

# Proposed Overflight Regulations

10 February 2011



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



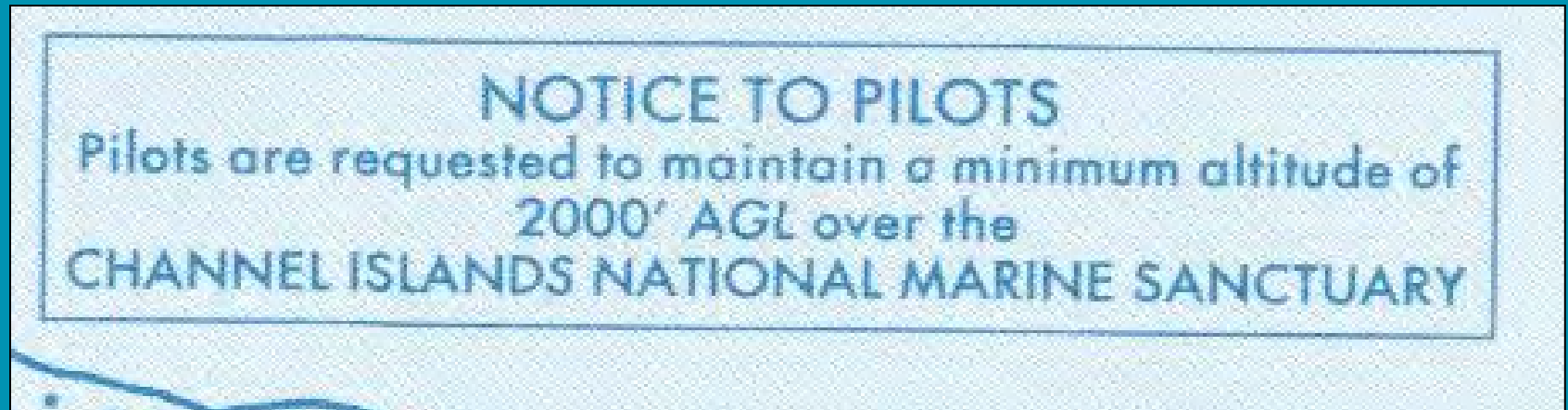
**Although each sanctuary has restrictions, these vary slightly.**

# 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.**



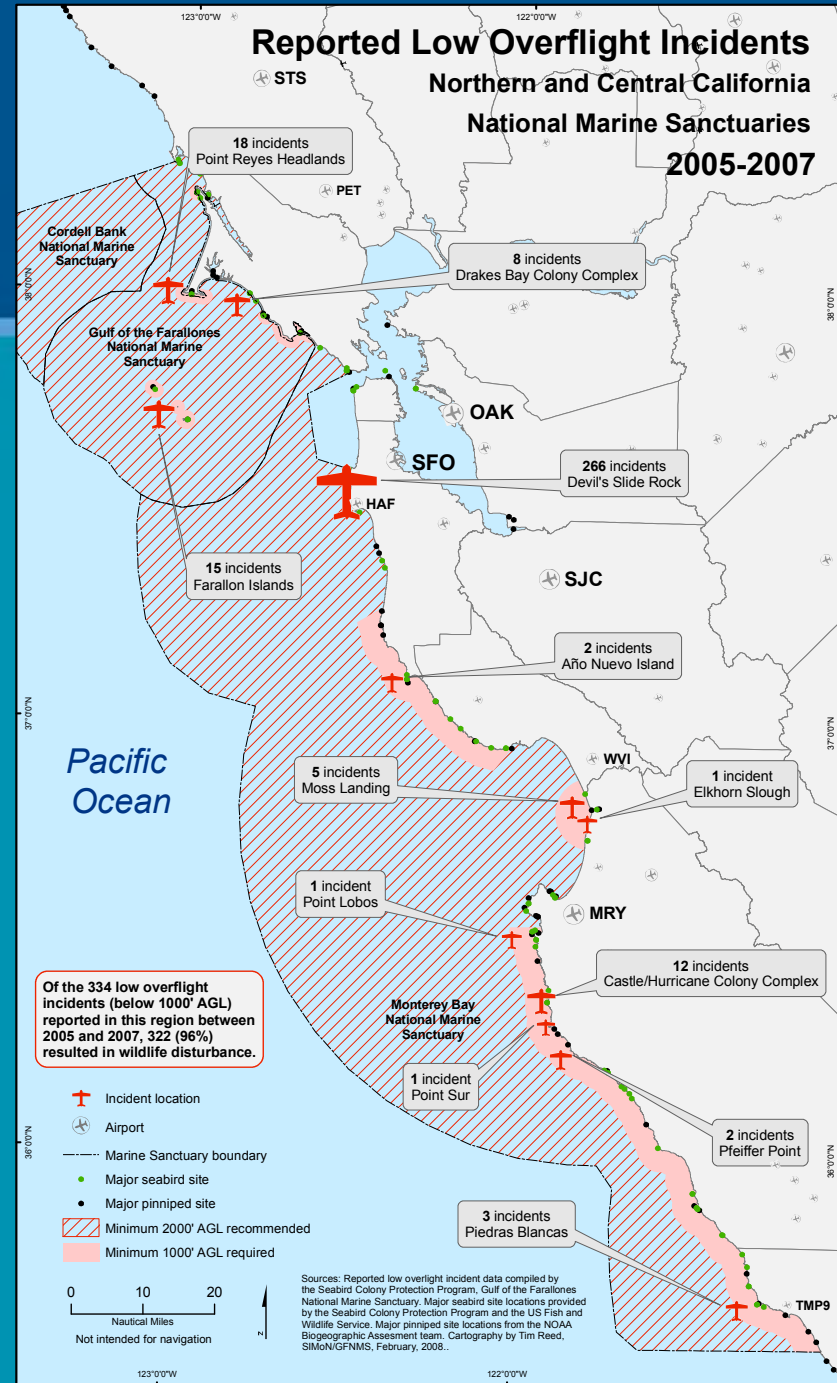
# Proposed New Regulation: What does this accomplish?

