

# Sanctuary Overflight Regulation Areas

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# Background

- Since designation, west coast sanctuaries have had low altitude overflight regulations within specified zones
  - Channel Islands: 1980
  - Gulf of the Farallones: 1981
  - Monterey Bay: 1992
  - Olympic Coast: 1994

# Background



- Each sanctuary has regulations that vary slightly (i.e., zones, distance off-shore, etc.)

# Seabirds & Marine Mammals



- Monitoring is active at several locations throughout the Central Coast
- Some seabird and marine mammal breeding colonies are not protected by overflight regulations





# Requests for Action

- 2001-2008 Joint Management Plan Review (JMPR)
  - Final Environmental Impact Statement
  - JMPR Comment Summary



# Joint Management Plan Review

*“[The MBNMS] Wildlife Disturbance Working Group discussed additional regulations to protect sensitive bird roosting sites at the Devil’s Slide... [to] reduce the disturbance of the nesting and roosting activities of the Common Murre. This alternative was not forwarded to the Sanctuary Advisory Council due to the potential conflicts with two airports in the immediate vicinity. In order to provide additional protection for that area, increased outreach and education of pilots was inserted in the action plans.”*

*– JMPR Final Environmental Impact Statement, September 2008, pg. 2-35*

# Joint Management Plan Review

- Response To Comments
  - Disturbance by Overflights
    - *Comment:* GFNMS should change its overflight regulation to be consistent with MBNMS. Specifically, GFNMS should adopt the prohibition of flying motorized aircraft at less than 1000 feet, and remove the additional clause of disturbing seabirds or marine mammals.
    - *Response:* NOAA is not changing the overflight regulation for GFNMS or MBNMS at this time. NOAA is in conversations with the Federal Aviation Administration regarding the regulation of aircraft operations over national marine sanctuaries and may make modifications as part of a separate regulatory process if determined appropriate following those conversation. The public will be provided with an opportunity to provide input into any such process.



# Working With FAA



**1992-2012**

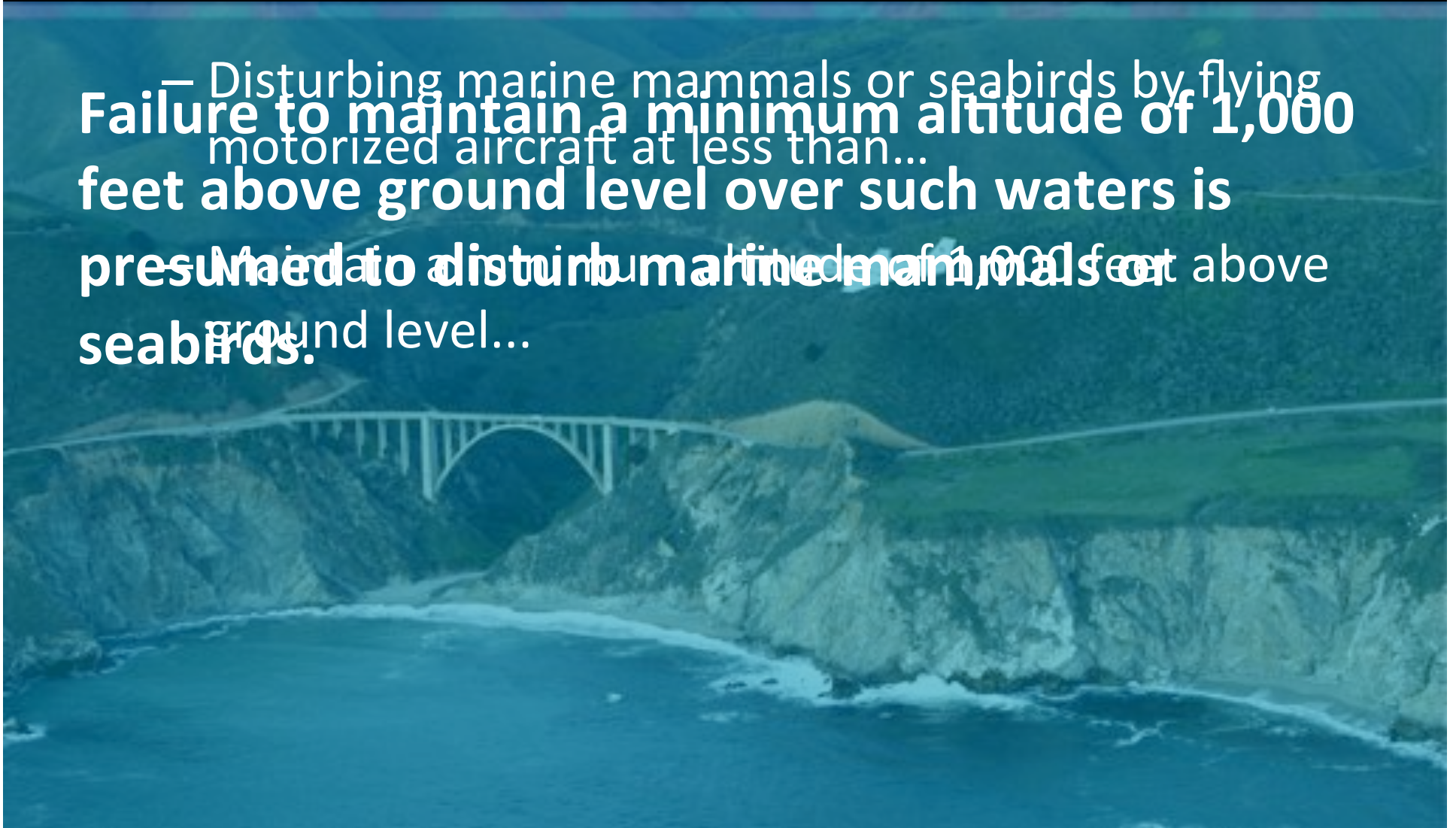
**•NOAA addresses enforceability of and pilot compliance with the overflight regulations.**

