

SOUTHEAST REGION FIX-IT NOTICE VIOLATIONS

| VIOLATION | REMEDY | TIME PERIOD |
|---|---|-------------|
| Florida Keys National Marine Sanctuary | | |
| Great White Heron and Key West National Wildlife Refuge Management Areas | | |
| Operating a personal watercraft, operating an airboat or water skiing except within Township 66 South, Range 29 East, Sections 5, 11, 12, and 14; Township 66 South, Range 28 East, Section 2; Township 67 South, Range 26 East, Sections 16 and 20, all Tallahassee Meridian | Cease operation | Immediately |
| Wildlife Management Areas | | |
| In idle speed/no wake zone, operating a vessel at a speed greater than idle speed only/no wake | Cease such speed | Immediately |
| In "no-motor" zone, using internal combustion motors or engines for any purpose | Cease use | Immediately |
| In "no-access buffer" zone, entering the area by vessel | Leave the area | Immediately |
| In those marine portions of any area designated as closed, entering or using the area | Leave the area | Immediately |
| Marine Mammal Protection Act | | |
| Failure to display MMPA annual decal | Attach MMPA annual decal | 30 days |
| Failure to have MMPA incidental take Authorization Certificate (or copy) on board vessel operating in Category I or II fishery | Carry MMPA Authorization Certificate (or copy) on board | 30 days |

**NATIONAL MARINE SANCTUARIES ACT
SUMMARY SETTLEMENT SCHEDULE**

This schedule is intended to apply solely to de minimis or technical violations of the prohibitions outlined below. It should not be used in any case that has aggravating factors. It should also not be used if the issuing officer or agent has knowledge of repeat or prior violations by the same offender(s) or when discovered in conjunction with other violations. In situations where this schedule does not apply, the Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions shall apply.

Summary Settlements are to be issued only to the extent those activities are prohibited in the specific sanctuary.

| VIOLATION | VIOLATION HISTORY – PENALTY AMOUNT FIRST VIOLATION |
|---|---|
| De minimis alteration of, destruction of, or construction on seabed | \$500 |
| in a special marine protected area ¹ of any type | \$1,000 |
| Use of sanctuary moorings in a prohibited manner | \$250 |
| in a special marine protected area of any type | \$500 |
| Possessing minor amounts of explosives, electrical charges, poisons, or similar destructive devices | \$300 |
| in a special marine protected area of any type | \$600 |
| | |

¹ For the purposes of this Summary Settlement schedule, special marine protected areas include, but are not limited to: Ecological Reserves, Wildlife Management Areas, Marine Reserves, Marine Conservation Areas, Special Use Areas and Sanctuary Preservation Areas

| VIOLATION | VIOLATION HISTORY – PENALTY AMOUNT FIRST VIOLATION |
|--|---|
| Operating a motorized personal watercraft or aircraft in prohibited areas or in a prohibited manner that results in no impact or only de minimis impact to the sanctuary in a special marine protected area of any type | \$350 \$700 |
| Injuring, moving, removing, taking, possessing, harvesting, landing, damaging, disturbing, or possessing (or attempting the same) living marine organisms or specimens (birds, live rock, tropical fish, invertebrates, algae, marine plants, etc.), bottom formations, or shells with only de minimis impact to the sanctuary in a special marine protected area of any type | \$400 \$800 |
| Marking, defacing, damaging or tampering with any official signage, boundary markers, stakes, posts, mooring buoys, boundary buoys, trap buoys, scientific equipment, navigation aids, monuments, notices or placards in a special marine protected area of any type | \$400 \$800 |
| Displacing or removing any official signage, boundary markers, stakes, posts, mooring buoys, boundary buoys, trap buoys, scientific equipment, navigation aids, monuments, notices or placards in a special marine protected area of any type | \$750 \$1500 |
| | |

| VIOLATION | VIOLATION HISTORY – PENALTY AMOUNT FIRST VIOLATION |
|---|---|
| Possessing prohibited fishing gear (with no fish onboard) or failing to have gear not available for immediate use / failing to stow when required in a special marine protected area of any type | \$100 \$200 |
| Fishing, or possessing up to ten fish, in a prohibited area, or while using prohibited gear or while using gear in a prohibited manner in a special marine protected area of any type (including Key Largo and Looe Key Management Areas) | \$300 \$600 |
| Diving, snorkeling or conducting diving operations from a vessel in a prohibited manner or prohibited area, including failure to display a dive flag in a special marine protected area of any type | \$150 \$300 |
| Discharge or deposit of any non-exempt material or matter (e.g., fuel, oil, oily bilge waste, unprocessed non-hazardous trash or raw material or entangling material) that results in no impact or de minimis impact to the sanctuary in a special marine protected area of any type | \$500 \$1,000 |
| Unsecured Marine Sanitation Device on board a vessel in a special marine protected area of any type | \$400 \$800 |

