

Regulations Summary Table 2-1

Depicting Proposed Regulatory Changes for the Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries

The following table is an excerpt from the Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries Final Environmental Impact Statement (FEIS), September 2008, Pages 2-43 to 2-49. The summary table provides a convenient side-by-side comparison of the proposed regulatory changes at each of the three central California national marine sanctuaries. New and revised regulations were developed as part of a joint management plan review (JMPR) process that included seven years of effort by thousands of citizens and over one hundred government agencies. While some regulatory restrictions between the sites are identical, many are not, reflecting the need to address unique natural resource threats at each marine sanctuary. To obtain the complete official text of the final regulations for the Cordell Bank, Gulf of the Farallones, or Monterey Bay National Marine Sanctuaries, contact the appropriate sanctuary office. This table provides a summary only and should not be used to make legal determinations.

**Table 2-1
Proposed and Alternative Regulatory Changes**

CBNMS	GFNMS	MBNMS
Introduced Species—Cross-Cutting		
<p>Existing: None</p> <p>Proposed: Prohibits introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass (<i>Morone saxatilis</i>) released during catch and release fishing activity. (GFNMS also exempts species cultivated by existing mariculture activities in Tomales Bay pursuant to a valid lease, permit, license or other authorization issued by the State of California and in effect on the effective date of the final regulation, provided that the renewal by the State of any authorization does not increase the type of introduced species being cultivated or the size of the area under cultivation with introduced species).</p> <p>Defines “introduced species” as (1) a species (including, but not limited to, any of its biological matter capable of propagation) that is nonnative to the ecosystem(s) protected by the Sanctuary; or (2) any organism into which altered genetic matter or genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.</p> <p>Alternative: None</p>		
Discharge Regulations Clarifications & Exceptions—Cross-Cutting		
<p>Existing: Prohibits (1)(1) Depositing or discharging, from any location within the boundary of the Sanctuary, material or other matter of any kind except: [Existing language also prohibits discharge from outside the Sanctuary—see below under Water Quality.]</p> <p>Proposed: Prohibits (1)(1) Discharging or depositing, from within or into the Sanctuary, other than from a cruise ship, any material or other matter except:</p> <p>Alternative: None</p>	<p>Existing: Prohibits Discharging or depositing any material or other matter except:</p> <p>Proposed: Same as CBNMS</p> <p>Alternative: None</p>	<p>Existing: Prohibits (1)(1) Depositing or discharging, from any location within the boundary of the Sanctuary, material or other matter of any kind except: [Existing language also prohibits discharge from outside the sanctuary—see below under Water Quality.]</p> <p>Proposed: Same as CBNMS</p> <p>Alternative: None</p>
<p>Existing: Exception for (A) Fish, fish parts, chumming materials (bait) produced and discarded during routine fishing activities conducted in the Sanctuary;</p> <p>Proposed: Exception for (A) Fish, fish parts, or chumming materials (bait) used in or resulting from lawful fishing activity within the Sanctuary and discharged or deposited while conducting lawful fishing activity within the Sanctuary;</p> <p>Alternative: None</p>	<p>Existing: Exception for Fish or fish parts and chumming materials (bait)</p> <p>Proposed: Same as CBNMS</p> <p>Alternative: None</p>	<p>Existing: Exception for Fish, fish parts, chumming materials (bait) produced and discarded during routine fishing activities conducted in the Sanctuary;</p> <p>Proposed: Exception for Fish, fish parts, or chumming materials, or bait used in or resulting from lawful fishing operations within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing operations within the Sanctuary;</p> <p>Alternative: None</p>
Marine Sanitation Devices & Graywater—Cross-Cutting		
<p>Existing: Exception for (B) Water (including cooling water) and other biodegradable effluents incidental to use of a vessel in the Sanctuary and generated by: Marine sanitation devices approved by the United States Coast Guard; routine vessel maintenance, e.g., deck wash down; engine exhaust; or meals on board vessels.</p> <p>Proposed: Exception for (B) For a vessel less than 300 gross registered tons (GRT) or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the Sanctuary, clean effluent generated incidental to vessel use and generated by: an operable Type I or II marine sanitation device (US Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended (FWPCA), 33 USC 1322. Vessel operators must lock all marine sanitation devices in a manner that prevents discharge of untreated sewage; (C) Clean material or other matter resulting from deck wash down or vessel engine cooling water; (D) Vessel engine exhaust.</p> <p>Proposed Definition of “clean”: Clean means not containing detectable levels of harmful matter.</p> <p>Proposed New Definition of “Harmful Matter”: Harmful matter means any substance, or combination of substances, which because of its quantity, concentration, or</p>	<p>Existing: Exception for (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.</p> <p>Proposed: Same as CBNMS</p>	<p>Existing: Exception for (B) Biodegradable effluent incidental to vessel use and generated by marine sanitation devices approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 USC 1322 et seq.; (C) Water generated by routine vessel operations (e.g., cooling water, deck wash down and graywater as defined by section 312 of the FWPCA) excluding oily wastes from bilge pumping; (D) Engine exhaust;</p> <p>Proposed: B same as CBNMS; New definitions of “clean” and “harmful matter” same as CBNMS.</p> <p>(C) Clean vessel deck wash down, vessel engine cooling water, vessel generator cooling water, anchor wash, or bilge water (D) For a vessel less than 300 gross registered tons (GRT) or a vessel 300 GRT or greater without sufficient holding capacity to hold graywater while within the Sanctuary, clean graywater as defined by section 312 of the FWPCA; (E) Vessel engine or generator exhaust; (F) (remains the same as existing regulation)</p>

