

minimizes any adverse impact on Sanctuary resources and qualities. New activities with the potential for significant adverse impacts on Sanctuary resources or qualities may be exempted from the prohibitions in paragraphs (a) (2) through (10) of this section by the Director after consultation between the Director and the Department of Defense. If it is determined that an activity may be carried out, such activity shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources and qualities.

(2) In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings, caused by a component of the Department of Defense, the cognizant component shall promptly coordinate with the Director for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality.

(f) The prohibitions in paragraphs (a) (2) through (10) 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 § 922.48 and § 922.123 or a Special Use permit issued pursuant to section 310 of the Act.

(g) The prohibitions in paragraphs (a) (2) through (10) of this section do not apply to any activity authorized by any lease, permit, license, approval or other authorization issued after January 18, 1994, provided that the applicant complies with § 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.

(h) Notwithstanding paragraphs (f) and (g) of this section, in no event may the Director issue a National Marine Sanctuary permit under § 922.48 and § 922.123 or a Special Use permit under section 10 of the Act authorizing, or otherwise approve, the exploration for, development of, or production of oil, gas or minerals in a no-activity zone.

Any leases, permits, approvals, or other authorizations authorizing the exploration for, development of, or production of oil, gas or minerals in a no-activity zone and issued after the January 18, 1994 shall be invalid.

§ 922.123 Permit procedures and criteria.

(a) A person may conduct an activity prohibited by § 922.122(a) (2) through (10) if conducted in accordance with the scope, purpose, terms, and conditions of a permit issued under this section and § 922.48.

(b) Applications for such permits should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Manager, Flower Garden Banks National Marine Sanctuary, 1716 Briarcrest Drive, Suite 702, Bryan, TX 77802.

(c) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct an activity prohibited by § 922.122(a) (2) through (10), if the Director finds that the activity will: further research related to Sanctuary resources; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or assist in managing the Sanctuary. In deciding whether to issue a permit, the Director shall consider such factors as: the professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; and the end value of the activity. In addition, the Director may consider such other factors as he or she deems appropriate.

(d) It shall be a condition of any permit issued that the permit or a copy thereof be displayed on board all vessels or aircraft used in the conduct of the activity.

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(e) The Director may, *inter alia*, make it a condition of any permit issued that any information obtained under the permit be made available to the public.

(f) The Director may, *inter alia*, make it a condition of any permit issued that a NOAA official be allowed to observe any activity conducted under the permit and/or that the permit holder submit one or more reports on the status, progress, or results of any activity authorized by the permit.

EFFECTIVE DATE NOTE: At 65 FR 81178, Dec. 22, 2000, §922.123, was amended by revising paragraph (b), effective Jan. 22, 2001. For the convenience of the user, the revised text is set forth as follows:

§ 922.123 Permit procedures and criteria.

* * * * *

(b) Applications for such permits should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Manager, Flower Garden Banks National Marine Sanctuary, 216 West 26th Street, Suite 104, Bryan, TX 77803.

* * * * *

APPENDIX A TO SUBPART L OF PART 922—FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES

The boundary coordinates are based on geographic positions of the North American Datum of 1927 (NAD 27).

Point No.	Latitude	Longitude
East Flower Garden Bank		
E-1	27°52'52.13"	93°37'40.52"
E-2	27°53'33.81"	93°38'22.33"
E-3	27°55'13.31"	93°38'39.07"
E-4	27°57'30.14"	93°38'32.26"
E-5	27°58'27.79"	93°37'42.93"
E-6	27°59'00.29"	93°35'29.56"
E-7	27°58'59.23"	93°35'09.91"
E-8	27°55'20.23"	93°34'13.75"
E-9	27°54'03.35"	93°34'18.42"
E-10	27°53'25.95"	93°35'03.79"
E-11	27°52'51.14"	93°36'57.59"
West Flower Garden Bank		
W-1	27°49'09.24"	93°50'43.35"
W-2	27°50'10.23"	93°52'07.96"
W-3	27°51'13.14"	93°52'50.68"
W-4	27°51'31.24"	93°52'49.79"
W-5	27°52'49.55"	93°52'21.89"
W-6	27°54'59.08"	93°49'41.87"
W-7	27°54'57.08"	93°48'38.52"
W-8	27°54'33.46"	93°47'10.36"
W-9	27°54'13.51"	93°46'48.96"
W-10	27°53'7.67"	93°46'50.67"
W-11	27°52'56.44"	93°47'14.10"
W-12	27°50'38.31"	93°47'22.86"
W-13	27°49'11.23"	93°48'42.59"

