

NATIONAL MARINE SANCTUARIES ACT PENALTY SCHEDULE

GENERAL VIOLATIONS

VIOLATION		VIOLATION HISTORY -- PENALTY AMOUNT		
		FIRST	SECOND	THIRD
SEABED / LAKEBOTTOM ACTIVITIES	Anchoring in a prohibited manner or area	Written Warning - \$10,000	\$1,000 - \$35,000	\$2,500 – Statutory Maximum
	Mineral or hydrocarbon exploration, development, or production	\$10,000 – Statutory Maximum	\$25,000 – Statutory Maximum	\$65,000 – Statutory Maximum
	Alteration or destruction of seabed or lakebottom, including dredging, drilling, coring, and construction	\$3,000 – Statutory Maximum	\$15,000 – Statutory Maximum	\$30,000 – Statutory Maximum
FISHING	Possessing or using prohibited gear	Written Warning - \$30,000	\$3,500 - \$75,000	\$6,000 – Statutory Maximum
	Trawling	Written Warning - \$30,000	\$5,000 - \$75,000	\$15,000 – Statutory Maximum
EXPLOSIVES	Possessing or using explosives, electrical charges, poisons, or similar destructive devices	\$300 – Statutory Maximum	\$600 – Statutory Maximum	\$1,000 – Statutory Maximum
VESSEL / AIRCRAFT	Vessel operations in prohibited areas, or in a prohibited manner	Written Warning - \$10,000	\$500 - \$75,000	\$2,500 – Statutory Maximum
	Motorized personal watercraft operations in prohibited areas	Written Warning - \$2,000	\$500 - \$7,500	\$2,000 – Statutory Maximum

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VESSEL / AIRCRAFT	Aircraft disturbance of marine mammals or seabirds, including low overflight	Written Warning - \$10,000	\$1,500 - \$50,000	\$2,500 – Statutory Maximum
HISTORICAL / CULTURAL	Disturbing, damaging, destroying, moving, removing, salvaging, recovering, injuring, altering, or possessing historical or cultural resources (or attempting the same)	\$500 – Statutory Maximum	\$3,000 – Statutory Maximum	\$20,000 – Statutory Maximum
	Use of grappling hooks, suction, conveyors, dredging, wrecking or anchoring devices	\$750 - \$50,000	\$5,000 – Statutory Maximum	\$30,000 – Statutory Maximum
DISCHARGES & DEPOSITS	Discharge or deposit, from within Sanctuary boundaries, any non-exempt material or other matter (<i>eg.</i> , hydrocarbons or hazardous substances; fuel, oil, oily bilge waste; unprocessed, non-hazardous trash or raw material; or entangling material)	\$500 - \$25,000	\$5,000 - \$75,000	\$10,000 – Statutory Maximum
	Discharge or deposit, from beyond Sanctuary boundaries, any non-exempt material or matter that subsequently enters and injures a Sanctuary resource	\$500 - \$25,000	\$5,000 - \$75,000	\$10,000 – Statutory Maximum
	Deposit of wrecks / Desertion or abandonment of vessel	\$500 – Statutory Maximum	\$5,000 – Statutory Maximum	\$10,000 – Statutory Maximum

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LIVING MARINE RESOURCES	Take or possess species in violation of the ESA (threatened or endangered), MMPA, or MBTA	Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA Written Warning - \$25,000	Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA \$7,500 - \$75,000	Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA \$15,000 – Statutory Maximum
	Injuring, moving, removing, taking, possessing, harvesting, landing, damaging, disturbing, or possessing (or attempting the same) living marine specimens (coral, live rock, tropical fish, invertebrates, algae, marine plants, etc.)	Written Warning - \$25,000	\$300 - \$50,000	\$1,000 – Statutory Maximum
MISCELLANEOUS	Breaking, taking, cutting, removing, damaging, or possessing any bottom formation	Written Warning - \$5,000	\$1,000 - \$25,000	\$2,500 – Statutory Maximum
	Interfering with, obstructing, delaying, or preventing an investigation, search, seizure, or disposition of seized property in connection with an enforcement action under the Act or any regulations issued thereunder	\$2,500 - \$25,000	\$15,000 - \$50,000	\$35,000 – Statutory Maximum

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MISCELLANEOUS	Defacing, damaging, or removing any signage, boundary markers, stakes, mooring buoys, boundary buoys, trap buoys, scientific equipment, navigation aids, notices, or placecards	Written Warning - \$5,000	\$2,000 - \$20,000	\$5,000 – Statutory Maximum
	Violating a Sanctuary permit condition or term	Written Warning - \$10,000	\$2,000 - \$30,000	\$5,000 – Statutory Maximum
	Diving, snorkeling or conducting diving operations from a vessel in a prohibited manner, including failure to display a dive flag	Written Warning - \$5,000	\$1,000 - \$15,000	\$2,500 – Statutory Maximum
	Releasing or introducing non-native species	Written Warning - Statutory Maximum	\$1,500 – Statutory Maximum	\$3,000 – Statutory Maximum

