

Greater Farallones National Marine Sanctuary Advisory Council Meeting February 1<sup>st</sup>, 2017

*Public Comments regarding Low Overflights Working Group Recommendations*

Received January 22<sup>nd</sup> – January 26<sup>th</sup>, 2017

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**George Clyde, Chair**  
**Greater Farallones National Marine Sanctuary Advisory Council**  
**Working Group on NOAA Regulated Overflight Zones**

January 20, 2017

To the Members of the Sanctuary Advisory Council  
Attn: John L. Largier, Chair

Dear Members of the Sanctuary Advisory Council,

Yesterday, I transmitted to you the Recommendations of the Working Group. By this letter I am separately transmitting the statement prepared by the three Pilots in the Working Group (the Pilots' Statement) expressing their views, which they summarized as follows:

At this time the pilot group cannot support any new low overflight regulations that do not coincide with the existing FAA regulations. We feel that these proposed NOAA regulations would cause greater safety issues, and we request that moving forward 100% of the Marine Sanctuaries resources be put into an enhanced Education and Outreach Program, Furthermore, the pilots have agreed to remain engaged and offer to be a continued resource, including whether the FAA's jurisdiction over airspace precludes NOAA from establishing NOAA Regulated Overflight Zones (NROZs).

To clarify, the Pilots' Statement is a separate statement by the three pilots, but has not been considered by the Working Group and is not a part of the Recommendations. The pilots presented these views to the Working Group during our deliberations, but it was agreed that they should be distributed to the Sanctuary Advisory Council (SAC), separate and apart from the Recommendations, and not attached to or appended to them.

Nevertheless, the views expressed are shared by others in the aviation community, and it is only fair that they be formally presented to the SAC, separately from the Recommendations, and separately posted on the Sanctuary's website. In addition to presenting views that the SAC members may wish to consider along with public comments and further explaining their votes against any new NROZs, distributing and posting the Pilot's Statement recognizes the many contributions made by the pilots during approximately 60 hours of meetings, and it honors the commitments I made to them as the Working Group Chair.

Please distribute and post the Pilot's Statement, accompanied by this letter, in the same manner as with the Recommendations.

Sincerely,



## Pilots Comments to Working Group Recommendations

Pilots comments to;

Greater Farallones National Marine Sanctuary Advisory Council

Greater Farallones Sanctuary Overflight Working Group

Andy Wilson-Private Pilot (Instrument rating)

Brian Branscomb-Commercial Pilot (ATP, CFI)

John duGan-Commercial Pilot (Helicopter)

January 18, 2017

The Pilots ask that the Sanctuary Advisory Counsel forward the following statement to the Superintendent.

First, we would like to express our gratitude to the Greater Farallones National Marine Sanctuary Advisory Council for inviting us to participate in the Overflight Working Group.

With that said, We acknowledge the effort and resources expended by the Sanctuary to directly involve the aviation community to address disturbance issues through this unique process. We feel that it has been an extremely interesting and informative experience collaborating with our fellow working group members to better understand the myriad of issues and challenges potentially affecting marine resources along the central California coastline.

Throughout this process, we have worked diligently regarding overflight disturbance concerns and to educate the working group members on the basics of aviation principles, including weather and corresponding FAA flight rules and regulations, limitations, and potential emergency scenarios.

While we met over the past year in good faith, and throughout the process we have generally supported some concepts, most specifically the Education and Outreach recommendations, but for the numerous exposed safety concerns we simply cannot support the final document for two overarching reasons:

### **Airspace Regulation:**

Despite multiple discussions during the Working Group meetings, at the end of this process, the pilots remain certified and regulated by the Federal Aviation Administration, and unconvinced that NOAA has the authority or mandate to regulate any airspace within the National Airspace System (NAS). We are trained that the FAA is the sole federal agency with responsibility to manage and regulate the NAS. The NOAA "rebuttable presumption" implies that flights below 1000 ft AGL in the overflight zones cause disturbance. We perceive that this is a flight restriction regardless of the legal language and this may create an unsafe level of confusion in the aviators' cockpit.

As a result of this potential misunderstanding, we strongly believe that these NOAA zones can burden aviators to the point of confusion in specific weather or emergency situations.

## **Education and Outreach: GR-10; pilot Outreach and Education recommendations**

Throughout this process, we have continually expressed our support for minimizing disturbances to the marine life along the coast by aircraft and all other factors. We strongly believe that Education and Outreach is the most effective way to approach the issue of protecting the nation's marine mammals and seabirds while simultaneously respecting and ensuring the safety of aviators and their passengers.

In our professional opinions, a sustained, targeted Education and Outreach Program would be much more productive and effective than the current convoluted regulatory approach.

The aviation community is motivated and desires to be good stewards of the environment and our shared marine resources. Our approach would be to do this through the Federal Aviation Regulations (FARs), a language the aviators are trained & certified to understand.

### *Public Right of Transit*

*Sec 104: There is here by recognized and declared to exist in behalf of any citizen of the United States a public right of freedom of transit through the navigable airspace of the United States.  
Public Law: 85-726-Aug 23-1958*

The FAA has almost 100 years of experience in safely managing the National Airspace System and over that time has learned at the cost of numerous lives, the attention to detail that is required. NOAA, as a potentially a new “airspace regulating agency”, to go through the same learning curve, we feel could be the cost of additional life's.

## **In summary**

At this time the pilot group cannot support any new low overflight regulations that do not coincide with the existing FAA regulations. We feel that these proposed NOAA regulations would cause greater safety issues, and we request that moving forward 100% of the Marine Sanctuaries resources be put into an enhanced Education and Outreach Program, Furthermore, The pilots have agreed to remain engaged and offer to be a continued resource.

Thank you for your consideration

Respectfully

The Pilots





Cypress Grove Research Center  
Audubon Canyon Ranch  
P.O. Box 808, Marshall, CA 94940  
415.663.8203  
www.egret.org

25 January, 2017

Greater Farallones National Marine Sanctuary Advisory Council  
RE: Regulation of low overflights on Tomales Bay

Dear Members of the Advisory Council,

ACR (Audubon Canyon Ranch) works to protect nature through conservation science, environmental education, stewardship of natural areas, and ecological restoration. We own and manage a system of wildlife sanctuaries in Sonoma and Marin counties, including approximately 450 acres of shoreline properties distributed throughout Tomales Bay (<http://egret.org/sites/default/files/publicpdfs/acr-preservesmap-march-9-2016.pdf>). ACR properties on Tomales Bay include Toms Point and Walker Creek Delta at the northern end of the bay, Olema Marsh and other shoreline properties near or adjacent to the Giacomini Wetlands at the southern end of the bay, and numerous other properties along the bay's eastern and western shorelines. Since the early 1970s, ACR has conducted research, education, and conservation activities to help ensure the long-term protection of the natural resources of Tomales Bay. We seek to protect avian habitat values and to minimize disturbance to waterbirds and shorebirds on and near our properties.

Please consider the following concerns associated with the disturbance of waterbirds and shorebirds by low overflights on Tomales Bay:

### **The importance of a baywide expansion of the low-overflight protection zone**

Although ACR has not quantified the frequency of low overflights in Tomales Bay, or documented associated impacts on wildlife, I have observed occasional disturbances to waterbirds by low-flying aircraft, continually since the late 1980s. Low-flying aircraft typically track the linear shape of Tomales Bay, resulting in long, wide bands of disturbance. Some of these flights are very low to the water, apparently seeking to stimulate the disturbance behaviors of waterbirds which can take flight in spectacular fly-ups. During such events, large numbers of waterbirds are forced to flee from their feeding and roosting areas. Observers at ACR have witnessed this effect numerous times, primarily from the vantage point at ACR's Cypress Grove Research Center in Marshall, in the middle portion of the bay. ACR strongly recommends expansion of the low overflight protection zone to include all of Tomales Bay.

### **Baywide protection of waterbird assemblages**

Winter waterbird species exhibit consistently different distributions within Tomales Bay, with particular species generally occupying different portions of the bay. These differences are associated with particular habitat values that are important in sustaining baywide waterbird numbers. Although the richness of Tomales Bay waterbird species can be observed in most areas of the bay, the

conspicuous differences in species distributions have been consistent for decades. These differences strongly suggest that the assemblage of waterbirds in Tomales Bay depends collectively on all portions of the estuary. Therefore, the reasonable protection of waterbird abundances from disturbances by low overflights would require a baywide regulation zone.

For example, large, diverse concentrations of Lesser Scaup, scoters, widgeon, several species of dabbling ducks, and other waterbirds consistently occur in the shallow waters south of Millerton Point. This area provides important, alternative habitat for birds foraging in tidally influenced habitat in the Giacomini Wetlands, or seeking refuge from seasonal hunting disturbance in the State Ecological Reserve at the south end of the bay. Concentrations of 6,000 to 8,000 Greater Scaup occur primarily from Tomasini Point northward to Reynolds. Tomales Bay's noteworthy-but-dwindling winter population of Black Scoters occurs almost exclusively in this area. The 6,000 to 8,000 Greater Scaup that normally winter in Tomales Bay, concentrate almost entirely in the southern portion of the Bay, primarily in the vicinity of Tomasini Point.

The northern portions of the Tomales Bay support hundreds of Red-throated Loons, but these birds occur primarily from Pelican Point (south of Hog Island) to southward to Cypress Point—and they occur in very low numbers elsewhere in the bay. Western and Clarks Grebes concentrate primarily in restricted portions of the bay, along the east shore, near Marconi Cove, and in the middle and west side of the bay between Sacramento Landing and Marshall Beach. Brant concentrate primarily between Pelican Point and Toms Point, including the shallow waters in the Vincent's landing area north of Walker Creek. Dense and diverse concentrations of waterbirds occur in this broad north-central area of the bay, including Walker Creek Delta, Vincent's Landing, and White Gulch, where extensive eelgrass provides suitable foraging habitat. Walker Creek Delta is an important roosting area for White Pelicans, Great Egrets, and other waterbirds. Thousands of Ruddy Ducks often occupy the eastern shoreline of Vincent's Landing north of Walker Creek and just south of Walker Creek to the north of Nick's Cove. A wintering population of Red-necked Grebes, which are uncommon in northern California, occurs consistently throughout the deeper waters along the west shore from Pelican Point to Sand Point. These and other examples indicate the need for baywide expansion of protection from low-overflights in Tomales Bay.

### **Seasonal impacts**

The number of wintering waterbirds in Tomales Bay has increased substantially since the late 1990s (Kelly and Tappen 1998; ACR, unpublished data), with waterbird numbers now exceeding 35,000 birds from October through April, declining into early May—not including several thousand gulls and 10,000-20,000 shorebirds. From late June through September, southbound migrant shorebirds frequent intertidal feeding areas throughout the bay, giving way to winter residents in October and November. Caspian terns do not breed in Tomales Bay, but they travel here from San Francisco Bay during summer to forage along the shoreline, use undisturbed beaches and sand flats throughout the bay for roosting and courtship—and even to provision their young which accompany them after fledging. Caspian Terns fly routinely between the southern end of the bay and nesting sites in San Francisco Bay. In June, White Pelicans arrive after nesting and can be seen through summer months foraging throughout Tomales Bay.

Although waterbird abundances decline in summer, the year-round value of Tomales Bay to waterbirds suggests the importance of year-round, baywide protection from low overflights. An attempt to seasonally regulate overflights to focus solely on wintering waterbirds would seem

incomplete, potentially confusing, and difficult to manage. In addition, other sources of human disturbance peak during the summer, suggesting that low overflights during the summer months may increase the cumulative effects of human disturbance on waterbirds.

### **Disturbance thresholds**

According to avian foraging theory, birds are likely to increase their energy intake to compensate for energetically expensive escape flights, as when disturbed by low overflights. In addition, disturbed waterbirds fly to less-profitable areas away from the disturbance. Under conditions when birds are operating near their threshold of energy balance, or when feeding opportunities are restricted by other forms of human activity or disturbance, waterbird abundances in a given area may decline. Consequently, even small or infrequent disturbances to foraging waterbirds degrade the quality of their preferred habitat areas. Please see the attached review of waterbird disturbance by boats in Tomales Bay (Kelly and Evens 2013).

### **Seaplanes and helicopters**

I do not know of any feasible areas in Tomales Bay where seaplanes or helicopters could land or takeoff without risking substantial disturbance to wildlife.

Thank you for this opportunity to comment.

Best wishes,



John P. Kelly, PhD  
Director of Conservation Science  
[john.kelly@egret.org](mailto:john.kelly@egret.org)

### **Attachments:**

Kelly, J. P., and J. G. Evens. 2013. A review of boating disturbance to waterbirds in California estuaries. Audubon Canyon Ranch ACR Technical Report 89-12-6, Audubon Canyon Ranch Cypress Grove Research Center, P. O. Box 808, Marshall, CA 94940.

Kelly, J. P., and S. L. Tappen. 1998. Distribution, abundance, and implications for conservation of winter waterbirds on Tomales Bay, California. *Western Birds* 29: 103-120.

