

## SECTION 4: APPENDICES



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Waves crash near San Simeon. Photo: Robert Schwemmer/NOAA

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## Appendix A - Acronyms

ACCESS	Applied California Current Ecosystem Studies
AMBAG	Association of Monterey Bay Area Governments
APPS	Act to Prevent Pollution from Ships
ASBS	Area of special biological significance
AUV	Autonomous Underwater Vehicle
AWQA	Agriculture Water Quality Alliance
Beach COMBERS	Beach Coastal Ocean Mammal/Bird Education & Research Surveys
BLM	Bureau of Land Management
BOEM	Bureau of Ocean Energy Management
BSEE	Bureau of Safety and Environmental Enforcement
Caltrans	California Department of Transportation
CAPS	Commerce Alternative Personnel System
CCA	California Coastal Act
CCAMP	California Coast Ambient Monitoring Program
CCAT	Central Coast Action Tracker
CCC	California Coastal Commission
CCLEAN	Central Coast Long-Term Environmental Assessment Network
CCRWQCB	Central Coast Regional Water Quality Control Board
CDFW	California Department of Fish and Wildlife
CDP	Coastal development permit
CDPR	California Department of Parks and Recreation
CEDEN	California Environmental Data Exchange Network
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CRSMP	Coastal Regional Sediment Management Plan
CSCAPE	West Coast Collaborative Survey of Cetacean Abundance and the Pelagic Ecosystem
CSP	California State Parks
CSUMB	California State University Monterey Bay
CWA	Clean Water Act
CWG	Conservation Working Group
CZMA	Coastal Zone Management Act
DBW	California Department of Boating and Waterways
DDT	dichlorodiphenyltrichloroethane
DOC	Department of Commerce
DOD	Department of Defense
DOI	Department of Interior
DPS	Distinct Population Segment
DSMZ	Davison Seamount Management Zone
EFH	Essential Fish Habitat
EO	Executive Order
EPA	Environmental Protection Agency
ERMA	Environmental Response and Management Application
ESA	Endangered Species Act

ESNERR.....	Elkhorn Slough National Estuarine Research Reserve
ESU.....	Evolutionary Significant Unit
FAA.....	Federal Aviation Administration
GIS.....	Geographic Information System
GPO.....	U.S. Government Publishing Office
GRT.....	Gross registered tons
GSA.....	General Services Administration
HAB.....	Harmful Algal Bloom
HAZWOPER.....	Hazardous Waste Operations and Emergency Response
IC.....	Incident Command
IMO.....	International Maritime Organization
IT.....	Information technology
JEA.....	NOAA Joint Enforcement Agreement
JIC.....	Joint Incident Command
LETAC.....	Law Enforcement Technical Advisory Committee
LiMPETS.....	Long-term Monitoring Program & Experiential Training for Students
MARPOL73/78.....	United States Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978
MARS.....	Monterey Accelerated Research System
MBARI.....	Monterey Bay Aquarium Research Institute
MBNMS.....	Monterey Bay National Marine Sanctuary
MBON.....	Marine Biodiversity Observation Network
MBTA.....	Migratory Bird Treaty Act
MDS.....	Marine sanitation device
MERITO.....	Multicultural Education for Resource Issues Threatening Oceans
MLPA.....	Marine Life Protection Act
MMA.....	State marine managed areas
MMPA.....	Marine Mammal Protection Act
MOA.....	Memorandum of agreement
MPA.....	Marine Protected Area
MPRSA.....	Marine Protection, Research, and Sanctuaries Act
MPWC.....	Motorized personal watercraft
MS4.....	Municipal Separate Storm Sewer System
MSFCMA.....	Magnuson-Stevens Fishery Conservation and Management Act
MSP.....	Marine spatial planning
NEPA.....	National Environmental Policy Act
NGO.....	Non-governmental organization
NHPA.....	National Historic Preservation Act
NMFS.....	NOAA National Marine Fisheries Service
NMSA.....	National Marine Sanctuaries Act
NOAA.....	National Oceanic and Atmospheric Administration
NOS.....	National Ocean Service
NPDES.....	National Pollution Discharge Elimination System
NPS.....	National Park Service
OLE.....	NOAA Office of Law Enforcement

ONMS.....	NOAA Office of National Marine Sanctuaries
OPA .....	Oil Spill Prevention Act of 1990
OPC.....	Ocean Protection Council
PBDE .....	Polybrominated diphenyl ether
PCB.....	Polychlorinated biphenyls
PFMC.....	Pacific Fishery Management Council
psu .....	Practical salinity unit
qPCR.....	Quantitative polymerase chain reaction
RAP.....	Research Activity Panel
RCD .....	Resource Conservation District
ROV .....	Remotely Operated Vehicle
RULET.....	Remediation of Underwater Legacy Environmental Threats
SAMSAP .....	Sanctuary Aerial Monitoring and Spatial Analysis
SCAT.....	Shoreline Cleanup and Assessment Technique
SERC .....	Smithsonian Environmental Research Center
SESA.....	Sanctuary ecologically significant area
SIMoN .....	Sanctuary Integrated Monitoring Network
SLC .....	California State Lands Commission
SRWCB.....	State and Regional Water Control Boards
SWQPA.....	State Water Quality Protection Areas
SWRCB.....	State Water Resources Control Board
SWRP .....	Storm Water Resource Plans
Team OCEAN .....	Ocean Conservation Education Action Network
TMDL .....	Total maximum daily loads
TOPP .....	Tagging of Pacific Predators
TSS .....	Traffic separation scheme
UAS.....	Unmanned Aircraft Systems
UCSB .....	University of California Santa Barbara
UCSC .....	University of California Santa Cruz
USACE.....	United States Army Corps of Engineers
USCG .....	United State Coast Guard
USFS.....	United States Forest Service
USFWS .....	United States Fish and Wildlife Service
USGS .....	United States Geological Survey
VMA.....	Voluntary management area
WQPP .....	Water Quality Protection Program
WRC .....	Western Regional Center

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## **Appendix B - Jurisdictional Authorities**

The sanctuary overlaps and borders the jurisdictions of several other agencies. Coordination and cooperation among the responsible agencies are critical to the success of the sanctuary. These agencies and their roles in assisting management of the sanctuary are described below.

### ***Federal Authorities***

#### **National Marine Sanctuaries**

One other national marine sanctuary shares a boundary with MBNMS. To the north is Greater Farallones National Marine Sanctuary. MBNMS works closely with Greater Farallones National Marine Sanctuary to protect shared populations and habitats.

Greater Farallones National Marine Sanctuary is responsible for managing programs and regulations of the Northern Management Area of MBNMS, which includes all MBNMS waters and submerged lands north of Point Año Nuevo and the San Mateo/Santa Cruz county line.

#### **United States Forest Service**

The sanctuary manages waters adjacent to the Los Padres National Forest. The USFS works closely with the sanctuary on the protection and management of natural and cultural marine resources as well as on education.

#### **United States Fish and Wildlife Service (USFWS)**

Within the waters of MBNMS, USFWS is responsible for protecting all marine mammal species, including sea otters and excluding cetaceans and pinnipeds listed under MMPA and short-tailed albatross and other bird species listed as threatened or endangered under the ESA. NMFS is responsible for protecting cetaceans and pinnipeds under the MMPA and sea turtles and fish that are listed as threatened or endangered under the ESA.

#### **National Park Service (NPS)**

Although there are no national parks adjacent to sanctuary waters, there is significant collaboration between the agencies for protection of maritime heritage resources and submerged archeological resources.

#### ***Abandoned Shipwreck Act***

The Abandoned Shipwreck Act establishes government ownership over the majority of abandoned shipwrecks located in U.S. waters and creates a framework within which shipwrecks are managed. Enacted in 1988, it affirms the authority of state governments to claim and manage abandoned shipwrecks on state submerged lands. Under the Abandoned Shipwreck Act, the laws of salvage and finds do not apply to any shipwreck covered under the act. The act asserts that shipwrecks are multiple-use resources.

NPS has prepared guidelines to assist states and federal agencies in carrying out their responsibilities under the act. Issued in 1990, the guidelines provide advice on establishing and funding shipwreck management programs and technical guidance on surveying, identifying, documenting, and evaluating shipwrecks. In addition, the guidelines suggest ways to make sites publicly accessible and to recover shipwrecks using public and private entities. They also include advice on establishing volunteer programs, interpreting shipwreck sites, and creating and operating underwater parks.