EFFECTIVE DATE NOTE: At 65 FR 81178, Dec. 22, 2000, appendix A to subpart L of part 922 was revised, effective Jan. 22, 2001. For the convenience of the user, the revised text is set forth as follows:

APPENDIX A TO SUBPART L OF PART 922—FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES

This appendix contains a second set of boundary coordinates using the geographic positions of the North American Datum of 1983 (NAD 83). FGBNMS coordinates are now provided in both North American Datum of 1927 (NAD 27) and NAD 83.

Point	Latitude (N)	Longitude (W)
East Flower Garden Bank: (NAD 27)		
E-1	27 deg. 52' 53.82718'	93 deg. 37' 41.30310'
E-2	27 deg. 53' 34.83434'	93 deg. 38' 23.35445'
E-3	27 deg. 55' 13.64286'	93 deg. 38' 40.34368'
E-4	27 deg. 57' 30.71927'	93 deg. 38' 33.26982'
E-5	27 deg. 58' 27.66896'	93 deg. 37' 46.12447'
E-6	27 deg. 59' 01.41554'	93 deg. 35' 31.74954'
E-7	27 deg. 59' 00.50888'	93 deg. 35' 09.69198'
E-8	27 deg. 55' 22.38258'	93 deg. 34' 14.79162'
E-9	27 deg. 54' 04.05605'	93 deg. 34' 18.88720'
E-10	27 deg. 53' 26.70972'	93 deg. 35' 05.00978'
E-11	27 deg. 52' 52.06998'	93 deg. 36' 57.23078'
West Flower Garden Bank: (NAD 27)		
W-1	27 deg. 49' 10.16324'	93 deg. 50' 45.27154'
W-2	27 deg. 50' 12.35976'	93 deg. 52' 10.47158'
W-3	27 deg. 51' 12.82777'	93 deg. 52' 51.63488'
W-4	27 deg. 51' 32.41145'	93 deg. 52' 50.66983'
W-5	27 deg. 52' 49.88791'	93 deg. 52' 24.77053'
W-6	27 deg. 55' 00.93450'	93 deg. 49' 43.68090'
W-7	27 deg. 54' 58.33040'	93 deg. 48' 37.54501'

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Point	Latitude (N)	Longitude (W)
W-8	27 deg. 54' 35.26067'	93 deg. 47' 10.34866'
W-9	27 deg. 54' 14.80334'	93 deg. 46' 49.28963'
W-10	27 deg. 53' 35.63704'	93 deg. 46' 51.25825'
W-11	27 deg. 52' 57.34474'	93 deg. 47' 15.26428'
W-12	27 deg. 50' 40.26361'	93 deg. 47' 22.14179'
W-13	27 deg. 49' 10.89894'	93 deg. 48' 42.72307'

Stetson Bank: (NAD 27)

S-1	28 deg. 09' 30.06738'	94 deg. 18' 31.34461'
S-2	28 deg. 10' 09.24374'	94 deg. 18' 29.57042'
S-3	28 deg. 10' 06.88036'	94 deg. 17' 23.26201'
S-4	28 deg. 09' 27.70425'	94 deg. 17' 25.04315'

East Flower Garden Bank: (NAD 83)

E-1	27 deg. 52' 54.84288'	93 deg. 37' 41.84187'
E-2	27 deg. 53' 35.80428'	93 deg. 38' 23.89520'
E-3	27 deg. 55' 14.61048'	93 deg. 38' 40.88638'
E-4	27 deg. 57' 31.68349'	93 deg. 38' 33.81421'
E-5	27 deg. 58' 28.63153'	93 deg. 37' 46.66809'
E-6	27 deg. 59' 02.37658'	93 deg. 35' 32.28918'
E-7	27 deg. 59' 01.46983'	93 deg. 35' 10.23088'
E-8	27 deg. 55' 23.34849'	93 deg. 34' 15.32560'
E-9	27 deg. 54' 05.02387'	93 deg. 34' 19.42020'
E-10	27 deg. 53' 27.67871'	93 deg. 35' 05.54379'
E-11	27 deg. 52' 53.04047'	93 deg. 36' 57.76805'

