

**NATIONAL MARINE SANCTUARIES ACT**

**MONTEREY BAY NATIONAL MARINE SANCTUARY**

VIOLATION	VIOLATION HISTORY -- PENALTY AMOUNT		
	FIRST	SECOND	THIRD
Exploring for, developing or producing oil, gas or minerals within the Sanctuary	\$10,000 - Statutory Max.	\$20,000 - Statutory Max.	\$50,000 - Statutory Max.
Jade collection	\$500 - \$10,000	\$1,500 - \$25,000	\$5,000 - \$50,000
Discharging or depositing, from within or from beyond the boundary of the Sanctuary, any non-exempt material or matter			
Hydrocarbons or hazardous substance	\$10,000 - Statutory Max.	\$40,000 - Statutory Max.	\$70,000 - Statutory Max.
Fuel, oil, etc. from recreational vessels	\$200 - \$10,000 (minor violation = Summary Settlement of \$100)	\$2,000 - \$20,000	\$10,000 - \$40,000
Entangling gear	\$5,000 - \$30,000	\$10,000 - \$60,000	\$20,000 - Statutory Max.
Trash	\$200 - \$15,000 (minor violation = Summary Settlement of \$100)	\$2,000 - \$60,000	\$10,000 - Statutory Max.

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Raw material (unprocessed and not hazardous)	\$200 - \$10,000 (minor violation = Summary Settlement of \$100)	\$1,500 - \$30,000	\$3,000 - Statutory Max.
Deposit of wrecks	Penalties to fit facts and circumstances of particular cases	Penalties to fit facts and circumstances of particular cases	Penalties to fit facts and circumstances of particular cases
Primary treated sewage or dredged material	\$5,000 - Statutory Max.	\$40,000 - Statutory Max.	\$70,000 - Statutory Max.
Moving, removing or injuring, or attempting to move, remove or injure, a Sanctuary historical resource			
Non-commercial	\$1,000 - \$10,000	\$4,000 - \$25,000	\$10,000 - \$50,000
Commercial	\$2,000 - \$20,000	\$20,000 - \$40,000	\$40,000 - Statutory Max.

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Drilling into, dredging or otherwise altering the seabed of the Sanctuary; or constructing, placing or abandoning any structure, material or other non-exempt matter on the seabed of the Sanctuary			
Drilling	\$20,000 - Statutory Max.	\$40,000 - Statutory Max.	\$60,000 - Statutory Max.
Dredging	\$10,000 - \$50,000	\$20,000 - Statutory Max.	\$40,000 - Statutory Max.
Altering	\$400 - \$20,000	\$1,000 - \$30,000	\$2,000 - Statutory Max.
Constructing	\$10,000 - \$50,000	\$20,000 - Statutory Max.	\$40,000 - Statutory Max.
Placing or abandoning a structure	\$10,000 - \$20,000	\$20,000 - \$30,000	\$40,000 - Statutory Max.

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Taking any marine mammal, sea turtle or seabird in or above Sanctuary, except as permitted by regulations, as amended promulgated under Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), and Migratory Bird Treaty Act (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, and the Uniform Collateral Forfeiture Schedule for the Northern District of California for the 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, and the Uniform Collateral Forfeiture Schedule for the Northern District of California for the 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, and the Uniform Collateral Forfeiture Schedule for the Northern District of California for the MBTA.
Flying motorized aircraft, except as necessary for valid law enforcement, at less than 1000 feet above an illegal zone within the Sanctuary	\$400 -\$4,000	\$1,000 - \$10,000	\$10,000 - \$20,000
Operating motorized personal water craft in an illegal zone within the Sanctuary	\$500 - \$2,000 Summary Settlement = \$500	\$1,500 - \$5,000	\$5,000 - \$10,000

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Possessing within the Sanctuary (regardless of where taken, moved or removed from), except as necessary for valid law enforcement purposes, any historical resource, or any marine mammal, sea turtle or seabird taken in violation of regulations, as amended, promulgated under the MMPA, ESA or MBTA			
Possessing an historical resource	\$500 - \$5,000 (commercial enterprise multiplier = 2x)	\$5,000 - \$10,000 (commercial enterprise multiplier = 2x)	\$10,000 - \$50,000 (commercial enterprise multiplier = 2x )
Possessing a marine mammal, sea turtle, or seabird	Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to other NOAA Civil Administrative Penalty Schedules.	Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to other NOAA Civil Administrative Penalty Schedules.	Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to other NOAA Civil Administrative Penalty Schedules.

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Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the NMSA or any regulation or permit issued under the NMSA	\$5,000 - \$15,000	\$10,000 - \$50,000	\$25,000 - \$50,000
Attracting any white shark in a prohibited area of the Sanctuary	\$500 - \$5,000	\$5,000 - \$25,000	\$10,000 - \$50,000