§ 922.61 Prohibited or otherwise regulated activities.

Except as may be permitted by the Director, the following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the Sanctuary:

(a) Anchoring in any manner, stopping, remaining, or drifting without power at any time;
(b) Any type of subsurface salvage or recovery operation;
(c) Diving of any type, whether by an individual or by a submersible;
(d) Lowering below the surface of the water any grappling, suction, conveyor, dredging or wrecking device;
(e) Detonating below the surface of the water any explosive or explosive mechanism;
(f) Drilling or coring the seabed;
(g) Lowering, laying, positioning or raising any type of seabed cable or cable-laying device;
(h) Trawling; or
(i) Discharging waster material into the water in violation of any Federal statute or regulation.

§ 922.62 Permit procedure and criteria.

(a) Any person or entity may conduct in the Sanctuary any activity listed in § 922.61 if such activity is either:
(1) For the purpose of research related to the Monitor, or
(2) Pertains to salvage or recovery operations in connection with an air or marine casualty and such person or entity is in possession of a valid permit issued by the Director authorizing the conduct of such activity; except that, no permit is required for the conduct of any activity immediately and urgently necessary for the protection of life, property or the environment.
(b) Any person or entity who wishes to conduct in the Sanctuary an activity for which a permit is authorized by this section (hereafter a permitted activity) may apply in writing to the Director for a permit to conduct such activity citing this section as the basis for the application. Such application should be made to: Director, Office of Ocean and Coastal Resource Management; ATTN: Manager, Monitor National Marine Sanctuary, Building 1519, NOAA, Fort Eustis, VA 23604-5544.

(c) In considering whether to grant a permit for the conduct of a permitted activity for the purpose of research related to the Monitor, the Secretary shall evaluate such matters as:
(1) The general professional and financial responsibility of the applicant;
(2) The appropriateness of the research method(s) envisioned to the purpose(s) of the research;
(3) The extent to which the conduct of any permitted activity may diminish the value of the MONITOR as a source of historic, cultural, aesthetic and/or maritime information;
(4) The end value of the research envisioned; and
(5) Such other matters as the Director deems appropriate.

(d) In considering whether to grant a permit for the conduct of a permitted activity in the Sanctuary in relation to an air or marine casualty, the Director shall consider such matters as:
(1) The fitness of the applicant to do the work envisioned;
(2) The necessity of conducting such activity;
(3) The appropriateness of any activity envisioned to the purpose of the entry into the Sanctuary;
(4) The extent to which the conduct of any such activity may diminish the value of the Monitor as a source of historic, cultural, aesthetic and/or maritime information; and
(5) Such other matters as the Director deems appropriate.

(e) In considering any application submitted pursuant to this section, the Director shall seek and consider the views of the Advisory Council on Historic Preservation.

(f) The Director may observe any activity permitted by this section; and/or may require the submission of one or more reports of the status or progress of such activity.

Subpart G—Channel Islands National Marine Sanctuary

§ 922.70 Boundary.

The Channel Islands National Marine Sanctuary (Sanctuary) consists of an area of approximately 1,110 square nautical miles (nmi) of coastal and ocean
Nat’l Oceanic and Atmospheric Adm., Commerce § 922.72

waters, and the submerged lands there-under, off the southern coast of Cali-
ifornia. The Sanctuary boundary begins
at the Mean High Water Line of and ex-
tends seaward to a distance of approxi-
mately six nmi from the following is-
lands and offshore rocks: San Miguel
Island, Santa Cruz Island, Santa Rosa
Island, Anacapa Island, Santa Barbara
Island, Richardson Rock, and Castle
Rock (the Islands). The seaward bound-
dary coordinates are listed in Appendix
A to this subpart.

§ 922.71 Definitions.

In addition to those definitions found
at 15 CFR 922.3, the following defini-
tions apply to this subpart:

Cruise ship means a vessel with 250 or
more passenger berths for hire.

Graywater means galley, bath, or
shower water.

Introduced species means any species
(including but not limited to any of its
biological matter capable of propaga-
tion) that is non-native to the eco-
systems of the Sanctuary; or any orga-
nism into which altered genetic mat-
ter, or genetic matter from another
species, has been transferred in order
that the host organism acquires the ge-
netic traits of the transferred genes.

Motorized personal watercraft means a
vessel, usually less than 16 feet in
length, which uses an inboard, internal
combustion engine powering a water
jet pump as its primary source of pro-
pulsion. The vessel is intended to be
operated by a person or persons sitting,
standing or kneeling on the vessel,
rather than within the confines of the
hull. The length is measured from end
to end over the deck excluding sheer,
meaning a straight line measurement
of the overall length from the foremost
part of the vessel to the aftermost part
of the vessel, measured parallel to the
centerline. Bow sprits, bumpkins, rud-
ders, outboard motor brackets, and
similar fittings or attachments, are
not included in the measurement.
Length is stated in feet and inches.

Oceangoing ship means a private,
commercial, government, or military
vessel of 300 gross registered tons or
more, not including cruise ships.

Pelagic finfish are defined as: North-
ern anchovy (Engraulis mordax), barra-
cudas (Sphyraena spp.), billfishes (fam-
ily Istiophoridae), dolphinfish (Coryphaena hippurus), Pacific herring
(Clupea pallasi), jack mackerel
(Trachurus symmetricus), Pacific mack-
nerel (Scomerus japonicus), salmon
(Oncorhynchus spp.), Pacific sardine
(Sardinops sagax), blue shark (Prionace
glaucia), salmon shark (Lamna ditropis),
shortfin mako shark (Isurus
oxyrinchus), thresher sharks (Alopias
spp.), swordfish (Xiphias gladius), tunas
(family Scombridae), and yellowtail
(Seriola lalandi).

Stowed and not available for immediate
use means not readily accessible for
immediate use, e.g., by being securely
covered and lashed to a deck or bulk-
head, tied down, unbaited, unloaded, or
partially disassembled (such as spear
shafts being kept separate from spear
guns).

§ 922.72 Prohibited or otherwise regu-
lated activities—Sanctuary-wide.

(a) Except as specified in paragraphs
(b) through (e) of this section, the follow-
ning activities are prohibited and
thus unlawful for any person to con-
duct or cause to be conducted:

(1) Exploring for, developing, or pro-
ducing hydrocarbons within the Sanc-
tuary, except pursuant to leases exe-
cuted prior to March 30, 1981, and ex-
cept the laying of pipeline pursuant to
exploring for, developing, or producing
hydrocarbons.

(2) Exploring for, developing, or pro-
ducing minerals within the Sanctuary,
except producing by-products inci-
dental to hydrocarbon production al-
lowed by paragraph (a)(1) of this sec-
tion.

(3)(i) Discharging or depositing from
within or into the Sanctuary any ma-
terial or other matter except:

(A) Fish, fish parts, or chumming
materials (bait) used in or resulting
from lawful fishing activity within the
Sanctuary, provided that such dis-
charge or deposit is during the conduct
of lawful fishing activity within the
Sanctuary;

(B) For a vessel less than 300 gross
registered tons (GRT), or an ocean-
going ship without sufficient holding
tank capacity to hold sewage while
within the Sanctuary, biodegradable