**Table 2-1
Proposed and Alternative Regulatory Changes**

CBNMS	GFNMS	MBNMS
<p><i>physical, chemical, or infectious characteristics may pose a present or potential threat to Sanctuary resources or qualities, including but not limited to: fishing nets, fishing line, hooks, fuel, oil, and those contaminants (regardless of quantity) listed pursuant to 42 USC 9601(14) of the Comprehensive Environmental Response, Compensation and Liability Act at 40 CFR 302.4</i></p> <p>Alternative: None</p>	<p>Alternative: None</p>	<p>Alternative: None</p>
Cruise Ship Discharge & Definition- Cross-Cutting		
<p>Existing: None</p> <p>Proposed: Prohibits <i>Discharging or depositing, from within or into the Sanctuary, any material or other matter from a cruise ship except clean vessel cooling water, vessel generator cooling water, or anchor wash.</i> Definition: <i>Cruise ship means a vessel of 250 or more passenger berths for hire.</i></p> <p>Alternative: <i>Discharging or depositing, from within or into the Sanctuary, any material or other matter from a cruise ship except clean vessel engine cooling water, vessel generator cooling water, or anchor wash and water treated to a level not to exceed the standards set forth by the Coast Guard in Alaska at 33 CFR 159, Subpart E (Discharge of Effluents in Certain Alaska Waters by Cruise Vessel Operations), provided that the owner/operator has satisfactorily demonstrated compliance with these standards to the Director prior to discharge or deposit.</i></p>	<p>Existing: None</p> <p>Proposed: Same as CBNMS</p> <p>Alternative: Same as CBNMS</p>	<p>Existing: None</p> <p>Proposed: Same as CBNMS</p> <p>Alternative: Same as CBNMS</p>
Water Quality—Discharges from Outside Sanctuary (GFNMS)		
<p>Existing: Prohibits <i>Depositing or discharging, from any location beyond the boundaries of the Sanctuary, material or other matter of any kind, except for the exclusions listed in paragraph (a)(1)(i) of this section, which enter the Sanctuary and injure a Sanctuary resource.</i></p> <p>Proposed: (no substantive change, only minor changes so the language mirrors other sites) <i>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 for the exclusions listed in paragraph (a)(1)(i) through (a)(1)(ii) of this section.</i></p> <p>Alternative: None</p>	<p>Existing: none</p> <p>Proposed: <i>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 for the exclusions listed in paragraph (a)(2)(i) through (iv) and (a)(3) of this section.</i></p> <p>Alternative: None</p>	<p>Existing: (no change) Prohibits <i>(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 paragraphs (a)(2)(i) (A) through (D) of this section and dredged material deposited at the authorized disposal sites described in appendix B to this subpart, ...</i></p> <p>Proposed: None</p> <p>Alternative: None</p>
Vessels Adrift and Deserted (GFNMS)		
<p>No existing or proposed language</p>	<p>Existing: None</p> <p>Proposed: <i>Deserting a vessel aground, at anchor, or adrift in the Sanctuary.</i></p> <p><i>Leaving harmful matter aboard a grounded or deserted vessel in the Sanctuary.</i></p> <p>[See Marine Sanitation Devices & Graywater—Cross-Cutting (above) for new definition of “Harmful Matter.”] USC</p> <p>Proposed New Definition of “Deserting”: <i>a) leaving a vessel aground or adrift: (1) without notification to the Director of the vessel going aground or becoming adrift within 12 hours of its discovery and developing and presenting to the Director a preliminary salvage plan within 24 hours of such notification; (2) after expressing or otherwise manifesting intention not to undertake or to cease salvage efforts; or (3) when the owner/operator cannot after reasonable efforts by the Director be reached within 12 hours of the vessel's condition being reported to authorities; or b) leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner."</i></p> <p>Alternative: None</p>	<p>Existing: None</p> <p>Proposed: Same as GFNMS</p> <p>Proposed New Definition of “Harmful Matter”: Same as GFNMS</p> <p>Proposed New Definition of “Deserting”: Same as GFNMS</p> <p>Alternative: None</p>