### **National Marine Fisheries Service (NMFS)**

NMFS is responsible for enforcing the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), the MMPA, and the ESA. Pursuant to the MSFCMA, NMFS approves, implements, and enforces fishery management plans prepared by regional fishery management councils. NMFS works closely with CSFW and USCG for enforcement operations both within and outside the three-mile territorial sea. Monterey Bay fish populations affected by fishery management plan regulations include coastal pelagic species, flatfish, highly migratory species, rockfish, groundfish, and salmon.

NMFS shares responsibility with USFWS for implementation of the MMPA and the ESA (see USFWS entry above).

NMFS has responsibility under the MSFCMA for approving, implementing, and enforcing fishery management plans prepared by regional fishery management councils to ensure protection of fishery resources in the exclusive economic zone. NMFS also shares responsibility with USFWS for the implementation of the MMPA and the ESA to prevent taking of any endangered, threatened, or otherwise depleted species.

### **United States Coast Guard (USCG)**

The USCG is the federal government's primary maritime law enforcement agency. USCG missions include maritime law enforcement, national security, maritime safety, and marine environmental protection. For ocean and coastal activities, the USCG manages maritime transportation activities in order to minimize loss of life and damage to the environment. The USCG has historically held the primary responsibility for ensuring cleanup of any oil spill or other pollutants in the marine environment. To avert oil spills and promote safety, the USCG inspects vessels carrying oil and other hazardous materials. The USCG requires vessels to have approved response plans detailing owner and operator response to an oil spill and ensuring proper response activities. Pursuant to the Oil Spill Prevention Act of 1990 (OPA), which defines ground rules for dealing with oil pollution events and recommends pollution prevention measures, the USCG has responsibility for preparing most of the regulations necessary to implement OPA. Additionally, the USCG must be consulted in the development of oil spill contingency plans for marine oil and gas facilities and terminals. The OPA also allows for natural resource damage recovery by federal and state resource trustees.

The USCG holds broad responsibility for enforcing all federal laws throughout the



sanctuary and assists NOAA in the enforcement of sanctuary regulations. The USCG provides on-scene coordination with regional response center facilities under the National Contingency Plan for removal of oil and hazardous substances in the event of a spill that threatens sanctuary resource.

### **Bureau of Ocean Energy Management (BOEM)**

BOEM is responsible for managing development of the nation's offshore resources in an environmentally and economically responsible way. Functions include leasing, plan administration, environmental studies, NEPA analysis, resource evaluation, economic analysis, and the Renewable Energy Program.

### ***Outer Continental Shelf Lands Act***

The Outer Continental Shelf Lands Act, created on August 7, 1953, defines the outer continental shelf as all submerged lands lying seaward of state coastal waters (three miles offshore) which are under U.S. jurisdiction. Under the act, the Secretary of the Interior is responsible for the administration of mineral exploration and development of the outer continental shelf. The act empowers the Secretary to grant leases to the highest qualified responsible bidder on the basis of sealed competitive bids and to formulate regulations as necessary to carry out the provisions of the act. The act, as amended, provides guidelines for implementing an outer continental shelf oil and gas exploration and development program.

### ***Submerged Lands Act***

The Submerged Lands Act of 1953 grants individual states rights to the natural resources of submerged lands from the coastline to no more than three nautical miles (5.6 km) into the Atlantic, Pacific, and Arctic oceans, and the Gulf of Mexico. The only exceptions are Texas and the west coast of Florida, where state jurisdiction extends from the coastline to no more than three marine leagues (16.2 km) into the Gulf of Mexico.

The Submerged Lands Act also reaffirmed the federal claim to the lands of the outer continental shelf, which consists of those submerged lands seaward of state jurisdiction. The Submerged Lands Act led to the passage of the Outer Continental Shelf Lands Act later in 1953. The Outer Continental Shelf Lands Act and subsequent amendments, in later years, outlines the federal responsibility over the submerged lands of the outer continental shelf.

### **Bureau of Safety and Environmental Enforcement (BSEE)**

BSEE was created to enforce safety and environmental regulations. Functions include all field operations including permitting and research, inspections, offshore regulatory programs, oil spill response, and newly formed training and environmental compliance functions.

### **Environmental Protection Agency (EPA)**

The EPA has regulatory responsibilities with regard to ocean water quality. Under the U.S. Clean Water Act (CWA), EPA establishes and enforces water quality standards for waters outside of the three-mile state waters. Title 1 of the Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act) prohibits the unpermitted

dumping of “any material transported from a location outside the United States” into the territorial sea of the United States, or into the zone contiguous to the territorial sea, to the extent discharge into the contiguous zone would affect the territorial sea or the territory of the United States. The act is administered by the EPA and supersedes any CWA requirements.

The EPA has regulatory responsibilities with regard to sewage outfalls (under the CWA via NPDES permits), and ocean dumping (under Title I of the Marine Protection, Research, and Sanctuaries Act) to protect water quality.

### ***Federal Water Pollution Control Act***

The Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA), 33 U.S.C § 1251 et seq., requires California to submit statewide and basin plans to the EPA for approval. The CWA differentiates between point-source and non-point-source pollution. Point sources of pollution are those that have a fixed discharge point. For example, sewage treatment plants (also called publicly owned treatment works) or industrial facilities (such as power plants or oil refineries) are considered point sources.

Point source discharges are illegal under the CWA unless authorized by NPDES permit. Under CWA Section 402 (33 U.S.C. § 1342), any discharge of a pollutant from a point source (e.g., a municipal or industrial facility) to the navigable waters of the United States or beyond must obtain an NPDES permit, which requires compliance with technology- and water-quality-based treatment standards.

CWA Section 312 (33 U.S.C. § 1322) contains regulations protecting human health and the aquatic environment from disease-causing microorganisms that may be present in sewage from boats. Pursuant to Section 312 of the CWA, all recreational boats with installed toilet facilities must have an operable marine sanitation device on board. All installed marine sanitation devices must be Coast Guard-certified. Coast Guard-certified devices are so labeled except for some holding tanks, which are certified by definition under Section 312 of the CWA (33 U.S.C. § 1322). In 2012, under the authority of the CA Section 312, the EPA established national no discharge zones within which sewage discharges are prohibited from all large passenger vessels (of 300 gross tons or greater) and from large oceangoing vessels (of 300 gross tons or greater) with available holding tank capacity or containing sewage generated while the vessel was outside of the marine waters of the state of California. In California, no discharge zones have been created for 10 bays and harbors along the outer coast and for all state marine waters (i.e., within three nautical miles of the shore).

### ***Water Quality Impairments***

Section 303(d) of the CWA requires the states to submit to the EPA a list of water bodies that do not meet water quality standards for specific pollutants (i.e., are “impaired”). On November 12, 2010, USEPA approved the inclusion of all waters to California's 2010 303(d) list of impaired waters requiring total maximum daily loads (TMDLs) and disapproved the omission of several water bodies and associated pollutants that meet federal listing requirements. On October 11, 2011, USEPA issued its final decision regarding the water bodies and pollutants USEPA added to California's 2010 303(d) List. In the vicinity of MBNMS, the following areas were

identified in the 2010 303(d) list: Capitola Beach, Rio Del Mar Beach and Stillwater Cove.

### ***Total Maximum Daily Loads (TMDLs)***

Under the CWA, TMDLs are required to be developed for 303(d) listed water bodies. The purpose of a TMDL is to bring a water body back into compliance with the water quality objective for which it was listed. The development of a TMDL involves the identification of the various sources contributing to the water quality standard exceedance, including both point and nonpoint sources. The TMDL must also consider the natural background level and a margin of safety. Once a TMDL is developed, it must be approved and included in the basin plan. Implementation of the TMDLs will, by necessity, include public involvement and education, since many of our pollution problems are related to nonpoint sources and urban stormwater runoff, which are not regulated activities.

### ***Title I of the Marine Protection, Research, and Sanctuaries Act, also known as the Ocean Dumping Act, 33 U.S.C. §§ 1401-1445***

The Marine Protection, Research, and Sanctuaries Act (MPRSA) regulates the dumping of wastes into marine waters. It is the primary federal environmental statute governing transportation of dredged material for the purpose of disposal into ocean waters, while CWA Section 404 governs the discharge of dredged or fill material into all waters of the U.S. In 1983, a global ban on the dumping of radioactive wastes was implemented. The MPRSA and the CWA regulate materials that are disposed of into the marine environment, and only sediments determined to be nontoxic by EPA standards may be disposed of into the marine environment. The EPA and the USACE share responsibility for managing the disposal of dredged materials.

