

POSSESSING ANY HISTORICAL RESOURCE, MARINE MAMMAL, SEA TURTLE OR SEABIRD

Except as necessary for valid law enforcement purposes, it is unlawful for any person to possess within the Sanctuary (regardless of where taken, moved, or removed from) any historical resource, or any marine mammal, sea turtle, or seabird taken in violation of regulations under the MMPA, ESA, or MBTA.

INTERFERING WITH ENFORCEMENT

It is unlawful to interfere with, obstruct, delay, or prevent an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.

Section 944.6 Emergency Regulations

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss or injury, any and all activities are subject to immediate temporary regulation, including prohibition.

“Sanctuary quality” means any particular and essential characteristic of the Sanctuary, including, but not limited to, water quality, sediment quality and air quality.

“Sanctuary resource” means any living or non-living resource of the Sanctuary that contributes to its conservation, recreational, ecological, historical, research, education or esthetic value, including, but not limited to, the substratum of the Monterey Bay area, bottom formations, coralline algae, marine plants and algae, invertebrates, plankton, fish, birds, sea turtles, marine mammals and historical resources.

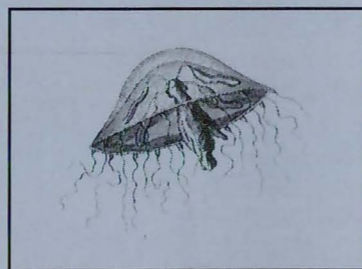
Section 944.7 Penalties for Violations of Regulations

Sec. 1437(c)(1) of the Act authorizes the assessment of a civil penalty of not more than \$100,000 against any person subject to the jurisdiction of the United States for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding *in rem* against any vessel used in violation of any such regulation.

For more information, contact the **Monterey Bay National Marine Sanctuary Office** at 2560 Garden Road, Suite 101, Monterey, California 93940 (phone, 408-647-4201);

or

The **Office of Ocean and Coastal Resource Management, Sanctuaries and Reserves Division**, SSMC-4, 12th Floor 1305 East-West Highway, Silver Spring, MD 20910 (phone, 301-713-3141).



Additional sources of information include:

FEDERAL:

National Marine Fisheries Service:

Special Agent, Office of Enforcement, 408-647-4220

U.S. Coast Guard, Group Monterey:

Officer of the Day, Operations Center, 647-7303

Federal Aviation Administration:

Flight Services District Office, San Jose, 408-291-7681

STATE:

California Department of Fish & Game:

Patrol Captain, 408-649-2870

California Regional Water Quality Control Board:

Central Coast, Executive Officer, 805-549-3147

California Department of Parks & Recreation,

District Supervisors:

Bay Area (Pillar Point/Half Moon Bay): 415-726-8800

Santa Cruz: 408-688-3241

Monterey County: 408-649-2836

San Simeon: 805-927-2020

California Coastal Commission: 408-427-4863

LOCAL:

Harbormasters:

Pillar Point: 415-726-4723

Santa Cruz: 408-475-6161

Moss Landing: 408-633-2461

Monterey: 408-646-3950

Morro Bay: 805-772-6254

Airport Managers:

San Francisco: 415-876-2421

Half Moon Bay: 415-573-3701

San Carlos: 415-573-3700

San Jose: 408-277-4705

Watsonville: 408-728-6075

Monterey: 408-648-7006

Department of Commerce

National Oceanic and Atmospheric Administration

Sanctuaries and Reserves Division

Silver Spring, MD 20910



THE MONTEREY BAY NATIONAL MARINE SANCTUARY

SUMMARY OF REGULATIONS

What Is A National Marine Sanctuary?

“Sanctuary” means a place of refuge, shelter, or protection. A national marine sanctuary is a geographic area of sufficient national significance to warrant protection and management by the Federal government. The Monterey Bay National Marine Sanctuary became a part of this program in September 1992. It is the Nation's eleventh marine sanctuary and the largest. Its protected resources include the Nation's most expansive kelp forests, one of North America's largest underwater canyons, and the closest-to-shore deep ocean environment in the continental United States.

The National Oceanic and Atmospheric Administration (NOAA) manages the Monterey Bay National Marine Sanctuary and the other sanctuaries to maintain their natural beauty and bounty. NOAA managers balance research, education, and protection with recreational and commercial uses. For each sanctuary, managers develop and follow a management plan that provides for basic research and for the education of visitors and residents in caring for each sanctuary's treasures.

National marine sanctuaries are special places. They satisfy our need for beauty, wonder, recreation, and sustenance. So that future generations may enjoy the Monterey Bay National Marine Sanctuary, learn the do's and don'ts of its care summarized in this pamphlet.



