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**APPENDIX C: EXISTING AND PROPOSED CINMS  
REGULATIONS**



# APPENDIX C: EXISTING AND PROPOSED CINMS REGULATIONS

Table 27: Existing CINMS Regulations and Regulatory Alternatives

No Action (Status Quo)	Proposed Action <u>Underlined</u> (new) and <del>struck through</del> (deleted) text show differences from No Action (Status Quo)	Alternative 1 ( <b>bold</b> text is different from Proposed Action)
<p><b>Sanctuary Boundary</b> (15 CFR 922.70).</p> <p>The Channel Islands National Marine Sanctuary (Sanctuary) consists of an area of the waters off the coast of California of approximately 1252.5 square nautical miles (NM) adjacent to the following islands and offshore rocks: San Miguel Island, Santa Cruz Island, Santa Rosa Island, Anacapa Island, Santa Barbara Island, Richardson Rock, and Castle Rock (collectively the Islands) extending seaward to a distance of six NM. The boundary coordinates are listed in appendix A to this subpart.</p>	<p><b>Sanctuary Boundary.</b></p> <p>The Channel Islands National Marine Sanctuary (Sanctuary) consists of an area of <del>the waters off the coast of California of approximately 1252.5</del><sup>1243</sup> square nautical miles (NM) <del>of coastal and ocean waters, and the submerged lands thereunder, off the southern coast of California. The Sanctuary boundary begins at the Mean High Water Line of and extends seaward to a distance of approximately six NM adjacent to from</del> the following islands and offshore rocks: San Miguel Island, Santa Cruz Island, Santa Rosa Island, Anacapa Island, Santa Barbara Island, Richardson Rock, and Castle Rock (<del>collectively the Islands</del>) extending seaward to a distance of six NM. The <u>seaward</u> boundary coordinates are listed in <u>the Appendix A</u> to this subpart.</p>	<p><b>Sanctuary Boundary.</b></p> <p>Same as Proposed Action</p>
<p><b>1. Oil and Gas.</b></p> <p>Prohibited: Exploring for, developing, and producing hydrocarbons except pursuant to leases executed prior to March 30, 1981, and except the laying of pipeline, if the following oil spill contingency equipment is available at the site of such operations:</p> <p>(i) 1500 feet of open ocean containment boom and a boat capable of deploying the boom;</p> <p>(ii) One oil skimming device capable of open ocean use; and</p> <p>(iii) Fifteen bales of oil sorbent material, and subject to all prohibitions, restrictions and conditions imposed by applicable regulations, permits, licenses or other authorizations and consistency reviews including those issued by the Department of the Interior, the Coast Guard, the Corps of Engineers, the Environmental Protection Agency and under the California Coastal Management Program and its implementing regulations.</p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be necessary for the national defense</li> <li>• Except as may be necessary to respond to an emergency threatening life, property, or the environment</li> <li>• Except as may be permitted by the Director in accordance with 15 CFR secs. 922.48 and 922.72</li> </ul>	<p><b>1. Oil and Gas.</b></p> <p>Prohibited: Exploring for, developing, <del>and/or</del> producing hydrocarbons <u>within the Sanctuary</u>, except pursuant to leases executed prior to March 30, 1981, and except the laying of pipeline <u>pursuant to exploring for, developing, or producing hydrocarbons</u>, <del>if the following oil spill contingency equipment is available at the site of such operations:</del></p> <p>(i) <del>1500 feet of open ocean containment boom and a boat capable of deploying the boom;</del></p> <p>(ii) <del>One oil skimming device capable of open ocean use; and</del></p> <p>(iii) <del>Fifteen bales of oil sorbent material, and subject to all prohibitions, restrictions and conditions imposed by applicable regulations, permits, licenses or other authorizations and consistency reviews including those issued by the Department of the Interior, the Coast Guard, the Corps of Engineers, the Environmental Protection Agency and under the California Coastal Management Program and its implementing regulations.</del></p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• <del>Except as may be necessary for the national defense</del></li> <li>• <del>Except as may be necessary to respond to an emergency threatening life, property, or the environment;</del></li> <li>• <del>Except as may be permitted by the Director in accordance with 15 CFR secs. 922.48 and 922.72</del></li> </ul>	<p><b>1. Oil and Gas.</b></p> <p>Same as Proposed Action</p>
<p><b>2. Mineral Activities.</b></p> <p>No existing regulation</p>	<p><b>2. Mineral Activities.</b></p> <p>Prohibited: <u>Exploring for, developing, or producing minerals within the Sanctuary, except producing by-products incidental to hydrocarbon production allowed by paragraph (a)(1) of this section</u> [see #1 above].</p>	<p><b>2. Mineral Activities.</b></p> <p>Same as Proposed Action</p>