### **Bureau of Land Management (BLM)**

The BLM is responsible for managing the California Coastal National Monument that was established by Presidential Proclamation on January 11, 2000, under the authority of the Antiquities Act of 1906. It is composed of over 20,000 rocks and small islands spread along the 1,100 mile California coastline. The Point Arena-Stornetta Unit includes 1,665 acres of federal land administered by the BLM along the Northern California coastline, immediately south of Point Arena.

### **United States Army Corps of Engineers (USACE)**

#### ***Rivers and Harbors Appropriations Act of 1899, 33 U.S.C §§ 401, 403***

USACE acts in accordance with the provisions of the Rivers and Harbors Act, which regulates placement of structures or other work in addition to fill in “navigable waters,” and CWA (Section 404), which governs fill in “waters of the United States,” including wetlands. A USACE permit is required if a project would place structures within navigable waters or if it would result in altering waters of the U.S. below the ordinary high water mark in nontidal waters. The USACE does not issue these types of permits in cases where the USACE itself is the lead agency; instead it evaluates the project to determine compliance and acceptability. Typical activities requiring Section 10 permits are construction of buoys, piers, wharves, bulkheads, marinas, ramps,

floats, intake structures, and cable or pipeline crossings, and dredging and excavation.

## **State Authorities**

### **California Department of Fish and Wildlife (CDFW)**

The CDFW, under the Fish and Game Code (and Chapter 14 of the Administrative Code), regulates and manages a wide variety of activities affecting the living marine resources found in the territorial sea and in the 200-mile-wide exclusive economic zone. In cooperation with NMFS, the CDFW enforces federal regulations established under the MSFCMA. It also enforces and implements the Marine Life Management Act and the Marine Life Protection Act (MLPA). The CDFW has established ecological reserves, marine reserves, game refuges, and marine life refuges in the ocean waters and submerged lands surrounding Monterey Bay. The agency has the authority to prohibit or restrict activities that may harm resources, including fishing, collecting, swimming, boating, and public entry. The CDFW works closely with the sanctuary in oil spill response, damage assessment, and restoration through its Office of Spill Prevention and Response.

Several fisheries conducted within MBNMS are managed by the state of California. The CDFW is responsible for preparing fishery management plans under the authority of the California Fish and Game Commission and the California State Legislature. Monterey Bay fish populations affected by California regulations include California halibut, Dungeness crab, nearshore finfish, market squid, and rock crab.

The CDFW regulates commercial fishing, including the taking of tidal invertebrates for commercial purposes, under a licensing system. CDFW also regulates sport fishing through license and bag limit systems. A sport fishing license is required for the taking and possession of fish for any non-commercial purpose. CDFW also leases state water bottoms for the purpose of aquaculture.

### **State Water Resources Control Board (SWRCB)**

The SWRCB is responsible for water quality within state waters. The SWRCB adopts statewide water quality control plans and policies, such as the Ocean Plan, the Thermal Plan, and the State Implementation Policy. The regional water control boards adopt and submit basin plans to the state board for approval. Title III, Section 303 of the CWA requires California to submit statewide and basin plans to the EPA for approval.

On March 21, 1974, the SWRCB decided that, “The list of Areas of Special Biological Significance (ASBS) will be used to identify for planning purposes, those areas where the regional water quality control boards will prohibit waste discharges.” The SWRCB established a system of 34 ASBS, now known as state water quality protection areas (SWQPA). These are areas designated for special protection from undesirable alteration in natural water quality. Seven ASBSs are located in MBNMS. These are James V. Fitzgerald Marine Reserve, Año Nuevo Point and Island, Pacific Grove Marine Gardens Fish Refuge/Hopkins Marine Life Refuge, Carmel Bay, Point Lobos Ecological Reserve, Julia Pfeiffer Burns Underwater Park, and the ocean area

surrounding the mouth of Salmon Creek.

An ASBS is a marine or estuarine area that is designed to protect marine species or biological communities from an undesirable alteration in natural water quality. The SWRCB is responsible for designating these areas. In an ASBS, point source waste and thermal discharges are prohibited or limited by special conditions. Nonpoint source pollution is controlled to the extent practicable. No other use is restricted by the state in these areas.

The Ocean Plan prohibits the discharge of wastes to an ASBS. Discharges must be located a sufficient distance from an ASBS to ensure maintenance of natural water quality. Limited-term maintenance, repair, and replacement activities (e.g., on boat facilities, sea walls, stormwater pipes, and bridges) resulting in waste discharges in an ASBS may be approved by a regional water quality control board. Such discharges are allowable only if they result in temporary and short-term changes in existing water quality, and do not permanently degrade water quality. All practical means must be implemented in order to minimize water quality degradation. The Ocean Plan does not regulate the discharge of vessel wastes, dredging, or the disposal of dredge spoil materials.

The Thermal Plan requires existing discharges of elevated temperature wastes to comply with limitations necessary to ensure protection of ASBSs. New discharges of elevated temperature wastes must be discharged a sufficient distance from an ASBS to ensure the maintenance of natural temperature in these areas. Additional limitations may be imposed in individual cases if necessary for the protection of ASBSs.

***Porter-Cologne Water Quality Control Act, California Water Code §§ 13000-14958***

The Porter-Cologne Water Quality Control Act contains provisions for enforcing water quality standards through issuance of waste discharge requirements. Pursuant to the act, the SWRCB has the primary responsibility to protect California's coastal and ocean water quality. SWRCB has been given the authority by the EPA to administer the NPDES program for California. The regional water quality control boards, in coordination with the SWRCB, issue both state waste discharge requirements and NPDES permits to individual dischargers. Dischargers are required to establish self-monitoring programs for their discharges and to submit compliance reports to regional water quality control boards. The SWRCB has established regulations to implement these measures through water quality control plans, including the California Ocean Plan (Ocean Plan), the Regional Water Quality Control Plans (Basin Plans), and the Thermal Water Quality Control Plan (California Ocean Resources Management Program 1995). The Ocean Plan is applicable to nearshore ocean waters, but does not cover enclosed bays and estuaries. The Thermal Plan covers waste heat (e.g., from power plants) into all of the state's coastal waters. The Regional Board Basin Plans are applicable to freshwater bodies (e.g., streams and rivers) as well as enclosed bays and estuaries.

In addition, the state has a Policy for Implementation of Toxics Standards for Inland

Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy). The State Implementation Policy includes the measures by which California implements the EPA California Toxics Rule. The California Toxics Rule establishes water quality criteria for priority toxic pollutants.

The State Water Resources Control Board adopts the statewide water quality control plans and policies, such as the Ocean Plan, the Thermal Plan, and the State Implementation Policy. The regional boards adopt and submit basin plans to the state board for approval.

### **California Coastal Commission (CCC)**

The CCC was established under the California Coastal Zone Management Act (CZMA) of 1972, which gives authority to the commission to establish policy for activities in state waters. The CZMA established the authority for a federal-state partnership to manage development and use of the coastal zone. The CCC also has the authority to review federal activities in the coastal zone to ensure consistency with California's Coastal Zone Management Program.

The CCC was established under the California Coastal Act, which gives authority to the commission to establish policy for activities in state waters. In addition, seaward of state jurisdiction, federal development and activities directly affecting the coastal zone must be conducted in a manner consistent with these policies to the maximum extent practicable.

### ***Coastal Zone Management Act, 16 U.S.C. §§ 1451-1466***

The Coastal Zone Management Act (CZMA) provides incentives for coastal states to develop and implement coastal area management programs. It is significant with regards to water pollution abatement, particularly concerning nonpoint source pollution. Under the CZMA, the NOAA Office of Ocean and Coastal Resource Management reviews state coastal nonpoint source control programs developed for approval under the Coastal Zone Act Reauthorization Amendments of 1990. The office also administers grants to states for coastal nonpoint source control program implementation activities. The Plan for California's Nonpoint Source Pollution Control Program, developed by the State Water Resources Control Board and the CCC, received full approval from the EPA and NOAA in 2000. The plan provides an outline for nonpoint source pollution management measures.

The CCC has the authority to review federal activities in the coastal zone to ensure consistency with California's coastal zone management program. The CCC also addresses water quality issues through additional programs including:

- A. Water Quality Unit, which provides technical assistance to district offices and statewide nonpoint source pollution coordination;
- B. Local coastal programs;
- C. Interagency Coordination Committee;
- D. Critical coastal areas;
- E. Model Urban Runoff Program;
- F. Contaminated Sediments Task Force;
- G. Snapshot Day; and

## H. First Flush.

### ***California Coastal Act, Cal. Pub. Res. Code §30000 et seq.***

The California Coastal Act (CCA) defines the “coastal zone” as the area of the state that extends three miles seaward and generally about 1,000 yards (910 meters) inland. The CCA mandates protections for terrestrial and marine habitat through its policies on visual resources, land development, agriculture, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, power plants, ports, and public works. The CCC administers various programs, including local coastal programs and the Water Quality Program, which facilitates the interagency Nonpoint Source Pollution Control Program. Almost all development within the coastal zone, which contains many wetlands, requires a coastal development permit from either the CCC or a local government with a certified local coastal program.

