONCLUSION

Without a singular preservation focus, the Sanctuaries Act has proved to be an unreliable vehicle for comprehensively preserving the full array of the nation's marine resources and special places. The Act's inadequacies have been obvious throughout its history. Incongruous and conflicting mandates, lack of strategic implementation guidelines, and the failure to prohibit incompatible uses and define uniform protection standards, have proved baffling to NOAA and been a source of continuing debate by the Act's authorizing committees. Furthermore, frequent reinvention efforts by Congress and NOAA have failed to fix the Act's fundamental problems.

The Act continues to lack a cohesive set of purposes and compatible uses that apply to every sanctuary in the system. Until this consistency is created, lengthy fights between user groups and conservationists are all but guaranteed each time a new sanctuary is designated or management plans are reviewed.

When such battles stymied the designation process in the 1980s, a conservation-minded Congress mandated deadlines for NOAA to designate certain sanctuaries. When that approach was unsuccessful, Congress bypassed the largely dysfunctional designation process to create the Florida Keys, the Hawaiian Islands Humpback Whale, Monterey Bay, and Stellwagen Bank marine sanctuaries. When Congress was dissatisfied with NOAA's position on minerals extraction, it again bypassed the designation process by prohibiting new oil and gas leases at Cordell Bank and Olympic Coast, oil development at Monterey Bay, and sand and gravel mining at Stellwagen. On the other hand, Congress has not been proactive in the regulation of commercial fishing in sanctuaries.

The Sanctuaries Act is now so constrained by its own architecture that it stands little chance of producing the comprehensive system of marine preservation areas envisioned by early supporters who had hoped to create a system of marine wilderness preserves analogous to the terrestrial wilderness system. The blueprint of a permanent marine sanctuary system for the sole purpose of preservation was rejected in favor of one that attempted to balance preservation with other uses. As a result, progress toward protecting America's ocean resources has not resulted in the national network of marine conservation areas that scientists and marine managers today say are needed to protect and restore ocean life.

The reauthorization of the Sanctuaries Act offers Congress an opportunity to either bolster the Act through substantial amendment or bypass it altogether and create a new overarching statute that mandates the creation of fully-protected marine conservation areas. In trying to decide what approach to take, we encourage looking back to the Wilderness Act. The Wilderness Act provides a compelling and successful model for establishing a system of areas managed to protect their inherent wild character by generally prohibiting commercial uses, while allowing low-intensity activities to continue. Regardless of whether Congress chooses to follow the Wilderness Act model in overhauling the Sanctuaries Act or in drafting new legislation, a bold, vigorous and determined effort is needed to identify, protect, and truly preserve America's marine ecosystems before they are irrevocably lost.

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