

§ 922.180

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(1) Persons possessing these species in or on the waters of the state shall also possess a state submerged lands lease for live rock aquaculture and a Department of Environmental Protection permit for live rock culture deposition and removal or a federal Live Rock Aquaculture Permit. If the person possessing these species is not the person named in the documents required herein, then the person in such possession shall also possess written permission from the person so named to transport aquacultured live rock pursuant to this exception.

(2) The nearest office of the Florida Marine Patrol shall be notified at least 24 hours in advance of any transport in or on state waters of aquacultured live rock pursuant to this exception.

(3) Persons possessing these species off the water shall maintain and produce upon the request of any duly authorized law enforcement officer sufficient documentation to establish the chain of possession from harvest on a state submerged land lease for live rock aquaculture or in adjacent Exclusive Economic Zone (EEZ) waters pursuant to a federal Live Rock Aquaculture Permit.

(4) Any sea fan, hard or stony coral, or fire coral harvested pursuant to Rule 46–42.008(3)(a) shall remain attached to the cultured rock.

Specific Authority 370.027(2), F.S.; Section 6, Chapter 83–134, Laws of Florida, as amended by Chapter 84–121, Laws of Florida. Law Implemented 370.025, 370.027, F.S.; Section 6, Chapter 83–134, Laws of Florida, as amended by Chapter 84–121, Laws of Florida. History—New 1–1–95.2222

Subpart Q—Hawaiian Islands Humpback Whale National Marine Sanctuary

AUTHORITY: Sections 302, 303, 304, 305, 306, 307, 310, and 312 of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*), and sections 2304, 2305, and 2306 of the Hawaiian Islands National Marine Sanctuary Act (HINMSA), Pub. L. 102–587.

SOURCE: 62 FR 14815, Mar. 28, 1997, unless otherwise noted.

EFFECTIVE DATE NOTE: At 62 FR 14815, Mar. 28, 1997, subpart Q (§§ 922.180–922.187) was added. A document announcing the effective

date of this amendment will be published in the FEDERAL REGISTER.

§ 922.180 Purpose.

(a) The purpose of the regulations in this subpart is to implement the designation of the Hawaiian Islands Humpback Whale National Marine Sanctuary by regulating activities affecting the resources of the Sanctuary or any of the qualities, values, or purposes for which the Sanctuary was designated, in order to protect, preserve, and manage the conservation, ecological, recreational, research, educational, historical, cultural, and aesthetic resources and qualities of the area. The regulations are intended to supplement and complement existing regulatory authorities; to facilitate to the extent compatible with the primary objective of protecting the humpback whale and its habitat, all public and private uses of the Sanctuary, including uses of Hawaiian natives customarily and traditionally exercised for subsistence, cultural, and religious purposes, as well as education, research, recreation, commercial and military activities; to reduce conflicts between compatible uses; to maintain, restore, and enhance the humpback whale and its habitat; to contribute to the maintenance of natural assemblages of humpback whales for future generations; to provide a place for humpback whales that are dependent on their Hawaiian Islands wintering habitat for reproductive activities, including breeding, calving, and nursing, and for the long-term survival of their species; and to achieve the other purposes and policies of the HINMSA and NMSA.

(b) The regulations in this subpart may be modified to fulfill the Secretary’s responsibilities for the Sanctuary, including the provision of additional protections for humpback whales and their habitat, if reasonably necessary, and the conservation and management of other marine resources, qualities and ecosystems of the Sanctuary determined to be of national significance. The Secretary shall consult with the Governor of the State of Hawaii on any modification to the regulations contained in this part. For any modification of the regulations

contained in this part that would constitute a change in a term of the designation, as contained in the Designation Document for the Sanctuary, the Secretary shall follow the applicable requirements of sections 303 and 304 of the NMSA, and sections 2305 and 2306 of the HINMSA.

§922.181 Boundary.

(a) Except for excluded areas described in paragraph (b) of this section, the Hawaiian Islands Humpback Whale National Marine Sanctuary consists of the submerged lands and waters off the coast of the Hawaiian Islands seaward from the shoreline, cutting across the mouths of rivers and streams—

(1) To the 100-fathom (183 meter) isobath adjoining the islands of Maui, Molokai and Lanai, including Penguin Bank, but excluding the area within three nautical miles of the upper reaches of the wash of the waves on the shore of Kahoolawe Island;

(2) To the deep water area of Pailolo Channel from Cape Halawa, Molokai, to Nakalele Point, Maui, and southward;

(3) To the 100-fathom (183 meter) isobath around the Island of Hawaii;

(4) To the 100-fathom (183 meter) isobath from Kailiu Point eastward to Makahuena Point, Kauai; and

(5) To the 100-fathom (183 meter) isobath from Puaena Point eastward to Mahie Point and from the Ala Wai Canal eastward to Makapuu Point, Oahu.

