
Issue 14: Motorized Aircraft

Comment

Prohibition of Overflights

Motorized aircraft should be prohibited from flying over the Sanctuary.

Regulation of Overflights

Federal Aviation Regulations (FARs) already adequately protect Sanctuary resources from aircraft impacts, making additional regulations unnecessary. New regulations may hinder cooperative emergency response plans, routine helicopter operations, and rescue attempts.

Regulations should be modified to permit the CDF&G's Wildlife Protection Program to conduct low-level reconnaissance flights over the Sanctuary for the purpose of law enforcement and fish and marine mammal surveys. Prior consultation with Sanctuary staff should not be required. Any restrictions to this modification should be established through an MOA between the CDF&G and the Sanctuary.

Seaplanes/Airport Approaches

Provisions should be developed governing the takeoff and landing activities of seaplanes within the Sanctuary and for designated airport approaches.

NOAA Response

Prohibition of Overflights

Flying motorized aircraft at less than 1,000 feet above the Sanctuary is prohibited within four zones. Generally, these zones are from Pt. Santa Cruz north, Carmel Bay south (overlapping the California Sea Otter Game Refuge), and around Moss Landing and Elkhorn Slough (see Appendix II of the regulations for specific zone boundaries).

Regulation of Overflights

NOAA recognizes that overflights are regulated under the FARs. Unlike FARs, however, Sanctuary overflight regulations are intended to protect the living marine resources of the Sanctuary from disturbance by low-flying aircraft, and in this case, require overflights to be at higher altitudes than normally required by FARs. In addition, the penalties afforded under the MPRSA will provide an additional deterrent to the violation of existing regulations and will add a level of protection to sensitive Sanctuary resources and qualities. The MPRSA, under §307, allows NOAA to assess civil penalties of no more than \$50,000 for each violation. The regulation would not apply to overflights that: 1) are necessary to respond to an emergency threatening life, property or the environment; 2) are necessary for valid law enforcement purposes; or 3) are conducted by the DOD and specifically exempted by NOAA after consultation with that department.

CDF&G overflights necessary for valid enforcement purposes are exempt from the Sanctuary prohibitions under 15 CFR §944.5. CDF&G overflights for research purposes will require a Sanctuary permit in accordance with 15 CFR §944.9.

Seaplanes/Airport Approaches

NOAA agrees. The zoned approach to the overflight regulations will allow seaplane and airport landings and takeoffs.