### **California State Lands Commission (SLC)**

SLC has jurisdiction over all of California’s tidal and submerged lands and over the beds of naturally navigable rivers and lakes, each of which are sovereign lands, swamp, and overflow lands, and school lands (proprietary lands). Management responsibilities of the SLC extend to activities within submerged land and those within three nautical miles of shore.

The SLC administers land including the beds of all waterways of the state below the ordinary high water mark, as well as tidelands (located between the mean high and low tide lines) and submerged lands (located below the mean low tide line and extending three nautical miles seaward). These sovereign state lands are held by the state “in trust” for the benefit of the public.

### **California Department of Boating and Waterways (DBW)**

The DBW programs are designed to fulfill the needs of California's boating community, including funding for local waterway law enforcement programs, assisting in beach erosion control projects, licensing yacht and ship brokers, and funding the development of public access boating facility projects. The DBW also provides grants to cities, counties, and districts for developing small craft harbors/marinas, and loans to private recreational marinas.

### **California State Parks**

The California Public Resources Code provides for California Department of Parks and Recreation’s (California State Parks’) control of the state park system, including management of submerged archaeological and historical resources within state park units.

The department may manage state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas. Department authority over units within the state park system shall extend to units of the State Marine Managed Areas (MMAs) system that are managed by the department.

The California State Parks regulations are found in the California Code of Regulations, Title 14, Natural Resources, §§ 4300-4971. Several of the regulations pertain to historic or cultural resources.

### **California Department of Parks and Recreation**

California Department of Parks and Recreation manages 280 park units, including over 280 miles of coastline. Responsible for almost one-third of California's scenic coastline, California State Parks manages the state's finest coastal wetlands, estuaries, beaches, and dune systems.

#### ***Oil Pollution Control Act, 33 U.S.C. § 2701 et seq.***

The Oil Pollution Control Act of 1990 requires extensive planning for oil spills from tank vessels and onshore and offshore facilities and places strict liability on parties responsible for oil spills. See Impacts from Vessel Spills Action Plan for more information.

#### ***Act to Prevent Pollution from Ships, 33 U.S.C. § 1901 et seq.***

The discharge of solid wastes is regulated under the Act to Prevent Pollution from Ships (APPS). The APPS regulates the disposal of plastics and garbage for the United States Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL73/78). Under these regulations, the disposal of plastics is prohibited in all waters, and other garbage, including paper, glass, rags, metal, and similar materials, is prohibited within 22 km (12 nm; 14 miles) from shore (unless macerated).

#### ***Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601-9675***

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) addresses cleanup of hazardous substances and mandates liability for environmental cleanup on those whose actions cause release into the environment. In conjunction with the CWA, it requires preparation of a National Contingency Plan for responding to oil or hazardous substances release.

#### ***Resource Conservation and Recovery Act, 42 U.S.C §§ 6901-6992K***

The Resource Conservation and Recovery Act addresses hazardous waste management, establishing duties and responsibilities for hazardous waste generators, transporters, handlers, and disposers.

#### ***California Health and Safety Code §115880 et seq.***

California has established minimum standards for the sanitation of public beaches, including: (1) requiring the testing of the waters adjacent to all public beaches for microbiological contaminants; (2) establishing protective minimum standards for total coliform, fecal coliform, and enterococci bacteria, or for other microbiological indicators; and (3) requiring that the waters adjacent to public beaches are tested for total coliform, fecal coliform, and enterococci bacteria, or for other microbiological indicators if appropriate. Since 2012, testing on beaches that are visited by more than 50,000 people annually and are located on an area adjacent to a storm drain that flows



in the summer is required on a weekly basis from April 1 to October 31, inclusive, of each year.

***California Ballast Water Regulations, CCR, Title 2, Division 3, Chapter 1, Article 4.6 et seq.***

The master, operator, or person in charge of vessels arriving at a California port or place carrying ballast water from another port or place within the Pacific Coast must employ at least one of the following ballast water management practices: (1) exchange the vessel's ballast water in near-coastal waters (more than 50 nm from land and at least 657 feet deep) before entering the waters of the state, if that ballast water has been taken on in a port or place within the Pacific Coast region; (2) retain all ballast water on board the vessel; (3) use an alternative, environmentally sound method of ballast water management that, before the vessel begins the voyage, has been approved by the SLC or the USCG as being at least as effective as exchange, using mid-ocean waters, in removing or killing nonindigenous species; (4) discharge the ballast water to a reception facility approved by the commission; or (5) under extraordinary circumstances where compliance with the four options above is not practicable, perform a ballast water exchange within an area agreed to by the SLC in consultation with the USCG. "Pacific Coast Region" is defined in Article 4.6 as all estuarine and ocean waters within 200 nm of land or less than 2,000 meters (6,560 feet, 1,093 fathoms) deep, and rivers, lakes, or other water bodies navigably connected to the ocean on the Pacific Coast of North America east of 154 degrees west longitude and north of 25 degrees north latitude, exclusive of the Gulf of California.

***California Clean Coast Act, Cal. Pub. Res. Code §72400 et seq.***

The California Clean Coast Act, which became effective on January 1, 2006, prohibits the release from large passenger vessels (cruise ships) and other oceangoing ships (300 gross tons or more) of hazardous waste, oily bilge water, other waste, and sewage sludge into the marine waters of the state and marine sanctuaries and sets up notification protocols for release of these substances into state waters or waters of a national marine sanctuary. The Clean Coast Act also prohibits the release of graywater from cruise ships and oceangoing ships with sufficient holding capacity into the marine waters of the state. Furthermore, the Clean Coast Act requires the State Water Resources Control Board to request the appropriate federal agencies to prohibit the release of wastes from cruise ships and oceangoing ships into state marine waters and the four national marine sanctuaries in California. The act is more stringent than federal regulation of cruise ships and also provides the strongest state protections from cruise ship pollution in the United States.

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## Appendix C - Management Plan/Condition Report Connections

This section identifies the linkages between the various action plan activities and the [2015 MBNMS condition report partial update](#) findings for water, habitat, living resources, and maritime archaeological resources in estuarine, nearshore, offshore, and Davidson Seamount study areas.

The table cross references actions plan linkages and the current state of the particular study area in relation to a series of questions. The development of these strategies and activities are in direct relationship to the areas of need identified in the report.

### Status:

**Good** **Good/Fair** **Fair** **Fair/Poor** **Poor** **Undet.**

### Trends:

- ▲ Conditions appear to be improving
- Conditions do not appear to be changing
- ▼ Conditions appear to be declining
- ? Undetermined trend
- N/A Question not applicable

### Reference numbers:

- ▲<sup>4</sup> Superscript numbers refer to the issue number in the category the activity is linked to.

Water	Habitat	Living Resources	Maritime Archaeological Resources
1. Stressors	5. Abundance/ Distribution	9. Biodiversity	15. Integrity
2. Eutrophic Condition	6. Biologically Structured	11* Non-Indigenous Species Status	16. Threat to Environment
1. Human Health	7. Contaminants	12. Key Species Status	17. Human Activities
2. Human Activities	1. Human Impacts	13. Key Species Condition	
		14. Human Activities	

\*There is no number 10 in the 2015 condition report update

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
<b>ISSUE BASED ACTION PLANS</b>																
<b>CLIMATE CHANGE</b>																
<b>Strategy CC-3: Communicate ocean-climate impacts and solutions</b>																
Activity CC-3.3								▼ <sup>2</sup>								
<b>COASTAL EROSION &amp; SEDIMENT MANAGEMENT</b>																
<b>Strategy 1: Track progress on coastal sediment management plans for MBNMS</b>																
Activity CEM-1.3		- <sup>5</sup>				▼ <sup>5</sup>										
<b>Strategy 2: Collaborate on land management plan for CEMEX site</b>																
Activity CEM-2.1						▼ <sup>5</sup>										
<b>Strategy 3: Implement site-specific beach nourishment programs</b>																
Activity CEM-3.1		- <sup>5</sup>				▼ <sup>5</sup>										
Activity CEM-3.2		- <sup>5</sup>				▼ <sup>5</sup>										
Activity CEM-3.3		- <sup>5</sup>				▼ <sup>5</sup>										