(b) Excluded from the Sanctuary boundary are the following commercial ports and small boat harbors:

Hawaii (Big Island)

Hilo Harbor
 Honokohau Boat Harbor
 Kawaihae Boat Harbor & Small Boat Basin
 Keauhou Bay

Oahu

Ala Wai Small Boat Basin

Kauai

Hanamaulu Bay
 Nawiliwili Harbor

Lanai

Kaumalapau Harbor
 Manele Harbor

Maui

Kahului Harbor
 Lahaina Boat Harbor
 Maalaea Boat Harbor
 Molokai
 Hale o Lono Harbor
 Kaunakakai Harbor

(c) The precise boundary of the Sanctuary appears in appendix A of this subpart Q.

§922.182 Definitions.

(a) *Acts* means the Hawaiian Islands National Marine Sanctuary Act (HINMSA; sections 2301-2307 of Public Law 102-587), and the National Marine Sanctuaries Act (NMSA; also known as Title III of the Marine Protection, Research, and Sanctuaries Act (MPRSA), as amended, 16 U.S.C. 1431 *et seq.*).

Adverse impact means an impact that independently or cumulatively damages, diminishes, degrades, impairs, destroys, or otherwise harms.

Alteration of the seabed means drilling into, dredging, or otherwise altering a natural physical characteristic of the seabed of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on the seabed of the Sanctuary.

Habitat means those areas that provide space for individual and population growth and normal behavior of humpback whales, and include sites used for reproductive activities, including breeding, calving and nursing.

Military activities means those military activities conducted by or under the auspices of the Department of Defense and any combined military activities carried out by the Department of Defense and the military forces of a foreign nation.

Sanctuary means the Hawaiian Islands Humpback Whale National Marine Sanctuary.

Sanctuary resource means any humpback whale, or the humpback whale's habitat within the Sanctuary.

Shoreline means the upper reaches of the wash of the waves, other than storm or seismic waves, at high tide during the season of the year in which

the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.

Take or taking a humpback whale means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or injure a humpback whale, or to attempt to engage in any such conduct. The term includes, but is not limited to, any of the following activities: collecting any dead or injured humpback whale, or any part thereof; restraining or detaining any humpback whale, or any part thereof, no matter how temporarily; tagging any humpback whale; operating a vessel or aircraft or doing any other act that results in the disturbing or molesting of any humpback whale.

(b) Other terms appearing in the regulations in this subpart are defined at 15 CFR 922.3, and/or in the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. 1401 *et seq.*, and 16 U.S.C. 1431 *et seq.*

§ 922.183 Allowed activities.

(a) All activities except those prohibited by § 922.184 may be undertaken in the Sanctuary subject to any emergency regulations promulgated pursuant to § 922.185, subject to the interagency cooperation provisions of section 304(d) of the NMSA (16 U.S.C. 1434(d)) and § 922.187 of this subpart, and subject to the liability established by section 312 of the NMSA and § 922.46. All activities are also subject to all prohibitions, restrictions, and conditions validly imposed by any other Federal, State, or county authority of competent jurisdiction.

(b) Included as activities allowed under the first sentence of paragraph (a) of this section are all classes of military activities, internal or external to the Sanctuary, that are being or have been conducted before the effective date of the regulations in this subpart, as identified in the Final Environmental Impact Statement/Management Plan. Paragraphs (a) (1) through (5) of § 922.184 do not apply to these classes of activities, nor are these activities subject to further consultation under section 304(d) of the NMSA.

(c) Military activities proposed after the effective date of the regulations in

this subpart, are also included as allowed activities under the first sentence of paragraph (a) of this section. Paragraphs (a) (1) through (5) of § 922.184 apply to these classes of activities unless—

(1) They are not subject to consultation under section 304(d) of the NMSA and § 922.187 of this subpart, or

(2) Upon consultation under section 304(d) of the NMSA and § 922.187 of this subpart, NOAA's findings and recommendations include a statement that paragraphs (a) (1) through (5) of § 922.184 do not apply to the military activity.

(d) If a military activity described in paragraphs (b) or (c)(2) of this section is modified such that it is likely to destroy, cause the loss of, or injure a Sanctuary resource in a manner significantly greater than was considered in a previous consultation under section 304(d) of the NMSA and § 922.187 of this subpart, or if the modified activity is likely to destroy, cause the loss of, or injure any Sanctuary resource not considered in a previous consultation under section 304(d) of the NMSA and § 922.187 of this subpart, the modified activity will be treated as a new military activity under paragraph (c) of this section.

(e) If a proposed military activity subject to section 304(d) of the NMSA and § 922.187 of this subpart is necessary to respond to an emergency situation and the Secretary of Defense determines in writing that failure to undertake the proposed activity during the period of consultation would impair the national defense, the Secretary of the military department concerned may request the Director that the activity proceed during consultation. If the Director denies such a request, the Secretary of the military department concerned may decide to proceed with the activity. In such case, the Secretary of the military department concerned shall provide the Director with a written statement describing the effects of the activity on Sanctuary resources once the activity is completed.

§ 922.184 Prohibited activities.

(a) The following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted.

