

Proposed Overflight Regulations

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Karen Reyna

Gulf of the Farallones National Marine Sanctuary

Background

- Since designation, regulations for the Channel Islands, Monterey Bay, Gulf of the Farallones and Olympic Coast National Marine Sanctuaries all restrict low altitude overflights within specified zones in each sanctuary.

Long-standing low overflight regulations for all four west coast sanctuaries with adjacent coastlines



Background



Although each sanctuary has restrictions, these vary slightly.

Current Prohibited Activities

•Channel Islands: Disturbing a seabird or marine mammal by flying a motorized aircraft at less than 1000 feet over the waters within on nmi of any islands... 15 CFR 922.71(a)(5)

•Gulf of the Farallones: Disturbing a seabird or marine mammal by flying a motorized aircraft at less than 1000 feet over the waters within on nmi of any islands... 15 CFR 922.82(a)(8)

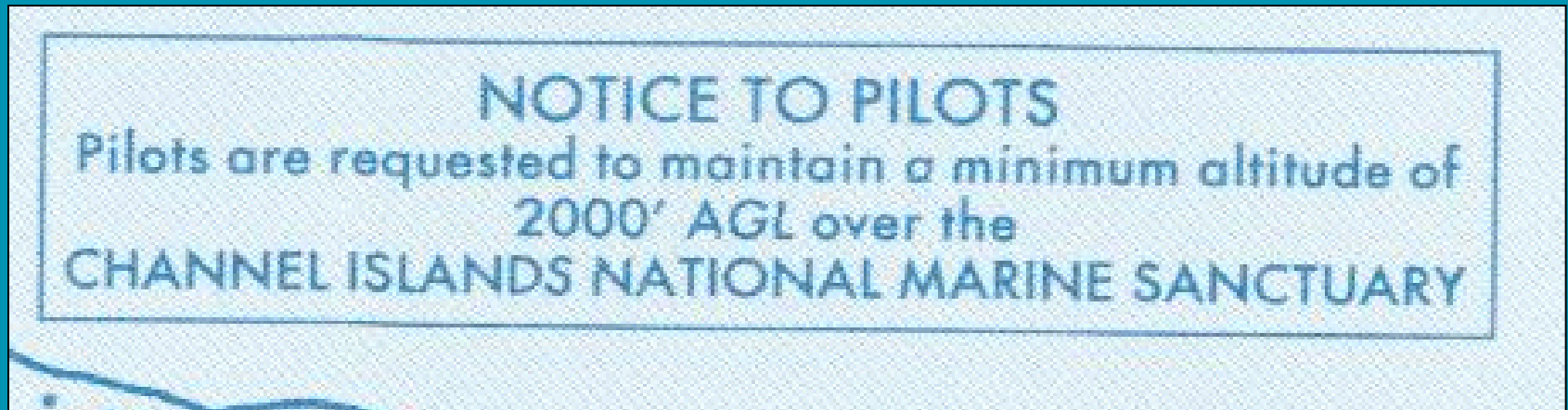
•Monterey Bay: Flying motorized aircraft at less than 1,000 feet above any of the four zones within the sanctuary.... 15 CFR 922.132(a)(6)

•Olympic Coast: Flying motorized aircraft at less than 2,000 feet above the sanctuary in specific zones including 1 nmi seaward of the coastal boundary of the sanctuary...

15 CFR 922.152(a)(6)

Background

- The overflight restriction zones for the sanctuaries are currently not consistently or accurately depicted on FAA aeronautical charts.



How is this being addressed?

A proposed rule has been issued, which aims to:

1. Standardize the application of these restrictions by adopting a single, consistent and clearer regulatory approach regarding overflights.

2. Establish a rebuttable presumption that flying motorized aircraft at less than established altitudes within any of the existing zones results in the disturbance.



How is this being addressed?

3. The FAA has advised NOAA that if the proposed rule is put into effect, it would revise the notations on current aeronautical charts to indicate sanctuaries overflight restriction zones as required by current regulations.