**Table 2-1
Proposed and Alternative Regulatory Changes**

CBNMS	GFNMS	MBNMS
Wildlife Disturbance (GFNMS and CBNMS)		
<p>Existing: None</p> <p>Proposed: Prohibits (11) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by Marine Mammal Protection Act, as amended, (MMPA), 16 USC 1362 et seq., the Endangered Species Act, as amended, (ESA), 16 USC 1531 et seq., and the Migratory Bird Treaty Act, as amended, (MBTA), 16 USC 703 et seq., or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.</p> <p>(12) Possessing within the Sanctuary (regardless of where taken, moved or removed from) except as necessary for valid enforcement purposes, any marine mammal, sea turtle or bird taken, except as authorized under the MMPA, ESA, MBTA, under any regulation, as amended, promulgated under these Acts, or as necessary for valid law enforcement purposes.</p> <p>Alternative: None</p>	<p>Existing: None</p> <p>Proposed: Same as CBNMS</p> <p>Alternative: None</p>	<p>Existing: Prohibits (5) Taking any marine mammal, sea turtle or seabird in or above the Sanctuary, except as permitted by regulations, as amended, promulgated under the Marine Mammal Protection Act, as amended, (MMPA), 16 USC 1361 et seq., the Endangered Species Act, as amended, (ESA), 16 USC 1531 et seq., and the Migratory Bird Treaty Act, as amended, (MBTA), 16 USC 703 et seq.</p> <p>Proposed: Technical Change (5): seabird changed to birds to clarify applicability and to be consistent with CB and GF; and existing language conformed to proposed CB and GF language.</p> <p>Existing: Prohibits (8) Possessing within the Sanctuary (regardless of where taken, moved or removed from), except as necessary for valid law enforcement purposes, any historical resource, or any marine mammal, sea turtle or seabird taken in violation of regulations, as amended, promulgated under the MMPA, ESA or MBTA.</p> <p>Proposed: Technical Change only, Prohibits (8) Possessing within the Sanctuary (regardless of where taken, moved or removed from), any marine mammal, sea turtle or bird, except as authorized under the MMPA, ESA, MBTA, under any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes. [Deleted reference to historical resource - possession of historical resource is now covered in prohibition #3—see historical resources change below.]</p> <p>Alternative: None</p>
Historical Resources (MBNMS)		
<p>No changes.</p>	<p>No substantive changes</p>	<p>Existing: Prohibits (3) Moving, removing or injuring, or attempting to move, remove or injure, a Sanctuary historical resource.</p> <p>Proposed: (3) Possessing, moving, removing, or injuring, or attempting to possess, move, remove or injure, a Sanctuary historical resource. This prohibition does not apply to possession, moving, removing, or injury resulting incidentally from kelp harvesting, aquaculture, or lawful fishing operations. [Makes possession outside of a sanctuary prohibited.] The same exceptions will continue to apply.</p> <p>Alternative: None</p>
Seabed Protection		
<p>Existing: None</p> <p>Proposed: 4(i) On or within the line representing the 50-fathom isobath surrounding Cordell Bank, drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material or other matter on or in the submerged lands. This prohibition does not apply to bottom contact gear used during fishing activities, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States and in the Western Pacific).</p> <p>(ii) In the Sanctuary beyond the line representing the 50-fathom isobath surrounding Cordell Bank, drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material or matter on or in the submerged lands, except as incidental and necessary for anchoring any vessel or use of any lawful fishing gear during normal fishing operations. This prohibition does not apply to bottom contact gear used during fishing activities, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States and in the Western Pacific). The coordinates for the line representing the 50-</p>	<p>Existing: Prohibits (3) Except in connection with the laying of pipelines or construction of an outfall if certified in accordance with Sec. 922.84: (i) Constructing any structure other than a navigation aid, (ii) Drilling through the seabed, and (iii) Dredging or otherwise altering the seabed in any way other than by anchoring vessels or bottom trawling from a commercial fishing vessel, except for routine maintenance and navigation, ecological maintenance, mariculture, and the construction of docks and piers in Tomales Bay.</p> <p>Proposed: (no substantive changes) Prohibits Constructing any structure other than a navigation aid; drilling through the submerged lands; placing or abandoning any structure; and dredging or otherwise altering the submerged lands in any way, except: (A) By anchoring vessels in a manner not otherwise prohibited by this part (see Sec. 922.82 (16)); (B) Bottom trawling from a commercial fishing vessel; (C) the laying of pipelines related to hydrocarbon operations in leases adjacent to the Sanctuary in accordance with prohibition (1) of this section; (D) Routine maintenance and construction of docks and piers on Tomales Bay; and (E)) Mariculture activities conducted pursuant to a valid lease, permit, license or other authorization issued by the State of California.</p>	<p>No substantive changes to existing regulations, except that exception added for lawful fishing operations and exceptions listed in (a) (4) (ii) through (a) (4) (vii) do not apply in the Davidson Seamount Management Zone.</p>