Environment															
Estuarine				Nearshore				Offshore				Davidson Seamount			
Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
<b>Strategy 4: Safeguard MBNMS from contaminated dredge disposal</b>															
Activity CESH-4.2		▼ <sup>7</sup>			▼ <sup>7</sup>										
<b>Strategy 5: Reduce coastal armoring</b>															
Activity CESH-5.2		- <sup>5</sup>			▼ <sup>5</sup>										
<b>Strategy 6: Reduce impacts to sanctuary resources due to landslides and subsequent emergency responses</b>															
Activity CESH-6.3		- <sup>5</sup>			▼ <sup>5</sup>										
<b>DAVIDSON SEAMOUNT</b>															
<b>Strategy DS-1: Conduct site characterization</b>															
Activity DS-1.1														▲ <sup>12</sup>	
Activity DS-1.2														▲ <sup>12</sup>	
Activity DS-1.4														? <sup>14</sup>	
Activity DS-1.5													? <sup>7</sup>		
<b>Strategy DS-2: Conduct ecological processes investigations</b>															
Activity DS-2.2														▲ <sup>12</sup>	

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
Activity DS-2.3															▲ <sup>12</sup>	
Activity DS-2.4															▲ <sup>12</sup>	
<b>INTRODUCED SPECIES</b>																
<b>Strategy IS-1: Manage pathways and promote prevention</b>																
Activity IS-1.1			- <sup>11</sup>			▼ <sup>11</sup>				- <sup>11</sup>					- <sup>11</sup>	
<b>Strategy IS-2: Promote early detection and rapid response</b>																
Activity IS-2.1			- <sup>11</sup>			▼ <sup>11</sup>				- <sup>11</sup>					- <sup>11</sup>	
Activity IS-2.2			- <sup>11</sup>			▼ <sup>11</sup>				- <sup>11</sup>					- <sup>11</sup>	
<b>Strategy IS-3: Implement eradication or control</b>																
Activity IS-3.1			- <sup>11</sup>			▼ <sup>11</sup>				- <sup>11</sup>					- <sup>11</sup>	
Activity IS-3.2			- <sup>11</sup>			▼ <sup>11</sup>				- <sup>11</sup>					- <sup>11</sup>	
Activity IS-3.3			- <sup>11</sup>			▼ <sup>11</sup>				- <sup>11</sup>					- <sup>11</sup>	
<b>Strategy IS-5: Implement restoration</b>																
Activity IS-5.1			- <sup>9</sup>			- <sup>9</sup>				- <sup>9</sup>					? <sup>9</sup>	

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
Activity IS-5.2			-9			-9				-9				9		
<b>MARINE DEBRIS</b>																
<b>Strategy MD 1: Assess scope and scale of marine debris</b>																
Activity MD-1.1						▼5				▲5						
Activity MD-1.3						▼5				▲5						
<b>Strategy MD 2: Foster public participation and support policies leading to reduced marine debris focused on plastic pollution</b>																
Activity MD-2.3						▼5				▲5						
<b>Strategy MD 3: Reduce marine debris threats by removing the debris and preventing point source inputs</b>																
Activity MD-3.1						?8				▲8						
Activity MD-3.5						▼5				▲5						
<b>WATER QUALITY</b>																
<b>Strategy WQ-1: Facilitate and coordinate regional efforts to improve water quality through the Water Quality Protection Program Committee (and MOA), Agriculture Water Quality Alliance, stormwater programs, and Integrated Regional Water Management programs</b>																

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
Activity WQ-1.1	? <sup>3</sup>				▲ <sup>4</sup>											
Activity WQ-1.2	? <sup>3</sup>		? <sup>14</sup>		▲ <sup>4</sup>	▼ <sup>14</sup>		▲ <sup>4</sup>								
Activity WQ-1.4	? <sup>3</sup>				▲ <sup>4</sup>	▼ <sup>14</sup>										
Activity WQ-1.5	? <sup>3</sup>				▲ <sup>4</sup>											
Activity WQ-1.6	? <sup>3</sup>		? <sup>14</sup>		▲ <sup>4</sup>	▼ <sup>14</sup>										
Activity WQ-1.8					▲ <sup>4</sup>			▲ <sup>4</sup>								
<b>Strategy WQ-2: Understand the land-sea connection</b>																
Activity WQ-2.1	? <sup>3</sup>	▲ <sup>8</sup>	? <sup>14</sup>		▲ <sup>4</sup>	▼										
Activity WQ-2.2	? <sup>3</sup>		? <sup>14</sup>		▲ <sup>4</sup>	▼ <sup>14</sup>		▲ <sup>4</sup>								
Activity WQ-2.3	? <sup>3</sup>		? <sup>14</sup>		▲ <sup>4</sup>	▼ <sup>14</sup>		▲ <sup>4</sup>								
Activity WQ-2.4					▲ <sup>4</sup>			▲ <sup>4</sup>								
Activity WQ-2.5					▲ <sup>4</sup>			▲ <sup>4</sup>								
<b>Strategy WQ-3: Quantify effectiveness of management practices</b>																
Activity WQ-3.1	? <sup>3</sup>		? <sup>14</sup>		▲ <sup>4</sup>	▼ <sup>14</sup>										



	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
Activity WQ-3.2	? <sup>3</sup>		? <sup>14</sup>		▲ <sup>4</sup>		▼ <sup>14</sup>									
Activity WQ-3.3	? <sup>3</sup>		? <sup>14</sup>		▲ <sup>4</sup>		▼ <sup>14</sup>									
<b>Strategy WQ-4: Monitor and reduce pollutant loads flowing into MBNMS</b>																
Activity WQ-4.1					▲ <sup>4</sup>											
Activity WQ-4.2					▲ <sup>4</sup>											
Activity WQ-4.4	? <sup>3</sup>		? <sup>14</sup>		▲ <sup>4</sup>		▼ <sup>14</sup>		▲ <sup>4</sup>							
<b>Strategy WQ-5: Promote public engagement and stewardship through citizen science monitoring programs and other WQPP efforts</b>																
Activity WQ-5.1	? <sup>3</sup>				▲ <sup>4</sup>											
Activity WQ-5.2					▲ <sup>4</sup>											
Activity WQ-5.3	? <sup>3</sup>		? <sup>14</sup>		▲ <sup>4</sup>		▼ <sup>14</sup>									
Activity WQ-5.4					▲ <sup>4</sup>				▲ <sup>4</sup>							
<b>Strategy WQ-6: Communicate findings of projects and monitoring conducted by the WQPP</b>																
Activity WQ-6.1	? <sup>3</sup>				▲ <sup>4</sup>											
Activity WQ-6.2					▲ <sup>4</sup>				▲ <sup>4</sup>							

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
Activity WQ-6.3	? <sup>3</sup>				▲ <sup>4</sup>											
Activity WQ-6.4	? <sup>3</sup>				▲ <sup>4</sup>											
Activity WQ-6.5	? <sup>3</sup>				▲ <sup>4</sup>											
Activity WQ-6.6					▲ <sup>4</sup>											
Activity WQ-6.7					▲ <sup>4</sup>			▲ <sup>4</sup>								
<b>WILDLIFE DISTURBANCE</b>																
<b>Strategy WD-1: Mitigate wildlife disturbance from marine vessels and shore-based activities</b>																
Activity WD-1.1			? <sup>14</sup>				▼ <sup>14</sup>				— <sup>14</sup>					
Activity WD-1.2			? <sup>14</sup>				▼ <sup>14</sup>				— <sup>14</sup>					
Activity WD-1.3			? <sup>14</sup>				▼ <sup>14</sup>									
Activity WD-1.4											— <sup>14</sup>					
Activity WD-1.5			? <sup>14</sup>				▼ <sup>14</sup>				— <sup>14</sup>					
Activity WD-1.6							▼ <sup>14</sup>				— <sup>14</sup>					
Activity WD-1.8											— <sup>14</sup>					

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
Activity WD-1.10							▼ <sup>14</sup>									
<b>Strategy WD-2: Mitigate wildlife disturbance from aircraft</b>																
Activity WD-2.2			? <sup>14</sup>				▼ <sup>14</sup>				— <sup>14</sup>					
Activity WD-2.3			? <sup>14</sup>				▼ <sup>14</sup>									
Activity WD-2.4							▼ <sup>14</sup>									
<b>Strategy WD-3: Develop acoustic baseline profiles within MBNMS</b>																
Activity WD-3.2							▼ <sup>14</sup>				— <sup>14</sup>				? <sup>14</sup>	
<b>Strategy WD-4: Reduce underwater low-frequency mechanical sound emissions</b>																
Activity WD-4.1							▼ <sup>14</sup>				— <sup>14</sup>					
Activity WD-4.2							▼ <sup>14</sup>				— <sup>14</sup>				? <sup>14</sup>	
Activity WD-4.3							▼ <sup>14</sup>				— <sup>14</sup>					
<b>Strategy WD-5: Use administrative methods to reduce wildlife disturbance</b>																
Activity WD-5.2			? <sup>14</sup>				▼ <sup>14</sup>				— <sup>14</sup>					
<b>Strategy WD-6: Use law enforcement resources to reduce wildlife disturbance</b>																