Dan Dawson

Standardized Regulatory Language

All four sites would have the following regulatory change:

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

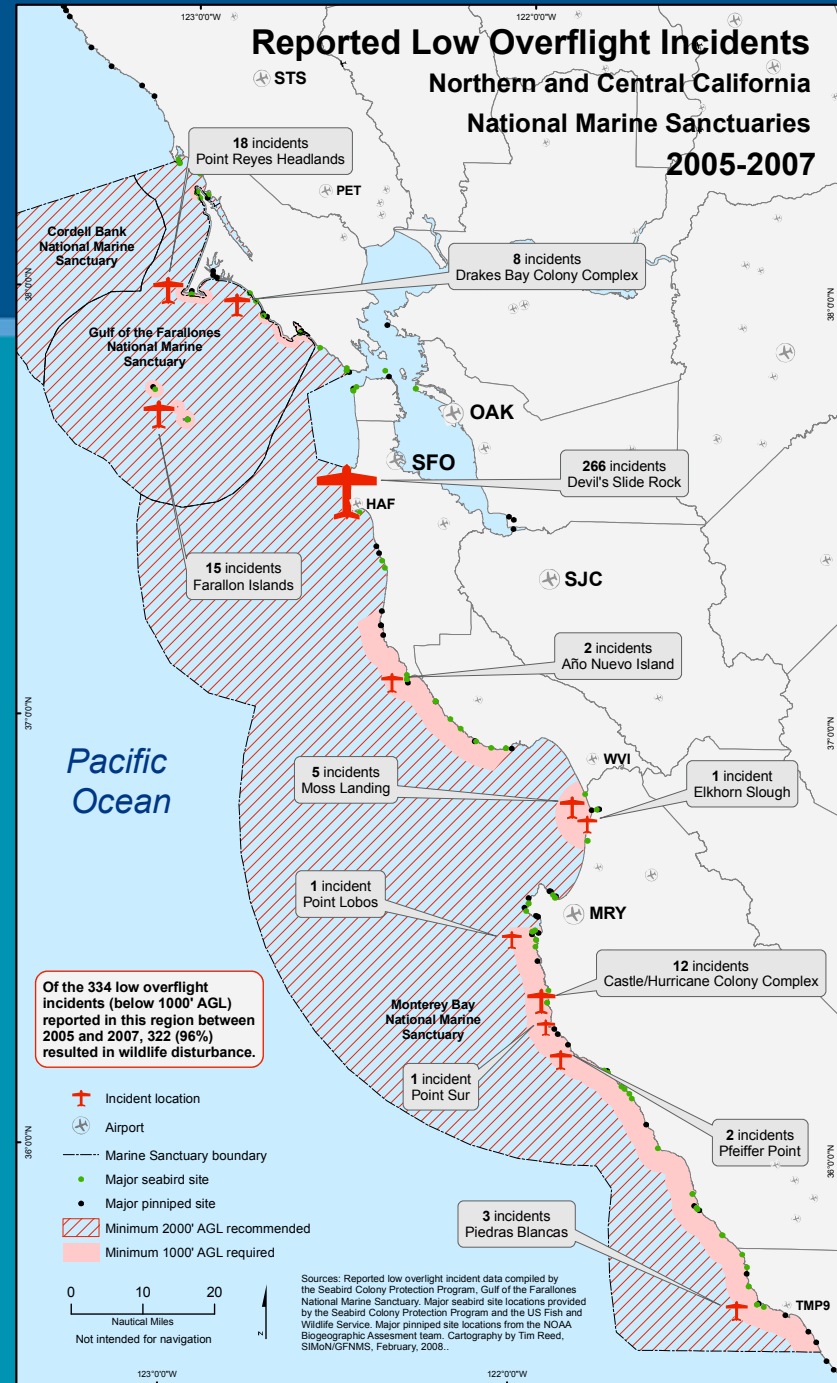
Proposed New Regulation: What does this accomplish?

- NOAA expects that the revised notation would likely result in improved compliance and thereby help to ensure the protection of resources under NOAA's stewardship.



Proposed New Regulation: What is not addressed?

This proposed rule does not address the location of the zones and does not propose any changes to the number, shape, distance and size of the zones.



Next Steps

- **The comment period closed February 7, 2011.**
- **Hundreds of comments have been received, and will be binned and responded to.**
- **Response to comments and final rule should be released later this year.**

Next Steps

The Seabird Protection Network will continue reaching out to pilots



SEABIRD

PROTECTION NETWORK

Outreach Activities

Sanctuaries have been actively reaching out to pilots. Some of these activities include:

1. Annual mailing of the letter to pilots



2. Pilot guide



SEABIRD REACTION TO LOW FLYING AIRCRAFT

Seabirds, nest and rear in colonies on large groups on offshore rocks and islets. Numerous disturbances can lead to colony abandonment.

FLY SEABIRD SAFE
Low overflights can be very hazardous to pilots!

Disturbances include severe storm damage and loss.