**Table 2-1
Proposed and Alternative Regulatory Changes**

CBNMS	GFNMS	MBNMS
<p><i>fathom isobath are listed in Appendix B to this subpart.</i></p> <p>[The Proposed Action exempts lawful fishing activities and defers the regulation of bottom contact fishing gear to recent NOAA Fisheries amendments to the Groundfish Fishery Management Plan (71 FR 27408). The impacts of Proposed Action and Alternative would the same.]</p> <p>Alternative: 4)(i) <i>Except incidental and necessary to lawful use of any fishing gear (other than bottom contact gear), during normal fishing operations: drilling into, or dredging; or otherwise altering Cordell Bank or the submerged lands within the line representing the 50-fathom isobath; or constructing, placing or abandoning any structure, material or other matter on the Bank or on the submerged lands within the line representing the 50-fathom isobath surrounding the Bank. The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this subpart.</i></p> <p>(ii) <i>Except as is incidental and necessary for anchoring a vessel or use of any lawful fishing gear (other than bottom contact gear), during normal fishing operations: drilling into, dredging, or otherwise altering the submerged lands in the Sanctuary beyond the line representing the 50-fathom isobath surrounding Cordell Bank; or constructing, placing, or abandoning any structure, material or matter on the submerged lands in the Sanctuary beyond the line representing the 50-fathom isobath surrounding Cordell Bank. The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this subpart.</i></p> <p>Alternative would include a new definition for “bottom contact gear”: <i>fishing gear designed or modified to make contact with the bottom. This includes, but is not limited to, beam trawl, dredge, fixed gear, set net, demersal seine, dinglebar gear, and other gear (including experimental gear) designed or modified to make contact with the bottom. Gear used to harvest bottom dwelling organisms (e.g. by hand, rakes, and knives) are also considered bottom contact gear for purposes of this subpart.</i></p>	<p>Alternative: None</p>	<p>Alternative: None</p>
White Shark Attraction and Approaching (GFNMS and MBNMS)		
<p>No existing or proposed language</p>	<p>Existing: None</p> <p>Proposed: Prohibits <i>Attracting a white shark in the sanctuary; or approaching within 50 meters of any white shark within the line approximating 2 nm around the Farallon Islands. The coordinates for the line approximating 2 nm around the Farallon Islands are listed in Appendix B to this subpart.</i></p> <p>Proposed New Definition: <i>Attract or attracting means the conduct of any activity that lures or may lure any animal in the Sanctuary by using food, bait, chum, dyes, decoys (e.g., surfboards or body boards used as decoys), acoustics or any other means, except the mere presence of human beings (e.g., swimmers, divers, boaters, kayakers, surfers).</i></p> <p>Alternative: Prohibits <i>attracting or approaching white sharks anywhere within the Sanctuary.</i> [Alternative would include proposed new definition, above]</p>	<p>Existing: Prohibits (10) <i>Attracting any white shark in that part of the Sanctuary out to the seaward limit of State waters. For the purposes of this prohibition, the seaward limit of State waters is a line three nm distant from the coastline of the State, where the coastline is the line of ordinary low water along the portion of the coast in direct contact with the open sea. The coastline for Monterey Bay, which is inland waters, is the straight line marking the seaward limit of the Bay, determined by connecting the following two points: 36°57'6"N, 122°01'45"W and 36°38'16"N, 121°56'3"W.</i></p> <p>Existing Definition: <i>Attract or attracting means the conduct of any activity that lures or may lure white sharks by using food, bait, chum, dyes, acoustics or any other means, except the mere presence of human beings (e.g., swimmers, divers, boaters, kayakers, surfers).</i></p> <p>Proposed: Prohibits <i>Attracting any white shark within the Sanctuary.</i></p> <p>Proposed Definition: Same as GFNMS. (white sharks changed to “any animal” and decoys added.) <i>Attract or attracting means the conduct of any activity that lures or may lure any animal in the Sanctuary by using food, bait, chum, dyes, decoys, acoustics or any other means, except the mere presence of human beings (e.g., swimmers, divers, boaters, kayakers, surfers).</i></p> <p>Alternative: none</p>

