



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary  
299 Foam Street  
Monterey, CA 93940

June 9, 2010

Dr. David Checkley  
9500 Gilman Dr  
Scripps Institution of Oceanography 0218  
La Jolla, CA 92093

Dear Dr. Checkley:

The National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries (ONMS) has approved the issuance of permit number MBNMS-2010-017 to conduct activities within Monterey Bay National Marine Sanctuary (sanctuary) for research purposes. Activities are to be conducted in accordance with the permit application and all supporting materials submitted to the sanctuary, and the terms and conditions of permit number MBNMS-2010-017 (enclosed).

This permit is not valid until signed and returned to the ONMS. Retain one signed copy and carry it with you while conducting the permitted activities. Additional copies must be signed and returned, by either mail or email, to the following individuals within 30 days of issuance and before commencing any activity authorized by this permit:

Erica Burton  
Research Permit Coordinator  
Monterey Bay National Marine Sanctuary  
299 Foam Street  
Monterey, CA 93940  
[Erica.Burton@noaa.gov](mailto:Erica.Burton@noaa.gov)

National Permit Coordinator  
NOAA Office of National Marine Sanctuaries  
1305 East-West Highway (N/ORM6)  
SSMC4, 11<sup>th</sup> Floor  
Silver Spring, MD 20910  
[nmspermits@noaa.gov](mailto:nmspermits@noaa.gov)

Your permit contains specific terms, conditions and reporting requirements. Review them closely and fully comply with them while undertaking permitted activities.

If you have any questions, please contact Erica Burton at 831-647-4246. Thank you for your continued cooperation with the ONMS.

Sincerely,

Paul Michel  
Superintendent

Enclosure





UNITED STATES DEPARTMENT OF COMMERCE  
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Monterey Bay National Marine Sanctuary  
299 Foam Street  
Monterey, CA 93940

## MONTEREY BAY NATIONAL MARINE SANCTUARY RESEARCH PERMIT

**Permittee:**

Dr. David Checkley  
Scripps Institution of Oceanography  
9500 Gilman Dr  
Scripps Institution of Oceanography 0218  
La Jolla, CA 92093

**Permit Number:** MBNMS-2010-017

**Effective Date:** July 8, 2010

**Expiration Date:** July 31, 2010

**Project Title:** Zooplankton at the Base of the Particle Maximum: Gatekeepers of the Vertical Flux?

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This permit is issued for activities in accordance with the National Marine Sanctuaries Act (NMSA), 16 USC §1431 *et seq.*, and regulations thereunder (15 CFR Part 922). All activities must be conducted in accordance with those regulations and law. No activity prohibited in 15 CFR Part 922 is allowed except as specified in the activity description below.

Subject to the terms and conditions of this permit, the National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries (ONMS) hereby authorizes the permittee listed above to conduct research activities within Monterey Bay National Marine Sanctuary (MBNMS or sanctuary). All activities are to be conducted in accordance with this permit and the permit application received June 04, 2010. The permit application is incorporated into this permit by reference; provided, however, that if there are any conflicts between the permit application and the terms and conditions of this permit, the terms and conditions of this permit shall be controlling.

**Permitted Activity Description:**

The following activities are authorized by this permit:

- Discharge and recovery of approximately two autonomous biological profiling floats used to detect plankton.

No further violation of sanctuary regulations is allowed.

**Permitted Activity Location:**

The permitted activity is allowed throughout the MBNMS.



**Special Terms and Conditions:**

1. All authorized activities may be conducted from July 8, 2010 through July 31, 2010. All equipment shall be removed no later than the expiration date of this permit. The permittee may request an amendment from the MBNMS Superintendent in advance of this expiration date, to extend the effective date of this permit.
2. Permitted activities shall include the following:
  - a. Deployment, maintenance, and recovery of individual scientific instruments;
  - b. Temporary discharge of autonomous biological profiling floats is authorized, provided all such devices are recovered from the Sanctuary;
  - c. The permit holders shall contact the MBNMS Research Permit Coordinator (erica.burton@noaa.gov) 14 days prior to conducting any project modifications or future research projects that may be prohibited by MBNMS regulations, and shall receive written approval prior to conducting operations, to ensure these new activities meet the intent of Special Condition 2a through 2b above.
3. All equipment authorized for deployment under this permit (including, but not limited to, mooring lines, tackle, buoys, individual instruments, batteries, and platforms) shall be removed when such equipment is no longer in use.
4. The equipment and support structures authorized by this permit shall be used in accordance with the methods and objectives identified in the permit application and Special Conditions included here. Disturbance of any other sanctuary resources is prohibited.
5. No activity authorized by this permit shall disturb or impact any historical or marine archaeological resources of the sanctuary. If historical or marine archaeological resources are encountered at any time, the permittee shall cease all further activities under this permit and immediately contact the MBNMS Superintendent.
6. All equipment authorized for deployment under this permit shall be removed when such equipment is no longer in use, or sooner if directed by the MBNMS Superintendent if such equipment is causing or may cause unacceptable harm to sanctuary resources or qualities. Intentional abandonment of equipment or any item is prohibited. In the event that any mooring or equipment are damaged or dislocated due to weather or any other cause, the permittee shall use all available means to locate and recover the affected item(s). The location and description of any equipment abandoned or lost in the sanctuary for any reason shall be noted in the summary report with an explanation why the equipment was not recovered.
7. All items (e.g. batteries, data recorders, etc.) removed from instrument packages attached to mooring arrays or platforms must be carried to the surface and stored or disposed of properly ashore. At no time may batteries be exposed to the sea or discarded within the sanctuary.