Table 27, Page 1 of 9

Table 27: Existing CINMS Regulations and Regulatory Alternatives (continued)

No Action (Status Quo)	Proposed Action <u>Underlined</u> (new) and <del>struck through</del> (deleted) text show differences from No Action (Status Quo)	Alternative 1 <b>(bold text is different from Proposed Action)</b>
<p><b>3. Discharging or Depositing.</b> Prohibited: Discharging or depositing any material or other matter except: (i) Fish or fish parts and chumming materials (bait); (ii) Water (including cooling water) and other biodegradable effluents incidental to vessel use of the Sanctuary generated by: (A) Marine sanitation devices; (B) Routine vessel maintenance, e.g., deck wash down; (C) Engine exhaust; or (D) Meals on board vessels; (iii) Effluents incidental to hydrocarbon exploration and exploitation activities allowed by paragraph (a)(1) of this section [see #1 above].</p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be necessary for the national defense</li> <li>• Except as may be necessary to respond to an emergency threatening life, property, or the environment</li> <li>• Except as may be permitted by the Director in accordance with 15 CFR secs. 922.48 and 922.72</li> </ul>	<p><b>3. Discharging or Depositing.</b> Prohibited: Discharging or depositing <u>from within or into the Sanctuary</u> any material or other matter except: <u>(A)(i) Fish, or fish parts, and or chumming materials (bait) used in or resulting from lawful fishing activity within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity within the Sanctuary;</u> <u>(B)(ii) Water (including cooling water) and other biodegradable effluents incidental to vessel use of the Sanctuary and generated by:</u> <u>(A) an operable Type I or II marine sanitation devices (U.S. Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1321 et seq. Vessel operators must lock all marine sanitation devices in a manner that prevents discharge of untreated sewage;</u> <u>(B)(C) Routine vessel maintenance, e.g., Biodegradable matter from a vessel resulting from deck wash down, vessel engine cooling water, or graywater as defined by section 312 of the FWPCA;</u> <u>(C)(D) Vessel eEngine or generator exhaust; or</u> <u>(D) Meals on board vessels;</u> <u>(iii)(E) Effluents routinely and necessarily discharged or deposited incidental to hydrocarbon exploration, development, or production and exploitation activities allowed by paragraph (a)(1) of this section [see #1 above];</u> <u>(F) Discharges allowed under section 312(n) of the FWPCA; or</u> <u>(ii) Discharging or depositing from beyond the boundary of the Sanctuary any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, except those listed in subparagraphs (a)(3)(i)(B) through (F) of this section and fish, fish parts, or chumming materials (bait) used in or resulting from lawful fishing activity beyond the boundary of the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity there.</u></p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be permitted by the Director in accordance with the <u>scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR secs. 922.48 and 922.723.</u></li> <li>• Except as may be for an activity necessary to respond to an emergency threatening life, property, or the environment.</li> <li>• Except for an activity necessary for valid law enforcement purposes <u>in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>3. Discharging or Depositing.</b> Prohibited: Discharging or depositing <u>from within or into the Sanctuary</u> any material or other matter except: <u>(A)(i) Fish, or fish parts, and or chumming materials (bait) used in or resulting from lawful fishing activity within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity within the Sanctuary;</u> <u>(B)(ii) Water (including cooling water) and other biodegradable effluents incidental to vessel use of the Sanctuary and generated by: (A) an operable Type I or II marine sanitation devices (U.S. Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1321 et seq. <b>excluding any vessel of 300 gross registered tons or more.</b> Vessel operators must lock all marine sanitation devices in a manner that prevents discharge of untreated sewage;</u> <u>(B)(C) Routine vessel maintenance, e.g., Biodegradable matter from a vessel resulting from deck wash down, vessel engine cooling water, or graywater as defined by section 312 of the FWPCA;</u> <u>(C)(D) Vessel eEngine or generator exhaust; or</u> <u>(D) Meals on board vessels;</u> <u>(iii)(E) Effluents routinely and necessarily discharged or deposited incidental to hydrocarbon exploration, development, or production and exploitation activities allowed by paragraph (a)(1) of this section [see #1 above];</u> <u>(F) Discharges allowed under section 312(n) of the FWPCA; or</u> <u>(ii) Discharging or depositing from beyond the boundary of the Sanctuary any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, except those listed in subparagraphs (a)(3)(i)(B) through (F) of this section and fish, fish parts, or chumming materials (bait) used in or resulting from lawful fishing activity beyond the boundary of the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity there.</u></p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be permitted by the Director in accordance with the <u>scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR secs. 922.48 and 922.723.</u></li> <li>• Except as may be for an activity necessary to respond to an emergency threatening life, property, or the environment.</li> <li>• Except for an activity necessary for valid law enforcement purposes <u>in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>

