

historical and aesthetic resources and qualities of the area.

Section 929.2 and appendix I following § 929.16 describe the boundary of the Sanctuary as established by Section 5 of the Florida Keys National Marine Sanctuary and Protection Act.

Section 929.3 defines various terms used in the regulations. Other terms appearing in the regulations are defined at 15 CFR 922.2 and/or in the NMSA.

Section 929.4 allows all activities except those prohibited by § 929.5 or by § 929.6 to be conducted subject to all applicable access and use restrictions imposed within Sanctuary zones pursuant to § 929.6, subject to all prohibitions, restrictions and conditions validly imposed by any other Federal, State, or local authority of competent jurisdiction, subject to any emergency regulations promulgated pursuant to § 929.7, and subject to the liability established by Section 312 of the NMSA. This section is intended to assure that activities other than those prohibited or otherwise restricted or conditioned pursuant to this part, or pursuant to any other Federal, State, or local authority of competent jurisdiction, are allowed within the Sanctuary. Accordingly, such provision for allowed activities is not intended to preempt other, more protective, regulatory provisions imposed by any other Federal, State or local authority of competent jurisdiction.

Section 929.5 prohibits a variety of activities and thus makes it unlawful for any person to conduct them or cause them to be conducted. However, any of the prohibited activities except for: (1) The exploration for, leasing, development or production of minerals or hydrocarbons within the Sanctuary, or (2) the disposal of dredged material or primary (or untreated) sewage within the Sanctuary (except by a certification, pursuant to § 929.14, of valid authorizations in existence on the effective date of Sanctuary designation) could be conducted lawfully if one of the following three (3) situations applies:

(1) The activity is necessary to respond to an emergency threatening life or the environment.

(2) The activity is specifically authorized by, and conducted in accordance with the scope, purpose, terms and conditions of: a National Marine Sanctuary permit issued under § 929.10; or a National Marine Sanctuary Historical Resources permit issued under § 929.11.

(3) The activity is specifically authorized by a valid lease, permit, license, approval or other authorization

issued by any Federal, State or local authority of competent jurisdiction in existence on (or conducted pursuant to any valid right of subsistent use or access in existence on) the effective date of the Sanctuary designation, provided that the Director of the Office of Ocean and Coastal Resource Management (hereinafter the Director) was notified of the existence of such authorization or right and the holder requests certification by the Director or designee pursuant to § 929.14, the holder complies with the requirements of § 929.14, and the holder complies with any terms and conditions on the exercise of such authorization the Director or designee imposes as a condition of certification to achieve the purposes for which the Sanctuary was designated.

(4) The activity is specifically authorized by a valid lease, permit, license or approval or other authorization issued after the effective date of the Sanctuary designation by any Federal, State or local authority of competent jurisdiction, provided that the Director or designee was notified of the application in accordance with the requirements of § 929.15, the applicant complies with the requirements of § 919.15, the Director or designee notifies the applicant or 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 or designee deems reasonably necessary to protect Sanctuary resources and qualities.

The first activity prohibited is exploring for, developing, or producing minerals or hydrocarbons within the Sanctuary. This prohibition is based on best available scientific information which establishes that the Sanctuary's significant natural resources and qualities are especially sensitive to potential impacts from outer continental shelf minerals or hydrocarbon activities and should be protected. Specifically, the corals, seagrasses, and mangroves of the Florida Keys and the Sanctuary's high water quality are especially vulnerable to oil and gas activities in the area. A prohibition on oil and gas activities within the Sanctuary boundary would help protect the Sanctuary's resources and qualities. A prohibition on mineral activities within the Sanctuary is necessary to protect Sanctuary resources and qualities, consistent with the prohibition on drilling into, dredging or otherwise altering the seabed discussed below.

The second activity prohibited is the removal of, injury to, or possession of coral or live rock. The intent of this prohibition is to conserve the coral

reefs, to protect the biodiversity of the Sanctuary, to protect the habitats of commercially and ecologically important species, and to preserve the natural functional aspects of the ecosystem.

The third activity prohibited is the alteration of, or construction on the seabed. This prohibition includes the use of propeller wash deflectors. The intent of this prohibition is to protect the resources of the Sanctuary, such as seagrasses, from the harmful effects of activities such as, but not limited to, treasure hunting, drilling into the seabed, mining, ocean mineral extraction, and dumping of dredge spoils.

The fourth activity prohibited is the discharging or depositing of materials or other matter. The intent of this prohibition is to protect the Sanctuary resources and qualities against the harmful effects of land based and vessel source pollution, to reduce and prevent contamination by marine debris and related impacts associated with pollution of the marine environment of the Sanctuary.

The fifth activity prohibited is the operation of: (1) A tank vessel or a vessel greater than 50 meters in registered length in an area to be avoided (ATBA); or (2) any vessel in a manner that is either dangerous to people or harms Sanctuary resources. The boundary coordinates for the ATBAs are listed in Appendix VII to part 929. The prohibition is designed to prevent vessel groundings on the coral reef, and thus to minimize the risk of extensive physical damage, spills and associated, possibly irreparable, injury to Sanctuary resources likely to result from a grounding of a large vessel and tank vessel. This prohibition further is intended to prevent injury to Sanctuary resources, prevent injury to humans (e.g., divers and swimmers), and to reduce shoreline erosion.

The sixth activity prohibited is diving without a red and white "divers down" flag or a blue and white "alpha" flag in Federal waters. The intent of this prohibition is to prevent injury to humans and thereby facilitate safe, multiple use of the Sanctuary.

The seventh activity prohibited is the release of exotic species. Exotic species can permanently alter an ecosystem by out competing indigenous species, preying on indigenous species, etc. The intent of this prohibition is to prevent injury to Sanctuary resources, to protect the biodiversity of the Sanctuary, and to preserve the natural functional aspects of the ecosystem.

The eighth activity prohibited is the tampering with official signs or markers