| VIOLATION | VIOLATION HISTORY – PENALTY AMOUNT FIRST VIOLATION |
|--|---|
| Discharge of raw or primary treated sewage from a vessel in a special marine protected area of any type | \$800 \$1,600 |
| Unauthorized discharge from a cruise ship (< 1,000 gallons) in a special marine protected area of any type | \$1,500 \$3,000 |
| Discharge of dredge spoil or construction / maintenance sediment spoils in a de minimis amount (<50 yds ³) in a special marine protected area of any type | \$1,500 \$3,000 |
| Unauthorized dredge operations in a special marine protected area of any type | \$1,500 \$3,000 |
| Conducting permitted activities without a Sanctuary permit on site in a special marine protected area of any type | \$100 \$200 |
| Attracting or approaching any white shark (<i>Carcharodon carcharias</i>) in a prohibited area of the sanctuary | \$500 |
| Operating a vessel in such a manner as to strike or otherwise injure seagrass or any other immobile organism attached to the seabed | Seagrass and hardbottom under 1 square yard damage = \$100; in addition, \$75 for each additional square yard up to 10 square yards |
| Anchoring in a seagrass bed | Seagrass and hardbottom under 1 square yard damage = \$100; in addition, \$75 for each additional square yard up to 10 square yards |
| | |

| VIOLATION | VIOLATION HISTORY – PENALTY AMOUNT FIRST VIOLATION |
|---|---|
| Touching living or dead coral, including but not limited to, standing on a living or dead coral formation in a sanctuary preservation area | \$100 |
| Collecting jade | \$300 |
| in a special marine protected area of any type | \$600 |
| Approaching or causing a vessel to or other object to approach, by any means, within 100 yards of any humpback whale except as authorized under the MMPA or ESA | |
| Commercial operator | \$750 |
| Non-Commercial operator | \$350 |

Penalty Matrix for the National Marine Sanctuaries Act

| Gravity Offense Level | Level of Culpability | | | |
|--------------------------|-----------------------------|-----------------------------|-------------------|-------------------------------|
| | A Unintentional | B Negligent | C Reckless | D Intentional |
| I | Written warning- \$1,000 | Written warning- \$2,000 | \$1,000 - \$3,000 | \$2,000 - \$4,000 |
| II | \$1,000 - \$3,000 | \$2,000 - \$4,000 | \$3,000-\$6,000 | \$4,000-\$8,000 |
| III | \$3,000 - \$6,000 | \$4,000-\$8,000 | \$6,000-\$12,000 | \$8,000-\$16,000 |
| IV | \$4,000-\$8,000 | \$6,000-\$12,000 | \$8,000-\$16,000 | \$16,000-\$32,000 |
| V | \$6,000-\$12,000 | \$8,000-\$16,000 | \$16,000-\$32,000 | \$32,000-\$70,000 |
| VI | \$12,000-\$24,000 | \$24,000-\$48,000 | \$48,000-\$96,000 | \$96,000-statutory maximum |

National Marine Sanctuaries Act Schedule

| VIOLATION | LEVEL |
|---|-------|
| GENERAL VIOLATIONS | |
| SEABED / LAKEBOTTOM ACTIVITIES | |
| <p>Minor alteration of seabed or lake bottom that is easily fixed;</p> <p>Collection with minor impact to the sanctuary.</p> | I |
| <p>Anchoring in a prohibited manner or area;</p> <p>Mineral or hydrocarbon exploration, development, or production with minor impact to the sanctuary;</p> <p>Alteration or destruction of seabed or lake bottom, including dredging, drilling, coring, and construction with minor impact to the sanctuary.</p> | II |
| <p>Mineral or hydrocarbon exploration, development, or production with moderate impact to the sanctuary;</p> <p>Alteration or destruction of seabed or lake bottom, including dredging, drilling, coring, and construction, with moderate impact to the sanctuary;</p> <p>Collection with moderate impact to the sanctuary.</p> | III |
| <p>Mineral or hydrocarbon exploration, development, or production with major impact to the sanctuary;</p> <p>Alteration or destruction of seabed or lake bottom, including dredging, drilling, coring, and construction, with major impact to the sanctuary;</p> <p>Collection with major impact to the sanctuary.</p> | V |

| FISHING | |
|--|-----|
| Possessing prohibited gear; Using prohibited gear such as pole spears, air rifles, bows and arrows, slings, Hawaiian slings, rubber powered arbaletes, pneumatic and spring-loaded guns, or similar devices known as spearguns; Fishing in prohibited areas such as Special Use Areas. | I |
| Using prohibited gear such as bottom longlines, traps, and nets; Fishing in prohibited areas such as a Wildlife Management Area. | II |
| Fishing in prohibited areas such as an Ecological Reserves. | III |
| Trawling. | IV |
| EXPLOSIVES | |
| Possessing explosives, electrical charges, poisons, or similar destructive devices. | I |
| Using explosives, electrical charges, poisons, or similar destructive devices. | III |
| Using explosives, electrical charge, poisons, or similar destructive devices with major impact on sanctuary resources. | VI |
| VESSEL / AIRCRAFT | |
| Motorized personal watercraft operations in prohibited areas; Aircraft disturbance of marine mammals or seabirds, including low overflight; Use of moorings in a prohibited manner. | I |
| Operate vessel or aircraft in prohibited areas or in a prohibited manner (including groundings) that results in minor impact to the sanctuary. | II |