Table 27, Page 2 of 9

Table 27: Existing CINMS Regulations and Regulatory Alternatives (continued)

<p><b>No Action (Status Quo)</b></p>	<p><b>Proposed Action</b>  <u>Underlined</u> (new) and <del>struckthrough</del> (deleted) text show differences from No Action (Status Quo)</p>	<p><b>Alternative 1</b>  <b>(bold text is different from Proposed Action)</b></p>
<p><b>4. Altering the Seabed.</b>                      Prohibited: Except in connection with the laying of any pipeline as allowed by paragraph (a)(1) of this section, within 2 NM of any Island:                      (i) Constructing any structure other than a navigation aid,                      (ii) Drilling through the seabed, or                      (iii) Dredging or otherwise altering the seabed in any way, other than                      (A) To anchor vessels, or                      (B) To bottom trawl from a commercial fishing vessel.</p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be necessary for the national defense</li> <li>• Except as may be necessary to respond to an emergency threatening life, property, or the environment,</li> <li>• Except as may be permitted by the Director in accordance with 15 CFR secs. 922.48 and 922.72</li> </ul>	<p><b>4. Altering the Submerged Lands.</b>                      Prohibited: <del>Except in connection with the laying of any pipeline as allowed by paragraph (a)(1) of this section, within 2 NM of any Island: (ii) Drilling into through the seabed, (iii) Dredging, or otherwise altering the seabed</del> <u>submerged lands of the Sanctuary in any way, other than: (i) or</u> <del>Constructing or placing any structure other than a navigation aid, material, or other matter on or in the submerged lands of the Sanctuary, except as incidental to and necessary to:</del>  <del>(A)(i) To anchor a vessels;</del>                      (ii) <u>Install an authorized navigational aid;</u>  <del>(B) (iii) To bottom trawl from a commercial fishing vessel</del> <u>Conduct lawful fishing activity;</u>                      (iv) <u>Lay pipeline pursuant to exploring for, developing, or producing hydrocarbons; or</u>                      (v) <u>Explore for, develop, or produce hydrocarbons as allowed by subparagraph (a)(1) of this section [see #1 above].</u></p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• <del>Except as may be permitted by the Director in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR secs. 922.48 and 922.723.</del></li> <li>• <del>Except as may be for an activity necessary to respond to an emergency threatening life, property, or the environment.</del></li> <li>• <del>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</del></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>4. Altering the Submerged Lands.</b>                      Same as Proposed Action</p>
<p><b>5. Abandoning.</b>                       No existing regulation</p>	<p><b>5. Abandoning.</b>                      Prohibited: <del>Abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary.</del></p> <p>Exceptions:</p> <ul style="list-style-type: none"> <li>• <del>Except in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR 922.48 and 922.73.</del></li> <li>• <del>Except for an activity necessary to respond to an emergency threatening life, property, or the environment.</del></li> <li>• <del>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</del></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>5. Abandoning.</b>                      Same as Proposed Action</p>