**Table 2-1
Proposed and Alternative Regulatory Changes**

CBNMS	GFNMS	MBNMS
Benthic Habitat Protection (CBNMS)		
<p>Existing: Prohibits (2) Removing, taking, or injuring or attempting to remove, take, or injure benthic invertebrates or algae located on Cordell Bank or within the 50 fathom isobath surrounding the Bank. There is a rebuttable presumption that any such resource found in the possession of a person within the Sanctuary was taken or removed by that person. This prohibition does not apply to accidental removal, injury, or takings during normal fishing operations.</p> <p>Proposed: Prohibits (2) On or within the line representing the 50-fathom isobath surrounding Cordell Bank, removing, taking, or injuring or attempting to remove, take, or injure benthic invertebrates or algae. This prohibition does not apply to bottom contact gear used during fishing activities, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States and in the Western Pacific). The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this subpart. There is a rebuttable presumption that any such resource found in the possession of a person within the Sanctuary was taken or removed by that person.</p> <p>[The Proposed Action defers the regulation of bottom contact fishing gear to recent NOAA Fisheries amendments to the Groundfish Fishery Management Plan (71 FR 27408). The impacts of Proposed Action and Alternative would be the same.]</p> <p>Alternative: Prohibits Except incidental and necessary to lawful use of any fishing gear (other than bottom contact gear), during normal fishing operations: removing, taking, or injuring or attempting to remove, take, or injure benthic invertebrates or algae located on Cordell Bank or within or on the line representing the 50-fathom isobath surrounding the Bank. The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this subpart. There is a rebuttable presumption that any such resource found in the possession of a person within the Sanctuary was taken or removed by that person.</p> <p>[Alternative would add same definition of “bottom-contact gear” as described for Seabed Protection alternative.]</p>	<p>No existing or proposed regulation.</p>	<p>No existing or proposed regulation.</p>
Seagrass Beds (GFNMS)		
<p>No existing or proposed regulation</p>	<p>Existing: none</p> <p>Proposed: New prohibition: Anchoring a vessel in a designated seagrass protection zone in Tomales Bay, except as necessary for mariculture operations conducted pursuant to a valid lease, permit or license. The coordinates for the no-anchoring seagrass protection zones are listed in Appendix B to this subpart.</p> <p>New definition: Seagrass means any species of marine angiosperms (flowering plants) that inhabit portions of the seabed in the Sanctuary. Those species include, but are not limited to <i>Zostera asiatica</i> and <i>Zostera marina</i>.</p>	<p>No existing or proposed regulation</p>
Oil and Gas Pipelines (GFNMS)		
<p>No changes</p>	<p>Existing: Prohibition on: Exploring for, developing and producing oil or gas except that pipelines related to hydrocarbon operations outside the Sanctuary may be placed at a distance greater than 2 NM from the Farallon Islands, Bolinas Lagoon and Areas of Special Biological Significance (ASBS) where certified to have no significant effect on Sanctuary resources in accordance with Section 922.84.</p> <p>Proposed: Exploring for, developing and producing oil or gas except that pipelines related to hydrocarbon operations adjacent to the Sanctuary may be placed at a distance greater than 2 NM from the Farallon Islands, Bolinas Lagoon and Areas of Special Biological Significance (ASBS) where certified to have no significant effect on Sanctuary resources in accordance with Section 922.84.</p>	<p>No changes</p>