# NOAA Standardizes Overflight Regulations

- Following a 20-year process, the FAA revised the notations on current aeronautical charts.
- 2012: NOAA issued a final rule, which:
  - Standardized the application of overflight restrictions by adopting a single, consistent and clearer regulatory approach regarding overflights.
  - Established a rebuttable presumption that flying motorized aircraft at less than established altitudes within any of the existing zones results in disturbance.

# NOAA Standardizes Overflight Regulations

– Disturbing marine mammals or seabirds by flying motorized aircraft at less than...  
**Failure to maintain a minimum altitude of 1,000 feet above ground level over such waters is presumed to disturb marine mammals or seabirds.**





# NOAA Standardizes Overflight Regulations

Before

NOTICE TO PILOTS  
Pilots are requested to maintain a minimum altitude of  
2000' AGL over the  
CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

After

Flight operations below 1000' AGL  
over the designated areas within the  
Gulf of Farallones National Marine  
Sanctuary violate NOAA regulations.

NOAA REGULATED  
NATIONAL MARINE SANCTUARY  
DESIGNATED AREAS  
.....  
(see <http://sanctuaries.noaa.gov/flight>)

Flight operations below 1000' AGL  
over the designated areas within the  
Monterey Bay National Marine  
Sanctuary violate NOAA regulations.

# Beyond the Scope

- Over 170 public comments were received during the process to standardize overflight regulations, and most were beyond the scope of the last overflight regulatory change because requests were made about size, shape and location of the zones.
- Examples:
  - *Comment:* Tomales Bay should be added to the list of protected areas under the Gulf of Farallones regulation.
  - *Comment:* NOAA should consider adopting overflight restrictions at other important and sensitive seabird breeding colonies within or adjacent to National Marine Sanctuaries in central California, including: Point Resistance and Millers Point Rocks and Devil's Slide Rock & Mainland.



# Beyond the Scope

- Examples (*continued*):
  - *Comment*: NOAA should consider higher altitudes to address birds on cliffs.
  - *Comment*: NOAA should focus on the presence or absence of marine mammals or seabirds rather than whether there has been a disturbance of marine mammals or seabirds, since some disturbances, such as spikes in hormones, cannot be observed.

# Moving Forward

*GFNMS Superintendent response in a letter to the SAC (January 2012):* We recognize the significance of Tomales Bay, Point Resistance, Millers Point Rocks and Devil's Slide Rock & Mainland as important and sensitive seabird and marine mammal breeding colonies within or adjacent to National Marine Sanctuaries in central California, and these will be the first locations that GFNMS staff will review.

# Sanctuary Expansion Comments



Overflights were a topic of discussion during the GFNMS Expansion process. Same areas suggested, as well as new ones.



- Tomales Bay
- Pt. Resistance
- Bodega Rock/Head
- the spits at Drakes Estero
- Devil's Slide Rock
- The shoals near the Farallones
- Expanding proposed SWPZs to include harbor seal pupping areas South of Del Mar Landing State Marine Reserve area, and southward about four miles to include Tidepool Beach, Shell Beach and Green Cove at The Sea Ranch.

# Sanctuary Expansion Comments

## RESPONSE

- NOAA has updated the GFNMS management plan with an action requesting a GFNMS advisory council working group to assess the need for additional low overflight zones throughout the entire sanctuary. Comments provided during this rulemaking process will be considered in any future zoning actions taken by the sanctuary. The revised management plan does not include a list of specific areas for future zoning, but NOAA recognizes that areas surrounding The Sea Ranch, Tomales Bay, and Devil's Slide Rock may be "special areas of concern" within the revised boundaries of GFNMS.

# Next Steps

- To address comments from the various overflight processes over the last 15 year, we request a Sanctuary Advisory Council Working Group to reevaluate the locations and dimensions of overflight regulation areas within Gulf of the Farallones National Marine Sanctuary, including the proposed expansion area, and northern Monterey Bay.
  - It may be a joint Working Group with Monterey Bay National Marine Sanctuary.



# Next Steps

- We recognize that the comprehensive need to address low overflight areas in this region has not been discussed by the Advisory Council or any working groups since 2002-2008 JMPR.
- Based on the Superintendent's letter to the Advisory Council, we request that the Advisory Council at a minimum examine Tomales Bay, Point Resistance and Millers Point Rocks and Devil's Slide Rock & Mainland as "the first locations that GFNMS staff will review."
- Based on the comments raised during the expansion process, the Advisory Council may want to consider additional areas.

# Proposed Timeline

- May 2015: Establish Working Group
- September 2015: Host initial meeting - establish norms, goals and objectives, roles and schedule
- October 2015 – June 2016: Establish areas to focus on and hold area-specific meetings. Work with Monterey Bay Sanctuary staff as needed.
- August 2016: Report back to Advisory Council on findings

Questions?