Table 27, Page 3 of 9

**Table 27: Existing CINMS Regulations and Regulatory Alternatives (continued)**

<p><b>No Action (Status Quo)</b></p>	<p><b>Proposed Action</b>  <u>Underlined</u> (new) and <del>struckthrough</del> (deleted) text show differences from No Action (Status Quo)</p>	<p><b>Alternative 1</b>  <b>(bold text is different from Proposed Action)</b></p>
<p><b>6. Nearshore Operation of Vessels.</b></p> <p>Prohibited: Except to transport persons or supplies to or from an Island, operating within one NM of an Island any vessel engaged in the trade of carrying cargo, including, but not limited to, tankers and other bulk carriers and barges, or any vessel engaged in the trade of servicing offshore installations. In no event shall this section be construed to limit access for fishing (including kelp harvesting), recreational, or research vessels.</p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be necessary for the national defense</li> <li>• Except as may be necessary to respond to an emergency threatening life, property, or the environment,</li> <li>• Except as may be permitted by the Director in accordance with 15 CFR secs. 922.48 and 922.72</li> </ul>	<p><b>6. Nearshore Operation of Vessels.</b></p> <p>Prohibited: Except to transport persons or supplies to or from any Island, operating within one NM of any Island any vessel engaged in the trade of carrying cargo, including, but not limited to, tankers and other bulk carriers and barges, <del>or any vessel engaged in the trade of servicing offshore installations, or any vessel of three hundred gross registered tons or more, except. In no event shall this section be construed to limit access for fishing (including or kelp harvesting), recreational, or research vessels.</del></p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be permitted by the Director in accordance with <u>the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR secs. 922.48 and 922.723.</u></li> <li>• Except as may be for an activity necessary to respond to an emergency threatening life, property, or the environment.</li> <li>• <u>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>6. Nearshore Operation of Vessels.</b></p> <p>Prohibited: Except to transport persons or supplies to or from any Island, operating within one NM of any Island any vessel engaged in the trade of carrying cargo, including, but not limited to, tankers and other bulk carriers and barges, <del>or any vessel engaged in the trade of servicing offshore installations, or any vessel of three hundred gross registered tons or more, except. In no event shall this section be construed to limit access for fishing (including or kelp harvesting), recreational, or research vessels.</del></p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be permitted by the Director in accordance with <u>the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR secs. 922.48 and 922.723.</u></li> <li>• Except as may be for an activity necessary to respond to an emergency threatening life, property, or the environment.</li> <li>• <u>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>
<p><b>7. Disturbing a Seabird or Marine Mammal by Aircraft.</b></p> <p>Prohibited: Disturbing seabirds or marine mammals by flying motorized aircraft at less than 1000 feet over the waters within one NM of any Island except:</p> <p>(i) For enforcement purposes;</p> <p>(ii) To engage in kelp bed surveys; or</p> <p>(iii) To transport persons or supplies to or from an Island.</p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be necessary for the national defense</li> <li>• Except as may be necessary to respond to an emergency threatening life, property, or the environment</li> <li>• Except as may be permitted by the Director in accordance with 15 CFR secs. 922.48 and 922.72</li> </ul>	<p><b>7. Disturbing a Seabird or Marine Mammal by Aircraft.</b></p> <p>Prohibited: Disturbing a seabirds or marine mammals by flying a motorized aircraft at less than 1000 feet over the waters within one NM of any Island, <u>except, if allowed under subparagraph (a)(9) of this section [see #9 below]:</u></p> <p><del>(i) For enforcement purposes;</del></p> <p><del>(ii) to engage in kelp bed surveys; or</del></p> <p><del>(iii) to transport persons or supplies to or from an Island.</del></p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be permitted by the Director in accordance with <u>the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR secs. 922.48 and 922.723.</u></li> <li>• Except as may be for an activity necessary to respond to an emergency threatening life, property, or the environment.</li> <li>• <u>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>7. Disturbing a Seabird or Marine Mammal by Aircraft.</b></p> <p>Same as Proposed Action</p>

