

Summary Table Depicting Proposed Regulatory Changes for Cordell Bank and Gulf of the Farallones national marine sanctuaries (CBNMS and GFNMS) April 2014

IMPORTANT DISCLAIMERS

- The summary table provides a side-by-side comparison of proposed regulatory changes. All listed proposed regulation changes would apply to both the existing sanctuaries and their respective expanded areas unless otherwise specified in the table.
- Proposed boundary changes, zone coordinate changes and technical changes (such as those related to grammar, units of measure or regulation order) are not presented here; however, all proposed changes to the regulations are in the proposed rule published in the *Federal Register* on April 14, 2014 (79 FR 20982).
- If a current regulation has no proposed changes and only applies to existing sanctuary boundaries (i.e., Cordell Bank regulations within the 50-fathom isobath) and so would not apply to the proposed expansion area, then it is not listed in this table.
- For a complete list of existing regulations see 15 CFR, Part 922; Subparts H and K are specific to GFNMS and CBNMS. Should there be any discrepancy between this document and the proposed rule in 79 FR 20982, the proposed rule shall take precedence.

Blue - proposed amendments/changes to existing regulations that would apply to existing sanctuary and proposed sanctuary expansion area

Yellow – proposed new regulations that would apply to existing sanctuary and proposed sanctuary expansion area

CBNMS	GFNMS
Oil and Gas Regulations	
<p>Existing: Prohibits exploring for, developing, or producing oil, gas or minerals within the Sanctuary.</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>	<p>Existing: Prohibits exploring for, developing, or producing oil or gas</p> <p>Proposed-amended: <i>Prohibits exploring for, developing, or producing oil, gas or minerals.</i> [Minerals would be added.]</p>
<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>	<p>Existing: Exception for pipelines related to hydrocarbon operations adjacent to the Sanctuary may be placed at a distance greater than 2 nmi from the Farallon Islands, Bolinas Lagoon and Areas of Special Biological Significance (ASBS) where certified to have no significant effect on Sanctuary resources.</p> <p>Proposed-amended: <i>None</i> [Exception would be removed.]</p>
Discharge Regulations (other than from a Cruise Ship)	
<p>Existing: Prohibits discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter except:</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>	<p>Existing: Same as CBNMS</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>
<p>Existing: Exception for fish, fish parts, or chumming materials (bait) used in or resulting from lawful fishing activity within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity within the Sanctuary.</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>	<p>Existing: Same as CBNMS</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>

<p>Existing: Exception 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 by an operable Type I or II marine sanitation device that is approved in accordance with section 312 of the Federal Water Pollution Control Act (FWPCA). Vessel operators must lock all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage.</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>	<p>Existing: Same as CBNMS</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>
<p>Existing: Exception for clean vessel deck wash down, clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash.</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>	<p>Existing: Same as CBNMS</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>
<p>Existing: No exception for graywater</p> <p>Proposed-amended: <i>New exception for a vessel less than 300 GRT or a vessel 300 GRT or greater without sufficient holding capacity to hold the graywater while within the Sanctuary, clean graywater as defined by section 312 of the FWPCA.</i></p>	<p>Existing: Same as CBNMS</p> <p>Proposed-amended: <i>Same as CBNMS</i></p>
<p>Existing: Exception for vessel engine or generator exhaust.</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>	<p>Existing: Same as CBNMS</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>
Cruise Ship Discharge Regulations	
<p>Existing: Prohibits discharging or depositing from within or into the Sanctuary any material or other matter from a cruise ship except clean vessel engine cooling water, clean vessel generator cooling water, vessel engine or generator exhaust, clean bilge water, or anchor wash.</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>	<p>Existing: Same as CBNMS</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>
Discharges from Outside Sanctuary Regulations	
<p>Existing: Prohibits 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 exclusions as listed in paragraphs (a)(2)(i) through (v) and (a)(3).</p> <p>Proposed-amended: [New graywater exception would be added to existing regulation]</p>	<p>Existing: Same as CBNMS</p> <p>Proposed-amended: [New graywater exception would be added to existing regulation]</p>

