



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

September 19, 2017

Benjamin Friedman
Acting NOAA Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue NE, Room 5128
Washington, DC 20230

Administrator Friedman:

As you know in 2015, Wisconsin was designated for a NOAA National Marine Sanctuary (NMS) in the waters of Lake Michigan adjacent to Manitowoc, Sheboygan, and Ozaukee counties. In 2014, my office indicated preliminary support for the proposed NMS in a defined area of Lake Michigan. Recently, there have been several public meetings on the NMS proposal in Wisconsin. The meetings have raised concerns about which it is prudent to seek further clarification from NOAA prior to final approval of the NMS proposal in Lake Michigan.

Currently, NOAA staff, the Wisconsin Historical Society (WHS), Wisconsin Department of Natural Resources (DNR), and the Wisconsin Coastal Management Program (WCMP) are finalizing the Final Environmental Impact Statement, Final Management Plan and Final Rule for the NMS. Additional clarifications from NOAA on the following topics will assist in the State in finalizing these documents and in determining whether the State can provide final support for the NMS designation in this area. The concerns being raised are grouped into three main categories. If NOAA can provide clear answers to the issues raised with any supporting statutory or rule citations, it will assist in our final review.

State Sovereignty

- What authority does the state maintain in the NMS?
- Are any current state laws superseded by the sanctuary?
- Who will be responsible to enforce the proposed restrictions in the zone?

Regulation Within and Areas Outside of the NMS

- Why was the ordinary high-water mark chosen as the border for the NMS?
- Will there be restrictions on property owners whose land border the NMS?
- Will any changes be made to property owners existing rights under current state law?
- Will citizens maintain the ability to use the NMS for fishing and recreation without having to apply and pay for special use permits in the waters and beaches in the NMS?
- Does the sanctuary impact commercial or sports fishing activities? If so, what are the restrictions that will be imposed? Are there opportunities to change the

restrictions in the future? Who has the authority to change the restrictions?
What role would the state play in any such changes?

- Several of the cities located along the NMS are important ports, if the designation is finalized can any dredging or alterations of the lake bed be carried out?

Protection for Wisconsin

- What recourse would citizens of Wisconsin have if they have problems with NOAA management? How will NOAA be accountable to the citizens of Wisconsin?
- Can NOAA issue fines to people who might pick up a piece of debris?
- Can the borders of the NMS be changed without the consent of the state of Wisconsin?
- What prevents future administrations from enlarging the NMS beyond its current borders?
- What prevents future administrations from changing the rules and regulations related to the NMS? If the rules and regulations are proposed for a change, what role does the state play? Can the state object and thereby prevent further restrictions in and around the NMS?

Thank you for your consideration and clarification to the questions that are being raised by the citizens of Wisconsin. I look forward to hearing from you prior to any final actions regarding this designation.

Sincerely,



Scott Walker

Governor