Table 27, Page 4 of 9

Table 27: Existing CINMS Regulations and Regulatory Alternatives (continued)

No Action (Status Quo)	<p align="center"><b>Proposed Action</b></p> <p align="center"><u>Underlined</u> (new) and <del>struck through</del> (deleted) text show differences from No Action (Status Quo)</p>	<p align="center"><b>Alternative 1</b></p> <p align="center"><b>(bold text is different from Proposed Action)</b></p>
<p><b>8. Moving, Removing, or Injuring a Sanctuary Historical Resource.</b></p> <p>Prohibited: Removing or damaging any historical or cultural resource.</p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• Except as may be necessary for the national defense</li> <li>• Except as may be necessary to respond to an emergency threatening life, property, or the environment,</li> <li>• Except as may be permitted by the Director in accordance with 15 CFR secs. 922.48 and 922.72</li> </ul>	<p><b>8. Moving, Removing, or Injuring a Sanctuary Historical Resource.</b></p> <p>Prohibited: <u>Moving, Removing, injuring, or possessing, or attempting to move, remove, injure, or possess or damaging any a Sanctuary</u> historical or cultural resource.</p> <p>Exceptions:</p> <ul style="list-style-type: none"> <li>• <u>Except as may be permitted by the Director in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR secs. 922.48 and 922.723.</u></li> <li>• <u>Except as may be for an activity</u> necessary to respond to an emergency threatening life, property, or the environment.</li> <li>• <u>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>8. Moving, Removing, or Injuring a Sanctuary Historical Resource.</b></p> <p>Same as Proposed Action</p>
<p><b>9. Taking a Marine Mammal, Sea Turtle, or Seabird.</b></p> <p>No existing regulation</p>	<p><b>9. Taking a Marine Mammal, Sea Turtle, or Seabird.</b></p> <p>Prohibited: <u>Taking any marine mammal, sea turtle, or seabird within or above the Sanctuary, except as expressly authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 et seq., Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 et seq., Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 et seq., or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.</u></p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• <u>Except in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR 922.48 and 922.73.</u></li> <li>• <u>Except for an activity necessary to respond to an emergency threatening life, property, or the environment.</u></li> <li>• <u>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>9. Taking a Marine Mammal, Sea Turtle, or Seabird.</b></p> <p>Same as Proposed Action</p>
<p><b>10. Possessing a Marine Mammal, Sea Turtle, or Seabird.</b></p> <p>No existing regulation</p>	<p><b>10. Possessing a Marine Mammal, Sea Turtle, or Seabird.</b></p> <p>Prohibited: <u>Possessing within the Sanctuary (regardless of where taken from, moved, or removed from) any marine mammal, sea turtle, or seabird, except as expressly authorized by the MMPA, ESA, MBTA, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.</u></p> <p>Other Exceptions:</p> <ul style="list-style-type: none"> <li>• <u>Except in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR 922.48 and 922.73.</u></li> <li>• <u>Except for an activity necessary to respond to an emergency threatening life, property, or the environment.</u></li> <li>• <u>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>10. Possessing a Marine Mammal, Sea Turtle, or Seabird</b></p> <p>Same as Proposed Action</p>

Table 27, Page 5 of 9

Table 27: Existing CINMS Regulations and Regulatory Alternatives (continued)