(1) Approaching, or causing a vessel or other object to approach, within the Sanctuary, by any means, within 100 yards of any humpback whale except as authorized under the Marine Mammal Protection Act, as amended (MMPA), 16 U.S.C. 1361 *et seq.*, and the Endangered Species Act, as amended (ESA), 16 U.S.C. 1531 *et seq.*;

(2) Operating any aircraft above the Sanctuary within 1,000 feet of any humpback whale except as necessary for takeoff or landing from an airport or runway, or as authorized under the MMPA and the ESA;

(3) Taking any humpback whale in the Sanctuary except as authorized under the MMPA and the ESA;

(4) Possessing within the Sanctuary (regardless of where taken) any living or dead humpback whale or part thereof taken in violation of the MMPA or the ESA;

(5) Discharging or depositing any material or other matter in the Sanctuary; altering the seabed of the Sanctuary; or discharging or depositing any material or other matter outside the Sanctuary if the discharge or deposit subsequently enters and injures a humpback whale or humpback whale habitat, provided that such activity:

(i) Requires a Federal or State permit, license, lease, or other authorization; and

(ii) Is conducted

(A) Without such permit, license, lease, or other authorization, or

(B) Not in compliance with the terms or conditions of such permit, license, lease, or other authorization.

(6) Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of either of the Acts or any regulations issued under either of the Acts.

(b) The prohibitions in paragraphs (a) (1) through (5) of this section do not apply to activities necessary to respond to emergencies threatening life, property or the environment; or to activities necessary for valid law enforcement purposes. However, while such ac-

tivities are not subject to paragraphs (a) (1) through (5) of this section, this paragraph (b) does not exempt the activity from the underlying prohibition or restriction under other applicable laws and regulations (e.g., MMPA, ESA, and CWA).

§ 922.185 Emergency regulations.

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource, or to minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. Before issuance of such regulations the Director shall consult to the extent practicable with any relevant Federal agency and the Governor of the State of Hawaii.

§ 922.186 Penalties; appeals.

(a) Pursuant to section 307 of the NMSA, each violation of either of the Acts, or any regulation in this subpart is subject to a civil penalty of not more than \$100,000. Each such violation is subject to forfeiture of property or Sanctuary resources seized in accordance with section 307 of the NMSA. Each day of a continuing violation constitutes a separate violation.

(b) Regulations setting forth the procedures governing the administrative proceedings for assessment of civil penalties for enforcement reasons, issuance and use of written warnings, and release or forfeiture of seized property appear at 15 CFR part 904.

(c) A person subject to an action taken for enforcement reasons for violation of the regulations in the subpart or either of the Acts may appeal pursuant to the applicable procedures in 15 CFR part 904.

§ 922.187 Interagency cooperation.

Under section 304(d) of the NMSA, Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Director. The Federal agency proposing an action shall determine whether the activity is likely to destroy, cause the loss

of, or injure a Sanctuary resource. To the extent practicable, consultation procedures under section 304(d) of the NMSA may be consolidated with inter-agency cooperation procedures required by other statutes, such as the ESA. The Director will attempt to provide coordinated review and analysis of all environmental requirements.

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
Kauai		
1	22,13,37	159,34,57
2	22,16,42	159,36,4
3	22,17,13	159,35,16
4	22,17,25	159,34,34
5	22,17,15	159,33,2
6	22,16,59	159,32,3
7	22,16,34	159,31,31
8	22,15,47	159,31,19
9	22,15,41	159,31,5
10	22,16,14	159,30,37
11	22,16,6	159,29,46
12	22,15,50	159,29,20
13	22,15,52	159,28,32
14	22,15,31	159,27,54
15	22,15,25	159,27,17
16	21,52,0	159,22,56
17	21,59,17	159,18,25
18	21,58,42	159,18,51
19	21,58,28	159,18,56
20	21,58,10	159,18,54
21	21,58,4	159,18,32
22	21,57,5	159,18,41
23	21,56,43	159,19,4
24	21,56,13	159,19,39
25	21,55,29	159,20,36
26	21,54,48	159,21,12
27	21,54,1	159,21,27
28	21,53,45	159,21,46
29	21,53,27	159,22,14
30	21,53,1	159,22,32
31	21,52,44	159,22,37
32	21,52,13	159,22,49
33	21,51,45	159,23,18
34	21,51,43	159,23,50
35	21,51,49	159,24,26
36	21,51,53	159,24,48
37	21,51,51	159,25,12
38	21,51,42	159,25,41
39	21,51,15	159,25,58
40	21,50,57	159,26,15
41	21,52,17	159,26,48
42	22,12,53	159,18,4
43	22,15,26	159,26,20
44	22,15,11	159,25,52
45	22,15,18	159,24,50
46	22,15,22	159,24,10
47	22,15,21	159,22,53
48	22,15,6	159,22,34
49	22,15,6	159,21,54
50	22,15,7	159,21,23
51	22,14,30	159,20,55
52	22,14,18	159,20,31
53	22,14,22	159,19,54
54	22,13,21	159,18,43