| | |
|--|-----|
| Operate vessel or aircraft in prohibited areas or in a prohibited manner (including groundings) that results in moderate impact to the sanctuary, or in Area to be Avoided. | III |
| Operate vessel or aircraft in prohibited areas, or in a prohibited manner (including groundings) that results in major impact to the sanctuary. | V |
| HISTORICAL / CULTURAL | |
| Disturbing, damaging, destroying, moving, removing, salvaging, recovering, injuring, altering, or possessing historical or cultural resources (or attempting the same) that results in minor impact to the sanctuary; Use of grappling hooks, suction, conveyors, dredging, wrecking, or anchoring devices that results in minor impact to the sanctuary. | I |
| Disturbing, damaging, destroying, moving, removing, salvaging, recovering, injuring, altering, or possessing historical or cultural resources (or attempting same) that results in moderate impact to the sanctuary; Use of grappling hooks, suction, conveyors, dredging, wrecking, or anchoring devices that results in moderate impact to the sanctuary. | III |
| Disturbing, damaging, destroying, moving, removing, salvaging, recovering, injuring, altering, or possessing historical or cultural resources (or attempting same) that results in major impact to the sanctuary; Use of grappling hooks, suction, conveyors, dredging, wrecking, or anchoring devices that results in major impact to the sanctuary. | V |
| DISCHARGES & DEPOSITS | |
| Discharging or depositing, from within sanctuary boundaries, minor amounts of any non-exempt material or other matter (e.g., hydrocarbons or hazardous substances, fuel, oil, oily bilge waste; unprocessed, non-hazardous trash or raw material, or entangling material) that results in minor impact to the sanctuary; Discharging or depositing, from beyond sanctuary boundaries, any non-exempt material or matter that subsequently enters and injures a Sanctuary resource and results in minor impact to the sanctuary. | I |

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|---|-----|
| <p>Discharge or deposit, from within sanctuary boundaries, any non-exempt material or other matter (e.g., hydrocarbons or hazardous substances, fuel, oil, oily bilge waste; unprocessed, non-hazardous trash or raw material, or entangling material) that results in moderate impact to the sanctuary;</p> <p>Discharge or deposit, from beyond sanctuary boundaries, any non-exempt material or matter that subsequently enters and injures a Sanctuary resource and results in moderate impact to the sanctuary;</p> <p>Deposit of wrecks / desertion or abandonment of vessel.</p> | III |
| <p>Discharge or deposit, from within sanctuary boundaries, any non-exempt material or other matter (e.g. hydrocarbons or hazardous substances, fuel, oil, oily bilge waste, unprocessed, non-hazardous trash or raw material, or entangling material) that results in major impact to sanctuary;</p> <p>Discharge or deposit, from beyond sanctuary boundaries, any non-exempt material or matter that subsequently enters and injures a Sanctuary resource and results in moderate impact to the sanctuary.</p> | V |
| LIVING MARINE RESOURCES | |
| Attracting fish. | I |
| Injuring, moving, removing, taking, possessing, harvesting, landing, damaging, disturbing, or possessing (or attempting the same) living marine specimens (e.g., sharks, rayscoral, live rock, tropical fish, invertebrates, algae, marine plants, etc.) with minor impact to the sanctuary. | II |
| Injuring, moving, removing, taking, possessing, harvesting, landing, damaging, disturbing, or possessing (or attempting the same) living marine specimens (e.g., sharks, rayscoral, live rock, tropical fish, invertebrates, algae, marine plants, etc.) with moderate impact to the sanctuary. | III |
| Injuring, moving, removing, taking, possessing, harvesting, landing, damaging, disturbing, or possessing (or attempting the same) living marine specimens (e.g., sharks, rayscoral, live rock, tropical fish, invertebrates, algae, marine plants, etc.) with major impact to the sanctuary. | V |

| MISCELLANEOUS | |
|---|-----|
| <p>Defacing, damaging, or removing any signage, boundary markers, stakes, mooring buoys, boundary buoys, trap buoys, scientific equipment, navigation aids, notices, or placecards that does not result in damage to a sanctuary resource;</p> <p>Violating a sanctuary permit condition or term.</p> | I |
| <p>Breaking, taking, cutting, removing, damaging, or possessing any bottom formation with minor impact to the sanctuary;</p> <p>Defacing, damaging, or removing any signage, boundary markers, stakes, mooring buoys, boundary buoys, trap buoys, scientific equipment, navigation aids, notices, or placecards that results in damage to a sanctuary resource.</p> | II |
| <p>Breaking, taking, cutting, removing, damaging, or possessing any bottom formation with moderate impact to the sanctuary.</p> | III |
| <p>Releasing or introducing non-native species.</p> | IV |
| <p>Breaking, taking, cutting, removing, damaging, or possessing any bottom formation with major impact to the sanctuary.</p> | V |