West Flower Garden Bank: (NAD 83)

W-1	27 deg. 49' 11.14452'	93 deg. 50' 45.83401'
W-2	27 deg. 50' 13.34001'	93 deg. 52' 11.03791'
W-3	27 deg. 51' 13.80672'	93 deg. 52' 52.20349'
W-4	27 deg. 51' 33.38988'	93 deg. 52' 51.23867'
W-5	27 deg. 52' 50.86415'	93 deg. 52' 25.33954'
W-6	27 deg. 55' 01.90633'	93 deg. 49' 44.24605'
W-7	27 deg. 54' 59.30189'	93 deg. 48' 38.10780'
W-8	27 deg. 54' 36.23221'	93 deg. 47' 10.90806'
W-9	27 deg. 54' 15.77527'	93 deg. 46' 49.84801'
W-10	27 deg. 53' 36.60997'	93 deg. 46' 51.81616'
W-11	27 deg. 52' 58.31880'	93 deg. 47' 15.82251'
W-12	27 deg. 50' 41.24120'	93 deg. 47' 22.69837'
W-13	27 deg. 49' 11.87936'	93 deg. 48' 43.28125'

Stetson Bank: (NAD 83)

S-1	28 deg. 09' 31.02671'	94 deg. 18' 31.98164'
S-2	28 deg. 10' 10.20196'	94 deg. 18' 30.20776'
S-3	28 deg. 10' 07.83821'	94 deg. 17' 23.89688'
S-4	28 deg. 09' 28.66320'	94 deg. 17' 25.67770'

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MENT OF THE INTERIOR TOPOGRAPHIC
LEASE STIPULATIONS FOR OCS
LEASE SALE 112

East Flower Garden Bank

Block A-366
SE^{1/4}, SW^{1/4}; S^{1/2}, NE^{1/4}, SE^{1/4}; SE^{1/4}, NW^{1/4},
SE^{1/4}; S^{1/2}, SE^{1/4}.

SE 1/4, S 1/2, SE 1/4,
Block A-367
W 1/2, NW 1/4, SW 1/4; SW 1/4, W 1/4, SW 1/4

Block A-374
W_{1/2}, NW_{1/4}, SW_{1/4}, SW_{1/4}, W_{1/4}, SW_{1/4}

W $\frac{1}{2}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$; W $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; SW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$; W $\frac{1}{2}$, SW $\frac{1}{4}$; W $\frac{1}{2}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$; SE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$.
Block A-375

BLOCK A-375

$E^{1/2}$; $E^{1/2}$, $NW^{1/4}$, $NW^{1/4}$, $SW^{1/4}$, $NW^{1/4}$, $NW^{1/4}$;
 $E^{1/2}$, $SW^{1/4}$, $NW^{1/4}$; $NW^{1/4}$, $SW^{1/4}$, $NW^{1/4}$,
 $SW^{1/4}$;

Block A-388

NE $\frac{1}{4}$; E $\frac{1}{2}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$; NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, SW $\frac{1}{4}$; E $\frac{1}{2}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$; NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$; NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$; NE $\frac{1}{4}$; NE $\frac{1}{4}$, SE $\frac{1}{4}$; W $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$; NW $\frac{1}{4}$, SE $\frac{1}{4}$; NE $\frac{1}{4}$, SW $\frac{1}{4}$; SE $\frac{1}{4}$:

Block A-389

NE $\frac{1}{4}$, NW $\frac{1}{4}$; NW $\frac{1}{4}$, NW $\frac{1}{4}$; SW $\frac{1}{4}$, NW $\frac{1}{4}$;
 NE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$; W $\frac{1}{2}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$; N $\frac{1}{2}$,
 NW $\frac{1}{4}$, SW $\frac{1}{4}$.