8. If contacted by MBNMS Sanctuary Integrated Monitoring Network (SIMoN) staff, the permittee agrees to provide project metadata from these permitted activities to the MBNMS Sanctuary Integrated Monitoring Network via a web-based interface. The permittee shall provide the information to the MBNMS within three (3) months of the request date. See <http://www.sanctuariesimon.org> for more information.
9. The permittee shall submit a final report of all activities conducted under this permit to the MBNMS Research Permit Coordinator no later than **August 31, 2010**. The report should include information regarding daily activities such as location (latitude and longitude) of samples, discovery or disturbance of historical artifacts, problems encountered, equipment lost, etc. The final report shall also include a synopsis of research results to date.
10. This activity may also require permission from other agencies. The enclosed permit is not valid until all other necessary permits and/or authorizations are obtained. Any direct or incidental harassment of marine mammals requires a permit from the National Marine Fisheries Service (contact Monica DeAngelis at 562-980-3232) and/or U.S. Fish and Wildlife Service. Direct or incidental harassment of seabirds requires a permit from the U.S. Fish and Wildlife Service. Deployment of mooring or surface buoys may require authorization from the US Coast Guard (contact Brian Aldrich at 510-437-2983). Research conducted within California state waters or California State marine protected areas (MPA) may require permission from the California Department of Fish and Game (contact Liz Cuevas at 831-649-2870). Permission to drill into rock or install devices may require permission from the California State Lands Commission (contact Mary Hayes at 916-574-1812).
11. The permittee may be required to pay any or all expenses associated with the locating of and/or removal by NOAA or its designee of any equipment that is not recovered by the permittee.

**General Terms and Conditions:**

1. Within 30 (thirty) days of the date of issuance, the permittee must sign and date this permit for it to be considered valid. Once signed, the permittee must send copies, via mail or email, to the following individuals:

Erica Burton  
Research Permit Coordinator  
Monterey Bay National Marine Sanctuary  
299 Foam Street  
Monterey, CA 93940  
[Erica.Burton@noaa.gov](mailto:Erica.Burton@noaa.gov)

National Permit Coordinator  
NOAA Office of National Marine Sanctuaries  
1305 East-West Highway (N/ORM6)  
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Silver Spring, MD 20910  
[nmspermits@noaa.gov](mailto:nmspermits@noaa.gov)

2. It is a violation of this permit to conduct any activity authorized by this permit prior to the ONMS having received a copy signed by the permittee.

3. This permit may only be amended by the ONMS. The permittee may not change or amend any part of this permit at any time. The terms of the permit must be accepted in full, without revision; otherwise, the permittee must return the permit to the sanctuary office unsigned with a written explanation for its rejection. Amendments to this permit must be requested in the same manner the original request was made.
4. All persons participating in the permitted activity must be under the supervision of the permittee, and the permittee is responsible for any violation of this permit, the NMSA, and sanctuary regulations for activities conducted under, or in junction with, this permit. The permittee must assure that all persons performing activities under this permit are fully aware of the conditions herein.
5. This permit is non-transferable and must be carried by the permittee at all times while engaging in any activity authorized by this permit.
6. This permit may be suspended, revoked, or modified for violation of the terms and conditions of this permit, the regulations at 15 CFR Part 922, the NMSA, or for other good cause. Such action will be communicated in writing to the applicant or permittee, and will set forth the reason(s) for the action taken.
7. This permit may be suspended, revoked or modified if requirements from previous ONMS permits or authorizations issued to the permittee are not fulfilled by their due date.
8. Permit applications for any future activities in the sanctuary or any other sanctuary in the system by the permittee might not be considered until all requirements from this permit are fulfilled.
9. This permit does not authorize the conduct of any activity prohibited by 15 CFR § 922, other than those specifically described in the "Permitted Activity Description" section of this permit. If the permittee or any person acting under the permittee's supervision conducts, or causes to be conducted, any activity in the sanctuary not in accordance with the terms and conditions set forth in this permit, or who otherwise violates such terms and conditions, the permittee may be subject to civil penalties, forfeiture, costs, and all other remedies under the NMSA and its implementing regulations at 15 CFR Part 922.
10. Any publications and/or reports resulting from activities conducted under the authority of this permit must include the notation that the activity was conducted under National Marine Sanctuary Permit MBNMS-2010-017 and be sent to the ONMS officials listed in general condition number 1.
11. This permit does not relieve the permittee of responsibility to comply with all other federal, state and local laws and regulations, and this permit is not valid until all other necessary permits, authorizations, and approvals are obtained. Particularly, this permit does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty

Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.

12. The permittee shall indemnify and hold harmless the Office of National Marine Sanctuaries, NOAA, the Department of Commerce and the United States for and against any claims arising from the conduct of any permitted activities.
13. Any question of interpretation of any term or condition of this permit will be resolved by NOAA.

Your signature below, as permittee, indicates that you accept and agree to comply with all terms and conditions of this permit. This permit becomes valid when you, the permittee, countersign and date below. Please note that the expiration date on this permit is already set and will not be extended by a delay in your signing.

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Dr. David Checkley  
Professor  
Scripps Institution of Oceanography

Date

*Paul Michel*

*6-15-10*

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Paul Michel  
Superintendent  
Monterey Bay National Marine Sanctuary

Date