**Table 2-1
Proposed and Alternative Regulatory Changes**

CBNMS	GFNMS	MBNMS
	Alternative: None	
Boundary Changes (MBNMS & GFNMS)		
<p>No substantive changes</p>	<p>Existing: The western shoreward boundary adjacent to the Pt. Reyes National Seashore in Tomales Bay currently changes every time the National Park Service modifies the boundary for the Pt. Reyes National Seashore.</p> <p>Proposed: Permanently fix the shoreward boundary adjacent to Pt. Reyes National Seashore to the location of the boundary of Pt. Reyes National Seashore as established at the time of designation of GFNMS in 1981. The Sanctuary boundary, as described in Sec. 922.80 and Appendix A of the proposed rule, “fixes” the GFNMS boundary to the boundary that was in place at the time of sanctuary designation.</p> <p>Alternative: None</p>	<p>Existing: Davidson Seamount is not included in MBNMS.</p> <p>Proposed: Adds Davidson Seamount Management Zone (DSMZ) to the Sanctuary: <i>This area, bounded by a rectangle centered on the top of the Davidson Seamount, consists of approximately 585 square NM of ocean waters and the submerged lands thereunder. This portion of the Sanctuary is located approximately 70 NM off the coast of San Simeon in San Luis Obispo County.</i></p> <p><i>Definitions: The Davidson Seamount Management Zone means the ocean waters and submerged lands thereunder, bounded by coordinates West: 123°W; East: 122.5°W; North: 35.9°N; South: 35.5°N</i></p> <p><i>The exceptions listed in subparagraphs (a)(4)(ii) through (a)(4)(vii) of this section do not apply in the Davidson Seamount Management Zone.</i></p> <p><i>(11) (i) Moving, removing, taking, collecting, catching, harvesting, disturbing, breaking, cutting, or otherwise injuring, or attempting to move, remove, take, collect, catch, harvest, disturb, break, cut, or otherwise injure, any Sanctuary resource located more than 3,000 feet below the sea surface within the Davidson Seamount Management Zone (DSMZ). This prohibition does not apply to fishing below 3,000 feet within the DSMZ, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States and in the Western Pacific).</i></p> <p><i>(ii) Possessing any Sanctuary resource the source of which is more than 3,000 feet below the sea surface within the Davidson Seamount Management Zone. This prohibition does not apply to possession of fish resulting from fishing below 3,000 feet within the DSMZ, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States and in the Western Pacific).</i></p> <p>[The Proposed Action exempt fishing activities and defers the regulation of bottom contact fishing gear to recent NOAA Fisheries amendments to the Groundfish Fishery Management Plan (71 FR 27408). The impacts of Proposed Action and Alternative would be the same.]</p> <p>Alternative 1: Restrictions on fishing below 3000 feet would be applied and no exception for disturbing the submerged lands for lawful fishing operations would be provided.</p> <p>Alternative 2: Circular boundary encompassing 707 sq. miles with same regulations as proposed.</p>