**East Shore Planning Group**  
**P. O. Box 827**  
**Marshall, CA 94940**  
[ESPG@eastshoreplanninggroup.org](mailto:ESPG@eastshoreplanninggroup.org)

January 24, 2017

Greater Farallones National Marine Sanctuary Advisory Council  
c/o Greater Farallones National Marine Sanctuary  
991 Marine Drive, The Presidio  
San Francisco, CA 94129

Attn: John Largier, Chair

By email to Jenn Gamurot - NOAA Affiliate, [jenn.gamurot@noaa.gov](mailto:jenn.gamurot@noaa.gov)

**Tomales Bay - NOAA Regulated Overflight Zones**

I am submitting these comments regarding the proposal to extend the existing NOAA Regulated Overflight Zone at the mouth of Tomales Bay to cover all of Tomales Bay. The Sanctuary Advisory Council will be considering this at its February 1 meeting in Pt. Reyes Station as indicated in [http://farallones.noaa.gov/manage/sac\\_meetings.html](http://farallones.noaa.gov/manage/sac_meetings.html). This is Item 2j of the Working Group's Recommendations.

The East Shore Planning Group is a California not-for-profit corporation formed in 1984 whose members include about 90 owners and tenants of properties on the east shore of Tomales Bay, which is in the unincorporated area of Marin County. All of Tomales Bay is within the boundaries of the Gulf of the Farallones National Marine Sanctuary except for a relatively small portion of the Bay that lies within the Point Reyes National Seashore.

Tomales Bay is one the most pristine estuaries in the world. It serves as a wintering and breeding area for tens of thousands of birds – some endangered – and for a large colony of harbor seals with several haul-out areas in the Bay. The newly restored Giacomini Wetlands at the southern end of the Bay is attracting even more birds to the area. Increasingly we are seeing eagles and other raptors fishing in the Bay and nesting in the area.

But, aircraft engaging in low flights over Tomales Bay increasingly are disturbing these populations. In addition to low-flying sightseeing and pleasure flights, there are helicopter landings on the beaches and even sea-planes occasionally landing in the Bay. Drone usage is

increasing and poses a particular risk of disturbance to wildlife. These cause flushing and other serious disturbances of these animals.

There is absolutely no reason that these unnecessary flights and disturbances that disturb wildlife should be permitted to continue. All of the reasons for the Sanctuary's rules restricting flights over Bolinas Lagoon apply to Tomales Bay, but Tomales Bay has much larger populations of seabirds and marine mammals than Bolinas Lagoon.

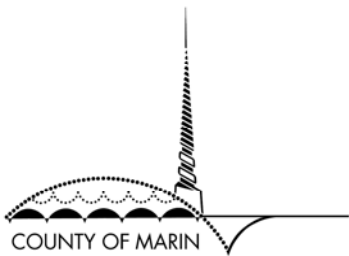
For these reasons, the Board of Directors of the East Shore Planning Group respectfully requests that the Sanctuary Advisory Council recommend to the Sanctuary Superintendent to include all of Tomales Bay as a NOAA Regulated Overflight Zones.

I would be happy to provide further information in support of these views or to invite your representatives to meet with our organization to discuss this. In the meantime, I thank you for your consideration of these comments.

Sincerely yours,

*Mary Halley*

Mary Halley, President  
East Shore Planning Group



# BOARD OF SUPERVISORS

January 23, 2017

VICE PRESIDENT  
Damon Connolly  
1<sup>ST</sup> DISTRICT

Greater Farallones National Marine Sanctuary Advisory Council  
Fort Mason, San Francisco, CA

Katie Rice  
2<sup>ND</sup> DISTRICT

**RE: Proposed Modifications to NOAA Regulated Overflight Zones in or Adjacent to Marin County**

2<sup>ND</sup> VICE PRESIDENT  
Kathrin Sears  
3<sup>RD</sup> DISTRICT

Dear Sanctuary Advisory Council Members,

Dennis Rodoni  
4<sup>TH</sup> DISTRICT

Thank you for the opportunity to comment on the recommendations being considered by your Council regarding NOAA Regulated Overflight Zones (NROZ), specifically those located in or adjacent to Marin County. As you may recall, in 2011, the Marin County Board of Supervisors endorsed amendments to National Marine Sanctuary regulations regarding low overflight zones with the goal of protecting the unique resources in the Sanctuary. Our Board is pleased to reiterate its strong interest in protecting these resources and urges your Council to support inclusion of the proposed new zones located in or adjacent to Marin County in your final recommendation to the Sanctuary Superintendent.

PRESIDENT  
Judy Arnold  
5<sup>TH</sup> DISTRICT

Matthew H. Hymel  
COUNTY ADMINISTRATOR  
CLERK OF THE BOARD

The Board of Supervisors appreciates the careful approach your Council has taken on this issue, including the composition of the working group members and their detailed report. The affirmation that flights under 1,000 feet in elevation have a negative impact on the marine mammals and seabirds is of great concern, given Marin's location on important migratory routes and the remarkable diversity of species, included listed species, in this area.

Marin County Civic Center  
3501 Civic Center Drive  
Suite 329  
San Rafael, CA 94903  
415 473 7331 T  
415 473 3645 F  
415 473 6172 TTY  
[www.marincounty.org/bos](http://www.marincounty.org/bos)

Specifically we endorse the inclusion of the following areas as NOAA Regulated Overflight Zones:

- Along the Marin Coast from the existing NROZ at Tomales Point southward to, and including, McClures Beach and Elephant Rock;
- Along the Marin Coast and from the existing NROZ at Pt. Reyes along the Drakes Bay coast to the existing NROZ that covers Double Point and the Bolinas coast; and
- Tomales Bay, south of the existing NROZ that extends from the mouth to Tom's Point.

Thank you for the consideration of our input, and please do not hesitate to let us know of any questions we may help to address.

Respectfully Submitted,

Judy Arnold, President  
Marin County Board of Supervisors



Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Tamales Bay NROZ extension to the South.

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mrplaister <mrplaister@gmail.com>  
To: jenn.gamurot@noaa.gov

Sun, Jan 22, 2017 at 4:11 PM

My name is Malcolm Plaister. I've been a commercial airline pilot for 30 years and I also fly recreationally. I live in Marshall on Tomales Bay.

As a resident, I have seen airplanes flying very low up and down the bay. The high ground on either side of the bay and the complete absence of a safe landing site that does not cause undue hazard to persons or property on the surface (an FAA requirement in the event of engine failure) makes flying in this area, at low level, extremely reckless. The proximity of thousands of birds is an additional hazard. A birdstrike at low altitude, in the tricky terrain surrounding the bay would be devastating.

As a pilot, I find the current charts very confusing. There are multiple blue dotted lines within Tomales Bay depicting (I believe) the different boundaries of the Greater Farallones National Marine Sanctuary and the Point Reyes National Seashore. It is not at all clear what my minimum altitude should be while flying over the Southern end of Tomales Bay. The 1000ft requirement at the Northern end of the bay is clear and easy to understand.

I also believe that flying below 1000ft AGL in Tomales Bay does disturb the amazing and extensive wildlife inhabiting the area. I am therefore in favor of extending the 1000FT minimum elevation NROZ South to cover the remainder of Tomales Bay up to the sanctuary boundaries. The extension of the area is the in the best interest of safety, clarity and local wildlife.

With best wishes.

Malcolm. Plaister



Jenn Gamurot - NOAA Affiliate &lt;jenn.gamurot@noaa.gov&gt;

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## Proposed NOAA Overflight Zones

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**Bob Wood** <bwood@jatoaviation.com>  
To: Jenn.Gamurot@noaa.gov

Tue, Jan 24, 2017 at 7:01 PM

Dear Jenn Gamurot

It has come to my attention that The Greater Farallones National Marine Sanctuary Advisory Council , is considering formulating plans that would affect the airspace along certain coastal areas along the California Coast.

As a Certified Flight Instructor, I am responsible for ensuring the safety of my student and pilot clients by teaching the responsibilities and obligations of adhering to Federal Air Regulations (FAR's), These rules and regulations pertain to airspace within the United States. 14 CFR Part 91.119, specifically pertains to "Minimum Safe Altitudes."

I appreciate the implications and necessity of protecting Marine Wildlife. My syllabus includes the admonishment that flights over all charted Marine Sanctuaries should be no lower than 1000 ft and preferably above 2000 ft. At San Carlos, our Airport Management team, under the leadership of Gretchen Kelly, has a dynamic pilot education program to alert pilots to the sanctuary's, and the need to maintain a safe altitude above or around them. However, as is clearly stated in FAR 91.3 (b) "*In an in-flight emergency requiring immediate action, the pilot in command may deviate from any rule of this part to the extent required to meet that emergency*". Attempting to observe a multitude of requirements from outside agencies would undermine my safety.

It is my understanding that the US Government, and the FAA (thru the DOT) are the sole regulators of airspace. To allow another Governmental Agency the privilege of arbitrarily changing those rules would effect the safe operation of my aircraft.

It is for this reason that I must strongly protest your actions, as currently considered.

Changing the rules and regulations pertaining to airspace require a formal process of publication and comment period, to ensure that the rights of all parties are considered. Because the FAA is responsible for regulating airspace, and because there has been no formal publication or comment period as required to change an Federal Aviation Regulation, I strongly protest your actions as currently considered.

I look forward to working with you, within a framework that considers the requirements of changing an existing FAA Regulation, pertaining to airspace, as it relates to the safe operation of my aircraft.

Sincerely,

Robert E Wood, CFI

SQL-JATO Aviation

Bob Wood  
[bwood@jatoaviation.com](mailto:bwood@jatoaviation.com)





Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## NOAA Proposed regulated overflight zones

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**Douglas Palmer** <wetlandings@gmail.com>

Wed, Jan 25, 2017 at 7:45 PM

To: Jenn.Gamurot@noaa.gov

Please do not change the current overflight rules, doing so will compromise safety of flight in and out of Half Moon Bay Airport (KHAF). Specifically the Devils Slide/Bird Rock area forces pilots to negotiate below a low Class B ceiling in a congested air traffic corridor while also managing the fog in an area that commonly has turbulent winds. It is also proximate to the arrival and departure patterns to KHAF so pilots are already operating in the highest workload phase of flight.

I appreciate the concern for the nesting seabirds, and have personally tried to keep as close to the 1500 foot ceiling as I can for both the birds and flight safety. I feel that the large majority of local pilots know about the sanctuary and do their best to give the birds their space. However it is the nature of airports that landing and departing transient aircraft are the most likely to fly in unaware of a NOAA restriction. All pilots expect the FAA to be the authority regarding the use of airspace and without exception, Citations issued through NOAA would be unusual and cause a great deal of confusion and legal wrangling. I would encourage you to spend instead resources with a better outreach and education program in conjunction with the FAA.

Thank You for your consideration

Doug Palmer

[415 336-8081](tel:4153368081)



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[www.aopa.org](http://www.aopa.org)

June 29, 2016

George Clyde  
Chair  
Overflight Working Group  
Greater Farallones National Marine Sanctuary Advisory Council  
Submitted to: [overflightwg@gmail.com](mailto:overflightwg@gmail.com)

***Re: Greater Farallones National Marine Sanctuary Advisory Council Working Group on Low Overflight Regulation Zones: Request to Comment on New or Expanded Low Overflight Regulation Zones***

Dear Mr. Clyde,

The Aircraft Owners and Pilots Association (AOPA), the world's largest aviation membership association, submit the following comments in response to the proposed National Oceanic and Atmospheric Administration (NOAA) low overflight regulation zones to be located over Tomales Bay, Sonoma County coast, Marin County coast, and Devil's Slide, CA. While AOPA supports NOAA's mission to conserve and manage coastal and marine resources, we are concerned with the far-reaching effects and implications of this proposed expansion and establishment of low overflight regulations zones. Based on the concerns presented below, AOPA cannot support the proposals.

**FAA's Sole Authority to Regulate Airspace**

According to Article 49, Section 40103 of the US Code, the Federal Aviation Administration (FAA) has the sole authority to regulate the use of the national airspace system. In the National Parks Air Tour Management Act, Congress recognized that the FAA has sole authority to control airspace over the United States. It also recognizes that the FAA has authority to preserve and protect the environment by preventing the adverse effects of aircraft overflights. It is our belief that further expansion of these low overflight regulation zones usurps that authority and permits NOAA to regulate flight operations in the national airspace system. A pilot operating within navigable airspace in the national airspace system and in full compliance with all Federal Aviation Regulations (FAR) could be subject to NOAA enforcement action based solely on the location of his/her aircraft.

Pilots have a reasonable expectation to be familiar with applicable FARs and the operating parameters established therein. If the FAA permits other agencies to regulate airspace, to what end will pilots be expected to know, understand, and follow regulations of countless other agencies? Such an action would create a patchwork quilt of overlapping and potentially contradictory regulations from Federal, State, and local agencies. On this point, the FAA issued a December 2015 document titled "State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet." In this document it spells out why it is solely the FAA's authority to govern

airspace and why a “patchwork quilt’ of differing restrictions could severely limit the flexibility of FAA in controlling the airspace and flight patterns, and ensuring safety and an efficient air traffic flow.”

There simply is not enough room on aeronautical charts to list multiple flight restrictions from a variety of agencies. The purpose of an aeronautical chart is to provide situational awareness and navigation information to a pilot. Using an aeronautical chart as the sole, practical means to communicate regulatory restrictions is inappropriate and would detract from the safe use of the chart for its intended purpose. Furthermore, there is no FAR requirement for a pilot to have an aeronautical chart on board the aircraft raising the question as to how a pilot would be aware of or familiar with NOAA regulations concerning flight operations.