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES—Continued

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
55	22,12,31	159,17,46
56	22,12,18	159,17,17
57	22,11,14	159,17,5
58	22,10,29	159,16,42
59	22,9,57	159,16,25
60	22,9,25	159,15,42
61	22,8,34	159,15,39
62	22,0,15	159,18,48
63	22,7,4	159,16,37
64	22,6,17	159,16,31
65	22,5,51	159,16,13
66	22,5,4	159,16,47
67	22,4,18	159,17,32
68	22,3,32	159,17,26
69	22,3,15	159,17,23
70	22,2,56	159,17,33
71	22,2,48	159,17,48
72	22,2,33	159,18,4
73	22,2,16	159,18,24
74	22,1,57	159,18,46
75	22,1,51	159,19,11
76	22,1,26	159,19,24
77	22,0,59	159,19,8
78	22,0,49	159,18,54
79	22,0,0	159,18,47
80	21,59,40	159,18,27
Oahu (North)		
1	21,36,22	158,6,37
2	21,38,41	158,8,39
3	21,39,1	158,8,7
4	21,39,24	158,7,44
5	21,39,43	158,7,44
6	21,40,12	158,7,27
7	21,40,27	158,7,38
8	21,40,45	158,7,21
9	21,40,46	158,6,56
10	21,41,7	158,6,41
11	21,41,29	158,6,16
12	21,41,44	158,6,13
13	21,42,55	158,5,13
14	21,43,54	158,3,58
15	21,44,22	158,3,22
16	21,45,3	158,2,0
17	21,45,15	158,1,19
18	21,45,34	158,0,20
19	21,37,14	157,51,34
20	21,45,34	157,59,17
21	21,45,34	157,58,37
22	21,45,29	157,57,34
23	21,44,55	157,56,18
24	21,44,33	157,55,30
25	21,44,13	157,54,40
26	21,43,33	157,53,45
27	21,41,34	157,53,12
28	21,38,36	157,52,38
29	21,37,54	157,53,3
30	21,37,48	157,52,38
31	21,35,47	157,50,11
32	21,33,48	157,51,58
33	21,37,50	157,52,10
34	21,36,43	157,50,54
Oahu (South)		
1	21,15,38	157,51,1
2	21,14,18	157,42,17
3	21,14,9	157,42,46
4	21,13,27	157,43,13

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANC-
TUARY BOUNDARY COORDINATES—Contin-
ued

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANC-
TUARY BOUNDARY COORDINATES—Contin-
ued

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
5	21,13,31	157,43,47
6	21,14,44	157,43,59
7	21,14,47	157,44,24
8	21,14,35	157,44,54
9	21,14,34	157,45,32
10	21,14,11	157,46,52
11	21,14,14	157,47,35
12	21,13,55	157,47,58
13	21,14,0	157,48,28
14	21,14,29	157,48,53
15	21,14,40	157,49,34
16	21,15,0	157,50,16
17	21,15,25	157,50,51
18	21,15,50	157,51,14
19	21,17,8	157,50,54
20	21,18,50	157,39,6
21	21,19,53	157,36,4
22	21,19,34	157,35,6
23	21,18,55	157,34,21
24	21,18,47	157,33,53
25	21,17,52	157,33,21
26	21,17,36	157,33,32
27	21,17,3	157,33,32
28	21,16,34	157,34,3
29	21,15,52	157,34,46
30	21,15,56	157,35,19
31	21,15,20	157,35,44
32	21,15,13	157,36,0
33	21,15,22	157,36,57
34	21,15,33	157,38,20
35	21,15,21	157,38,51
36	21,15,20	157,40,5
37	21,15,23	157,40,53
38	21,14,56	157,42,6
Maui		
1	20,51,18	157,44,40
2	20,52,9	157,44,16
3	20,52,37	157,44,38
4	20,52,47	157,45,24
5	20,53,38	157,46,3
6	20,55,27	157,45,21
7	20,56,22	157,45,43
8	20,57,2	157,45,17
9	20,57,36	157,44,31
10	20,59,2	157,44,19
11	20,59,54	157,43,33
12	21,1,19	157,43,14
13	21,1,45	157,42,11
14	21,2,56	157,42,2
15	21,3,7	157,41,32
16	21,3,3	157,40,43
17	21,4,2	157,39,39
18	21,4,49	157,39,57
19	21,5,16	157,39,30
20	21,5,9	157,38,21
21	21,5,20	157,37,59
22	21,5,52	157,37,54
23	21,6,48	157,36,30
24	21,7,34	157,35,24
25	21,8,11	157,33,41
26	21,8,56	157,33,1
27	20,57,10	157,33,16
28	20,56,33	157,33,42
29	20,55,10	157,33,45
30	20,53,29	157,37,14
31	20,51,57	157,40,53
32	20,51,40	157,42,12