SANCTUARY SPECIFIC VIOLATIONS

CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Failure to have oil spill contingency equipment during hydro-carbon operations	\$10,000 - \$50,000	\$25,000 - \$75,000	\$50,000 – Statutory Maximum

FAGATELE BAY NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Commercial Fishing	\$300 - \$20,000	\$2,000 - \$50,000	\$5,000 – Statutory Maximum

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FLORIDA KEYS NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Violate provisions of wildlife management areas	Determine penalty on a case-by-case basis	Determine penalty on a case-by-case basis	Determine penalty on a case-by-case basis
Operating a vessel in a manner which unreasonably or unnecessarily endangers life, limb, marine resources, or property	Determine penalty on a case-by-case basis	Determine penalty on a case-by-case basis	Determine penalty on a case-by-case basis
Operate a vessel in such a manner as to strike or otherwise injure coral, seagrass, or any other immobile organism, including prop-scarring	Written Warning - \$30,000	\$1,500 - \$75,000	\$2,500 – Statutory Maximum
Fishing by any means within an ecological reserve or sanctuary preservation area	Written Warning - \$35,000	\$3,000 – Statutory Maximum	\$5,000 – Statutory Maximum
Mooring in an ecological reserve in a prohibited manner	Written Warning - \$3,000	Written Warning - \$7,500	\$1,000 – Statutory Maximum
Airboat operation or water skiing in the Great White Heron or Key West National Wildlife Refuge	Written Warning - \$2,500	\$500 - \$10,000	\$2,500 – Statutory Maximum
Operate a tank vessel or vessel > 50 meters in registered length in an Area to be Avoided (ATBA)	\$500 - \$25,000	\$10,000 - \$75,000	\$25,000 – Statutory Maximum
Closed area entry	Written Warning - \$2,500	\$500 - \$15,000	\$1,500 – Statutory Maximum

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FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Injuring, catching, harvesting, collecting or feeding, or attempting to injure, catch, harvest, collect or feed, any fish within the Sanctuary by use of bottom longlines, traps, nets, bottom trawls or any other gear, device, equipment or means except by use of conventional hook and line gear	Written Warning - \$25,000	\$2,500 - \$75,000	\$5,000 – Statutory Maximum

GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Attracting any white shark in a prohibited area of the sanctuary	\$500 - \$5,000	\$5,000 - \$25,000	\$10,000 – Statutory Maximum

HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Taking any humpback whale in the Sanctuary except as authorized under the MMPA and the ESA	Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA		
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	Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA		
Approaching or causing a vessel or other object to approach, by any means, within 100 yards of any humpback whale except as authorized under the MMPA or the ESA	\$400 - \$3,000	\$800 - \$6,000	\$1,500 – Statutory Maximum

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MONITOR NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Lowering, laying, positioning, or raising any type of seabed cable or cable-laying device	\$25,000 – Statutory Maximum	\$50,000 – Statutory Maximum	\$90,000 – Statutory Maximum
Anchoring, stopping, remaining, or drifting without power	Written Warning - \$5,000	\$500 - \$25,000	\$1,500 – Statutory Maximum
Diving of any type, whether by an individual or by a submersible	Written Warning - \$5,000	\$500 - \$30,000	\$5,000 – Statutory Maximum

MONTEREY BAY NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Attracting any white shark in a prohibited area of the sanctuary	\$500 - \$5,000	\$5,000 - \$25,000	\$10,000 – Statutory Maximum
Jade collection	\$500 - \$10,000	\$1,500 - \$25,000	\$5,000 – Statutory Maximum
Flying <1,000 ft over any of the four zones described in 15 C.F.R. § pt.922, Subpt. M. App.C	Written Warning - \$10,000	\$1,500 - \$50,000	\$2,500 – Statutory Maximum
Leaving harmful material on an abandoned vessel	\$500 – Statutory Maximum	\$5,000 – Statutory Maximum	\$10,000 – Statutory Maximum

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OLYMPIC COAST NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Flying < 2,000 ft within 1 nautical mile of the Flattery Rocks, Quillayute Needles, or Copalis NWR, or within 1 nautical mile seaward from the sanctuary coastal boundary	Written Warning - \$10,000	\$1,500 - \$50,000	\$2,500 – Statutory Maximum

STELLWAGON BANK NATIONAL MARINE SANCTUARY

VIOLATION	FIRST	SECOND	THIRD
Lightering	Written Warning - \$2,500	\$300 - \$10,000	\$1,000 – Statutory Maximum
Exploring for, developing or producing industrial materials	\$10,000 – Statutory Maximum	\$25,000 – Statutory Maximum	\$65,000 – Statutory Maximum

ENDNOTES

The \$100,000 statutory maximum civil monetary penalty under the National Marine Sanctuaries Act (NMSA), 16 U.S.C. § 1437(d)(1), has been adjusted for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub.L.No. 101-410), as amended by the Debt Collection Improvement Act of 1996 (Pub.L.No. 104-134), which requires each agency to issue regulations to adjust all civil monetary penalties established by law and assessed or enforced by the agency. As of December 14, 2004 the statutory maximum civil monetary penalty is \$130,000.