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
Activity WD-6.1			? <sup>14</sup>			▼ <sup>14</sup>				- <sup>14</sup>						
Activity WD-6.2			? <sup>14</sup>			▼ <sup>14</sup>				- <sup>14</sup>						
Activity WD-6.4									▲ <sup>8</sup>	- <sup>14</sup>				? <sup>14</sup>		
<b>Strategy WD-7: Reduce the risk of wildlife entanglement in fishing gear (working on language with state Dungeness crab working group)</b>																
Activity WD-7.1						▼ <sup>14</sup>										
Activity WD-7.3						▼ <sup>14</sup>				- <sup>14</sup>						
Activity WD-7.4						▼ <sup>14</sup>				- <sup>14</sup>				? <sup>14</sup>		
<b>Strategy WD-8: Respond to wildlife entangled in fishing gear</b>																
Activity WD-8.2						▼ <sup>14</sup>				- <sup>14</sup>						
<b>PROGRAM BASED ACTION PLANS</b>																
<b>MARITIME HERITAGE</b>																
<b>Strategy MH-1: Inventory and assess submerged sites</b>																
Activity MH-1.1				? <sup>15</sup>			? <sup>15</sup>				? <sup>15</sup>					

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
Activity MH-1.2				? <sup>15</sup>				? <sup>15</sup>				? <sup>15</sup>				
Activity MH-1.4				? <sup>15</sup>				? <sup>15</sup>				? <sup>15</sup>				
<b>Strategy MH-2: Threat assessment for shipwrecks and submerged structures</b>																
Activity MH-2.1				- <sup>16</sup>				▼ <sup>16</sup>				▼ <sup>16</sup>				
Activity MH-2.2				- <sup>16</sup>				▼ <sup>16</sup>				▼ <sup>16</sup>				
<b>Strategy MH-3: Protect and manage submerged archaeological resources</b>																
Activity MH-3.1				- <sup>17</sup>				? <sup>17</sup>				? <sup>17</sup>				
Activity MH-3.3				- <sup>16</sup>				▼ <sup>16</sup>				▼ <sup>16</sup>				
<b>RESEARCH &amp; MONITORING</b>																
<b>Strategy RM-1: Characterize biological and physical features in MBNMS</b>																
Activity RM-1.1	? <sup>3</sup>	▲ <sup>8</sup>	▲ <sup>12</sup>		▼ <sup>1</sup>	▼ <sup>5</sup>			▼ <sup>1</sup>	▼ <sup>7</sup>			? <sup>1</sup>	- <sup>5</sup>		
Activity RM-1.2									▼ <sup>1</sup>	▼ <sup>7</sup>	- <sup>14</sup>					
<b>Strategy RM-2: Maintain and expand the Sanctuary Integrated Monitoring Network (SIMoN)</b>																
Activity RM-2.1	? <sup>3</sup>	▲ <sup>8</sup>	▲ <sup>12</sup>		▼ <sup>1</sup>	▼ <sup>5</sup>	▼ <sup>14</sup>		▼ <sup>1</sup>	▼ <sup>7</sup>	- <sup>14</sup>		? <sup>1</sup>	- <sup>5</sup>	- <sup>13</sup>	

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
<b>Strategy RM-3: Support science focused on priority sanctuary needs</b>																
Activity RM-3.1	? <sup>3</sup>	▲ <sup>8</sup>	▲ <sup>12</sup>		▼ <sup>1</sup>	▼ <sup>5</sup>	▼ <sup>14</sup>		▼ <sup>1</sup>	▼ <sup>7</sup>	– <sup>14</sup>		? <sup>1</sup>	– <sup>5</sup>	– <sup>13</sup>	
Activity RM-3.3													? <sup>1</sup>	– <sup>5</sup>	– <sup>13</sup>	
Activity RM-3.4	? <sup>3</sup>	▲ <sup>8</sup>	▲ <sup>12</sup>			▼ <sup>5</sup>	▼ <sup>14</sup>		▼ <sup>1</sup>	▼ <sup>7</sup>	– <sup>14</sup>		? <sup>1</sup>	– <sup>5</sup>	– <sup>13</sup>	
Activity RM-3.5						▼ <sup>5</sup>	▼ <sup>14</sup>			▼ <sup>7</sup>	– <sup>14</sup>		? <sup>1</sup>	– <sup>5</sup>	– <sup>13</sup>	
Activity RM-3.6		▲ <sup>8</sup>	▲ <sup>12</sup>			▼ <sup>5</sup>	▼ <sup>14</sup>			▼ <sup>7</sup>	– <sup>14</sup>					
Activity RM-3.7						▼ <sup>5</sup>	▼ <sup>14</sup>		▼ <sup>1</sup>	▼ <sup>7</sup>	– <sup>14</sup>					
Activity RM-3.8						▼ <sup>5</sup>	▼ <sup>14</sup>									
Activity RM-3.9		▲ <sup>8</sup>	▲ <sup>12</sup>			▼ <sup>5</sup>	▼ <sup>14</sup>			▼ <sup>7</sup>	– <sup>14</sup>		? <sup>1</sup>	– <sup>5</sup>	– <sup>13</sup>	
<b>Strategy RM-4: Facilitate the flow of science information among academic institutions, government agencies, and other institutions</b>																
Activity RM-4.4		▲ <sup>8</sup>	▲ <sup>12</sup>			▼ <sup>5</sup>	▼ <sup>14</sup>									

Environment																
Estuarine				Nearshore				Offshore				Davidson Seamount				
Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	
<b>Strategy RM-5: Coordinate with and participate in implementing research components of the Office of National Marine Sanctuaries West Coast Regional Office</b>																
Activity RM-5.2								▼ <sup>1</sup>	▼ <sup>7</sup>	- <sup>14</sup>						
<b>Strategy RM-6: Coordinate with and participate in implementing policies of the Office of National Marine Sanctuaries Conservation Science Program</b>																
Activity RM-6.1									▼ <sup>7</sup>	▼ <sup>13</sup>						
Activity RM-6.3									▼ <sup>7</sup>	▼ <sup>13</sup>			- <sup>5</sup>	- <sup>13</sup>		
<b>RESOURCE PROTECTION</b>																
<b>Strategy RP-1: Continue to build partnerships and leverage opportunities for protecting sanctuary wildlife, habitats, qualities, and cultural resources through collaborative planning and management</b>																
Activity RP-1.1					?	▼ <sup>14</sup>			▲ <sup>4</sup>	- <sup>14</sup>			- <sup>5</sup>	?		
Activity RP-1.2					?	▼ <sup>14</sup>			▲ <sup>4</sup>	- <sup>14</sup>			- <sup>5</sup>	?		
Activity RP-1.3	▲ <sup>4</sup>	▲ <sup>8</sup>	? <sup>14</sup>	- <sup>17</sup>	▲ <sup>4</sup>	?	▼ <sup>14</sup>	?	▲ <sup>4</sup>	▲ <sup>4</sup>	- <sup>14</sup>	?	?	?	?	N/A
Activity RP-1.4											- <sup>14</sup>					
Activity RP-1.5					?											