Personal Watercraft (MBNMS)		
<p>No existing or proposed regulations</p>	<p>Existing: (no change) Prohibits: (7) <i>Operation of motorized personal watercraft, except for the operation of motorized personal watercraft for emergency search and rescue mission or law enforcement operations (other than routine training activities) carried out by National Park Service, US Coast Guard, Fire or Police Departments or other Federal, State or local jurisdictions.</i></p> <p>Proposed: None</p>	<p>Existing: Definition: <i>Motorized personal watercraft 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, surfjets, miniature speed boats, air boats, and hovercraft.</i></p> <p>Prohibits: (7) <i>Operating motorized personal watercraft within the Sanctuary except within the four designated zones and access routes within the Sanctuary described in appendix E to this subpart.</i></p> <p>Proposed: Redefines MPWC as: (1) <i>any vessel, propelled by machinery, that is designed to be operated by standing, sitting, or kneeling on, astride, or behind the vessel, in contrast to the conventional manner, where the operator stands or sits inside the vessel; or (2) any vessel less than 20 feet in length overall as manufactured and propelled by machinery and that has been exempted from compliance with the US Coast Guard’s Maximum Capacities Marking for Load Capacity regulation found at 33 CFR Parts 181 and 183 (except submarines); or (3) any other vessel that is less than 20 feet in length overall as manufactured, and is propelled by a water jet pump or drive.</i></p>

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Proposed and Alternative Regulatory Changes**

CBNMS	GFNMS	MBNMS
		<p>Revised Prohibition: (7) <i>Operating motorized personal watercraft within the Sanctuary except within the five designated zones and access routes within the Sanctuary described in appendix E to this subpart. Zone Five (at Pillar Point) exists only when a high surf warning has been issued by the National Weather Service and is in effect for San Mateo County, and only during December, January, and February.</i></p> <p>Alternative: Prohibits: <i>Operating motorized personal watercraft within the Sanctuary.</i> Same definition as proposed.</p>
<i>Dredge Disposal (MBNMS)</i>		
<p>No existing or proposed regulation</p>	<p>No existing or proposed regulation</p>	<p>Existing: Allows disposal of <i>dredged material deposited at the authorized disposal sites described in appendix B to this subpart, provided that the dredged material disposal is pursuant to, and complies with the terms and conditions of, a valid Federal permit or approval.</i></p> <p>Proposed: MBNMS will define and recognize a location of dredge disposal site SF-12. Redefinition of the SF-12 site is needed to clarify its exact location and to allow disposal of dredge material to occur at the intended location, at the head of the Monterey Canyon. Also will define and codify Santa Cruz and Monterey Disposal Sites.</p> <p>Alternative: None</p>