



**Surfrider  
Foundation**

**San Mateo County Chapter**

Michael L. Kimsey  
Chairman of the Advisory Board of Directors  
173 Correas Street, Half Moon Bay, CA 94019  
Phone: 650-712-1273 Fax: 650-712-1672  
e-mail - [MLKIMSEY@LNC.COM](mailto:MLKIMSEY@LNC.COM)  
web site - <http://surfridersanmateoco.org>

September 24, 2002

Mr. Dan Haifley, Monterey Bay National Marine Sanctuary  
Advisory Committee Member - Via Fax: 831-476-5647 (four pages enclosed)

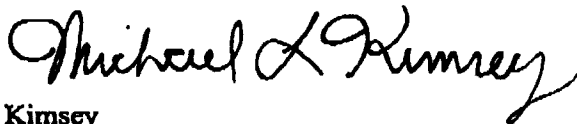
Dear Dan:

Enclosed is our position paper on the Surfrider, San Mateo County Chapter, recommendation of a complete ban of Personal Water Craft (PWC) use in the Monterey Bay National Marine Sanctuary, except for emergency rescue. You suggested a one-page summary to update the Sanctuary Advisory Committee (SAC) on Surfrider's position. It remains unchanged from our web site's position statement, enclosed and dated September 24, 2002 for the SAC.

As different surfing magazines have indicated numerous times this year, and as advertisements on television have encouraged, PWC use will expand exponentially in the MBMS beginning this winter. It is not coincidental that Marin County made sure that it appealed its own total PWC ban all the way to the California State Supreme Court, and won this year. Its citizens knew that PWC use on their coastline would otherwise increase dramatically. This was the same path followed by San Juan County in Washington State several years ago. Of course, the Gulf of the Farallones National Marine Sanctuary would otherwise be threatened as well.

While it may seem to SAC members that the multitude of documented types of marine life disturbance by PWC may be isolated to only certain areas of the MBNMS itself, this is simply not the case. In a short period of time the PWC use for tow-in surfing at Montana de Oro will carry over into Cambria and farther North. The tow-in surfing at Mavericks in Half Moon Bay has already prompted front-page photographs of the same type of tow-in surfing in the waters of Monterey Bay itself, off the 17 Mile Drive.

Sincerely,



Michael L. Kimsey  
Chairman of the Advisory Board of Directors, Surfrider, San Mateo County Chapter



**Surfrider  
Foundation**

***San Mateo County Chapter***

Monterey Bay National Marine Sanctuary (MBNMS)  
Advisory Committee

September 24, 2002

Dear MBNMS Advisory Committee:

This letter provides the scientific research to support the San Mateo County Chapter of Surfrider recommendation of a total ban of Personal Water Craft (PWC) in the Monterey Bay National Marine Sanctuary (MBNMS), except for rescue operations of public agencies. We believe the reports referred to in this letter are the landmark statements on the impacts of PWC's on marine life. They paint a picture of intense and varied types of disturbance to many forms of marine life by PWC's. These, and other studies, led such major government entities as the Supreme Court of Washington State, National Oceanic and Atmospheric Administration (NOAA), and Marin County of California, to completely ban PWC use in sensitive marine habitats.

We intentionally ignored reports focusing on the pollution effects of PWC's because the industry insists these are minimal, and will be improved further. However, the PWC industry has done no studies to refute the conclusive evidence of the overall disturbance to marine life caused by PWC's

While the San Mateo County Chapter urges the proponents of PWC use in the MBNMS to submit their own proposal, as an environmental organization we are mandated to support an environmental position, backed by scientific evidence. It is the responsibility of PWC users to do their own research (we support this effort) to develop an enforceable plan which they feel will counter the uniformly harmful effects to marine life described in the reports.

This data has been given to many individuals who have requested it over the past several weeks. It has also been given to the MBNMS. As you read the summaries below, please keep in mind that all of the reports studied either the same or similar species, primarily in similar habitats and water temperatures found in the MBNMS. It is the scientific norm to apply studies in one habitat to similar habitats. You will find these reports so directly applicable to the MBNMS that the burden is on PWC supporters to prove otherwise. If you would like to read more such reports, the combined citations in the documents referenced below number several hundred.

The reports can be read on the San Mateo County Surfrider Chapter web site by using the url: <http://www.surfridersanmateoco.org/pdf>. Each is listed below in the same order it appears on the web site, with the same web site titles.