### **Outreach Opportunity**

AOPA is willing to support outreach efforts on the current Advisory Circular (AC) 91-36D, “Visual Flight Rules (VFR) Flight Near Noise Sensitive Areas including Marine Sanctuaries.” AOPA has agreed to collaborate with NOAA on pilot outreach and education to “fly friendly” in accordance with the recommendations contained in the FAA’s AC 91-36D. The AC requests that pilots voluntarily avoid overflight of noise sensitive areas at less than 2,000 feet above ground level. This guidance is recommended and not regulatory or compulsory. It is AOPA’s belief that any mandate or requirement beyond these terms must be enacted by the FAA following the standard rulemaking process.

### **Tomales Bay Study Area**

The Tomales Bay sanctuary area is already designated a noise-sensitive area with pilots requested to maintain a minimum altitude 2,000 feet above the surface of the sanctuary. This charted notification is sufficient for pilots to know they should be following the guidance in AC 91-36D. The provided proposal does not detail any justification for the new low overflight regulation zone. Furthermore, the proposal acknowledges the entire area does not need further regulation so it is unclear what is prompting this action to be so extensive. Lacking specifics, we find it difficult to effectively comment. The area depicted as a low overflight regulation zone should be minimized to the areas that are justifiable. There should not be an increase in the zone unless there is evidence that it is an impacted area.

There are vague statements made that helicopters and seaplanes “occasionally” operate in the area without discussion of how this is disruptive and what problem needs to be corrected. Aircraft should be able to fly in this area when desired. We believe AC 91-36D adequately addresses any concern and that outreach to regular operators in the area will further increase awareness.

The proposal requests feedback on designating seaplane and helicopter landing areas within this area. NOAA does not have the authority, nor the expertise, to determine appropriate landing and takeoff locations for aircraft. The identification and governance of airports should be left to the FAA and the authorities they designate. Should a regulation zone be necessary, NOAA should work with the FAA and stakeholders to designate landing areas as mitigation for the loss of airspace access.

Feedback is requested on whether restrictions should be put in place on a seasonal basis. This cannot be accommodated with the existing charting cycle so depicting a restriction would be confusing unless a note was provided stating when the restriction was in place. This depiction would require new symbology to separate it from the annual restriction. The best solution to seasonal issues is to conduct pilot education and outreach, not new charting. The charted advisory to remain above 2,000 feet AGL is already effective at increasing awareness so no further charting should be required.

### **Sonoma County Study Areas**

AOPA is concerned with how the proposed regulation zone will affect the Sea Ranch Airport (CA51) which is located in close vicinity. The private airport has numerous based aircraft who would be effectively prohibited from flying west of the airport at traffic pattern altitudes. Pilots conducting normal operations to and from this airport fly their traffic patterns as designated by the FAA. This puts the aircraft at altitudes lower than 1,000 feet AGL and to the west of the airport, both of which would no longer be feasible with a new regulation zone. In order to safely operate in and out of the Sea Ranch Airport, pilots need to be able to fly altitudes much lower than 1,000 feet. If this proposal moves forward, AOPA respectfully requests that these FAA established procedures be maintained and language included in any proposed or final rule that would exempt flight operations within 5 NM of the airport for the purposes of taking off or landing at the airport.

The proposal states “because of high cliffs, up-winds, down-winds, fog, limited glide paths in case of engine failure and the presence of birds flying in the area, it may be unsafe for pilots to fly at low altitudes in certain parts of the study area.” AOPA strongly opposes this statement for the following reasons: (a) it is not based on any study or facts that could lead to any conclusions on whether the local weather conditions are hazardous to aviation; (b) local weather conditions are not used for justification, mitigation, nor have any bearing on permanent geographic flight restrictions; and (c) none of these considerations, except for an unusually high presence of birds, has any bearing on the proposal. Formulating a conclusion based on these non-substantiated comments that new regulation zones will not impact many pilots, and therefore should not be carefully justified, would be inappropriate and outrageous.

AOPA supports the exemption for Coast Guard helicopter flights if the low-overflight zones would adversely impact their operation should the regulation zone be enacted. AOPA also agrees that the proposed areas “are along the route typically taken by pilots while traveling up and down the coast.” Any proposal should take a careful look at the impact on aviation and should be fully justified before moved out of the study phase.

### **Marin County Coastal Study Areas**

This proposal requests feedback on whether charting “areas that are not at high risk of disturbance” would be appropriate. Enacting and charting a regulation zone because of simplicity is inappropriate. Only the areas fully justified should be considered for rulemaking.

## Devil's Slide Study Area

The proposed new low overflight regulation zone will have immediate and lasting effects on general aviation, particularly those pilots based at Half Moon Bay Airport (KHAF). This area is frequently used to transit north-south around the San Francisco International Airport (KSFO) Class B airspace. Given the frequent fog and low ceilings in the San Francisco Bay, pilots are often forced to fly at low altitudes – below 1,000 feet AGL – on the western coast in order to comply with FAA regulations and to transit north-south. The new regulation zone may prevent pilots from transiting this area altogether in cases of the weather being at standard Visual Flight Rules minimums.

Many aircraft are not capable of flying within Class B airspace due to a lack of radios so they must remain below the 2,100 foot shelf. Creating this regulation zone will complicate the airspace and force many pilots to fly above 1,000 feet AGL and below 2,100 feet MSL. This limited altitude range will funnel air traffic and increase the risk of a collision. The hazard becomes even more serious as the Class B drops to 1,500 feet MSL just north of the proposed regulation zone. Pilots' compliance with both airspace requirements simultaneously could be distracting when it comes to see-and-avoid tasks and also greatly increase their workload. Any attempt to reduce the available airspace in this area will have a substantive impact on the safety, access, and efficiency of general aviation to transit the area.

## Conclusion

The Sanctuary, the Seabird Protection Network, US Fish and Wildlife Service, and others have provided significant pilot education regarding the need to avoid disturbing birds in this area. We would request to assist in further outreach efforts and avoid imposing additional regulations. AOPA does not support the proposed low overflight regulation zones and we believe they would negatively reduce airspace access unnecessarily. The FAA has the sole authority to regulate airspace so any regulation that would govern airspace should come from this agency.

Thank you for reviewing our comments on this important issue. Please feel free to contact me at 202-509-9515 if you have any questions.

Sincerely,



Rune Duke  
Director, Airspace and Air Traffic

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of General Aviation Pilots and Aircraft Owners. AOPA's mission is to effectively serve the interests of its members and establish, maintain and articulate positions of leadership to promote the economy, safety, utility and popularity of flight in general aviation aircraft. Representing two thirds of all pilots in the United States, AOPA is the largest civil aviation organization the world.

**Inverness Association  
PO Box 382  
Inverness, CA 94937**

January 25, 2017

Greater Farallones National Marine Sanctuary Advisory Council  
c/o Greater Farallones National Marine Sanctuary  
991 Marine Drive, The Presidio  
San Francisco, CA 94129

Attn: John Largier, Chair

By email to Jenn Gamurot - NOAA Affiliate, [jenn.gamurot@noaa.gov](mailto:jenn.gamurot@noaa.gov)

**Tomales Bay - NOAA Regulated Overflight Zones**

I am submitting these comments regarding the proposal to extend the existing NOAA Regulated Overflight Zone at the mouth of Tomales Bay to cover all of Tomales Bay. The Sanctuary Advisory Council will be considering this at its February 1 meeting in Pt. Reyes Station as indicated in [http://farallones.noaa.gov/manage/sac\\_meetings.html](http://farallones.noaa.gov/manage/sac_meetings.html). A member of our Board of Directors will be in attendance and present the letter in person.

**The Inverness Association is an organization formed in 1930 as a community improvement association and is located on the western shore of Tomales Bay, which is in the unincorporated area of Marin County. We conduct design review for development proposals in our area, own beaches and beach access trails, maintain trails throughout the area and have restored The Gables, an historic building which today houses the County Library and Jack Mason History Museum.**

All of Tomales Bay is within the boundaries of the Gulf of the Farallones National Marine Sanctuary except for a relatively small portion of the Bay that lies within the Point Reyes National Seashore.

To reiterate what you have heard from other organizations, Tomales Bay is one of the most pristine estuaries in the world. It serves as a wintering and breeding area for tens of thousands of birds – some endangered – and for a large colony of harbor seals with several haul-out areas in the Bay. In addition, Tomales Bay is designated as a wetland of international importance under the Convention on Wetlands, known as Ramsar Convention. The newly restored Giacomini Wetlands at the southern end of the Bay is attracting even more birds to the area. Increasingly we are seeing eagles and other raptors fishing in the Bay and nesting in the area.

But, aircraft engaging in low flights over Tomales Bay increasingly are disturbing these populations. In addition to low-flying sightseeing and pleasure flights, there are helicopter landings on the beaches and even sea-planes occasionally landing in the Bay. Drone usage is increasing and poses a particular risk of disturbance to wildlife. These cause flushing and other serious disturbances of these animals.

There is absolutely no reason that these unnecessary flights that disturb wildlife should be permitted to continue. All of the reasons for the Sanctuary's rules restricting flights over Bolinas Lagoon apply to Tomales Bay, but Tomales Bay has much larger populations of seabirds and marine mammals than Bolinas Lagoon.

For these reasons, **the Board of Directors of the Inverness Association** respectfully requests that the Sanctuary Advisory Council recommend to the Sanctuary Superintendent to include all of Tomales Bay as a NOAA Regulated Overflight Zone.

I would be happy to provide further information in support of these views or to invite your representatives to meet with our organization to discuss this. In the meantime, I thank you for your consideration of these comments.

Sincerely yours,

*Kathy Hartzell*

Kathy Hartzell  
President  
Inverness Association



Jenn Gamurot - NOAA Affiliate &lt;jenn.gamurot@noaa.gov&gt;

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## Proposed NOAA Regulated Overflight Zones KHAF Airport

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Arash Aryana <aaryana@yahoo.com>  
To: Jenn.Gamurot@noaa.gov

Thu, Jan 26, 2017 at 10:32 AM

Jenn,

I corrected an omission to my original letter, highlighted in bold below.

Arash

On Jan 26, 2017, at 10:27 AM, Arash Aryana <aaryana@yahoo.com> wrote:

Hi Jenn,

I'm sending you this note with grave concern for having non aviation folks passing regulations that will affect the safety of flight for my airplane at Half Moon Bay Airport.

The proposed regulations will definitely result in fatalities near KHAF. I for one will not worry about fines or criminal penalties when I am pilot in command and need to ensure that my wife and daughter need to get back on the ground alive. The proposed regulations will adversely affect the decisions some pilots make while weighing the risk of being busted by NOAA or getting home safely. This is a recipe for disaster to the pilots and I'd be in fear if I lived on that coastline.

A disoriented pilot who ends up in the clouds because he/she can't fly at a safe altitude to land at KHAF is a risk to the coastal community...a 2000 lb airplane careening out of the sky into the ocean or into the populated coastline is a nightmare. That's what will happen when you force VFR aircraft to fly into or near clouds.

You may say this is absurd, that this is exaggerated and will never happen. But unless you have lived it yourself, and flown into KHAF yourself as a pilot, you will never understand what I am saying here. KHAF is already a dangerous airport with dicey weather conditions. These proposed regulations are not good for the **safe operation of aircraft at KHAF.**

It is impossible to impart to you the absolutely critical need for a VFR aircraft to have the flexibility do what is right for the safety of the flight on a foggy coastline when your wife and child are in the aircraft.

Pass your regulations and I hope you can sleep at night when the NTSB reports of fatalities start rolling in.

BTW, the folks pushing for this have lied to the public showing video of birds scattering on the coast and saying it's from airplanes when it was actually video of birds scattering when the blasting for the Tom Lantos tunnels took place. They finally came clean and admitted their video wasn't the result of an airplane passing overhead when questioned by pilots at KHAF.

I am a conservationist and love preserving the environment but I am vehemently opposed to the deceptive lobbying of the public by this group pushing for these regulations and wholeheartedly know that it will endanger the flight operations of VFR aircraft at KHAF.

Arash Aryana

(A pilot, husband, and father to two women that depend on me to ensure they are safe flying into and out of KHAF)





**CALIFORNIA PILOTS ASSOCIATION**  
1414 K St., 3rd Floor, Sacramento, CA 95814

January 26, 2017

**VIA OVERNIGHT DELIVERY & EMAIL** (jenn.gamurot@noaa.gov)

Jenn Gamurot, Advisory Council Coordinator  
NOAA Greater Farallones National Marine Sanctuary (Headquarters)  
991 Marine Drive, The Presidio  
San Francisco, CA 94129

**Re: Review Of Low Overflight Working Group Report On February 1, 2017**

Dear Members of the Greater Farallones National Marine Sanctuary Advisory Council:

On behalf of the California Pilots Association (“CalPilots”), I submit this comment letter in response to the report submitted to the Greater Farallones National Marine Sanctuary Advisory Council (“Advisory Council”) by the Low Overflights Working Group (“Working Group”) being considered at the Advisory Council’s February 1, 2017, meeting.

**Consideration Of The Working Group Report Is Premature Due To A Failure To Allow For Appropriate Public Comment.**

CalPilots believes by only allowing eight (8) days for public comment, the Working Group’s report is being considered prematurely. CalPilots requests the Advisory Council table action on this recommendation until its next meeting and re-open public comment.