West Flower Garden Bank

Block A-383

$E^{1/2}$, $SE^{1/4}$, $SE^{1/4}$; $SW^{1/2}$, $SE^{1/4}$, $SE^{1/4}$.

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Block A-384

W $\frac{1}{2}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$; SE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$; S $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$; SE $\frac{1}{4}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, SW $\frac{1}{4}$; E $\frac{1}{2}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$; SW $\frac{1}{4}$; NW $\frac{1}{4}$; SW $\frac{1}{4}$; SW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$; SW $\frac{1}{4}$; SW $\frac{1}{4}$; SE $\frac{1}{4}$.

Block A-385

SW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; N $\frac{1}{4}$, SW $\frac{1}{4}$; NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$.

Block A-397

W $\frac{1}{2}$, W $\frac{1}{2}$, NW $\frac{1}{4}$; W $\frac{1}{2}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$; NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$.

Block A-398

Entire block

Block A-399

E $\frac{1}{2}$; SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$; SW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$; NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$.

Block A-401

NE $\frac{1}{4}$, NE $\frac{1}{4}$; N $\frac{1}{2}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$; NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$.

Block A-Block 134

That portion of the block north of a line connecting points 17 and 18, defined under the universal transverse mercator grid system as follows: Point 17; X = 1,378,080.00'; Y = 10,096,183.00'; Point 18: X = 1,376,079.41'; Y = 10,096,183.00'; Block A-135

That portion of the block northwest of a line connecting points 16 and 17, defined under the universal transverse mercator grid system as follows: Point 16: X = 1,383,293.84'; Y = 10,103,281.93'; Point 17: X = 1,378,080.00'; Y = 10,096,183.00'.

EFFECTIVE DATE NOTE: At 65 FR 81180, Dec. 22, 2000, appendix B to subpart L of part 922 was revised, effective Jan. 22, 2001. For the convenience of the user, the revised text is set forth as follows:

APPENDIX B TO SUBPART L OF PART 922—COORDINATES FOR THE DEPARTMENT OF THE INTERIOR TOPOGRAPHIC LEASE STIPULATIONS FOR OCS LEASE SALE 171

ALIQUOT PART DESCRIPTION OF BIOLOGICAL STIPULATION AREA EAST GARDEN BANK

Block A-366 Texas Leasing Map No. 7C (High Island Area East Addition South Extension)

SE $\frac{1}{4}$, SW $\frac{1}{4}$; S $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$; SE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$; S $\frac{1}{2}$, SE $\frac{1}{4}$.

Block A-376

W $\frac{1}{2}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$; SW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$.

Block A-374

W $\frac{1}{2}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$; W $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; SW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$; W $\frac{1}{2}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$; SE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$.

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Block A-375

E $\frac{1}{2}$; E $\frac{1}{2}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$; SW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; NW $\frac{1}{4}$; SW $\frac{1}{4}$.

Block A-388

NE $\frac{1}{4}$; E $\frac{1}{2}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$; NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; NE $\frac{1}{4}$, SW $\frac{1}{4}$; NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; SW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$; W $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$; NW $\frac{1}{4}$.

Block A-389

NE $\frac{1}{4}$, NW $\frac{1}{4}$; NW $\frac{1}{4}$, NW $\frac{1}{4}$; SW $\frac{1}{4}$, NW $\frac{1}{4}$; NE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$; W $\frac{1}{2}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$; N $\frac{1}{2}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$.

ALIQUOT PART DESCRIPTION OF BIOLOGICAL STIPULATION AREA WEST GARDEN BANK

Block A-383 Texas Leasing Map No. 7C (High Island Area East Addition South Extension)

E $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$; SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$.

Block A-384

W $\frac{1}{2}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$; SE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$; S $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$; NE $\frac{1}{4}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, SW $\frac{1}{4}$; E $\frac{1}{2}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; SW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$; SE $\frac{1}{4}$.

Block A-385

SW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$; NW $\frac{1}{4}$, SW $\frac{1}{4}$; NW $\frac{1}{4}$, SW $\frac{1}{4}$.

Block A-397

W $\frac{1}{2}$, W $\frac{1}{2}$, NW $\frac{1}{4}$; W $\frac{1}{2}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$; NW $\frac{1}{4}$; SW $\frac{1}{4}$.