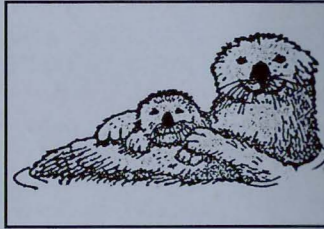
SUMMARY OF REGULATIONS

The Monterey Bay National Marine Sanctuary spans 4,024 square nautical miles of marine waters along the California central coast. Boundaries extend from the south boundary of the Gulf of Farallones National Marine Sanctuary, near San Francisco, south past San Simeon to Cambria Rock, and from the high tide mark to approximately 50 miles offshore. Boundary coordinates are described in Section 944.2 of 15 Code of Federal Regulations (CFR) Chapter IX, Subchapter B.

Section 944.4. Allowed Activities

All activities except those prohibited by Section 944.5 (see below) may be undertaken. However, all activities are subject to any emergency regulations issued under Section 944.6, and are subject to the prohibitions, restrictions and conditions validly imposed by any other authority of competent jurisdiction, and to the liability established by Section 312 of the Act.

“Act” means Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (16 United States Code 1431).



Section 944.5 Prohibited Activities

Except as may be necessary for the national defense, or as may be necessary to respond to emergencies threatening life, property or the environment, the following activities are prohibited within the Sanctuary unless permitted by the National Oceanic and Atmospheric Administration (NOAA). All prohibitions shall be applied consistently with international law.

EXPLORING FOR, DEVELOPING, OR PRODUCING OIL, GAS, OR MINERALS

It is unlawful for any person to explore for, develop, or produce oil, gas, or minerals.

DISCHARGING MATERIALS

It is unlawful for any person to discharge or deposit any material or other matter except:

- ❖ Fish, fish parts, chumming materials or bait used in or resulting from traditional fishing operations;
- ❖ Water (including cooling water) and biodegradable effluent incidental to vessel operations generated by:
 - marine sanitation devices
 - routine vessel maintenance e.g., deck wash down and gray water (excluding oily bilge wastes);
- ❖ engine exhaust; or
- ❖ dredged material deposited by valid Federal permit at disposal sites authorized by the EPA prior to January 1, 1993.

It is unlawful to discharge or deposit from beyond the boundary of the Sanctuary any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, with the exceptions noted above.

MOVING, REMOVING, OR INJURING A SANCTUARY HISTORICAL RESOURCE

It is unlawful for any person to move, remove, injure, or attempt to move, remove, or injure a Sanctuary historical resource. This does not apply if that outcome is an incidental consequence of kelp harvesting, aquaculture, or traditional fishing operations.

ALTERING THE SEABED

It is unlawful to drill into, dredge, or otherwise alter the seabed, or construct, place, or abandon any structure, material or other matter on the seabed except as an incidental result of:

- ❖ Anchoring vessels;
- ❖ Aquaculture, kelp harvesting, or traditional fishing operations;
- ❖ Installation of navigation aids;
- ❖ Harbor maintenance in the areas necessarily associated with Federal Projects in existence on January 1, 1993, including dredging of entrance channels and repair, replacement or rehabilitation of breakwaters and jetties; or
- ❖ Construction, repair, replacement, or rehabilitation of docks or piers.

DISTURBING MARINE MAMMALS, SEA TURTLES, AND BIRDS

It is unlawful for any person to take any marine mammal, sea turtle or seabird in or above the Sanctuary, except as permitted by regulations under the Marine Mammal Protection Act (MMPA), the Endangered Species Act (ESA), and the Migratory Bird Treaty Act (MBTA).

The definition of “take” may include: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, injure, or feed, or to attempt to engage in any such conduct. This definition also includes restraining or detaining any sea turtle, marine mammal or seabird, no matter how temporarily; and committing any act, including vessel or aircraft operation, that disturbs any of these creatures.

FLYING MOTORIZED AIRCRAFT BELOW 1,000 FEET

It is unlawful for any person to fly motorized aircraft, except as necessary for valid law enforcement purposes, at less than 1,000 feet above any of the four zones detailed in 15 CFR Chapter IX, Appendix II to Part 944 and illustrated in Map A. Generally, these zones are from Point Santa Cruz north, Carmel Bay south (overlapping the California Sea Otter Game Refuge), and around Moss Landing and Elkhorn Slough.

OPERATING MOTORIZED PERSONAL WATER CRAFT

It is unlawful for any person to operate motorized personal water craft except within the four designated zones and access routes detailed in CFR Chapter IX, Appendix III to Part 944 and illustrated by Map B.

“Motorized personal water craft” means any motorized vessel that is less than fifteen feet in length as manufactured, is capable of exceeding a speed of fifteen knots, and has the capacity to carry not more than the operator and one other person while in operation. The term includes, but is not limited to, jet skis, wet bikes, surf jets, miniature speed boats, air boats and hovercraft.