**The Proposed Regulation Of Low Overflight Over Specific Geographic Locations Is An Illegal Regulation Because The FAA Retains Exclusive Jurisdiction To Regulate Airspace.**

While CalPilots believes wildlife resources are important and worthy of protection, CalPilots cannot support the changes proposed by this recommendation. To begin with, because of the use of presumptions and separate fines for flying below 2000 feet over specific geographic areas, the 2012 NOAA rulemaking does create an illegal airspace restriction. Subjecting a pilot to legal fines and consequences for operating an aircraft in compliance with the FAA Federal Aviation Regulations (“FARs”) is inappropriate.

To the extent NOAA wishes to create legally enforceable flight restrictions, it must do so through the appropriate FAA regulatory procedures. The broad powers granted to the FAA, including the power to regulate airspace, when combined with the freedom of air navigation, render the NOAA regulation illegal.<sup>1</sup>

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<sup>1</sup> See *United States v. Causby* (1946) 328 U.S. 256; see also Public Right of Transit Public Law: 85-726-Aug 23-1958.



**CALIFORNIA PILOTS ASSOCIATION**  
1414 K St., 3rd Floor, Sacramento, CA 95814

By way of example, were the NOAA to levy a fine for overflight at 800 feet at UVIDE intersection (Half Moon Bay, RNAV (GPS) Y RWY 30 missed approach point) or at even lower levels just prior to landing, would be illegal. However, in our system, illegal regulations remain in effect until challenged in a court of law; thus, the 2012 illegal rulemaking remains.

Unfortunately, when individuals perceive a law as improper or contrary to superior authority, the result is disregard for the law, not improved compliance. As a result, the proposed change would fail to achieve its goal of protecting wildlife. Further, a choice not to prosecute does not protect an illegal law. The injury to the aircraft operator exists in that NOAA retains the power to do so. That injury provides the aircraft operator standing to challenge improper regulations.

The appearance of illegality to pilots is especially high because the proposal conflicts with controlled airspace as well as conflicts with a pilot's ability to takeoff or land at coastal airfields like Half Moon Bay, Sea Ranch, or Ocean Ridge Airports. That exception for takeoff and landing is critical to emergency medical helicopter service operating out of Redwood Coast Medical Heliport, also prohibited by the proposed action. Additionally, although a left-hand traffic pattern is standard, which would result in coastal overflight for at least one runway in each of the listed airports, the FAA has specifically determined the safe traffic pattern for both runway 12 and 30 at Half Moon Bay airport requires coastal overflight. The rule, as proposed, would cause any pilot entering the pattern, flying the pattern, or departing the pattern, to necessarily violate the proposed rule. This cannot be supported as not in conflict with the FARs or the Airmen Information Manual.

While CalPilots supports educational outreach and recommendations that such overflight should occur at or above 1000 feet, we cannot support any rulemaking that would control the airspace in question in a manner contrary to the FARs 500 feet limit nor one that would not include exceptions for takeoff and landing.

### **The Proposed Regulation Of Low Overflight Over Specific Geographic Locations Is Unnecessary Because NOAA's 2012 Rulemaking Successfully Addressed The Low Overflight Issue.**

CalPilots notes this rulemaking appears unnecessary based on the materials provided to the Working Group. Specifically, the Working Group relied upon the Common Murre Project's 2015 Annual Report ("2015 Annual Report"). It is clear that bird disturbances dramatically reduced from 2005; and reduced further subsequent to the 2012 rulemaking's creation of FAA VFR chart notations.<sup>2</sup> Of note, during 353 observation days, encompassing 992 hours of monitoring, only 14 flushing events due to aircraft overflight occurred.<sup>3</sup> Further, it is unclear what altitude the offending aircraft were flying at.<sup>4</sup> However, it appears from the 2015 Annual Report that the current advisory areas are performing well and there is no need for further attempts to regulate

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<sup>2</sup> 2015 Annual Report, Figures 9 & 10, pp. 63-64

<sup>3</sup> *Id.*, Tables 1-10, pp. 43-50

<sup>4</sup> 2015 Annual Report





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aircraft overflight. To the extent NOAA wishes to amend its language or chart identification to better identify recommended overflight areas, CalPilots supports those intentions.

With respect to marine mammals, the materials do not appear to support a crisis caused by overflight. By way of example, harbor seals were monitored at Point Reyes in 2006.<sup>5</sup> At that time, only 7% of disturbances, defined as alertness or flushing, occurred due to aircraft. The remaining disturbances were caused by humans (21%, presumably on foot), motor boats (11%), other boats (13%), and 48% due to non-human issues. (Aircraft Disturbance Literature Review DRAFT at p.11 (“Pinnipeds”).) CalPilots notes this is a draft document created by sanctuary staff and has not been published nor subject to peer review.

### **The Proposed Regulation Of Low Overflight Over Specific Geographic Locations Amounts To A Ban On Drone Operation Within Those Areas.**

While drones may be of particular concern, those issues are relatively unique to unmanned aerial systems (UAS) and generally do not apply to the issues of manned flight. However, as the FAA continues to expand its regulation of UAS, inevitable conflicts may arise with regard to airspace. Of note, current UAS regulation prohibits flight above 400 feet. Prohibitions against flight below 1000 feet amount to a restricted flight area for Remote Pilots; again, NOAA would be regulating airspace.

No one believes harassing wildlife is an appropriate use of drones; however, drones have been used very successfully for wildlife monitoring and population counts. Before NOAA considers a blanket rule for motorized aircraft which would include drones, it should consider the valuable resource drones can provide to those seeking to protect wildlife. Additionally, as drones tend to be much smaller than manned aircraft, it is unclear that distance requirements designed for manned aircraft are appropriate when applied against UAS aircraft, given their significantly smaller size.

### **Comments Regarding Specific Language Contained Within The Working Group’s Report.**

On page 1, the non-aviators on the committee allege the FAA does not find this conflicts with airspace by citing to a footnoted reference in the Federal Register. The footnote provides little to no guidance about what the FAA was responding to, except that it was related to the 2012 proposal. The 2012 rulemaking’s reference to FAA AC 91-36D, which *encourages* VFR pilots to fly at a higher altitude, shows generally the FAA’s perception the NOAA rulemaking requested pilots to fly above an altitude, not prohibiting flight at an altitude. Regardless of its content, the FAA 2012 letter does not, and cannot, address the issues raised by the current proposal; thus, reliance upon the letter is inappropriate and does not conform to the evidence standard for rulemaking.

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<sup>5</sup> Aircraft Disturbance Literature Review DRAFT at p.11 (“Pinnipeds”)



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On page 11 of the recommendation, the report alleges the 2000 feet requested altitude is frequently ignored, yet as noted, only 14 aircraft flushing events occurred over 353 days of monitoring.<sup>6</sup> There seems to be no support for this allegation within the materials provided to the Working Group. How is frequently determined? What records demonstrate actual aircraft height? How many of those events are related to a takeoff or landing? How many are related to low ceiling days? How many actually occurred when marine mammals and birds were nesting? The materials do not include the answers to any of these questions. In the cases where a reference was made to height or distance, it appears these determinations were based on eyeballing. It is my experience as an aviator that non-pilots on the ground consistently suggest aircraft are much lower than their actual altitude (e.g. Mosquito abatement flights that neighbors complained were at 200 feet were actually at 400 feet per GPS readout provided by the County abatement as required for proper spray patterns.) Additionally, the materials noted all “disturbances”, which included behavior, such as alerting, additional calling, or head movement. However, the materials themselves could not come to a conclusion regarding whether this was harmful or not.

On page 20 of the recommendation, the recommendation notes the websites utilize the words “restrict” and “prohibit”. The recommendation notes this usage is “inaccurate, confusing and off-putting to pilots...” CalPilots appreciates the acknowledgement of the pilots’ concerns over this language but notes NOAA’s 2012 rulemaking determined the word restrict was not to be used, yet no correction apparently has occurred in over four (4) years. CalPilots supports NOAA in the correction of improper language on its websites.

**Conclusion**

For the reasons above, NOAA should cease its efforts to regulate airspace in conflict with the FAA. Actions by the NOAA to train pilots to fly at higher altitudes are beneficial and helpful to our environment, but the actions proposed here would amount to a patchwork of regulations where clear authority lies within the FAA. If NOAA truly believes prohibiting flights below 1000 feet is in the best interests of society, it should advise the FAA and seek FAA action.

Regards,

*Karl E. Leach*, General Counsel for  
Carl Leach, President  
California Pilots Association

Via Email

cc: Carol Ford, CalPilots, V.P. Region 3, ([carol.ford@calpilots.org](mailto:carol.ford@calpilots.org))  
Andy Wilson, CalPilots Director-at-Large and Greater Farallones Overflight Committee  
Member ([andy.wilson@calpilots.org](mailto:andy.wilson@calpilots.org))

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<sup>6</sup> 2015 Annual Report, Tables 1-10, pp. 43-50





Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Proposed NOAA Overflight Zones in the Farallones Marine Sanctuary

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Henry Lowman <henrylowman@comcast.net>

Thu, Jan 26, 2017 at 11:29 AM

To: Jenn.Gamurot@noaa.gov

Cc: henrylowman@comcast.net

To whom it may concern:

I write to express my strong objection to proposals for increased flight restrictions voiced by non-pilot members of the Greater Farallones National Marine Sanctuary Advisory Council Working Group on NOAA Regulated Overflight Zones in their report of January 19, 2017.

While well-intended, the proposed establishment of *NOAA regulated overflight zones (NROZs)* where pilots flying below 1,000 feet are subject to citation has the potential to threaten general aviation safety and indeed the safety of the general public in Northern California. As a private pilot, I must consider many aspects of weather, route, traffic, and temporary flight restrictions (TFRs) in planning a flight, and I know that with addition constraints such as these, pilots will tend to fly further offshore or over populated areas, where such routes are otherwise unnecessary, leading to potentially fatal accidents for those in the air and/or on the ground.

Moreover, it should not be the role of the National Oceanic and Atmospheric Administration (*NOAA—the federal government's weather bureau*) to establish flight rules and restrictions for the aviation community— that role is properly addressed by the Federal Aviation Administration (FAA), which can reasonably take into account the safety and needs of aviation across the United States.

As a long-time resident of Northern California, I value our scenic coastline and wildlife; however, the current proposal is very troubling to me. In lieu of further regulation, I suggest that marine sanctuaries and other areas protected for wildlife pursue a plan of *outreach and education* to the aviation community, as a more thoughtful, efficient, and cost-effect means of protecting our resources.

Respectfully,  
Henry B. Lowman, PhD

January 25, 2017

To the Greater Farallones Sanctuary Advisory Council:

I am disturbed after reading the recommendations of the Greater Farallones National Marine Sanctuary Advisory Council Working Group. The document seems to be establishing a new entity called the NROZ (NOAA Regulated Overflight Zone), separate from the current "Special Wildlife Protection Zones," and separate from any other established protection zones, to deal specifically and exclusively with aircraft overflight. The general recommendations within the document seem to establish what the NROZs will look like: horizontal and vertical dimensions, how to display them on FAA charts, and who can enter them or, stated in other words, who will be subject to regulatory enforcement. The document recommends the establishment of new zones, the extension of existing zones within the GFNMS, and a suggestion that other agencies, (e.g. National Park Service, Point Reyes National Seashore, etc.), might adopt the NROZs to solve jurisdictional problems, like extending the NROZs into areas not controlled by the GFNMS. Suggestions for potential future expansion to offshore "hot spots" along the continental shelf and other vast areas of open water are implied if one references some of the associated web links in the document. In addition, the document seems to be recommending a model for the creation and establishment of new zones, namely the "working group." As a pilot that was interviewed to be a member of the current Working Group, this is not what I understood the group was about, and am seriously distressed by the potential for unlimited expansion of NROZs, with the resultant loss of airspace for a zealous adherence to the "precautionary principle" and the politically expedient way in which this has come about, namely, the working group.

I do not make the above statement lightly. Numerous comments within the Working Group document reflect that there is still a serious lack of understanding of the aviator's world. (For example, the suggestion that a camera be placed on the cliff by Bird Rock to catch violators.) The proposed boundaries of NROZs seem to be designed for ease of describing them and charting them but certainly not for the ease of the pilot who must identify them and fly around them. This lack of understanding is dangerous, and since NROZs are being designed specifically to regulate aircraft and nothing else, I feel it is unconscionable that you can even think of establishing new NORZs and initiating criminal action against pilots without first having worked out these issues and other jurisdictional problems brought up by the current Working Group.

I am also alarmed that you feel it completely unnecessary to consult with the FAA since you have now placed yourselves in the business of regulating airspace with the creation of NROZs. (One exception. There is a suggestion within the document that you talk to the FAA but only to get them to redesign one of their long established restricted airspace zones to meet your needs.) I am sorry but a vague statement in a document from 2012 implying you have the FAA's blessing does not seem an adequate response to your responsibility to consult with the agency authorized to manage the nation's airspace

system especially considering the hastily thought-out and rapidly evolving nature of the NROZs. It feels like our concerns and criticisms and been largely discounted and ignored.