	Environment															
	Estuarine				Nearshore				Offshore				Davidson Seamount			
	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources	Water	Habitat	Living Resources	Maritime Archeological Resources
<b>Strategy RP-3: Maintain and enhance permitting and environmental review program</b>																
Activity RP-3.1	▲ <sup>4</sup>	▲ <sup>8</sup>			▲ <sup>4</sup>	? <sup>8</sup>				▲ <sup>4</sup>	- <sup>8</sup>					
Activity RP-3.2	▲ <sup>4</sup>	▲ <sup>8</sup>			▲ <sup>4</sup>	? <sup>8</sup>				▲ <sup>4</sup>	- <sup>8</sup>					
Activity RP-3.4	▲ <sup>4</sup>	▲ <sup>8</sup>			▲ <sup>4</sup>	? <sup>8</sup>				▲ <sup>4</sup>	- <sup>8</sup>					
Activity RP-3.6	▲ <sup>4</sup>	▲ <sup>8</sup>			▲ <sup>4</sup>	? <sup>8</sup>				▲ <sup>4</sup>	- <sup>8</sup>					
<b>Strategy RP-5: Implement enforcement programs</b>																
Activity RP-5.1		▲ <sup>8</sup>	? <sup>14</sup>			? <sup>8</sup>	▼ <sup>14</sup>			▲ <sup>4</sup>	- <sup>14</sup>					
Activity RP-5.5					▲ <sup>4</sup>					▲ <sup>4</sup>						
<b>Strategy RP-7: Coordinate resource protection programs, including interpretive enforcement and citizen science programs</b>																
Activity RP-7.1	▼ <sup>1</sup>		? <sup>14</sup>		▼ <sup>1</sup>	▼ <sup>14</sup>										
<b>Strategy RP-11: Develop and implement restoration and recovery plans to address habitat damages and endangered species</b>																
Activity RP-11.2						▼ <sup>12</sup>										



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## Appendix D - Prohibitions, Permitting, Exceptions and Authorizations

### **Prohibitions**

The following is a summary of MBNMS prohibited and restricted activities. The complete official text of these regulatory prohibitions and restrictions can be found at Title 15, Code of Federal Regulations, Section 922.132. All federal regulations are published and made available online by the U.S. Government Publishing Office (GPO).

*Oil, gas, and minerals development:* The first activity prohibited is exploring for, developing or producing oil, gas, or minerals within the sanctuary, except for jade in a small area near Gorda, California in accordance with prescribed collection restrictions.

*Discharge and disposal within or into the sanctuary other than from a cruise ship:* The second activity prohibited is discharging or depositing from within or into the sanctuary, other than from a cruise ship, any material or other matter except:

- A. Fish, fish parts, chumming materials, or bait used in or resulting from lawful fishing operations in the sanctuary;
- 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 (meaning not containing detectable levels of harmful matter as defined) effluent generated incidental to vessel use by an operable Type I or Type II marine sanitation device (MSD). All MSDs must be locked to prevent overboard discharge of untreated sewage;
- C. Clean vessel deck wash down, clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water or anchor wash;
- D. For a vessel less than 300 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 Federal Water Pollution Control Act (Clean Water Act);
- E. Vessel engine or generator exhaust;
- F. Dredged material deposited at disposal sites authorized by the U.S. Environmental Protection Agency (EPA), in consultation with U.S. Army Corps of Engineers (USACE) prior to the effective date of sanctuary designation, provided that the activity is pursuant to and complies with the terms and conditions of a valid federal permit or approval existing on January 1, 1993.

*Discharge and disposal within or into the sanctuary from a cruise ship:* The third activity prohibited is any discharge from cruise ships (defined as having more than 250 passenger berths for hire), except clean vessel engine cooling water, clean generator cooling water, engine or generator exhaust, clean bilge water or anchor wash.

*Discharge and disposal from beyond the sanctuary:* The fourth activity prohibited is discharging or depositing from beyond the boundary of the sanctuary, material, or other matter that subsequently enters the sanctuary and injures a sanctuary resource or

quality. Exceptions A-E above apply, as well as an exception for dredged material deposited at authorized disposal sites outside MBNMS as described at 15 CFR 922, Subpart M, Appendix D.

*Protection of historical resources:* The fifth activity prohibited is possessing, moving, removing, or injuring a sanctuary historical resource or attempting to possess, move, remove, or injure a sanctuary historical resource, except when disturbance is incidental to kelp harvesting, aquaculture, and lawful fishing and the responsible party immediately reports the disturbance to sanctuary management and complies with management instructions for the appropriate handling and disposition of the historical resource(s). Historical resources in the marine environment are fragile, finite, and non-renewable and must be protected so they may be studied and interpreted for the benefit of the public.

*Alteration of the submerged lands within the sanctuary:* The sixth activity prohibited is drilling into, dredging, or otherwise altering the submerged lands of the sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands of the sanctuary, except as incidental and necessary to:

- A. Conduct lawful fishing activities;
- B. Anchor a vessel;
- C. Conduct aquaculture or kelp harvesting;
- D. Install an authorized navigational aid;
- E. Conduct harbor maintenance in an area necessarily associated with a federal project in existence on January 1, 1993, including dredging of entrance channels and repair, replacement, or rehabilitation of breakwaters and jetties;
- F. Construct, repair, replace, or rehabilitate breakwaters and jetties;
- G. Construct, repair, replace, or rehabilitate a dock or pier; or
- H. Collect jade in accordance with restrictions specified for the regulatory prohibition against oil, gas, and minerals development above, provided that there is no constructing, placing, or abandoning any structure, material, or other matter on the submerged lands of the sanctuary.

Federal projects are any water resources development projects conducted by USACE or operated under a permit or other authorization issued by USACE and authorized by federal law.

The intent of the prohibition against altering the submerged lands within the sanctuary is to protect the resources and qualities of the sanctuary from harmful effects of activities that can disturb the seabed.

*Protection of marine mammals, sea turtles, and seabirds:* The seventh activity prohibited is taking marine mammals, sea turtles, or seabirds within or above the sanctuary, except as authorized by the Marine Mammal Protection Act (MMPA), as amended 16 U.S.C. 1361 et seq., the ESA, as amended, 16 U.S.C. 1531 et seq., the Migratory Bird Treaty Act (MBTA), as amended, 16 U.S.C. 703 et seq., or any regulation promulgated under these statutes. The term "taking" includes all forms of disturbance,

molestation, harassment, and harm. The MMPA, ESA, and MBTA prohibit the taking of species protected under these federal laws. This sanctuary prohibition overlaps MMPA, ESA, and MBTA prohibitions, but also extends protection for sanctuary resources on an environmentally holistic basis and provides a greater deterrent with civil penalties of up to \$178,000 per take. MBNMS cannot issue permits for take of these species. Only the federal agency offices assigned to enforce the MMPA, ESA, and MBTA can issue such permits.

*Overflight of motorized aircraft:* The eighth activity prohibited is flying motorized aircraft at less than 1,000 feet (305 meters) above the sanctuary within four specified zones. This area-specific prohibition on overflights below the specified altitude is designed to limit potential noise impacts from motorized aircraft (including planes, helicopters, unmanned aerial drones, and dirigibles) that can startle seals, sea lions, sea otters, and seabirds present within specially protected coastal and estuarine areas of the sanctuary. Failure to maintain an altitude of 1,000 feet (305 meters) above ground level above any of the four restricted overflight zones constitutes a rebuttable presumption that marine mammals or seabirds were disturbed in violation of this prohibition. Federal Aviation Administration (FAA) aeronautical charts include notices and chart icons that describe and identify these zones for pilots.

*Motorized personal watercraft:* The ninth activity prohibited is the operation of motorized personal watercraft (MPWC; e.g., jet skis) within the sanctuary except in five specified zones and access routes to and from these zones. This regulation is intended to provide enhanced resource protection by prohibiting operation of MPWC in areas of high marine mammal and seabird concentrations, kelp forest areas, river mouths, estuaries, lagoons, and other similar areas, where sensitive marine resources are concentrated and most vulnerable to disturbance and other injury from high-speed and highly maneuverable personal watercraft. The regulation is also intended to allow the continuation of this form of recreation while minimizing conflicts with other recreational users, as well as reducing aesthetic disturbance.

*Possessing a marine mammal, seabird, or turtle:* The 10th prohibition makes it unlawful to possess within the sanctuary any marine mammal, sea turtle, or seabird, regardless of where the resource was taken, except as authorized by the MMPA, ESA, and MBTA. This prohibition facilitates enhanced protection of key apex predator species within the sanctuary by maintaining a high bar of liability for possession of such species.

*Deserting a vessel aground, at anchor, or adrift in the sanctuary:* The 11th prohibited activity is deserting a vessel aground, at anchor, or adrift in the sanctuary. This regulation is intended to hold vessel operators accountable for failure to remedy threats to the sanctuary posed by abandoning their vessels or leaving them unsecured. The ultimate goal is the reduction of vessel groundings and sinkings that result in the scattering of debris and harmful matter that damage sanctuary resources and qualities.

*Leaving harmful matter aboard either a grounded or deserted vessel:* The 12th prohibited activity is leaving harmful matter aboard either a grounded or deserted

vessel. This prohibition requires removal of harmful substances (as defined) from these vessels to preempt any harm to the environment from their discharge.