No Action (Status Quo)	<p style="text-align: center;"><b>Proposed Action</b></p> <p style="text-align: center;"><u>Underlined</u> (new) and <del>struckthrough</del> (deleted) text show differences from No Action (Status Quo)</p>	<p style="text-align: center;"><b>Alternative 1</b></p> <p style="text-align: center;">(bold text is different from Proposed Action)</p>
<p><b>11. Tampering with Signs</b></p> <p>No existing regulation</p>	<p><b>11. Tampering with Signs</b></p> <p>Prohibited: <u>Marking, defacing, damaging, moving, removing, or tampering with any sign, notice, or placard, whether temporary or permanent, or any monument, stake, post, or other boundary marker related to the Sanctuary.</u></p> <p>Exceptions:</p> <ul style="list-style-type: none"> <li>• <u>Except for an activity necessary to respond to an emergency threatening life, property, or the environment.</u></li> <li>• <u>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>11. Tampering with Signs</b></p> <p>Same as Proposed Action</p>
<p><b>12. Releasing an Introduced Species</b></p> <p>No existing regulation</p>	<p><b>12. Releasing an Introduced Species</b></p> <p>Prohibited: <u>Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass (<i>Roccus saxatilis</i>) released during catch and release fishing activity.</u></p> <p>Exceptions:</p> <ul style="list-style-type: none"> <li>• <u>Except in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR 922.48 and 922.73.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul> <p>Proposed definition (at Sec. 922.71): <u>Introduced species means (1) a species (including but not limited to any of its biological matter capable of propagation) that is non-native to the ecosystems protected by the Sanctuary; or (2) any organism into which genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.</u></p>	<p><b>12. Releasing an Introduced Species</b></p> <p>Same as Proposed Action</p>
<p><b>13. Operation of Motorized Personal Watercraft</b></p> <p>No existing regulation</p>	<p><b>13. Operation of Motorized Personal Watercraft</b></p> <p>Prohibited: <u>Operating a motorized personal watercraft within waters of the Channel Islands National Park, established by 16 U.S.C. 410(ff).</u></p> <p>Proposed definition (at Sec. 922.71): <u>Motorized personal watercraft means a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.</u></p> <p>Exceptions:</p> <ul style="list-style-type: none"> <li>• <u>Except in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR 922.48 and 922.73.</u></li> <li>• <u>Except for an activity necessary to respond to an emergency threatening life, property, or the environment.</u></li> <li>• <u>Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</u></li> <li>• [See Department of Defense at the end of this table.]</li> </ul>	<p><b>13. Operation of Motorized Personal Watercraft</b></p> <p>Same as Proposed Action</p>

Table 27, Page 6 of 9



Table 27: Existing CINMS Regulations and Regulatory Alternatives (continued)