After reading 18 years of annual reports of the Restoration and Monitoring of Common Murre Colonies in Central California, I am wondering why NOAA feels that overfly restriction is necessary. The birds on Bird Rock, for example, are doing better than ever. There are more now than before the oil spill that decimated the colony in 1986. The birds are thriving in spite of the 2009 starvation event, which affected a larger area than Devil's Slide Rock, and tunnel construction, which started in 2005 and finished in 2013 and included boring, blasting, rock hauling, and road building. The goal has shifted from restoration of the colony, which was a brilliant success and easy to measure, to human disturbance, a more nuanced issue less easily quantifiably. (I was unable to determine how the methods of observation in the studies changed with the new goal. I personally observed 2 birds within 5 minutes abort their landings on the rock on a windy day trying to maneuver around poles set up on the rock to make counting the birds easier yet there is no mention of this human disturbance in the report or its effect on the colony.) Is aircraft overflight really a significant disturbance, let alone a serious threat to sea bird survival? The Murre Colony reports do not support that conclusion. I have not seen any data for other proposed NROZs but it makes me skeptical. The problem of aircraft overflight is not as obscure an issue as global warming and yet with little justification you have proposed NROZs over thriving colonies and defined their boundaries in a particularly arbitrary way. Does following the "precautionary principle" mean you don't have to do the science even if you could? Does adherence to the "precautionary principle" mean that if one bird or seal ever looks up at an airplane or bobs its head you are justified in restricting the entire coastline?

It makes me wonder about the motivation behind overflight regulation. It seems too expedient, providing a sense of accomplishment and yet accomplishing nothing significant while the potential for abuse is tremendous. It feels like small airports are under siege at the moment. Ask any airport manager how many noise complaints are made by disgruntled people that knew the airport was there when they moved in and are now fighting to have it closed. Their tactics are often disturbing and I am afraid that NROZs can give unhappy locals the perfect way to shutdown local air traffic they find annoying, in addition to burdening pilots with frivolous litigation under "rebuttable presumption."

On the first page of the Working Group's document George Clyde states: "Following the precautionary principle, they [non-pilot members of the Working Group] believe that the NROZs are an important tool – both in protecting the wildlife through regulatory enforcement and as an effective way to motivate and educate pilots about the locations of vulnerable wildlife and the minimum elevations necessary to protect them from potential disturbance." This statement seems to clearly state the Working Group's bias. It seems that you are only interested in enforcement (with rebuttable presumption) and banning aircraft from any area you control, and that the only outreach and education you are interested in is providing us information on the location of NROZs and the minimum elevations and horizontal dimensions you have somehow deemed necessary. It seems so

easy and expeditious requiring no science and no protection for pilots under the law (guilty until proven innocent), or protection afforded us by the FAA.

Philosophically, I don't think the goal is to keep humans out. I think we must cohabit and interact if we are going to survive. That requires some give and take on both sides. But it is harder. You have to think differently. You have to teach people to be respectful, and what that looks like. San Carlos airport reported 99% compliance with their voluntary noise abatement program with education and outreach. Dream Machines reported no bird disturbances after Seabird Protection increased its outreach program at the event. Is regulatory enforcement an effective way to motivate and educate pilots or anyone? Is it really addressing the problem or is it just expedient, requiring little effort?

Kristin Williams Ph.D.

Retired Military Pilot  
Retired Airline Pilot  
Aircraft Owner/Operator

.



January 25, 2017

To the Greater Farallones Sanctuary Advisory Council:

During the time the working group was meeting I had, at various times, conversations with the 3 pilots involved. Over time, I observed their initial optimism evolve into acceptance that the working group had virtually no knowledge of, or interest in learning about, the complexity of the system they are trying to regulate. In a conversation with Sage Tezak I mentioned that, while natural events have an enormous impact on any given bird population, aviation events have virtually no such impact. She concurred, but said that since regulatory agencies have no control over natural events, they could only attempt to control human interactions, seemingly without regard for the need or effectiveness of such actions. For a group composed largely of people in the scientific community, it appears that science has very little to do with the group's actions or agenda. In reading NOAA's reports one sees little or no evidence that the aviation community has had any quantifiable effect on bird populations or behavior. The working group seems determined to create solutions to problems that are not documented in NOAA's own studies.

There is also a very large question that has yet to be resolved: does NOAA, or any other agency other than the FAA, have the authority to regulate the airspace. The argument that NOAA is regulating disturbance rather than airspace is invalid since the result is a restriction on activity in that airspace. My understanding is that the only conviction of someone in the aviation community was a result of a violation of the Airborne Hunting Act, which has no connection to NOAA whatsoever. I look forward to having the issue of NOAA's authority tested in court when you finally prosecute someone under your own regulations.

I believe that the aviation community in general is very much interested in the well being of the wildlife along our coast. I know that over the years I have modified my activities to avoid creating conflict with the coastal wildlife. My behavior has not changed because of regulation, but because of increased awareness that I could have an impact on wildlife populations. As a result of observing the Working Group's activities over the last year, I will, while maintaining that awareness, actively oppose your agenda. It's really unfortunate that your activities to enlist the aviation community's support in protecting the wildlife have actually had a negative effect.

David Williams

Retired Airline Pilot  
Aircraft Owner/Operator



Jenn Gamurot - NOAA Affiliate &lt;jenn.gamurot@noaa.gov&gt;

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## Overflight zones along the San Mateo County Coast

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**LaVey, Barbara** <barbara.lavey@cbnorcal.com>  
To: Jenn.Gamurot@noaa.gov

Thu, Jan 26, 2017 at 12:47 PM

Thank you for opportunity to weigh in on my thoughts about the fly-over zones – I am a resident of Montara.

When the pilots are staying up at regulation heights, there are no annoying, glaring sounds from the planes.

When a pilot is in a touch and go instruction and not hitting those regulated heights, it is painfully obvious and very annoying – please make it clear they should stay up as high as regulations dictate.

### **Barbara LaVey,**

BRE# 01361161

Coldwell Banker

248 Main Street, Suite 200

Half Moon Bay, CA 94019

[650-483-4449](tel:650-483-4449) direct/cell/text

[650-726-8676](tel:650-726-8676) fax

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Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Jet aircraft flights over coastal communities

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**Sue Hawley** <kellruss@earthlink.net>  
Reply-To: Sue Hawley <kellruss@earthlink.net>  
To: Jenn.Gamurot@noaa.gov

Thu, Jan 26, 2017 at 1:59 PM

Dear Jenn Gamurot

I live in Montara a couple blocks from the ocean. The new flight patterns have deeply effected my quality of life and created concerns for the nearby Marine Reserve.

We purchased our home and moved to this small community particularly because of the peacefulness. At night we used to love to go outside and listen to the natural sounds of the waves, owls, frogs and coyotes. The dark skies allow us to even see the Milky Way. Every night, since the flight patterns have changed, the peacefulness of this community has been shattered.

I feel tired almost constantly as the roar of the jets, climbing directly overhead wakes me once or twice a night usually around 1:30 am and between 3:30 and 4:30 am. Some days the overflights seem constant. No sooner does one jet move off into the distance and the noise begin to recede than the next rattle and roar move in.

During the holidays the noise never let up. One day, around Thanksgiving, after a very noisy night, I tried to nap. The roar was constant. Not only were these climbing jet aircraft going directly over my formerly peaceful home (laying in bed I could look up, out the window and see their undersides) but also just offshore so there was double the noise. By the end of that day I was in tears, exhausted, unable to escape this intrusiveness into my own home.

When we purchased our home we were aware of the local small planes that occasionally go over. This is a totally different noise. The jets are low, I have even looked at flight radar to find that they are below 10,000 feet. The noise of the climbing jets rattles our home and is a very deep rumbling noise. It is not fair or livable to suddenly have to have this horribly intrusive racket invade our home and community.

What can be done to get our lives back and take the patterns back offshore?

Thanks for your time, Sue Hawley



Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## NROZ Devil's Slide

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**Gus Peterson** <peterson.gus@gmail.com>  
To: Jenn.Gamurot@noaa.gov

Thu, Jan 26, 2017 at 2:00 PM

Hi Jenn -

I live near the Half Moon Bay airport, and would love to see some protection for the sea birds and the coastal peace and quiet here. Can you please push for an extension of the NROZ and other GRs, level 5 or 6 to include the Fitzgerald Marine Reserve? That would be my only request at this time. Thanks.

Thomas "Gus" Peterson  
Moss Beach, CA



Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Public comment re: Overflight zone (Montara, CA)

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**Deborah Mortensen** <d2del@sbcglobal.net>  
Reply-To: Deborah Mortensen <d2del@sbcglobal.net>  
To: "Jenn.Gamurot@noaa.gov" <Jenn.Gamurot@noaa.gov>

Thu, Jan 26, 2017 at 2:49 PM

Dear Ms. Gamurot,

I am writing to ask that your team reconsider what appear to be new flight paths the cross directly over my home in Montara CA. This is a semi-rural community on the San Mateo County coast and there is nothing (city noise, etc.) that absorbs the noise of planes crossing overhead. As a result, I'm awoken every morning (usually between 5 and 6 am) to the sound of jet engines. The drone is fairly constant throughout the day and stops around midnight (sometimes earlier, sometimes later depending I'm sure on air traffic requirements). The problem is that I can tell you by the minute when it starts and when it ends. We live in a very quiet area and I can hear this noise even with windows closed. Not only does this affect my enjoyment of peace and quiet (much of why I live there), it's impacting my sleep.

I'm asking that you reconsider these flight paths and perhaps move them over more populated areas that may be more able to absorb the noise these planes make. It would be much appreciated.

If you have any questions, don't hesitate to contact me directly ([650 580-3710](tel:6505803710))

best regards,  
Deborah Mortensen  
861 Edison Street  
Montara, CA



Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## NOAA is Seeking Public Comments on Proposed Regulated Overflight Zones - Comments

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Colletti Joel <joelandsusan@sbcglobal.net>  
To: Jenn.Gamurot@noaa.gov  
Cc: Christine Susan <catmother8@sbcglobal.net>

Thu, Jan 26, 2017 at 2:48 PM

Dear NOAA,

I understand "NOAA is Seeking Public Comments on Proposed Regulated Overflight Zones," so I'd like to make a couple of comments.

Thank you for your interest and concern. We appreciate the forum you've provided to address some of our observations and concerns as well.

### **First: Single / double prop / fixed wing planes and small jets - flying to Half Moon Bay, CA. and San Carlos, CA. airports.**

Pilots regularly fly below the 1000' flight deck, as they are required to maintain. Furthermore they repeatedly circle around in a non vectoring path, but claim they are coming in for a landing at the HMB airport several miles away for our coastal location. Moreover, the pilots are typically under 500' or much less.

I think this is dangerous, as the HMB airport has had their share of crashes - one in November, 2016 which result in a death after the pilot and his passenger crashed into a house. [San Mateo County: Plane crashes near Half Moon Bay Airport](#)

### **Secondly: Increased Frequency of Low Flying Jets Disposing of Fuel.**

I have experience more low flying jets over our location than in the near 40 years as a resident on the San Mateo, Ca coastside. Furthermore, I see a larger number of jets disposing fuel over the newly aquired GGNRA / Natl Recreational Area at the edge of our community, as the aircrafts regularly skirt the boundaries of Rancho Corral de Tierra - a GGNRA open space preserve; hugging the San Mateo coastline.

**Coordinates: 36.5700° N, 121.7324° W**

I understand, for various reasons - weather - etcetera, at SFO might, on occasion, need to redirect traffic over the coast, but the airliners make a bee-line making their path over our home and community. These aircraft can be noisy and polluting; and at times, our local airport makes for a ripe environment to collide with one of the many small craft pilots that skirt rules and regs. regularly.

I love aircrafts. I fly regularly and enjoy living near an air force base that is home to the Blue Angels. We also experience military aircraft from the Alameda air force base, as well as the Coast Guard's helicopters that offer help, search and rescue; and Homeland Security; they're great.

I am not anti plane or jet. I just want to ensure the safety and sanity to our rural coastal town and its protected coastal marine preserves, Monterey Marine Sanctuary, as well as the Fitzgerald Marine Preserves that butts up along side the HMB Airport and SFO waters.

Thank you.

Sincerely,  
Joel Colletti for Susan Christine  
303 7th Street Montara, Ca 94037  
[650-728-1441](tel:650-728-1441)

**Coordinates: 37.5422° N, 122.5161° W**

Hike Rancho Corral de Tierra in Montara - POST

https://openspacetrust.org/hike/rancho-corral-de-tierra/ coral de tierra


POST CONTACT US DONATE TO POST

# DIFFICULT Rancho Corral de Tierra

Golden Gate National Recreation Area

- Sunrise to Sunset
- Free
- Property Website [National Park Service](#)
- Hiking

This unmistakable landmark along Highway 1 harbors one-of-a-kind flora and fauna on 4,262 acres of steep, rugged terrain.



[Get Directions](#)

## MORE ABOUT THIS HIKE

Driving Directions: Headed south on Highway 1, turn left on Etheldore Street just south of Moss Beach, CA. Follow Etheldore Street for 1,000ft and park on the side of the road close to the junction of Ranch Road.



**Letter to NOAA -San Mateo Coast Airport.tiff**  
4508K



Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Overflight on the coast

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**Lisa Forward** <lforward@apr.com>

Thu, Jan 26, 2017 at 2:57 PM

To: "Jenn.Gamurot@noaa.gov" <Jenn.Gamurot@noaa.gov>

Hi- my name is Lisa and I live in El Granada. I understand that you are taking public comments about the increased flight patterns over the coast. I'd like to chime in and say that the flights have been excessive, loud, and are not at all conducive to a peaceful lifestyle. The flights begin around 6am and go until close to midnight. They wake us up often and interrupt work from home on a constant basis. They go over about every 5-15 minutes so it's continuous and extremely loud. Before Next Gen we had the usual amount of flights that are common in any area. Now, it's as if we live right next to the airport. Additionally we are surrounded by NPS land and state parks. I am deeply concerned that the natural habitat of animals and humans who enjoy those areas is at risk. There has to be a way to take advantage of the benefits of Next Gen while not sacrificing the lifestyles of the people and animals nearby. The simple step of moving these flight paths over the ocean more is one fix. Please help. This has gotten entirely out of hand and is unacceptable. A computer that designed this NextGen model doesn't have to live with the consequences. We need humans who live in these areas to have a say.

