

HR 5864 IH

110th CONGRESS

2d Session

**H. R. 5864**

To designate Puerto Mosquito Bay National Marine Sanctuary in Puerto Rico, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**April 22, 2008**

Mr. FORTUN.AE6O introduced the following bill; which was referred to the Committee on Natural Resources

**A BILL**

To designate Puerto Mosquito Bay National Marine Sanctuary in Puerto Rico, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `Vieques Bioluminescent Bay Conservation Act of 2008'.

**SEC. 2. FINDINGS.**

The Congress finds the following:

- (1) The island of Vieques, Puerto Rico, is known for the natural beauty of its coastal features such as beaches, lagoons, and bioluminescent bays.
- (2) Such bioluminescence is the result of the production and emission of light by a chemical reaction within a living organism, the dinoflagellate *Pyrodinium bahamense*, when it is agitated.
- (3) Puerto Mosquito Bay in Vieques is of national and international significance because it is among the brightest bioluminescent marine areas in the world.

(4) The unique biological and physical properties of Puerto Mosquito Bay, such as its rate of water exchange with the ocean, water quality, and adjacent mangroves, contribute to a high density of the bioluminescent dinoflagellate *Pyrodinium bahamense* in its waters.

(5) Puerto Mosquito Bay is of great ecological, cultural, scientific, educational, and economic value to present and future generations.

(6) Puerto Mosquito Bay is of particular value to the residents of Puerto Rico because its nearly unparalleled bioluminescence creates a sense of local pride, wonder, and enjoyment, and attracts visitors who support the local economy.

(7) Puerto Mosquito Bay's ecosystem is fragile and its ecological integrity is subject to damage or loss from a variety of potential disturbances.

(8) The popularity of Puerto Mosquito Bay is a potential threat because of increasing visitation and related impacts.

(9) The unique characteristics of Puerto Mosquito Bay also make it vulnerable to physical, biological, and other disturbances as in other documented cases where bioluminescent bays have been degraded.

(10) Action is needed to provide comprehensive protection that would complement current Federal and local management activities.

(11) The agencies of the United States need to cooperate fully to achieve the necessary protection of both terrestrial areas adjacent to and marine resources within Puerto Mosquito Bay.

(12) The Federal Government and the Government of Puerto Rico should jointly develop and implement a comprehensive program to protect nearby terrestrial and marine areas to maintain water quality and other environmental characteristics that contribute to the unique nature of Puerto Mosquito Bay.

(13) Designation of Puerto Mosquito Bay as a United Nations Educational, Scientific, and Cultural Organization Biosphere Reserve would complement designation as a National Marine Sanctuary by enhancing research, management, and education through international communication and cooperation.

### **SEC. 3. POLICY AND PURPOSES.**

(a) Policy- It is the policy of the United States to protect and preserve the natural resources of Puerto Mosquito Bay, Puerto Rico, with special consideration for the bioluminescent organisms that make this area unique.

(b) Purposes- The purposes of this Act are--

(1) to protect the resources of the area of Puerto Mosquito Bay, Puerto Rico, described in section 4(b);

(2) to educate and interpret for the public the unique elements of the Puerto Mosquito Bay environment;

(3) to utilize the best available science to monitor and manage the sanctuary to ensure its survival; and

(4) to manage human uses of the Puerto Mosquito Bay National Marine Sanctuary designated by section 4(a) consistent with this Act.

#### **SEC. 4. SANCTUARY DESIGNATION.**

(a) Designation- The area described in subsection (b) is designated as the Puerto Mosquito Bay National Marine Sanctuary under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) (in this Act referred to as the `Sanctuary').

(b) Areas Included- Except as provided in subsections (c) and (d), the Sanctuary consists of the submerged lands and waters of Puerto Mosquito Bay landward of the point where the bay meets the ocean.

(c) Effect of Objection by Governor-

(1) OBJECTION TO DESIGNATION- If within 45 days after the date of the enactment of this title the Governor of Puerto Rico certifies to the Secretary of Commerce that the designation under subsection (a) of any area of the Sanctuary is unacceptable, the designation shall not take effect in that area.

(2) OBJECTION TO MANAGEMENT PLAN OR REGULATIONS- If within 45 days after the date of issuance of the comprehensive management plan and implementing regulations under section 5 the Governor of Puerto Rico certifies to the Secretary that the management plan, any implementing regulation, or any term of the plan or regulations is unacceptable, the management plan, regulation, or term, respectively, shall not take effect.

(3) TERMINATION OF DESIGNATION- If the Secretary considers that an action taken under paragraph (1) or (2) by the Governor of Puerto Rico will affect the Sanctuary in a manner that the policy and purposes of this Act cannot be fulfilled, the Secretary may terminate the entire designation under subsection (a). At least 30 days prior to such termination, the Secretary shall submit written notification of the

proposed termination to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

(d) Boundary Modifications- No later than the date of issuance of the draft environmental impact statement for the Sanctuary under section 304(a)(1)(C)(vii) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(a)(1)(C)(vii)), the Secretary, in consultation with the Governor of Puerto Rico, if appropriate, may make modifications to the boundaries of the Sanctuary as necessary to fulfill the purposes of this Act. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives written notification of such modifications.

## **SEC. 5. COMPREHENSIVE MANAGEMENT PLAN.**

(a) Preparation of Plan- Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce, in consultation with interested persons and appropriate Federal, Puerto Rico, and local government authorities, shall issue a comprehensive management plan and implementing regulations to achieve the policy and purposes of this Act. In developing the plan and regulations, the Secretary of Commerce shall follow the procedures specified in sections 303 and 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433 and 1434). Such comprehensive management plan shall--

(1) facilitate all public and private uses of the Sanctuary consistent with the primary objective of Sanctuary resource protection;

(2) set forth the allocation of Federal and State enforcement responsibilities, as jointly agreed by the Secretary and the Governor of Puerto Rico;

(3) identify needs for research and establish a long-term ecological monitoring program;

(4) identify potential threats to the Sanctuary from lands surrounding Puerto Mosquito Bay and from marine areas outside the mouth of the Bay;

(5) identify alternative sources of funding needed to fully implement the plan's provisions and supplement appropriations made available under this Act and section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444);

(6) ensure coordination and cooperation between Sanctuary managers and other Federal, Puerto Rico, and local authorities with jurisdiction

within or adjacent to the Sanctuary; and

(7) promote education, among users of the Sanctuary, about mangrove conservation and water quality concerns.

(b) Public Participation- The Secretary of Commerce shall provide for participation by the general public in the development of the comprehensive management plan.

*END*

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