Block A-398

Entire block.

Block A-399

E $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$; E $\frac{1}{2}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$; SW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$; NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$.

Block A-401

NE $\frac{1}{4}$, NE $\frac{1}{4}$; N $\frac{1}{2}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$; NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$.

Block 134 Official Protraction Diagram NG15-02 (Garden Banks)

That portion of the block north of a line connecting a point on the east boundary of Block 134, X=1,378,080.00', Y=10,096,183.00', with a point on the west boundary of Block 134, X=1,367,079,385', Y=10,096,183.00', defined under the Universal Transverse Mercator grid system.

*Block 135 Official Protraction Diagram NG15-02
(Garden Banks)*

That portion of the block northwest of a line connecting the southeast corner of Texas Leasing Map No. 7C, Block A-398, X=1,383,293.840', Y=10,103,281.930', with a point on the west boundary of Official Protraction Diagram NG15-02, Block 135, X=1,378,080.000', Y=10,096,183.000', defined under the Universal Transverse Mercator grid system.

Subpart M—Monterey Bay National Marine Sanctuary

§ 922.130 Boundary.

(a) The Monterey Bay National Marine Sanctuary (Sanctuary) consists of an area of approximately 4,024 square nautical miles of coastal and ocean waters, and the submerged lands thereunder, in and surrounding Monterey Bay, off the central coast of California.

(b) The northern terminus of the boundary is located along the southern boundary of the Gulf of the Farallones National Marine Sanctuary (GFNMS) and runs westward to approximately 123°07'W. The boundary then extends south in an arc which generally follows the 500 fathom isobath. At approximately 37°03'N, the boundary arcs south to 122°25'W, 36°10'N, due west of Partington Point. The boundary again follows the 500 fathom isobath south to 121°41'W, 35°33'N, due west of Cambria. The boundary then extends shoreward towards the mean high-water line. The landward boundary is defined by the mean high-water line between the GFNMS and Cambria, exclusive of a small area off the north coast of San Mateo County and the City and County of San Francisco between Point Bonita and Point San Pedro. Pillar Point, Santa Cruz, Moss Landing and Monterey harbors are excluded from the Sanctuary boundary shoreward from their respective International Collision at Sea regulation (Colreg.) demarcation lines except for Moss Landing Harbor, where all of Elkhorn Slough east of the Highway One bridge is included within the Sanctuary boundary. The boundary coordinates are listed in appendix A to this subpart.

§ 922.131 Definitions.

In addition to those definitions found at § 922.3, the following definitions apply to this subpart:

Attract or attracting means the conduct of any activity that lures or may lure white sharks by using food, bait, chum, dyes, acoustics or any other means, except the mere presence of human beings (e.g., swimmers, divers, boaters, kayakers, surfers).

Federal Project means any water resources development project conducted by the U.S. Army Corps of Engineers or operating under a permit or other authorization issued by the Corps of Engineers and authorized by Federal law.

Hand tool means a hand-held implement, utilized for the collection of jade pursuant to § 922.132(a)(1), that is no greater than 36 inches in length and has no moving parts (e.g., dive knife, pry bar or abalone iron). Pneumatic, mechanical, electrical, hydraulic or explosive tools are, therefore, examples of what does not meet this definition.

Motorized personal water craft means any motorized vessel that is less than fifteen feet in length as manufactured, is capable of exceeding a speed of fifteen knots, and has the capacity to carry not more than the operator and one other person while in operation. The term includes, but is not limited to, jet skis, wet bikes, surf jets, miniature speed boats, air boats, and hovercraft.

[60 FR 66877, Dec. 27, 1995, as amended at 61 FR 66917, Dec. 19, 1996; 63 FR 15087, Mar. 30, 1998]

§ 922.132 Prohibited or otherwise regulated activities.

(a) Except as specified in paragraphs (b) through (f) of this section, the following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted:

(1) Exploring for, developing or producing oil, gas or minerals within the Sanctuary except: jade may be collected (meaning removed) from the area bounded by the 35°55'20" N latitude parallel (coastal reference point: beach access stairway at south Sand Dollar Beach), the 35°53'20" N latitude parallel (coastal reference point: westernmost