- 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:

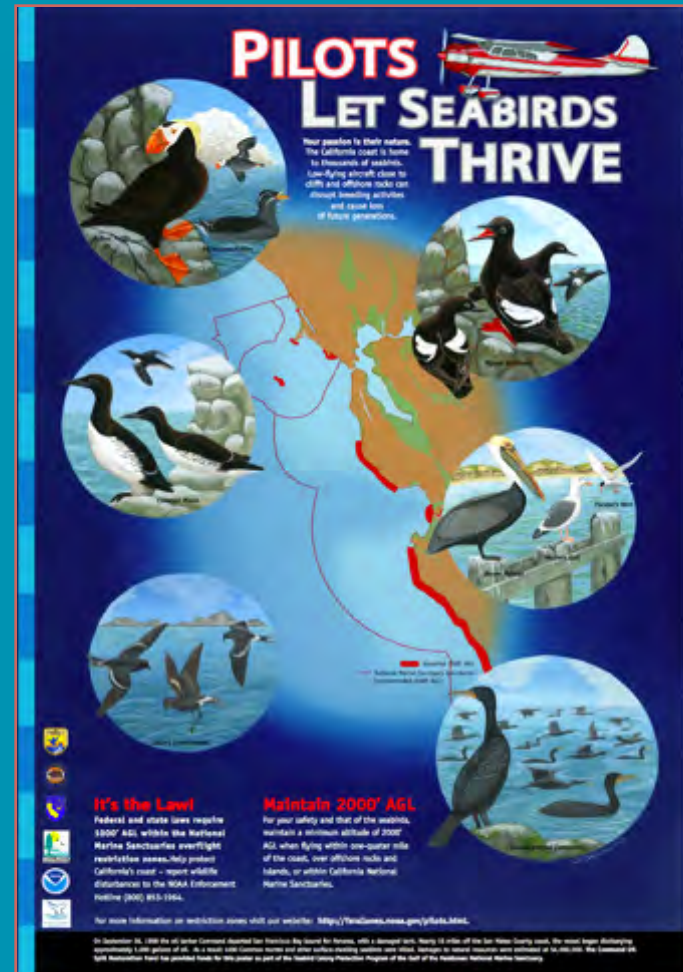
1. Annual mailing of the letter to pilots

2. Pilot guide



# 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?