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a. position.pdf

**"Motorized Personal Water Craft (PWC) within the boundaries of the Monterey Bay National Marine Sanctuary"**

This is the San Mateo County Chapter of Surfrider position statement recommending the total ban of PWC's in the MBNMS, except for rescue operations of public agencies.

b. noaa.pdf

**"Federal Register/Vol. 68, No. 175/Monday, September 10, 2001 – Department of Commerce, National Oceanic and Atmospheric Administration – Regulation (i.e. 'total ban') of the Operation of Motorized Personal Watercraft in the Gulf of the Farallones National Marine Sanctuary ('GFNMS')"**

NOAA produced this report to explain why it recommended a total ban of PWC use in the GFNMS. "Comment 13" addresses the issue that banning PWC's is "unfair discrimination" by saying, "NOAA disagrees. No other vessel type has demonstrated so many wide and varied detrimental (i.e. 'environmental') aspects as MPWC."

c. sanjuan.pdf

**"Personal Watercraft Use in the San Juan Islands by the San Juan County Planning Department – Aquatic Resources Conservation Group"**

This report helped convince the Washington State Supreme Court that San Juan County should be supported in its total ban of PWC's. Many animal species found in the San Juan Islands are also found in the MBNMS, such as Murrelets, Dolphins, Harbor Seals, and Sea Lions. The report introduces "auditory masking" as the major threat by PWC's to Marine Mammals. Interestingly, the quieter the PWC the more dangerous it is!

d. supremecourt.pdf

**"In the Supreme Court of the State of Washington"**

In 1998, the WA Supreme Court said, when it supported the PWC ban in the San Juan Islands, "On the whole, the court found that PWC's are different from other vessels, and that counties do have the authority to treat them differently." "It would be an odd use of the public trust doctrine to sanction an activity that actually harms the waters of this state."

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e. marinelab.pdf

**"In the Superior Court of the State of Washington..." "Declaration of Dr. Julia Parrish"  
(followed by) "Declaration of Dr. Roger Gentry"**

These are two court declarations, supporting the ban of PWC's in the San Juan Islands, done respectively through the University of Washington and NOAA National Marine Mammal Laboratory. The first states that research has shown that, "San Juan County has good reason to be concerned over the effect of Jet Skis on the Island's bird colonies." The second states that regarding the negative impacts of jet skis on marine mammals, the "unpredictability of these (jet ski) sounds is probably more aversive (to marine mammals) than any single physical feature of the sound (of jet skis)..."

f. dolphins.pdf

**"Short-Term Effects of Boat Traffic on Bottlenose Dolphins, *Tursiops Truncatus*, Sarasota Bay, Florida"**

The species of Bottlenose Dolphin studied in this report is the same that frequents the entire MBNMS coastline, in particular the San Mateo and Santa Cruz County coasts, in pods typically of three to seven. This Chicago Zoological Society and Woods Hole Oceanographic Institution report provided detailed charts to substantiate their findings that, regarding Dolphin safety, "...jet skis are not acoustically detectable at the same distances as other types of watercraft. If dolphins are unable to detect jet propelled vessels until they are relatively close, then they would not be afforded the same opportunity to adjust their behavior in anticipation of the boat approach as they might for a nosier vessel. Again, lack of predictability (from jet ski use) translates into greater (Dolphin) disturbance..." It is not inconceivable that Bottlenose Dolphins could be disturbed enough by PWC's to leave parts of the Santa Cruz and San Mateo County coastline altogether.

g. consvlaw.pdf

**"Conservation Law Foundation"**

The section on "Effect on Wildlife" of PWC's is the most applicable to the MBNMS. Although it studied a fresh water loon, marine loons are a common form of birdlife in the Sanctuary. Once again, versus other types of "boats", "While loons may acclimate to passing motorboats that remain largely in established boating routes, jet ski operators are prone to repeated passes of the same area..." "Disturbed loons are likely to shift away from ...nesting behavior..."

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Please ask us for any additional information you would like.

Sincerely,

A handwritten signature in black ink that reads "Michael L. Kimsey". The signature is written in a cursive, flowing style.

Michael L. Kimsey  
Chairman of the Advisory Board of Directors  
San Mateo County Chapter of Surfrider Foundation  
Internet Address: <http://surfridersanmateoco.org>