Thank you for your consideration,

Lisa

Sent from my iPhone - please excuse typos and brevity.

Lisa Forward

Cell: [650-281-4745](tel:650-281-4745)





Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Regulated Overflight Zones on San Mateo, CA Coastside

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**Ron Welf** <ronaldwelf@gmail.com>

Thu, Jan 26, 2017 at 3:00 PM

To: Jenn.Gamurot@noaa.gov

Please, please do something to help return our previously peaceful community to its former quiet self! As expeditiously as possible.

The re-routing of commercial airline flights from SFO has brought unprecedented noise levels to the entire central coastal area. It starts before 6 AM, waking my family and me 2 hours before our normal time to arise in the morning. The new PORTE navigational point is now very near the Pillar Point Harbor in Princeton, CA. This locations routes aircraft over much of the central coastside. The noise is oppressive and distracting.

Please work to have this location moved further out over the ocean so the increased noise is not continued. Please note that one of the points from the SFO Roundtable was to avoid simply moving a noise issue from one community to another.

Ms. Gamurot,

I am an aircraft owner and career professional pilot who flies out of Half Moon Bay airport. Having been born, raised, and educated on the coast. I have a deep appreciation for the marine life that inhabits our area. Like most local pilots, my earliest fascination with flying came from observing the local seabirds flying and diving along the coastline as the bus took me to school along highway one.

I just recently became aware of the Greater Farallones National Marine Sanctuary Advisory Council Working Group. After reading their recommendations to the NOAA Sanctuary Advisory Council document, I have some concerns:

It appears from the document, that one of the primary goals of the group's recommendation isn't necessarily to protect wildlife, but to establish further flying restrictions for existing FAA controlled and regulated national airspace in a manner reflective of an inter-agency eminent domain dispute.

I feel that the recommendations to expand both the existing Monterey Bay and Greater Farallones National Marine Sanctuaries' NOAA restricted overflight zones in addition to the creation of further restricted zones is completely unnecessary. New restrictions will confuse pilots and degrade the safety of flight especially during the constantly changing weather conditions along the coast. The added punitive aspects associated with the rebuttable presumption of enforcement is in stark contrast to aviation safety with little to gain for the wildlife deserving of protection.

Before ruling on this issue, please consider reading the annual reports to the Lukenbach Trustee Council on the restoration and monitoring of common murre colonies in central California (Allison R. Fuller et al). The obvious conclusion drawn is that the existing regulations for the airspace in question established by the FAA of no flight below 500 feet above ground level are completely adequate.

It would be a shame to see the aviation community suffer further regulation, oversight, and possible punitive actions for no logical reason. Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. Cockrell". The signature is written in black ink and is positioned above the typed name.

Robert J Cockrell  
(267) 975-5570  
bobcockrell@gmail.com

Ms. Gamurot

It's with dismay I read the proposed recommendations of the Farallones Working Group. As a pilot I love sea birds. Most pilots do.

It's unfortunate the NOAA is gratuitously picking a fight with pilots when the goal should be the health and survival of the bird population.

The proposed regulations are not supported by data. As a result time and effort will be spent with unnecessary and senseless attacks on General Aviation with the birds being the ultimate losers.

These facts are incontrovertible, Thousands of birds have been killed by oil spills, pesticides and natural disasters, but there is absolutely no credible scientific data to support general aviation as being a threat. The FAA already has rules in effect regulating air space and no fly areas based on rational and political criteria. (political being presidential no fly zones and the like)

I urge you to cease and desist any efforts to punish pilots without reason. I would wholeheartedly support a pilot outreach and education program to be used in the event a credible general aviation threat does materialize. In the meantime let the FAA do its job and let the NOAA do its job.

In closing, what's our goal? In my judgement it should be to protect seabirds, not start a fight with pilots. Outreach and education work far better than merit-less attacks. Don't try to impose an institutional solution to a perceived behavioral problem.

Sincerely

JB

JB Cockrell  
Professional Pilot  
Aircraft owner  
[jbscockrell@gmail.com](mailto:jbscockrell@gmail.com)

## Department of Public Works



# SAN MATEO COUNTY AIRPORTS

620 AIRPORT DRIVE – SUITE 10 • SAN CARLOS • CALIFORNIA 94070-2714 • PHONE (650) 573-3700 • FAX (650) 593-3762

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January 26, 2017

#### Greater Farallones Sanctuary Advisory Council:

Thank you for requesting comments regarding the Greater Farallones Sanctuary Advisory Council Overflight Working Group's Recommendations on NOAA Regulated Overflight Zones. We appreciate the difficult task that the Working Group took on and appreciate that NOAA included local pilots in the process. The County of San Mateo is the owner and operator of the Half Moon Bay Airport. As such, we are aware of our responsibility to help protect the local environment, including marine mammals and seabirds, and our partnership with the Seabird Protection Network has been highly effective in creating an educated Half Moon Bay Airport pilot community that is committed to compliance with flying "seabird safe" along the coast.

Since working with the Seabird Protection Network the Half Moon Bay Airport community has become educated about seabird colonies and breeding areas along the coast. Devil's Slide Rock is discussed regularly at Half Moon Bay Airport Pilot Association meetings so that new members can be made aware of its location and seabird sensitivity. An annual event at the Half Moon Bay Airport – Pacific Coast Dream Machines – previously caused a few seabird disturbances per year, but since the Seabird Protection Network began attending the event and conducting outreach and education at the event's "Pilot Briefing" there have been zero seabird disturbances. Flight schools at the San Carlos Airport (our other County owned and operated Airport) regularly include education of the overflight regulation zones in their monthly FAA Safety Seminars. And, over the last year, transient pilots have begun routinely visiting the Airport Office to enquire about the Seabird Protection Network posters hanging in the Airport Lobbies. In other words, pilot outreach and education is working!

The County of San Mateo has a highly effective history with voluntary compliance and the local pilot community. In 1998, after several years of highly contentious noise issues involving the neighborhoods surrounding the San Carlos and Half Moon Bay Airports, the County Board of Supervisors created a Noise Working Group that included the Federal Aviation Administration (FAA), pilot community, local neighborhoods and elected officials. The end result of the Noise Working Group was the development of a Voluntary Noise Abatement Program that includes reduced flight training hours on evenings and weekend mornings and specific departure procedures that reduce the noise impact for neighbors living near the airports. With outreach and education, the pilot and business community understood and agreed that being a good neighbor was essential for the long term sustainability of our airports. Airport

Staff physically monitors compliance with our Voluntary Noise Abatement Procedures for one-hour each day at both the Half Moon Bay and San Carlos Airport. The average compliance rate with our Voluntary Noise Abatement Procedures for the fiscal years of 2011-2016 was 99 percent (please see attached). And there are no monetary fines or other penalties associated with our program – only outreach and education (emails, brochures, social media, pilot meetings, FAAST seminars).

We have found our Airport Pilots Associations, Business Association, Airport Tenants and Users to be highly committed to our Voluntary Noise Abatement Procedures. Rather than implementing additional Regulated Overflight Zones, I strongly recommend utilizing a voluntary compliance program that includes an extensive pilot outreach and education component. I believe that you will find the pilot community to be your strongest allies if you choose this route rather than one involving additional Regulated Overflight Zones.

Thank you for your consideration of these comments. If you have any questions or would like to contact me for additional information, I can be reached at [gkelly@smcgov.org](mailto:gkelly@smcgov.org) or 650.573.3700.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Gretchen Kelly', with a long horizontal flourish extending to the right.

Gretchen Kelly  
Airports Division Manager  
County of San Mateo

Enclosed: County of San Mateo Airports Performance Program Outcome Statement





# COUNTY OF SAN MATEO

## SMC PERFORMANCE



### Program Outcome Statement

Ensure the safe operation and maintenance of County-operated Airports

### Program Services

-Provide tenant space and services to support more than 500 aircraft, 25 aviation related businesses, and a variety of emergency service and response functions including Air-Ambulance and Medivac flights

-Manage and maintain over 500 acres of airport facilities, infrastructure, and equipment

-Perform design and environmental studies for future federally funded safety, security and infrastructure improvements at San Carlos and Half Moon Bay Airports.

### Overview

The San Mateo County Airports strive to engage and educate the local community about the important benefits of the Airports. The Program operates and maintains the San Carlos and Half Moon Bay Airports in compliance with Federal Aviation Regulations, State requirements, and County Airport Noise Abatement Procedures.

### FY 2016-17 Mid-Year Story Behind Performance

#### San Carlos Airport - Annual Aircraft Operations

The Program is projected to meet its FY 2016-17 target of 110,000 for the number of aircraft operations (takeoffs & landings) at the San Carlos Airport (Airport). The number of operations totaled 121,168 in FY 2015-16. The total number of operations is trending 8.4% lower than the same period last year. This mirrors the downward trend also seen in the aviation industry of fewer aircraft and less pilots being certified. Even with the decrease in operations, the Airport is projected to meet its target of 110,000 operations per year.

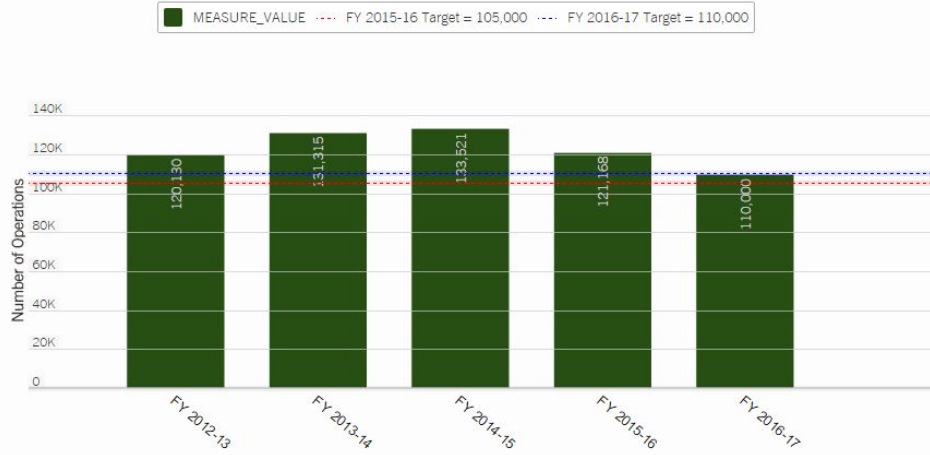
#### Percent of Occupancy

The Program is projected to meet its FY 2016-17 target of 90% for the percentage of rented hangars and T-shades, with a projected year-end occupancy rate of 94%. The Program is also projected to meet its target of 80% for the percentage of rented office space and concession areas, with a projected occupancy rate of 92%. Both hangars and T-shades have waiting lists of three years and one year, respectively. In addition, the Program experienced three vacancies in office rental space and a vacant hangar at the airport, leaving a building empty for renovation/replacement. Demand continues to remain strong for aircraft storage at both the San Carlos and Half Moon Bay Airports.

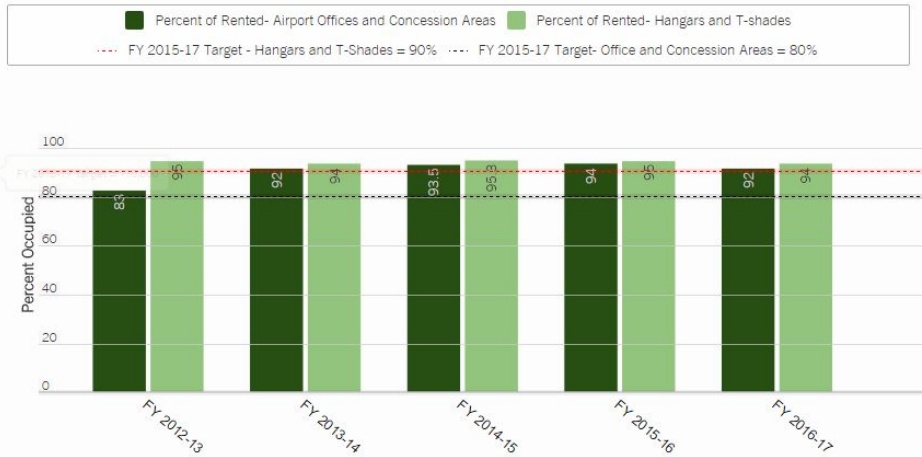
#### Percent of Aircraft Observed in Compliance with Noise Abatement Procedures

The Program is projected to meet its FY 2016-17 target of 99% of aircraft observed operating in compliance with airport noise abatement procedures and Tower instruction. The Program observed 3,213 aircraft operations throughout FY 2015-16 to determine compliance and is anticipated to observe a similar number of operations in FY 2016-17. During the second quarter, the San Carlos Air Traffic Control Tower began issuing new departure instructions to aircraft operators which resulted in an increase in noise complaints in surrounding neighborhoods. This new departure was quickly corrected, and departure instructions have returned to the standard noise abatement procedures. While there was an increase in the number of complaints due to a change in aircraft departures, pilots were still in compliance with Air Traffic Control instructions. The Program's continuing educational efforts and great working relationship with the San Carlos Airports Association allows the Airport to be successful at achieving a high level of pilot compliance with the voluntary noise abatement procedures at both Airports.