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
33	20,50,56	157,42,54
34	20,58,18	157,22,27
35	21,0,19	157,19,45
36	21,1,25	157,18,43
37	21,1,7	157,19,36
38	21,0,44	157,20,30
39	21,0,0	157,19,0
40	20,59,29	157,19,28
41	20,59,29	157,20,57
42	20,59,55	157,21,29
43	21,0,38	157,21,26
44	21,0,23	157,21,57
45	21,0,16	157,22,41
46	21,0,28	157,23,29
47	21,0,26	157,24,32
48	21,0,3	157,25,23
49	20,59,24	157,25,20
50	20,58,53	157,25,47
51	20,58,50	157,26,21
52	20,58,22	157,25,22
53	20,58,49	157,23,17
54	20,58,43	157,21,50
55	20,58,11	157,23,46
56	20,57,56	157,26,49
57	20,57,59	157,28,30
58	20,57,51	157,29,44
59	20,57,25	157,31,42
60	20,56,32	157,29,51
61	20,56,1	157,29,56
62	20,55,54	157,31,46
63	21,17,9	157,17,24
64	21,9,41	157,31,30
65	21,9,58	157,30,9
66	21,9,58	157,29,39
67	21,9,29	157,28,36
68	21,9,33	157,27,5
69	21,10,2	157,23,53
70	21,10,51	157,21,43
71	21,12,41	157,19,17
72	21,14,54	157,18,44
73	21,16,42	157,18,25
74	21,17,13	157,16,13
75	21,16,35	157,14,39
76	21,16,2	157,13,14
77	21,3,36	157,10,57
78	21,3,41	157,11,50
79	21,3,13	157,12,22
80	21,2,25	157,12,51
81	21,2,7	157,13,43
82	21,1,51	157,14,11
83	21,1,59	157,14,37
84	21,1,56	157,15,12
85	21,1,36	157,16,5
86	21,1,42	157,17,0
87	21,1,16	157,17,27
88	21,0,51	157,18,8
89	21,0,59	157,18,35
90	21,3,21	157,3,59
91	20,53,46	157,5,35
92	20,54,59	157,5,28
93	20,55,29	157,5,31
94	20,56,31	157,4,8
95	20,56,58	157,3,32
96	20,57,37	157,2,45
97	20,58,22	157,2,7
98	20,58,40	157,1,28
99	20,59,26	157,1,14
100	21,0,24	157,1,25
101	21,1,15	157,1,30

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APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES—Continued

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES—Continued

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
102	21,1,50	157,1,59
103	21,2,20	157,2,19
104	21,3,0	157,3,4
105	21,3,6	157,4,51
106	21,3,41	157,6,17
107	21,3,9	157,8,46
108	21,3,29	157,10,22
109	21,15,48	157,11,4
110	21,15,27	157,9,24
111	21,15,2	157,8,29
112	21,14,23	157,6,12
113	21,13,56	157,5,10
114	21,13,55	157,4,25
115	21,13,47	157,4,1
116	21,13,7	157,3,25
117	21,13,38	157,2,54
118	21,13,35	157,1,42
119	21,13,1	157,1,2
120	21,13,10	157,0,15
121	21,12,43	156,59,54
122	21,13,22	156,59,8
123	21,13,46	156,58,25
124	21,13,14	156,57,40
125	20,49,18	157,1,5
126	20,44,4	156,48,49
127	20,43,18	156,45,48
128	20,43,44	156,46,17
129	20,43,41	156,47,27
130	20,44,42	156,48,49
131	20,44,23	156,49,38
132	20,44,23	156,51,9
133	20,43,37	156,51,54
134	20,44,19	156,47,48
135	20,43,6	156,52,31
136	20,42,16	156,53,12
137	20,42,39	156,54,43
138	20,42,47	156,56,25
139	20,42,54	156,57,39
140	20,43,56	156,59,6
141	20,45,16	157,0,3
142	20,46,37	157,0,48
143	20,47,38	157,0,40
144	20,50,43	157,2,39
145	20,51,53	157,4,27
146	20,52,31	157,4,58
147	21,12,49	156,43,45
148	21,11,36	156,53,20
149	21,12,38	156,56,44
150	21,12,1	156,56,8
151	21,12,7	156,55,3
152	21,12,5	156,54,17
153	21,11,36	156,54,2
154	21,12,3	156,52,56
155	21,11,48	156,52,6
156	21,12,7	156,51,38
157	21,11,40	156,51,34
158	21,11,59	156,50,44
159	21,12,30	156,49,55
160	21,12,26	156,49,26
161	21,12,15	156,48,37
162	21,12,22	156,47,56
163	21,11,52	156,47,27
164	21,12,34	156,46,42
165	21,13,16	156,45,40
166	21,13,32	156,45,3
167	21,13,1	156,44,26
168	21,12,30	156,43,4
169	21,11,56	156,42,56
170	21,12,11	156,41,58