Construction on and Alteration to Submerged Lands Regulations	
<p>Existing: In the Sanctuary beyond the line representing the 50-fathom isobath surrounding Cordell Bank, prohibits drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material or matter on the submerged lands except as incidental and necessary for anchoring any vessel or lawful use of any fishing gear during normal fishing activities except as incidental and necessary for anchoring any vessel or lawful use of any fishing gear during normal fishing activities.</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>	<p>Existing: Prohibits constructing any structure other than a navigation aid on or in the submerged lands of the Sanctuary; placing or abandoning any structure on or in the submerged lands of the Sanctuary; or drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary in any way, except:</p> <ul style="list-style-type: none"> (i) Anchoring vessels (in a manner not otherwise prohibited); (ii) While conducting lawful fishing activities; (iii) Routine maintenance and construction of docks and piers on Tomales Bay; or (iv) Mariculture activities conducted pursuant to a valid lease, permit, license or other authorization issued by the State of California. <p>Proposed: <i>Applies to Expansion Area without Change</i></p>
Motorized Personal Watercraft (MPWC or “Jetskis”) Regulations	
<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>	<p>Existing: <i>Motorized personal watercraft</i> means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.</p> <p>Proposed-amended: <i>Motorized personal watercraft means <u>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; any vessel less than 20 feet in length overall as manufactured and propelled by machinery and that has been exempted from compliance with the U.S. Coast Guard's Maximum Capacities Marking for Load Capacity regulation found at 33 CFR Parts 181 and 183, except submarines; or any other vessel that is less than 20 feet in length overall as manufactured, and is propelled by a water jet pump or drive.</u></i></p>
<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>	<p>Existing: Prohibits operation of motorized personal watercraft, except:</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>
<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>	<p>Existing: (i) Exception for the operation of motorized personal watercraft for emergency search and rescue missions or law enforcement operations (other than routine training activities) carried out by the National Park Service, U.S. Coast Guard, Fire or Police Departments or other Federal, State or local jurisdictions.</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>

<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>	<p>Existing: None</p> <p>Proposed-new: <i>(ii) New exception for a MPWC equipped with an operable Global Positional System (GPS) unit in working condition within the four designated zones within the Sanctuary. [All four proposed zones would be within the expansion area. There would be an access path from Bodega Harbor in the existing sanctuary to Zone 4.]</i></p>
<p>Wildlife Protection Area Definitions</p>	
<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>	<p>Existing: None</p> <p>Proposed-new: <i>Special Wildlife Protection Zones are areas of high biological diversity and/or abundance of species that are susceptible to disturbance, including federally listed and specially protected species. In particular these areas are white shark, seabird and marine mammal (pinniped) ‘hotspots’.</i> <i>White shark ‘hotspots’ are where there are globally significant concentrations of white sharks. Seabird ‘hotspots’ are areas with important populations, species diversity, and which support high concentration of nesting and roosting birds. Pinniped ‘hotspots’ provided vital habitat for pupping seals and sea lions. Special Wildlife Protection Zones are established where ‘hotspots’ are susceptible to disturbance. [This definition replaces the use of State-designated Areas of Special Biological Significance (ASBS) or other area names to define the locations in the sanctuary that have additional special protections.]</i></p>
<p>Taking and Possession of Wildlife Regulations</p>	
<p>Existing: Prohibits taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, Endangered Species Act, Migratory Bird Treaty Act. Prohibits possessing within the Sanctuary (regardless of where taken, moved or removed from), any marine mammal, sea turtle, or bird taken, except as authorized by the MMPA, ESA, MBTA, by any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>	<p>Existing: Same as CBNMS</p> <p>Proposed: <i>Applies to Expansion Area without Change</i></p>

Wildlife Disturbance Regulations	
<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>	<p>Existing: Prohibits disturbing marine mammals or seabirds by flying motorized aircraft at less than 1,000 feet over the waters within one nautical mile of the Farallon Islands, Bolinas Lagoon, or any ASBS, except to transport persons or supplies to or from the Islands or for enforcement purposes. Failure to maintain a minimum altitude of 1,000 feet above ground level over such waters is presumed to disturb marine mammals or seabirds.</p> <p>Proposed-amended: <i>Prohibits disturbing marine mammals or seabirds by flying motorized aircraft at less than 1,000 feet over the waters within the seven designated Special Wildlife Protection Zones, except transiting Zone 6 to transport authorized persons or supplies to or from Southeast Farallon Island or for enforcement purposes. Failure to maintain a minimum altitude of 1,000 feet above ground level over such waters is presumed to disturb marine mammals or seabirds. [The prohibited activity would be unchanged. The locations within the existing boundaries would be unchanged, but would be defined as Special Wildlife Protection Zones and their new shapes would be polygons. Two new zones are proposed within the expansion area.]</i></p>
<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>	<p>Existing: Prohibits attracting a white shark in the Sanctuary; or approaching within 50 meters of any white shark within the line approximating 2 nmi around the Farallon Islands.</p> <p>Proposed-amended: <i>Prohibits attracting a white shark in the Sanctuary; or approaching within 50 meters of any white shark within 1 nautical mile of and inside Special Wildlife Protection Zone 6 and 7 around the Farallon Islands. [The prohibited activity would be unchanged. A one nautical mile buffer around Special Wildlife Protection Zones 6 and 7 would essentially be a two nautical mile buffer around Southeast and North Farallon Islands. The area combined for Zone 6 and 7 would be smaller than the current zone because Middle Farallon Island would no longer be included.]</i></p>
Vessel Operation Regulations	
<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>	<p>Existing: Prohibits operating any vessel engaged in the trade of carrying cargo within an area extending 2 nmi from the Farallon Islands, Bolinas Lagoon or any ASBS... except to transport persons or supplies to or from the Islands or mainland areas adjacent to Sanctuary waters or any ASBS. In no event shall this section be construed to limit access for fishing, recreational or research vessels.</p>