### San Carlos Airport - Annual Aircraft Operations Decreasing



### Percent of Occupancy Exceeding Target



### Percent of Aircraft Observed in Compliance with Noise Abatement Procedures Meeting Target





Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Aircraft noise over the San Mateo Coast, CA

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**Raymond hocheMong** <r.hochemong@gmail.com>  
To: Jenn.Gamurot@noaa.gov

Thu, Jan 26, 2017 at 5:45 PM

I wish to convey that any aircraft noise over the San Mateo Coast is negligible. I have lived in Montara, Ca for 44 years and report that aircraft noise is negligible.

Raymond Hoche-Mong  
835 George Street, POB 370937  
Montara, CA 94037-0937  
01-650-728-5451  
USA





Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Airplane noise over the coastside

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**janepraysilver** <silverfyre@coastside.net>  
To: Jenn.Gamurot@noaa.gov

Thu, Jan 26, 2017 at 4:14 PM

The airplane noise is too frequent and too loud.

It is only marginally "okay" if you stay trapped in your home and do not go outside. The pleasure of living here, is walking outside, being in your yard etc.

I am getting the feeling that there is an endless data collection from neighbors — with no real commitment to correct this. I have been shopping for a new place to live, even though I am 65 years old, and had hoped to live here for the rest of my life...move because of the disruptiveness of the airplane noise alone.

I did quite a bit of research and it looks like there is technology to abate the noise, but the airline industry is resisting installing it as a cost savings method. They just don't seem to care about the folks whose lives get disrupted.

I also have concerns about any fuel remnants that come to ground. Probably for one plane its negligible...but with a continuous stream of plane traffic it should be monitored.

Thanks,  
-Jane Praysilver  
El Granada, CA 94018



Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Tomales Bay Overflights

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**Bruce Bowser** <bcbna@sonic.net>  
To: jenn.gamurot@noaa.gov

Thu, Jan 26, 2017 at 4:24 PM

Thank You For The Opportunity to Comment,

I urge that Tomales Bay be added as a zone within the Greater Farallones National Marine Sanctuary where low flying aircraft should be restricted.

As a member of the Greater Farallones National Marine Sanctuary, Advisory Council, (Conservation Alternate) I am aware from the many presentations I have observed, how deleterious the effects of Aircraft can be on birds, waterfowl and marine mammals. While Bolinas Lagoon shares an International status of Ramsar Site with Tomales Bay and lies along the same distinct geological feature: the San Andreas Fault line, the two bodies of water are a mere 20 minutes apart by auto and substantially closer by aircraft, it is therefore, a frequent sightseeing trajectory for aircraft. As a coastal dweller and a citizen of Bolinas, frequently on Kent Island in Bolinas Lagoon, I am aware of how often aircraft violate the 1000 ft. restrictions above the Lagoon and along the coast in general. I accept it from my friends and neighbors on Tomales Bay that the phenomenon of low flying aircraft is becoming all too frequent, regardless of season.

Tomales Bay is a heavily used recreation area, bounded by County, State and National Parks, and part of one of the Fourteen National Marine Sanctuaries in the Nation. Indeed a very special place of unique beauty, close to a major metropolitan area and many smaller airports. Tranquility and reflection are essential to the full enjoyment of park's special natural places and low flying aircraft disrupt the quality of experience for everyone, but a select hand-full.

Sincerely,

--b2--

Bruce Curtis Bowser

**Bolinas Oceans~Advocate**  
P.O. Box 598,  
Bolinas, CA 94924

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Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Collaboration vs. Coffins: Public Comment on proposed Regulated Overflight Zones along the coast

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Marian Harris <ms.marianharris@gmail.com>

Thu, Jan 26, 2017 at 4:25 PM

To: Jenn.Gamurot@noaa.gov

Cc: Martin Wray <mwwray@smc.gov>, Gretchen Kelly <gkelly@smc.gov>, "Chris St. Peter" <cstpeter@smc.gov>

Dear Jenn, (CC San Mateo County Airport Management),

Regarding public comment on the proposed Regulated Overflight Zones along the coast, thank you for the opportunity to provide my comment.

Although the proposed shifting of the boundaries of the zone is a step in the right direction, expanding NOAAs activities to include fines and worse is a terrible direction. The move absolutely impacts safety in what are legal and navigable airways by trying to eliminate all air traffic - even when changing weather conditions are degraded. Doing so will delay pilot decision-making by forcing them to choose between;

1. Violating FAR Sec 91.155 and risking a crash by entering the clouds
2. Or remaining clear of clouds but crossing into excessively buffered Sanctuary Zones and risking expensive fines and even aircraft confiscation.

Most pilots are enthusiastic about marine seabirds and are very supportive of the recommended altitudes in the sanctuary, especially once they are educated. But it is unfair to apply the "Precautionary approach" and "Rebuttable Presumption" **regardless of weather conditions**. Your "rebuttable presumption" is a politically correct way of stating "Guilty until you can prove you did not disturb any marine life", and "Precautionary Approach" is subjective/unscientific method to pick an arbitrary altitude below which **no aircraft may pass** because it's either easy to remember or simply sounds good - regardless of whether or not any marine life are present. More surprising is that this will be pursued despite the admission by NOAA's own scientists in the working group meetings that the only observed aircraft disturbances to nesting colonies has had little impact - and resulted in **zero loss** of seabirds (chicks/eggs/parents). In fact, seabirds and marine life have actually rebounded over the last decades with little to no restrictions on aircraft movement until a new enemy was needed now that the damage from the past oil spills and pesticide runoff have been largely cleaned up. Is there any proven benefit to the marine life to control something (aircraft) that has had little to no impact on marine life up to this point?

Education has helped reduce what light disturbances due to aircraft had been observed, and in fact during the 2016 Pacific Coast Dream Machines event at the Half Moon Bay Airport, a time when air traffic is at its heaviest, there were no aircraft disturbances observed at the sensitive Murre colony at Devil's Slide immediately North of the airport. This happened WITHOUT the strong arm tactics NOAA attempted in 2009/2010, and this was possible without threat of fines. And why can we point to this success? Because a collaborative approach works with the aviation population.

I would hope that NOAA sticks to this collaborative approach instead of putting pilots in coffins, which could very likely happen if you continue to expand your charter to include the regulation of airspace. When unpredictable clouds and fog develop, NOAA is effectively building a wall around airspace and creating a situation where pilots who wish to comply with FARs and avoid death are automatically guilty of a marine-mammal "disturbance" regardless of whether or not any marine life was even in the area - it does not matter based on your principle of "Rebuttable Presumption". This means that NOAA IS creating airspace regulations and infringing on the FAA's stated authority to regulate airspace, and putting pilots into a deadly situation when confronted with changing weather.

**So as the non-pilot members of the working group enthusiastically push for the addition of ENFORCEMENT to be added to education efforts, I'd like to provide a reminder of something that NOAA may prefer to forget:**

At the 2009/2010 Pacific Coast Dream Machines event, pilots witnessed a violent example of NOAA's idea of 'enforcement' regarding marine overflight restrictions when an armed Fish & Game enforcement officer accompanied the Farallones Marine Sanctuary rep to the Half Moon Bay Airport to interfere with arriving and departing air traffic. This escalated quickly, with the officer racing his car up and down taxiways, to the runway threatening pilots and staff, ultimately culminating in a tense stand-off between a lone FAA representative whose job was to maintain a safe and operational airspace, and an armed NOAA enforcement agent who appeared too hostile and eager to test out his weapon using his falsely assumed authority over the FAA representative and pilots navigating the airspace.

***So when you suggest that enforcement should be added to your program when collaboration and education has now proven to be VERY effective on its own, forgive me if we choose collaboration over coffins coupled with enforcement.***

Respectfully,  
Marian Harris

**COUNTY OF SAN MATEO**  
**PARKS DEPARTMENT**

455 County Center, 4th Floor  
Redwood City, CA 94063-1646  
650-363-4020  
[www.SMCoParks.org](http://www.SMCoParks.org)

January 26, 2017

Greater Farallones National Marine Sanctuary  
Advisory Council and Overflight Working Group  
991 Marine Drive, The Presidio  
San Francisco, CA 94129

RE: Low Overflights Working Group Recommendations

Dear GFNMS Advisory Council and Overflight Working Group:

The County of San Mateo Parks Department (County Parks) wants to commend the work being done to examine overflight zones within our California National Marine Sanctuaries. As the local public agency charged with stewardship of the Devil's Slide Rock and Mainland (DSR/M) area we support this effort and the dialogue it has fostered.

Upon review of the *Restoration and Monitoring of Common Murre Colonies in Central California: Annual Report 2015* (Fuller *et al.* 2015) (Annual Report) and the *Greater Farallones National Marine Sanctuary Advisory Council Working Group on NOAA Regulated Overflight Zones Recommendations to Sanctuary Advisory Council* (Recommendations) we would like to offer the following support and comments. The Annual Report indicates that the DSR/M area appears to experience the highest number of overflight events for the study area. Due to this continued potential threat to common murre and associated seabird colonies, we agree with the recommendations to expand pilot education and outreach efforts to improve pilot compliance with NOAA Regulated Overflight Zones (NROZs). County Parks also supports the specific recommendations made in Section 2, Recommendations for Specific NROZs. We support making requests to the Federal Aviation Administration (FAA) for chart markings for Devil's Slide Rock area and maintaining the 1000-foot above-ground-level (AGL) request to pilots. Finally, we support efforts to enter dialogue with the FAA to determine if re-classification of airspace above Devil's Slide Rock area is necessary to better support the 1000-foot AGL request and to improve pilot safety and better protect wildlife.

Thank you for the opportunity to provide support and comment on the recent Recommendations.

Sincerely,



Sarah Birkeland  
Acting Parks Director





Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Montara Overflights

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Les Bowman <lbow77@comcast.net>

Thu, Jan 26, 2017 at 4:34 PM

To: Jenn.Gamurot@noaa.gov

Last night at 1 am I was woken by a large airplane flying over my house in Montara. I never used to hear planes at that hour and only infrequently at other hours. What was once a peaceful coastal village now appears to be part of the SFO flyway.

I urge you to rescind directions to pilots to overfly Montara. The Coastside functions as the lungs and green space for the larger Bay Area. On weekends we host many visitors who come to enjoy the clean air and beautiful scenery. Must you spoil the Bay Area's coastal park for residents and visitors alike?

Les Bowman

[Lbow77@comcast.net](mailto:lbow77@comcast.net)

916-213-3177



Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Overflight over El Granada

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**AliceKeeton** <alicekeeton@gmail.com>  
To: Jenn.Gamurot@noaa.gov

Thu, Jan 26, 2017 at 4:40 PM

Sirs,

Please give us back our sense of peace on our beautiful coastline.

Can planes go higher so we don't hear them or further south ?? Please. !

Alice Keeton  
Sent from my iPhone



Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Comments to Working Group Recommendations , Greater Farallones Sanctuary Overflight Working Group

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Diane Hichwa <dhichwa@earthlink.net>

Thu, Jan 26, 2017 at 4:47 PM

To: Jenn.Gamurot@noaa.gov, George Clyde <gclyde11@gmail.com>

Cc: Diane Hichwa <dhichwa@earthlink.net>

Greater Farallones National Marine Sanctuary  
Advisory Council  
Low Overflights Public Comments

I find it interesting that the various perspectives were able to discuss and learn from each other, but not reach agreement on how to proceed to protect our coastal wildlife.

I appreciate all the time and efforts spent by each member of the group in this process. And appreciate that some recommendations did come out of the process with good support from all perspectives.

I appreciate greatly that the pilot group desires to minimize disturbances to the marine life along the coast and with the Working Group has put forth some recommendations to support that.

While pilots advocated 500 ft minimum feet AGL in a proposed NROZ, the marine scientists who would be the expert observers in this area do NOT AGREE that flushing events from aircraft at 500 ft AGL are rare.

I live in what is considered to be an uncongested area. Still, we have observed along the Sea Ranch coast some specific disturbances to seabirds and a nesting colony from: a blimp under 1000', a helicopter under 1000', and fireworks from land.

In congested areas this would be much more likely and much more frequent an issue for wildlife.

Pilot education directed at this topic and staff hired by NOAA could all contribute to better safety for the pilots, and for the wildlife. I strongly support the GR-10-a proposing a NOAA position for Pilot Outreach (including UAVs)

Exemptions for pilot safety in unanticipated weather should be supported as soon as possible. And weather and visibility conditions do indeed change rapidly along the coast.

Recommendations for better text and graphic information of the FAA sectional charts should be implemented as soon as possible.

The recommendation for consistency of a restricted zone NROZ or boundary being lowered to extend 1000 ft horizontal distance from shore is very sensible.

Although UAV users and industry representatives were not included in this study, I would urge that education about potential disturbance to wildlife be prepared and extended to operators of drones.

There is a need to understand how to minimize disturbance and also to accumulate information on knowing the effects of flight height, angle of approach, breeding cycle activities on different types of birds.

The NROZ requires flights stay above 1000 ft and the FAA limits small UAVs to NOT FLY ABOVE 400 ft. We must understand if disturbance occurs and under what circumstances in order to make the regulations logical.