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
171	21,11,59	156,41,5
172	21,11,13	156,39,51
173	21,10,31	156,39,30
174	21,8,6	156,40,32
175	21,7,8	156,40,11
176	20,36,4	156,29,59
177	20,38,57	156,34,30
178	20,39,50	156,35,32
179	20,40,33	156,36,5
180	20,41,22	156,36,34
181	20,42,5	156,36,54
182	20,42,12	156,38,0
183	20,42,51	156,39,38
184	20,43,14	156,41,1
185	20,43,33	156,42,11
186	20,44,11	156,42,31
187	20,43,52	156,43,25
188	20,41,22	156,42,31
189	20,41,3	156,43,0
190	20,42,12	156,44,22
191	20,43,2	156,44,43
192	21,0,44	156,18,53
193	21,4,31	156,37,39
194	21,4,31	156,35,32
195	21,3,41	156,33,57
196	21,2,5	156,31,13
197	21,1,4	156,27,27
198	21,1,15	156,22,39
199	21,0,44	156,21,34
200	21,1,0	156,18,8
201	20,33,7	156,23,38
202	20,36,3	156,10,43
203	20,35,46	156,13,13
204	20,35,11	156,14,55
205	20,34,4	156,16,39
206	20,33,28	156,17,29
207	20,33,49	156,19,24
208	20,33,36	156,20,59
209	20,33,18	156,22,7
210	20,35,8	156,27,59
211	20,33,46	156,26,9
212	20,36,27	156,28,24
213	20,36,31	156,28,57
214	20,35,53	156,28,41
215	20,59,43	156,16,25
216	20,58,42	156,13,53
217	20,54,32	156,9,10
218	20,54,21	156,8,16
219	20,53,8	156,6,17
220	20,51,25	156,5,7
221	20,51,5	156,4,18
222	20,50,35	156,3,57
223	20,49,56	156,1,50
224	20,48,43	156,0,52
225	20,48,40	155,59,55
226	20,48,1	155,58,53
227	20,37,34	156,4,45
228	20,47,11	155,58,0
229	20,46,22	155,57,35
230	20,45,24	155,57,23
231	20,44,30	155,57,15
232	20,42,58	155,57,6
233	20,41,38	155,58,20
234	20,40,50	155,59,12
235	20,40,5	155,59,51
236	20,39,35	156,0,54
237	20,38,46	156,1,46
238	20,38,0	156,2,24
239	20,37,37	156,3,23

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES—Continued

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
240	20,37,29	156,5,49
241	20,36,39	156,6,50
242	20,36,21	156,7,54
243	20,35,59	156,8,55
244	20,53,1	157,38,48
245	20,54,7	157,35,43
246	20,56,28	157,32,7
247	20,58,27	157,24,17
248	20,58,3	157,25,19
249	21,3,24	157,7,44
250	20,55,55	157,30,55
251	20,50,44	157,2,9
252	21,1,8	156,24,34
253	20,34,31	156,26,58
254	20,58,12	156,12,43
255	20,52,7	157,40,28
256	20,54,59	157,34,4
Big Island (Hawaii)		
1	19,33,54	156,0,19
2	19,34,42	156,0,33
3	19,35,21	156,0,35
4	19,39,49	156,2,29
5	19,43,34	156,4,26
6	19,46,7	156,5,57
7	19,47,17	156,6,34
8	19,48,3	156,6,19
9	19,48,42	156,6,28
10	19,51,28	156,4,33
11	19,53,15	156,2,25
12	19,55,43	155,58,13
13	19,53,47	156,1,26
14	19,54,6	156,1,1
15	19,54,8	156,0,3
16	19,55,8	155,59,14
17	19,56,11	155,57,41
18	19,56,36	155,57,19
19	19,57,19	155,56,44
20	19,57,56	155,56,18
21	19,58,22	155,55,56
22	19,58,39	155,55,2
23	19,58,45	155,54,36
24	19,58,57	155,54,9
25	19,59,15	155,53,37
26	19,59,31	155,52,58
27	20,0,20	155,52,25
28	20,1,4	155,52,25
29	20,1,36	155,52,4
30	20,2,24	155,52,17
31	20,3,14	155,52,25
32	20,5,50	155,54,44
33	19,20,32	155,53,38
34	19,7,28	155,55,34
35	19,9,6	155,55,49
36	19,9,52	155,55,42
37	19,10,57	155,55,16
38	19,12,49	155,54,28
39	19,13,29	155,54,32
40	19,14,22	155,54,24
41	19,15,2	155,54,24
42	19,16,17	155,54,1
43	19,18,0	155,53,47
44	19,19,22	155,53,49
45	19,22,49	155,54,43
46	19,25,22	155,55,33
47	19,26,21	155,55,39
48	19,27,14	155,56,9
49	19,28,41	155,56,42
50	19,29,1	155,57,14