No Action (Status Quo)	<p style="text-align: center;"><b>Proposed Action</b></p> <p style="text-align: center;"><u>Underlined</u> (new) and <del>struck through</del> (deleted) text show differences from No Action (Status Quo)</p>	<p style="text-align: center;"><b>Alternative 1</b></p> <p style="text-align: center;">(bold text is different from Proposed Action)</p>
<p><b>14. Lightering</b></p> <p>No existing regulation</p>	<p><b>14. Lightering</b></p> <p>No regulation proposed</p>	<p><b>14. Lightering</b></p> <p><b>Prohibited: Lightering in the Sanctuary.</b></p> <p>Note: Sanctuary regulations define lightering as at-sea transfer of petroleum-based products, materials, or other matter from vessel to vessel (15 CFR 922.3).</p> <p>Exceptions:</p> <ul style="list-style-type: none"> <li>• Except for an activity necessary to respond to an emergency threatening life, property, or the environment.</li> <li>• Except for an activity necessary for valid law enforcement purposes in the Sanctuary.</li> <li>• [See Department of Defense at the end of this table.]</li> </ul>
<p><b>Department of Defense Activities.</b></p> <p>All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to the prohibitions in this section. The exemption of additional activities having significant impact shall be determined in consultation between the Director and the Department of Defense.</p>	<p><b>Department of Defense Activities.</b></p> <p><del>(b) All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to the prohibitions in this section. The exemption of additional activities having significant impact shall be determined in consultation between the Director and the Department of Defense.</del></p> <p><u>(b)(1) The prohibitions in paragraphs (a)(3) through (13) do not apply to military activities carried out by DOD as of the effective date of these regulations and specifically identified in section 3.5.9 (Department of Defense Activities) of the Final Channel Islands National Marine Sanctuary Management Plan/Environmental Impact Statement (FMP/FEIS), Volume II: Environmental Impact Statement, 200 [year of completion of the FMP/FEIS will be entered here], authored and published by NOAA ("pre-existing activities"). Copies of the document are available from the Channel Islands National Marine Sanctuary, 113 Harbor Way, Santa Barbara, CA 93109. Other military activities carried out by DOD may be exempted by the Director after consultation between the Director and DOD.</u></p> <p><u>(2) A military activity carried out by DOD as of the effective date of these regulations and specifically identified in the section entitled "Department of Defense Activity" of the FMP/FEIS is not considered a pre-existing activity if:</u></p> <p><u>(A) it is modified in such a way that requires the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act, 42 U.S.C. 4321 et seq., relevant to a Sanctuary resource or quality;</u></p> <p><u>(B) it is modified, including but not limited to changes in location or frequency, in such a way that its possible adverse effects on Sanctuary resources or qualities are significantly greater than previously considered for the unmodified activity;</u></p> <p><u>(C) it is modified, including but not limited to changes in location or frequency, in such a way that its possible adverse effects on Sanctuary resources or qualities are significantly different in manner than previously considered for the unmodified activity; or</u></p> <p><u>(D) there are new circumstances or information relevant to a Sanctuary resource or quality that were not addressed in the FMP/FEIS.</u></p> <p><u>(3) In the event of destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an incident, including, but not limited to, discharges, deposits, and groundings, caused by a DOD activity, DOD, in coordination with the Director, must promptly prevent and mitigate further damage and must restore or replace the Sanctuary resource or quality in a manner approved by the Director.</u></p> <p><u>(4) All DOD activities must be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on Sanctuary resources and qualities.</u></p>	<p><b>Department of Defense Activities.</b></p> <p>Same as Proposed Action.</p>