	<p>Proposed-amended: <i>Prohibits operating any vessel engaged in the trade of carrying cargo within an area extending 1 nautical mile from a designated Special Wildlife Protection Zone. This includes but is not limited to tankers and other bulk carriers and barges, or any vessel engaged in the trade of servicing offshore installations, except to transport persons or supplies to or from the Islands or mainland areas adjacent to Sanctuary waters. In no event shall this section be construed to limit access for fishing, recreational or research vessels. [The prohibited activity would be unchanged. The locations within the existing boundaries would be unchanged, but would be defined as Special Wildlife Protection Zones and their new shapes would be polygons. Two new zones are proposed within the expansion area.]</i></p>
<p>Existing: None Proposed: <i>No Change</i></p>	<p>Existing: Prohibits deserting a vessel aground, at anchor, or adrift in the Sanctuary; and/or leaving harmful matter aboard a grounded or deserted vessel in the Sanctuary. Proposed: <i>Applies to Expansion Area without Change</i></p>
Historical Resources Regulations	
<p>Existing: None Proposed-new: <i>Prohibits possessing, moving, removing, or injuring, or attempting to possess, move, remove or injure, a Sanctuary historical resource.</i></p>	<p>Existing: Prohibits possessing, moving, removing, or injuring, or attempting to possess, move, remove or injure, a Sanctuary historical resource. Proposed: <i>Applies to Expansion Area without Change</i></p>
Introduced Species Regulations	
<p>Existing: 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. Proposed: <i>No Change</i></p>	<p>Existing: Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except:</p> <ul style="list-style-type: none"> (i) Striped bass (<i>Morone saxatilis</i>) released during catch and release fishing activity; or (ii) Species cultivated by 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. <p>Proposed-amended: [Changes have been proposed to the introduced species regulation through a separate proposed rule, currently under review by the public. See www.regulations.gov Docket ID: NOAA-NOS-2012-0113. If made final, that rule would apply within GFNMS. NOAA would ensure consistency between that rule and the proposal for regulation of introduced species within the proposed expansion area.]</p>

Law Enforcement Regulations

Existing: None.
Proposed-new: *Prohibits interfering with, obstructing, delaying, or preventing an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.*

Existing: Same as CBNMS
Proposed-new: *Same as CBNMS*

Authorization of Activities by Federal, State, or Local Authorities

Existing: None.
Proposed-new: *The prohibitions in paragraphs (a)(2), (a)(3), and (a)(4)(ii) through (a)(7) of this section do not apply to any activity authorized by any lease, permit, license, approval, or other authorization issued after the effective date of Sanctuary designation or expansion and issued by any Federal, State, or local authority of competent jurisdiction, provided that the applicant complies with 15 CFR 922.49, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities. Amendments, renewals, and extensions of authorizations in existence on the effective date of designation or expansion constitute authorizations issued after the effective date of Sanctuary designation or expansion. [This would allow for authorization of other agencies' permits, etc., for specific activities that would otherwise be prohibited. Specifically it allows for the authorization of prohibited activities related to discharge from within and outside the Sanctuary (including cruise ships); removing, taking, or injuring benthic invertebrates or algae located within the 50-fathom isobath surrounding Cordell Bank; or constructing, placing, or abandoning any structure, material outside the 50-fathom isobath surrounding Cordell Bank; taking or possessing marine mammals, sea turtles or birds; and possessing, moving, removing, or injuring a Sanctuary historical resource. It would not allow such authorization for exploring for, developing, or producing oil, gas or minerals; 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 on or within the line representing the 50-fathom isobath surrounding Cordell Bank; introducing or otherwise releasing from within or into the Sanctuary an introduced species; or interfering with, obstructing, delaying, or preventing an investigation, search, seizure, or disposition of seized property in connection with enforcement.]*