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES—Continued

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
51	19,29,25	155,58,9
52	19,30,23	155,59,3
53	20,15,49	155,43,33
54	20,13,22	155,56,15
55	20,7,10	155,55,14
56	20,9,21	155,55,44
57	20,12,43	155,56,28
58	20,14,41	155,56,12
59	20,15,34	155,55,53
60	20,16,21	155,55,28
61	20,16,47	155,54,54
62	20,17,42	155,53,56
63	20,18,11	155,52,3
64	20,18,9	155,51,28
65	20,17,41	155,49,45
66	20,16,39	155,45,47
67	20,16,23	155,44,18
68	20,14,44	155,43,7
69	20,14,5	155,42,57
70	20,13,54	155,41,55
71	20,12,57	155,41,28
72	20,12,8	155,40,58
73	20,11,32	155,39,37
74	18,51,25	155,41,26
75	18,52,3	155,41,45
76	18,52,36	155,41,44
77	18,53,23	155,41,35
78	18,54,14	155,41,39
79	18,54,42	155,41,28
80	18,55,42	155,41,27
81	18,56,26	155,41,51
82	18,56,41	155,42,16
83	18,57,0	155,42,41
84	18,57,33	155,43,15
85	18,58,7	155,44,2
86	18,58,14	155,44,49
87	18,58,36	155,45,43
88	18,58,56	155,46,16
89	18,59,32	155,47,7
90	19,0,38	155,48,26
91	19,0,49	155,49,37
92	19,1,9	155,50,36
93	19,1,22	155,51,43
94	19,2,4	155,52,58
95	19,2,39	155,53,14
96	19,3,40	155,53,45
97	19,4,52	155,54,50
98	19,5,51	155,55,4
99	18,52,27	155,40,26
100	18,53,12	155,39,32
101	19,3,35	155,32,20
102	19,12,28	155,21,5
103	19,11,47	155,22,47
104	19,10,38	155,25,12
105	19,9,34	155,26,18
106	19,9,4	155,26,31
107	19,8,29	155,27,44
108	19,8,3	155,29,20
109	19,7,5	155,30,35
110	19,6,29	155,31,20
111	19,5,36	155,32,6
112	19,4,35	155,32,19
113	19,2,52	155,32,48
114	19,1,15	155,34,29
115	19,0,24	155,34,57
116	18,59,29	155,35,28
117	18,58,17	155,35,37
118	19,1,53	155,33,29
119	18,57,6	155,36,16

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES—Continued

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
120	18,56,15	155,36,46
121	18,55,15	155,37,19
122	18,54,31	155,38,32
123	20,4,41	155,21,53
124	20,10,40	155,38,43
125	20,10,23	155,38,3
126	20,9,50	155,37,34
127	20,9,53	155,37,15
128	20,9,23	155,36,14
129	20,8,46	155,34,38
130	20,8,49	155,34,0
131	20,8,13	155,32,46
132	20,8,13	155,31,23
133	20,7,40	155,29,41
134	20,7,6	155,27,29
135	20,6,45	155,26,3
136	20,6,9	155,24,40
137	20,5,29	155,23,10
138	20,3,59	155,20,4
139	19,17,53	155,5,13
140	19,15,52	155,8,36
141	19,14,52	155,10,31
142	19,14,57	155,11,7
143	19,15,4	155,11,39
144	19,14,58	155,11,50
145	19,15,1	155,12,18
146	19,15,15	155,12,55
147	19,15,9	155,13,28
148	19,15,32	155,14,10
149	19,15,31	155,14,55
150	19,15,50	155,15,42
151	19,15,55	155,16,18
152	19,15,29	155,17,1
153	19,15,42	155,17,30
154	19,14,37	155,18,51
155	19,13,55	155,20,10
156	20,3,22	155,18,51
157	20,1,48	155,15,39
158	19,59,17	155,11,13
159	19,58,42	155,10,31
160	19,57,40	155,0,0
161	19,56,17	155,7,57
162	19,55,18	155,6,35
163	19,54,1	155,5,14
164	19,52,12	155,3,54
165	19,51,0	155,3,25
166	19,49,52	155,3,25
167	19,48,56	155,3,5
168	19,45,25	154,58,59
169	19,48,15	155,2,14
170	19,47,49	155,2,33
171	19,47,21	155,2,7
172	19,47,6	155,1,27
173	19,46,37	155,1,0
174	19,46,20	155,0,39
175	19,46,0	154,59,28
176	19,44,37	154,58,34
177	19,44,14	154,58,33
178	19,43,15	154,58,30
179	19,42,40	154,58,9
180	19,41,52	154,58,12
181	19,41,34	154,57,43
182	19,41,13	154,57,17
183	19,40,39	154,57,24
184	19,39,54	154,57,24
185	19,39,27	154,56,58
186	19,39,15	154,56,49
187	19,38,38	154,56,55
188	19,38,17	154,56,58