Table 27, Page 7 of 9

**Table 27: Existing CINMS Regulations and Regulatory Alternatives (continued)**

<p><b>No Action (Status Quo)</b></p>	<p><b>Proposed Action</b>                      Underlined (new) and <del>struckthrough</del> (deleted) text show differences from No Action (Status Quo)</p>	<p><b>Alternative 1</b>                      (bold text is different from Proposed Action)</p>
<p><b>Permit Procedures and Issuance Criteria.</b></p> <p>(a) Any person in possession of a valid permit issued by the Director in accordance with this section and Sec.922.48 may conduct any activity in the Sanctuary prohibited under Sec. 922.71 [see above] if such activity is either:</p> <p>(1) Research related to the resources of the Sanctuary,                      (2) To further the educational value of the Sanctuary; or                      (3) For salvage or recovery operations.</p> <p>(b) Permit applications shall be addressed to: Director, Office of Ocean and Coastal Resource Management, ATTN: Manager, Channel Islands National Marine Sanctuary, 113 Harbor Way, Santa Barbara, CA 93109.</p> <p>(c) In considering whether to grant a permit the Director shall evaluate such matters as:</p> <p>(1) The general professional, and financial responsibility of the applicant;                      (2) The appropriateness of the methods envisioned to the purpose(s) of the activity;                      (3) The extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreation, or as a source of educational or scientific information;                      (4) The end value of the activity and                      (5) Such other matters as may be deemed appropriate.</p> <p>The Director may observe any permitted activity and/or require the submission of one or more reports of the status or progress of such activity. Any information obtained shall be available to the public.</p>	<p><b>Permit Procedures and Issuance Criteria.</b></p> <p>(a) Any person <del>in possession of a valid permit issued by the Director in accordance with this section and Sec.922.48 may</del> conduct any activity in the Sanctuary prohibited under <del>by</del> <u>922.71(2)(a)(3) through (10), (a)(12), and (a)(13)</u> if such activity is either:</p> <p><u>(1) Research related to the resources of the Sanctuary;</u>  <u>(2) To further the educational value of the Sanctuary; or</u>  <u>(3) For salvage or recovery operations specifically authorized by, and conducted in accordance with the scope, purpose, terms, and conditions of, a permit issued under 922.48 and this section.</u></p> <p>(b) <u>The Director, at his or her sole discretion, may issue a permit, subject to terms and conditions as he or she deems appropriate, to conduct an activity prohibited by 922.72(a)(3) through (10), (a)(12), and (a)(13) if the Director finds that the activity:</u></p> <p><u>(1) Is appropriate research designed to further understanding of Sanctuary resources and qualities;</u>  <u>(2) Will further the educational value of the Sanctuary;</u>  <u>(3) Will further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty;</u>  <u>(4) Will assist in managing the Sanctuary; or</u>  <u>(5) Will further salvage or recovery operations in connection with an abandoned shipwreck in the Sanctuary title to which is held by the State of California.</u></p> <p>(c) <del>In considering whether to grant a permit the Director shall evaluate such matters as: The Director may not issue a permit under 922.48 and this section unless the Director also finds that:</del></p> <p><u>(1) The general professional, and financial responsibility of the applicant;</u>  <u>(2) The appropriateness of the methods envisioned to the purpose(s) of the activity;</u>  <u>(3) The extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreation, or as a source of educational or scientific information;</u>  <u>(4) The end value of the activity and</u>  <u>(5) Such other matters as may be deemed appropriate.</u></p> <p><u>(1) The proposed activity will have at most short-term and negligible adverse effects on Sanctuary resources and qualities;</u>  <u>(2) The applicant is professionally qualified to conduct and complete the proposed activity;</u>  <u>(3) The applicant has adequate financial resources available to conduct and complete the proposed activity;</u>  <u>(4) The duration of the proposed activity is no longer than necessary to achieve its stated purpose;</u>  <u>(5) The methods and procedures proposed by the applicant are appropriate to achieve the goals of the proposed activity, especially in relation to the potential effects of the proposed activity on Sanctuary resources and qualities;</u>  <u>(6) The proposed activity will be conducted in a manner compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any potential indirect, secondary, or cumulative effects of the activity, and the duration of such effects;</u>  <u>(7) The proposed activity will be conducted in a manner compatible with the value of the Sanctuary as a source of recreation and as a source of educational and scientific information, considering the extent to which the conduct of the activity may result in conflicts between different users of the Sanctuary and the duration of such effects;</u>  <u>(8) It is necessary to conduct the proposed activity within the Sanctuary;</u></p>	<p><b>Permit Procedures and Issuance Criteria.</b></p> <p>Same as Proposed Action</p>

Table 27, Page 8 of 9

**Table 27: Existing CINMS Regulations and Regulatory Alternatives (continued)**

No Action (Status Quo)	<p align="center"><b>Proposed Action</b></p> <p><u>Underlined</u> (new) and <del>strikethrough</del> (deleted) text show differences from No Action (Status Quo)</p>	<p align="center"><b>Alternative 1</b></p> <p align="center"><b>(bold text is different from Proposed Action)</b></p>
	<p><u>(9) The reasonably expected end value of the proposed activity furthers Sanctuary goals and purposes and outweighs any potential adverse effects on Sanctuary resources and qualities from the conduct of the activity; and</u></p> <p><u>(10) Any other matters the Director deems appropriate do not make the issuance of a permit for the proposed activity inappropriate.</u></p> <p><u>(d) Applications.</u></p> <p><del>(b)(1) Permit a</del> <u>Applications for permits shall should be addressed to: the Director, Office of Ocean and Coastal Resource Management National Marine Sanctuaries;</u> ATTN: Manager, Channel Islands National Marine Sanctuary, 113 Harbor Way, Santa Barbara, CA 93109.</p> <p><u>(2) In addition to the information listed in 922.48(b), all applications must include information the Director needs to make the findings in paragraphs (b) and (c) of this section.</u></p> <p><u>(e) In addition to any other terms and conditions that the Director deems appropriate, a permit issued pursuant to this section must require that the permittee agrees to hold the United States harmless against any claims arising out of the conduct of the permitted activities.</u></p>	

Table 27, Page 9 of 9

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