SEABIRD PROTECTION NETWORK

DO YOU KNOW

One low overflight or repeated overflights during the breeding season can lead to their nests.

Disturb eggs or chicks from nest sites.

Allow predators access to eggs.

Lead to deaths when eggs and chicks are abandoned, or to chicks abandoned.

MARINE MAMMALS

Seals and sea lions tend to haul out on and near the shorelines that disturbances include, noise and pupping, and to trapping.

OVERFLIGHT RESTRICTIONS IN CALIFORNIA'S NATIONAL MARINE SANCTUARIES

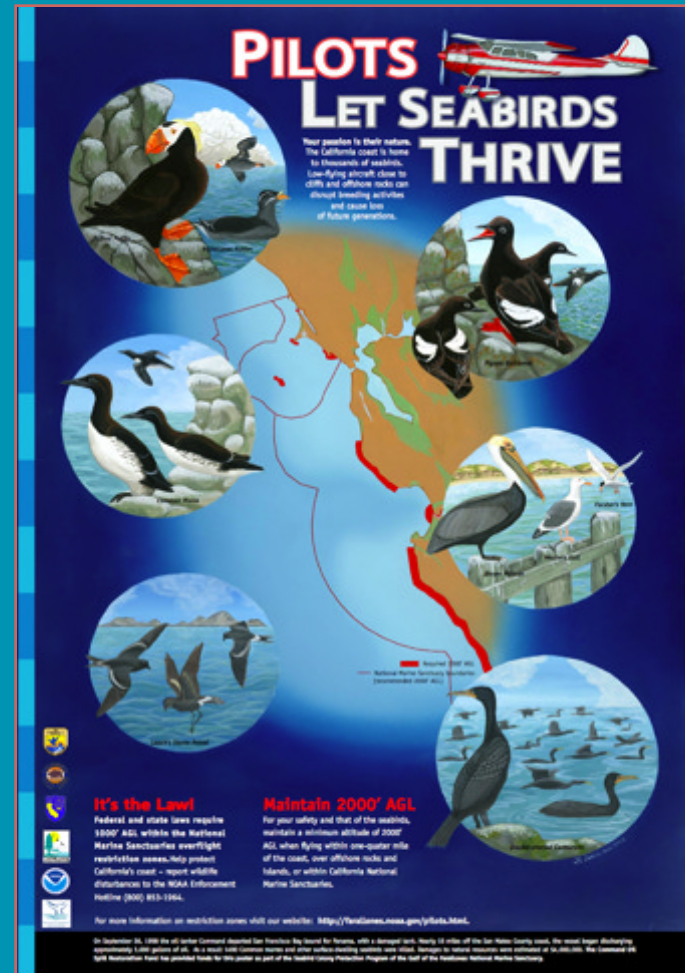
The areas described here offer special protection for the high concentrations of seabirds along the coast, specifically from low overflights. These areas are also the most dangerous for pilots due to the increased likelihood of bird strikes.

FLY SEABIRD SAFE
FOLLOW SAFETY LAWS & GUIDELINES THAT PROTECT SEABIRDS AND PILOTS FROM HARM

- 1. MAINTAIN 2000' AGL**
Follow the recommended minimum and maximum 2000' AGL within National Marine Sanctuaries. Above the 100 and 1000 altitude NOAA regulations require 1000' AGL along the coast. (see map)
- 2. NO DIRECT FLYOVERS OR MULTIPLE PASSES**
Do not fly directly over or make multiple passes over areas where seabirds nest or roost, such as seabird colonies and marine mammal haul outs. Disturbing wildlife is against the law.
- 3. REPORT VIOLATIONS TO NOAA HOTLINE**
If you see any low flying aircraft, the coast and bring this to record the tail number and call the NOAA hotline at 1-800-653-1964.
- 4. BECOME SEABIRD SAFE CERTIFIED**
Join the Seabird Protection Network. Pledge to follow the recommendations and receive special partner benefits! To join, email or call california.seabirds@noaa.gov or visit www.seabirds.noaa.gov/seabirds.html

Outreach Activities

3. Presentations, to pilot clubs, associations
4. Display Booths at Air Shows and Fly-ins
5. Pilot Poster Displays
6. Website



Take Home Messages

- **This is not a new regulation, but rather an amendment to existing overflight regulations.**
- **NOAA's primary goal is to make sure pilots along the west coast are fully aware of the long-standing restrictions on low overflights within designed zones in west coast national marine sanctuaries.**

Questions?