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES—Continued

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
189	19,37,13	154,56,10
190	19,33,26	154,52,7
191	19,35,24	154,55,6
192	19,34,18	154,53,24
193	19,33,2	154,50,56
194	19,32,35	154,49,4
195	19,31,49	154,48,13
196	19,30,49	154,48,4
197	19,29,42	154,48,23
198	19,28,51	154,48,58
199	19,28,14	154,49,31
200	19,27,52	154,49,57
201	19,27,15	154,50,25
202	19,26,37	154,51,21
203	19,23,48	154,55,11
204	19,22,57	154,56,10
205	19,21,23	154,57,50
206	19,19,34	155,1,22
Ports and Harbor Exclusions (Points mark outer boundary of harbors)		
Ala Wai Harbor (Oahu)		
1	21,17,5	157,50,55
2	21,17,2	157,50,34
Hilo Bay (Big Island)		
1	19,44,37	155,5,35
2	19,44,44	155,4,40
Honokohau Harbor (Big Island)		
1	19,40,23	156,1,50
2	19,40,11	156,1,56
Kawaihae Harbor (Big Island)		
1	20,2,25	155,50,12
2	20,2,36	155,50,7
Keauhou Bay (Big Island)		
1	19,33,43	155,58,8
2	19,34,2	155,58,9
Kahului Harbor (Maui)		
1	20,54,12	156,28,36
2	20,54,13	156,28,28
Lahaina Harbor (Maui)		
1	20,52,29	156,40,54
2	20,52,29	156,40,53
Maalea Harbor (Maui)		
1	20,47,36	156,30,49
2	20,47,42	156,30,44
Hale o Lono Harbor (Molokai)		
1	21,5,15	157,15,8
2	21,5,15	157,15,5
Kaunakakai Harbor (Molokai)		
1	21,5,25	157,1,46
2	21,5,0	157,2,8
3	21,4,49	157,1,51
4	21,5,18	157,1,25
Kaumalapau Harbor (Lanai)		
1	20,47,12	156,59,41
2	20,47,19	156,59,42
Manele Harbor (Lanai)		
1	20,44,46	156,53,24

APPENDIX A TO SUBPART Q—HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES—Continued

Points	Latitude (deg, min, sec)	Longitude (deg, min, sec)
2	20,44,44	156,53,22
Hanamaula Bay (Kauai)		
1	21,59,49	159,20,6
2	22,0,3	159,20,8
Nawiliwili Harbor (Kauai)		
1	21,57,3	159,21,3
2	21,57,29	159,20,20

PART 923—COASTAL ZONE MANAGEMENT PROGRAM REGULATIONS

Subpart A—General

- Sec.
- 923.1 Purpose and scope.
- 923.2 Definitions.
- 923.3 General requirements.

Subpart B—Uses Subject to Management

- 923.10 General.
- 923.11 Uses subject to management.
- 923.12 Uses of regional benefit.
- 923.13 Energy facility planning process.

Subpart C—Special Management Areas

- 923.20 General.
- 923.21 Areas of particular concern.
- 923.22 Areas for preservation or restoration.
- 923.23 Other areas of particular concern.
- 923.24 Shorefront access and protection planning.
- 923.25 Shoreline erosion/mitigation planning.

Subpart D—Boundaries

- 923.30 General.
- 923.31 Inland boundary.
- 923.32 Lakeward or seaward boundary.
- 923.33 Excluded lands.
- 923.34 Interstate boundary.

Subpart E—Authorities and Organization

- 923.40 General.
- 923.41 Identification of authorities.
- 923.42 State establishment of criteria and standards for local implementation—Technique A.
- 923.43 Direct State land and water use planning and regulation—Technique B.
- 923.44 State review on a case-by-case basis of actions affecting land and water uses subject to the management program—Technique C.

- 923.45 Air and water pollution control requirements.
- 923.46 Organizational structure.
- 923.47 Designated State agency.
- 923.48 Documentation.

Subpart F—Coordination, Public Involvement and National Interest

- 923.50 General.
- 923.51 Federal-State consultation.
- 923.52 Consideration of the national interest in facilities.
- 923.53 Federal consistency procedures.
- 923.54 Mediation.
- 923.55 Full participation by State and local governments, interested parties, and the general public.
- 923.56 Plan coordination.
- 923.57 Continuing consultation.
- 923.58 Public hearings.

Subpart G—Review/Approval Procedures

- 923.60 Review/approval procedures.

Subpart H—Amendments to and Termination of Approved Management Programs

- 923.80 General.
- 923.81 Requests for amendments.
- 923.82 Amendment review/approval procedures.
- 923.83 Mediation of amendments.
- 923.84 Routine program changes.

Subpart I—Applications for Program Development of Implementation Grants

- 923.90 General.
- 923.91 State responsibility.
- 923.92 Allocation.
- 923.93 Eligible implementation costs.
- 923.94 Application for program development or implementation grants.
- 923.95 Approval of applications.
- 923.96 Grant amendments.

Subpart J—Allocation of Section 306 Program Administration Grants

- 923.110 Allocation formula.

Subpart K—Coastal Zone Enhancement Grants Program

- 923.121 General.
- 923.122 Objectives.
- 923.123 Definitions.
- 923.124 Allocation of section 309 funds.
- 923.125 Criteria for section 309 project selection.
- 923.126 Pre-application procedures.
- 923.127 Formal application for financial assistance and application review and approval procedures.