Existing: None.
Proposed-new: *The prohibitions in paragraphs (a)(2) through (9) and (10), for the introduction of a non-invasive introduced species from shellfish mariculture in state waters, of this section do not apply to any activity authorized by any lease, permit, license, approval, or other authorization issued after the effective date of Sanctuary designation or expansion and issued by any Federal, State, or local authority of competent jurisdiction, provided that the applicant complies with 15 CFR 922.49, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities. Amendments, renewals, and extensions of authorizations in existence on the effective date of designation or expansion constitute authorizations issued after the effective date of Sanctuary designation or expansion. [This would allow for authorization of other agencies' permits, etc., for specific activities that would otherwise be prohibited. Specifically it allows for the authorization of prohibited activities related to discharge from within and outside the Sanctuary (including cruise ships); alteration of or construction on the seabed including pipelines; operating a motorized personal watercraft; the introduction of a introduced species from shellfish mariculture in state waters; taking or possessing marine mammals, sea turtles or birds; and possessing, moving, removing, or injuring a Sanctuary historical resource. It would not allow such authorization for exploring for, developing, or producing oil, gas or minerals; overflight and cargo vessel regulations; attracting a white shark anywhere in the Sanctuary, approaching within 50 meters of any white shark within 1 nautical mile around Special Wildlife Protection Zone 6 and 7; deserting a vessel or leaving harmful matter aboard a grounded or deserted vessel in the Sanctuary; anchoring a vessel in a designated seagrass protection zone in Tomales Bay, except as necessary for mariculture operations; or interfering with, obstructing, delaying, or preventing an investigation, search, seizure, or disposition of seized property in connection with enforcement.]*

Short-term Regulation on an Emergency Basis	
<p>Existing: Where necessary to prevent immediate, serious, and irreversible damage to a Sanctuary resource, any activity may be regulated within the limits of the Act on an emergency basis for no more than 120 days.</p> <p>Proposed: <i>No change</i></p>	<p>Existing: None</p> <p>Proposed: <i>No Change</i></p>
Permit for Otherwise Prohibited Activities	
<p>Existing: None.</p> <p>Proposed-new: <i>The prohibitions in paragraphs (a)(2) through (7) of this section do not apply to any activity executed in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR 922.48 and 922.113 or a Special Use permit issued pursuant to section 310 of the Act. [Otherwise prohibited activities might be conducted under a Special Use permit or National Marine Sanctuary permit to; (1) Further research or monitoring related to sanctuary resources and qualities; (2) further the educational value of the sanctuary; (3) further salvage or recovery operations; or (4) assist in managing the sanctuary and may issue a Special Use Permit. Nothing has changed with any current permit procedures for any of these permit categories. This proposed regulation would limit the scope of activities available for consideration of a sanctuary permit. Specifically, permits would be available for activities that are prohibited by regulations at 15 CFR 922.112, except for: 1) exploring for, developing, or producing oil, gas or minerals; 2) introducing or otherwise releasing from within or into the Sanctuary an introduced species; and 3) interfering with, obstructing, delaying, or preventing an investigation, search, seizure, or disposition of seized property in connection with enforcement. This means that the sanctuary could not issue a permit for these three activities even if the proposed activity could qualify for a sanctuary permit category.]</i></p>	<p>Existing: None.</p> <p>Proposed-new: <i>The prohibitions in paragraphs (a)(2) through (9) and (a)(11) through (16) of this section do not apply to any activity executed in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR 922.48 and 922.83 or a Special Use permit issued pursuant to section 310 of the Act. [Otherwise prohibited activities might be conducted under a Special Use permit or National Marine Sanctuary permit to: (1) Further research or monitoring related to sanctuary resources and qualities; (2) further the educational value of the sanctuary; (3) further salvage or recovery operations; or (4) assist in managing the sanctuary and may issue a Special Use Permit. Nothing has changed with any current permit procedures for any of these permit categories. This proposed regulation would limit the scope of activities available for consideration of a sanctuary permit. Specifically, permits would be available for activities that are prohibited by regulations at 15 CFR 922.82, except for: 1) exploring for, developing, or producing oil, gas or minerals; 2) introducing or otherwise releasing from within or into the Sanctuary an introduced species; and 3) interfering with, obstructing, delaying, or preventing an investigation, search, seizure, or disposition of seized property in connection with enforcement. This means that the sanctuary could not issue a permit for these three activities even if the proposed activity could qualify for a sanctuary permit category.]</i></p>