I strongly support the recommendation in GR-9 recommending a dedicated



program to gather information and research UAVs and their present and projected impacts on sanctuary resources.

Thank you for your efforts and for taking my comments.  
Diane Hichwa

Email: [dhichwa@earthlink.net](mailto:dhichwa@earthlink.net)

Telephone: [707-785-1922](tel:707-785-1922) (Sea Ranch)  
[707-483-3130](tel:707-483-3130) (cell)

More Tail Wagging!!! Less Barking!!  
Millie 2007



Jenn Gamurot - NOAA Affiliate &lt;jenn.gamurot@noaa.gov&gt;

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## Public Comment to NOAA Regulation of Marine Sanctuaries

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**b gammon** <gammon25@yahoo.com>

Thu, Jan 26, 2017 at 4:48 PM

Reply-To: b gammon &lt;gammon25@yahoo.com&gt;

To: "Jenn.Gamurot@noaa.gov" &lt;Jenn.Gamurot@noaa.gov&gt;

Cc: Marian Harris &lt;ms.marianharris@gmail.com&gt;, Gretchen Kelly &lt;gkelly@smcgov.org&gt;, Glenn Reynolds &lt;greynolds@h2osolutions.com&gt;, Mark Reed &lt;reedhmb@gmail.com&gt;, "Ed Andreini Jr." &lt;eandreini@sbcglobal.net&gt;, "vernon@nestlabs.com" &lt;vernon@nestlabs.com&gt;, Jae Chang &lt;jchang10@gmail.com&gt;

January 26, 2017

Ms. Jenn Gamurot

I am writing to express my concern about existing and proposed NOAA regulations relating to aviation activity in the Greater Farallones National Marine Sanctuary and the Monterey Bay National Marine Sanctuary, (collectively referred to as the Sanctuaries.)

Existing and proposed NOAA regulation of aviation operations in the Sanctuaries is excessively burdensome, discriminatory, unsupported by rational application of rules and in violation of long standing rights and obligations, for several reasons.

The National Oceanic and Atmospheric Administration (NOAA) has failed to support its regulation and restriction of aviation with evidence of real, actual and direct on-going harm resulting from aviation operations in the Sanctuaries. Moreover, it is difficult to imagine a rational basis for the rigid aviation restrictions in the Sanctuaries while allowing a wide variety of other activity, such as commercial ship traffic, sport fishing, commercial fishing and all other activity not specifically prohibited. Given the rigidity of NOAA's restrictions on aviation, one might conclude that all other activity that might harass or annoy marine mammals and sea birds would be strictly prohibited.

However, the regulation contemplate that all activity that is not expressly prohibited is allowed. (15 CFR 922.42) Even though the definition of taking includes vehicles other than aircraft, only personal water craft (jet skis) are dealt with as rigidly as aircraft. (Take or taking means...to operate a vessel or aircraft or to do any other act that results in the disturbance or molestation of any marine mammal, sea turtle or seabird." 15 CFR 922.3. The regulations that restrict aircraft allow cruise ships, freighters, commercial and sport fishing and fishing boats, people taking jade (generally 15 CFR 922.132.)

The lack of identifiable rationale is reflected in the scope and reach of the regulations imposed by NOAA on aviation. One could guess that the reason for the altitude restriction is because of aircraft noise. However, the regulation applies to all aircraft regardless of noise – thus balloons, gliders, hang gliders, drones, RC aircraft and electric human piloted aircraft all are arbitrarily and irrationally cramped into a one-size-fits all category. Surely the difference in impact of noise between a Boeing 747 at take off throttle setting and a electric piloted airplane should be worthy of distinction. But this is all imagined because NOAA has failed to state any rational reason to restrict aviation in the Sanctuaries.

NOAA's regulation and publication of its regulation are riddled with a lack of understanding of aviation and inappropriate and erroneous communication. Examples of NOAA's inability to achieve competent reconciliation of its duty to regulate the Sanctuaries while minimizing the negative impact on aviation include:

- i. stating the prohibition in terms of 1,000 feet AGL, 1,000 feet and 1,000 feet above water which makes the prohibition impracticable;
- ii. lack of an effort to minimize the prohibition on aviation to areas that are more or most sensitive;
- iii. lack of any apparent effort to mitigate the impact on aviation into and out of existing airports, instrument operations, emergency operations and life support operations.

First and foremost, NOAA should abandon its current scheme and approach of restricting aviation in the Sanctuaries until and unless NOAA demonstrates with rationale scientific evidence that aviation operations in the Sanctuaries actually has a measurable and real negative impact on sea birds and sea mammals. Secondly, if NOAA is able to rationally establish some negative impact, any restrictions should be strictly limited to avoiding the measurable real impact only. Thirdly, NOAA should acknowledge other meaningful legal and ethical obligation to craft any regulations restricting aviation in the Sanctuaries in a way that does not endanger human life and negatively impact freedom and economic activity. Lastly, NOAA should either defer the regulation of airspace to an authority that is capable of understanding the needs and technical requirements of aviation (such as the FAA) or endeavor to acquire such capability itself.

Brent Gammon  
25 Fairway Place  
Half Moon Bay, Ca. 94019  
[gammon25@yahoo.com](mailto:gammon25@yahoo.com)  
650 773 4846



**Board of Directors**

January 26, 2017

**Bridger Mitchell, Ph.D.**  
President

Greater Farallones Sanctuary Advisory Council  
*Via Email:* Jenn.Gamurot@noaa.gov

**Ken Drexler, Esq.**  
Vice-President

Re: Recommendations of the Working Group on NROZs

**Terence Carroll**  
Treasurer

Dear Members of the Greater Farallones National Marine Sanctuary  
Advisory Council,

**David Weinsoff, Esq.**  
Secretary

The Environmental Action Committee of West Marin (EAC) thanks you for the opportunity to submit public comments on the *Greater Farallones National Marine Sanctuary Advisory Council, Working Group on NOAA Regulated Overflight Zones, Recommendations to Sanctuary Advisory Council*, January 19, 2017 (Working Group Recommendations). Formed in 1971 and based in Point Reyes Station, California, EAC is a grassroots, member-based organization dedicated to protecting and sustaining the unique lands, waters, and biodiversity of West Marin.

**David Wimpfheimer**  
Director

**Jerry Meral, Ph.D.**  
Director

**Daniel Dietrich**  
Director

**Cynthia Lloyd, Ph.D.**  
Director

EAC is concerned that the birds and marine mammals along our local coast and in estuaries are subject to potential disturbances from low-flying aircraft, which exacerbate all of the other types of human disturbance. For example, “The mean distance at which seals are flushed into the water by small boats and people ranges between 80 m and 530 m, with some disturbances recorded at distances of over 1,000 m.”<sup>1</sup> EAC has consistently advocated for the reduction of human disturbances to wildlife in the Greater Farallones National Marine Sanctuary. In 2001, EAC successfully advocated for a complete jet ski ban from the Gulf of the Farallones National Marine Sanctuary, including all of Tomales Bay.

**Staff and Consultants**

**Morgan Patton**  
Executive Director

**Ashley Eagle-Gibbs, Esq.**  
Conservation Director

**Jessica Reynolds Taylor**  
Membership Director

**Catherine Caufield**  
Tomales Dunes Consultant

Human disturbances to harbor seals in the Point Reyes area include low-flying planes.<sup>2</sup> A plane flying at 1,000 feet over the water is clearly within the zone of potential disturbance and would create significant noise and vibration to possibly disturb harbor seals. In addition to marine mammal

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<sup>1</sup> National Research Council, *Shellfish Mariculture in Drake’s Estero, Point Reyes National Seashore, California* (2009) at page 48.

<sup>2</sup> *Harbor Seal Monitoring, San Francisco Bay Area, Annual Report National Park Service* (2006) at page 7.

disturbances, low-flying motorized aircraft for pleasure and sightseeing cause disturbances to the thousands of migrating and resident seabirds.

EAC believes that the unique marine wildlife biodiversity, special national significance for which the West Coast National Marine Sanctuaries were established, and the importance of providing marine wildlife protection from undue disturbance, warrants the continuation of the 1,000-foot minimum for existing and new NROZs.<sup>3</sup>

It is EAC's position that wildlife can and should be protected by expanding the NOAA regulated overflight zones (NROZ) areas and adding additional restrictions as outlined in Working Group Recommendations. Specifically, EAC supports extending the existing 1000-ft. minimum elevation NROZ south to cover the remainder of Tomales Bay up to the Greater Farallones National Marine Sanctuary boundaries.<sup>4</sup> The expansion of the NROZ to the full Tomales Bay area, as shown in Figure 3 of the Working Group Recommendations is critical, as Tomales Bay possesses unique resource values. As early as 1979, the Regional Coastal Commission designated Tomales Bay as a "Special Resource Area."

It is our general recommendation that the Greater Farallones National Marine Sanctuary Advisory Council should consider and approve all of the Recommendations, including extending the NROZ to include all of Tomales Bay<sup>5</sup>, and that the recommendations should be forwarded to the Greater Farallones National Marine Sanctuary Superintendent for action.

Thank you for your consideration of our comments on this important issue.

Respectfully,

  
Morgan Patton  
Executive Director

  
Ashley Eagle-Gibbs  
Conservation Director

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<sup>3</sup> See pages 7

<sup>4</sup> EAC supports the Working Group's Option B on pages 32-33 of the Working Group Recommendations excepted below:

B. Extend the existing 1000-ft. minimum elevation NROZ south to cover the remainder of Tomales Bay up to the Sanctuary boundaries.

- Recommend that the NOAA consult with FAA to address any issues that might arise because of the Class E airspace (as described in GR-7 above) in the southern part of the Bay.
- Consider whether there should be an exclusion from this minimum altitude for seaplanes or amphibious aircraft unless they are transiting the airspace with no intention to land (as proposed by Aaron Singer of SF Seaplanes in his Stakeholder Comment). This exclusion from the NROZ regulations could be seasonal to avoid disturbance and flushing of the large numbers of wintering birds....

<sup>5</sup> *Greater Farallones National Marine Sanctuary Advisory Council, Working Group on NOAA Regulated Overflight Zones, Recommendations to Sanctuary Advisory Council, January 19, 2017.*



Jenn Gamurot - NOAA Affiliate <jenn.gamurot@noaa.gov>

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## Coastside flight paths

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**Brook Baker** <bake915@yahoo.com>  
To: Jenn.Gamurot@noaa.gov

Thu, Jan 26, 2017 at 5:56 PM

Hi Jenn,

The coastside USED to be a quiet peaceful sanctuary away from the air and car traffic noise of San Francisco. The new flight paths over this area are very disturbing! Non-stop chorus of jet noise starting very early 5-6am and going late into the night 11pm. One after the other after the other. It's terribly distracting. Hope you can help us. Thanks for taking time to hear this complaint.

Brook Baker  
Half Moon Bay resident

January 26, 2017

Jenn Gamurot  
Greater Farallones National Marine Sanctuary  
991 Marine Drive, The Presidio  
San Francisco, CA 94129

Dear Ms. Gamurot,

I am writing on behalf of Point Blue Conservation Science (Point Blue) in response to the recommendations submitted by the Working Group on NOAA Regulated Overflight Zones (NROZs) within the Greater Farallones National Marine Sanctuary (GFNMS). Point Blue staff have studied the seabirds breeding on the Farallon Islands for five decades and at mainland California colonies for almost two decades. We have documented the serious impacts that low overflights can cause to seabird colonies. We continue to support the use of NROZs as a regulatory tool and would like to submit the following comments for consideration.

- 1) Point Blue does not support putting all resources and effort into only outreach and education. While outreach and education have proven to be successful, it is important to acknowledge the damage that a single low overflight can do to a seabird breeding colony. We therefore support continuing to maintain NROZs as a tool in addition to outreach and education.
- 2) We recommend a 2000 ft minimum rather than 1000 ft minimum altitude for aircraft flying in airspace over critical wildlife areas administered by the National Marine Sanctuaries. While wildlife may not show external behavioral responses to the aircraft, research has shown that stress hormone levels rise in response to the presence of aircraft, impacting breeding success and population levels.
- 3) We feel that reducing the horizontal extent of NROZs to no less than 1,000 ft would be adequate for preventing disturbance, but may be difficult to assess by both pilots and disturbance monitors in the field. If the horizontal distance is reduced to 1,000 ft, new NROZ boundaries will need to be precisely defined on the FAA map in a way that eliminates confusion.
- 4) We cannot comment on NOAA's jurisdiction over airspace. However, we strongly support coordination with the FAA to a) simplify the maps for pilots and b) be consistent throughout all West Coast sanctuaries.
- 5) If seabird disturbance from overflights continues to be an issue despite the existence of NROZs, then we recommend hiring an outreach coordinator who would be dedicated to communicating directly with pilots.
- 6) We also support Option B, to increase the existing 1000 ft minimum elevation NROZ to 2000 ft and to expand south to cover the remainder of Tomales Bay up to the Sanctuary boundaries.

Please don't hesitate to contact Dr. Jaime Jahncke ([jjahncke@pointblue.org](mailto:jjahncke@pointblue.org)) with any questions you might have. Thank you for the opportunity to provide comments on this vital conservation issue.

Sincerely,

Ellie M. Cohen  
President and CEO

Cc: Jaime Jahncke, PhD  
Grant Ballard, PhD