*Protection of Davidson Seamount:* The 13th prohibited activity pertains to the DSMZ, centered approximately 80 miles (128.7 kilometers) west of Point Piedras Blancas. The regulation prohibits:

- A. Moving, removing, taking, collecting, catching, harvesting, disturbing, breaking, cutting, or otherwise injuring, or attempting the same, of any sanctuary resource located more than 3,000 feet (914 meters) below the sea surface within the DSMZ. This prohibition does not apply to fishing below 3,000 feet (914 meters) within the DSMZ, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States).
- B. Possessing any sanctuary resource, the source of which is more than 3,000 feet (914 meters) below the sea surface within the DSMZ. This prohibition does not apply to possession of fish resulting from fishing below 3,000 feet (914 meters) within the DSMZ, which is separately prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States).

This prohibition helps protect the unique features of the seamount from ecological alteration. Davidson Seamount is one of the most studied seamounts in the world and is a living laboratory for gaining a better understanding of deep-sea habitats and living resources that are relatively free from anthropogenic impacts.

*Introduced species:* The 14th prohibited activity is the release or introduction of non-native species, except striped bass (*Morone saxatilis*) released during catch and release fishing activity, into MBNMS. This prohibition restricts activities that threaten native species and cause biological or economic harm to MBNMS or its users.

*Attraction of white sharks:* The 15th activity prohibited is the attraction of white sharks by any means within MBNMS. This regulation is intended to prohibit activities that could harm white sharks or change their behavior in a manner that may cause conflicts with other user activities (e.g., research, surfing, kayaking, and swimming) within MBNMS.

*Interfering with enforcement:* The 16th prohibition prohibits interfering with, obstructing, delaying, or preventing investigations, searches, seizures, or disposition of seized property in connection with enforcement of the NMSA or any regulation or permit issued under the act. Anyone violating this prohibition is subject to criminal prosecution in accordance with Title 16, United States Code, Section 1437(c).

### ***Exceptions to Prohibitions and Permitting***

When an activity is prohibited by federal regulations of the sanctuary, it may still be conducted under certain circumstances. Below is a discussion of the various authorities by which otherwise prohibited activities may be allowed to proceed.

### **Regulatory Exceptions**

Most MBNMS regulatory prohibitions and restrictions contain exceptions for certain specified activities. For example, it is prohibited to place a structure on or otherwise alter the submerged lands of MBNMS. Since this broad prohibition would prevent certain routine activities, such as anchoring a vessel or installing and maintaining Coast Guard navigational aids on the seafloor, specific exceptions for these activities are embedded in the regulation. Thus, anchoring a vessel or installing a navigational aid is not prohibited. The detailed exceptions for each MBNMS regulatory prohibition can be viewed at Title 15, Code of Federal Regulations, Section 922.132.

### **Department of Defense Exceptions**

Most MBNMS regulatory prohibitions do not apply to military activities that were specifically identified by the DOD as pre-existing at the time of MBNMS designation in 1992 and at the time the DSMZ was added to MBNMS in 2008. All other DOD activities are subject to sanctuary regulations unless specifically exempted by NOAA after consultation with DOD. All DOD activities (whether exempted or not) must be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on sanctuary resources and qualities. Also, in the event of threatened or actual destruction of, loss of, or injury to a sanctuary resource or quality resulting from DOD operations conducted contrary to NOAA recommendations, federal law and regulations require DOD to promptly consult with NOAA to prevent and mitigate further damage and restore or replace the sanctuary resource or quality in a manner approved by NOAA.

### **Emergency Exceptions**

Most MBNMS regulatory prohibitions do not apply to an activity necessary to respond to a legitimate emergency threatening life, property, or the environment, provided MBNMS management ultimately concurs that the emergency was unforeseeable and imminent and that the response action taken was prudent and necessary to prevent significant harm. Should NOAA, upon consideration of the facts of a given incident, determine that an action violating sanctuary regulatory prohibitions was inappropriate or not in response to a legitimate emergency, the agency could pursue enforcement and/or legal action against the responsible party or parties.

### **Permits**

Some prohibited activities may be allowed by a sanctuary permit, special use permit (SUP), or authorization of any lease, permit, license, approval, or other authorization issued by any federal, state, or local authority. Regardless of potential impacts, in no case may ONMS issue a sanctuary permit, special use permit, or authorization for:

- A. The exploration for, development of, or production of oil, gas, or minerals in the sanctuary;
- B. The discharge of primary-treated sewage within the sanctuary; or
- C. The disposal of dredged material within the sanctuary other than at sites authorized by the EPA prior to the effective date of designation. (15 CFR §922.132(f))

ONMS may issue a sanctuary permit for an otherwise prohibited activity if the activity will have at most short-term and negligible adverse effects on sanctuary resources and qualities and:

- A. Is research designed to further understanding of sanctuary resources and qualities;
- B. Will further the educational, natural, or historical value of the sanctuary;
- C. Will further salvage or recovery operations within or near the sanctuary in connection with a recent air or marine casualty;
- D. Will assist in managing the sanctuary;
- E. 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; or
- F. Will allow the removal, without the use of pneumatic, mechanical, electrical, hydraulic, or explosive tools, of loose jade from the Jade Cove area. (15 CFR §922.133(b))

MBNMS staff receive approximately 60 requests per year to conduct activities that are otherwise prohibited. Generally, these requests are for research or education purposes, but some involve private or commercial projects, such as low overflights for filming or seawall construction/repair, that require special use permitting or authorization of other agency permits (described in greater detail below). For regular permits, MBNMS evaluates requests on a case-by-case basis in detail to determine if the activity would have only negligible short-term adverse effects on MBNMS resources and qualities. If the proposed activity meets that criterion, then a permit may be granted to the applicant. Different criteria are used for activities requiring special use permits or agency authorizations (see below for more details).

### **Special Use Permits**

Even after considering mitigation measures to minimize adverse impacts to sanctuary resources, some prohibited activities do not qualify for ONMS permits because the proposed activity is not for the purpose of resource management, research, education, or salvage. Per 15 CFR §922.132(f), SUPs can only be issued for activities that are needed: (1) to establish conditions of access to and use of any sanctuary resources, or (2) to promote public use and understanding of a sanctuary resource. In addition, the activities covered under a SUP must be compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources. SUPs may only be issued for activities that can be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources. MBNMS can consider issuing a [special use permit](#) for specific activities.

The provisions for issuing SUPs as outlined in the NMSA allow ONMS to recover the administrative costs of issuing the permit and certain other amounts. MBNMS determines suitable fees. Fees include:

- An application fee;
- The costs incurred or expected to be incurred by MBNMS in issuing the permit;

- The costs incurred or expected to be incurred by MBNMS as a direct result of the conduct of the activity for which the permit is issued, including the costs of monitoring the conduct of the activity; and
- An amount that represents the fair market value of the use of MBNMS resources.

### **Authorizations**

Other agencies have regulatory authorities similar to MBNMS regulatory authorities. Activities prohibited in MBNMS but not proposed for resource management, research, or education purposes could be permitted by these agencies. Accordingly, MBNMS regulations include the ability to authorize other agencies' permits to allow some otherwise prohibited activities, such as construction, seawall maintenance, the operation of equipment on beaches, and discharges. An authorization must be issued in conjunction with a valid lease, permit, license, approval, or other authorization issued by any federal, state, or local authority of competent jurisdiction. MBNMS staff coordinates with the agency issuing the original permit to address concerns. If the original agency does not impose conditions MBNMS staff believes are essential, then MBNMS staff may impose specific conditions or terms in its authorization.

The authorization process is intended to streamline and alleviate the need to get permits from multiple government agencies. MBNMS staff examines requests from an ecosystem-based perspective, whereas other agencies usually have a narrower, more focused mandate. Authorizations allow for a more integrated process among agencies with overlapping jurisdictions. The September 18, 1992, Federal Register document announcing the designation of MBNMS outlines the process for notification and review of applications for leases, licenses, permits, approvals, or other authorizations to conduct a prohibited activity.

Authorizations of projects that may affect water quality are generally conducted under a memorandum of agreement (MOA) between NOAA, the state of California, EPA, and the Association of Monterey Bay Area Governments (AMBAG) regarding MBNMS regulations relating to water quality in state waters within MBNMS. This MOA prohibits any permit from being renewed or otherwise issued allowing the discharge of primary treated sewage within MBNMS. With regard to permits, the MOA encompasses:

- National Pollutant Discharge Elimination System (NPDES) permits issued by the state of California under section 13377 of the California Water Code.
- Waste discharge requirements issued by the state of California under section 13263 of the California Water Code.

The MOA specifies how MBNMS authorization process will be administered within state waters within MBNMS in coordination with the state permit program