

qualified to conduct and complete the activity;

(2) Will the activity be conducted by an applicant with adequate financial resources available to conduct and complete the activity;

(3) Is the activity proposed for no longer than necessary to achieve its stated purpose;

(4) Must the activity be conducted within the Sanctuary;

(5) Will the activity be conducted using methods and procedures that are appropriate to achieve the goals of the proposed activity, especially in relation to the potential effects of the proposed activity on Sanctuary resources and qualities;

(6) Will the activity be conducted in a manner compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any potential indirect, secondary, or cumulative effects of the activity, and the duration of such effects;

(7) Will the activity be conducted in a manner compatible with the value of the Sanctuary as a source of recreation and as a source of educational and scientific information, considering the extent to which the conduct of the activity may result in conflicts between different users of the Sanctuary and the duration of such effects; and

(8) Does the reasonably expected end value of the activity to the furtherance of the Sanctuary goals and objectives outweigh any potential adverse effects on Sanctuary resources and qualities from the conduct of the activity.

(d) For jade collection, preference will be given for applications proposing to collect loose pieces of jade for research or educational purposes.

(e) The Director may consider such other factors as he or she deems appropriate.

(f) *Applications.* (1) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, CA 93940.

(2) In addition to the information listed in 15 CFR 922.48(b), all applications must include information the Di-

rector needs to make the findings in paragraph (b) of this section and information to be considered by the Director pursuant to paragraph (c) of this section.

(g) In addition to any other terms and conditions that the Director deems appropriate, a permit issued pursuant to this section must require that the permittee agree to hold the United States harmless against any claims arising out of the conduct of the permitted activities.

#### §922.134 Notification and review.

(a) [Reserved]

(b)(1) NOAA has entered into a Memorandum of Agreement (MOA) with the State of California, EPA, and the Association of Monterey Bay Area Governments regarding the Sanctuary regulations relating to water quality within State waters within the Sanctuary.

With regard to permits, the MOA encompasses:

(i) National Pollutant Discharge Elimination System (NPDES) permits issued by the State of California under section 13377 of the California Water Code; and

(ii) Waste Discharge Requirements issued by the State of California under section 13263 of the California Water Code.

(2) The MOA specifies how the process of 15 CFR 922.49 will be administered within State waters within the Sanctuary in coordination with the State permit program.

#### APPENDIX A TO SUBPART M OF PART 922—MONTEREY BAY NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES

Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.

Point ID No.	Latitude	Longitude
<b>Seaward Boundary</b>		
1 .....	37.88225	– 122.62753
2 .....	37.66641	– 122.75105
3 .....	37.61622	– 122.76937
4 .....	37.57147	– 122.80399
5 .....	37.52988	– 122.85988
6 .....	37.50948	– 122.90614
7 .....	37.49418	– 123.00770
8 .....	37.50819	– 123.09617
9 .....	37.52001	– 123.12879

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Point ID No.	Latitude	Longitude
10 .....	37.45304	– 123.14009
11 .....	37.34316	– 123.13170
12 .....	37.23062	– 123.10431
13 .....	37.13021	– 123.02864
14 .....	37.06295	– 122.91261
15 .....	37.03509	– 122.77639
16 .....	36.92155	– 122.80595
17 .....	36.80632	– 122.81564
18 .....	36.69192	– 122.80539
19 .....	36.57938	– 122.77416
20 .....	36.47338	– 122.72568
21 .....	36.37242	– 122.65789
22 .....	36.27887	– 122.57410
23 .....	36.19571	– 122.47699
24 .....	36.12414	– 122.36527
25 .....	36.06864	– 122.24438
26 .....	36.02451	– 122.11672
27 .....	35.99596	– 121.98232
28 .....	35.98309	– 121.84069
29 .....	35.98157	– 121.75634
30 .....	35.92933	– 121.71119
31 .....	35.83773	– 121.71922
32 .....	35.72063	– 121.71216
33 .....	35.59497	– 121.69030
34 .....	35.55327	– 121.63048
35 .....	35.55483	– 121.10399
36 .....	37.59421	– 122.52001
37 .....	37.61367	– 122.61673
38 .....	37.76694	– 122.65011
39 .....	37.81777	– 122.53008
<b>Harbor Exclusions</b>		
40 .....	37.49414	– 122.48483
41 .....	37.49540	– 122.48576
42 .....	36.96082	– 122.00175
43 .....	36.96143	– 122.00112
44 .....	36.80684	– 121.79145
45 .....	36.80133	– 121.79047
46 .....	36.60837	– 121.88970
47 .....	36.60580	– 121.88965

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**APPENDIX B TO SUBPART M OF PART 922—ZONES WITHIN THE SANCTUARY WHERE OVERFLIGHTS BELOW 1000 FEET ARE PROHIBITED**

The four zones are:

(1) From mean high water to 3 nautical miles (nmi) offshore between a line extending from Point Santa Cruz on a southwesterly bearing of 220° true and a line extending from 2.0 nmi north of Pescadero Point on a southwesterly bearing of 240° true;

(2) From mean high water to 3 nmi offshore between a line extending from the Carmel River mouth on a westerly bearing of 270° true and a line extending due west along latitude parallel 35.55488 N off of Cambria;

(3) From mean high water and within a 5 nmi seaward arc drawn from a center point of 36.80129 N, 121.79034 W (the end of the Moss Landing ocean pier as it appeared on the most current NOAA nautical charts as of January 1, 1993); and

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(4) Over the Sanctuary's jurisdictional waters of Elkhorn Slough east of the Highway One bridge to Elkhorn Road.

[75 FR 53571, Sept. 1, 2010]

**APPENDIX C TO SUBPART M OF PART 922—DREDGED MATERIAL DISPOSAL SITES WITHIN THE SANCTUARY**

[Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

Point ID No.	Latitude	Longitude
<b>Santa Cruz Harbor/Twin Lakes Dredge Disposal Site</b>		
1 .....	36.9625	– 122.00056
2 .....	36.9625	– 121.99861
3 .....	36.96139	– 121.99833
4 .....	36.96139	– 122.00083
<b>SF–12 Dredge Disposal Site</b>		
1 .....	36.80207	– 121.79207
2 .....	36.80157	– 121.79218
3 .....	36.80172	– 121.79325
4 .....	36.80243	– 121.79295
<b>SF–14 Dredge Disposal Site</b>		
(circle with 500 yard radius)		
1 .....	36.79799	– 121.81907
<b>Monterey Harbor/Wharf II Dredge Disposal Site</b>		
1 .....	36.60297	– 121.88942
2 .....	36.60283	– 121.88787
3 .....	36.60092	– 121.88827
4 .....	36.60120	– 121.88978

**APPENDIX D TO SUBPART M OF PART 922—DREDGED MATERIAL DISPOSAL SITES ADJACENT TO THE MONTEREY BAY NATIONAL MARINE SANCTUARY**

[Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

As of January 1, 1993, the U.S. Army Corps of Engineers operates the following dredged material disposal site adjacent to the Sanctuary off of the Golden Gate:

Point ID No.	Latitude	Longitude
1 .....	37.76458	– 122.56900
2 .....	37.74963	– 122.62281
3 .....	37.74152	– 122.61932
4 .....	37.75677	– 122.56482
5 .....	37.76458	– 122.56900