



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Monterey Bay National Marine Sanctuary
99 Pacific Street, Suite 455A
Monterey, CA 93940

July 18, 2012

To members of the general aviation community,

When Monterey Bay National Marine Sanctuary (MBNMS) was designated in 1992, a federal regulation by the National Oceanic and Atmospheric Administration (NOAA) was implemented to protect seabird colonies and marine mammal rookeries in the sanctuary from aircraft disturbance. The regulation prohibited motorized flight below 1000 feet MSL within four nearshore zones of the sanctuary to protect sensitive marine habitat. However, the four overflight prohibition zones have not been depicted on past aeronautical charts.

After extensive discussions between NOAA and Federal Aviation Administration (FAA) officials, NOAA agreed in 2010 to change the wording of its regulation to clarify that the 1000-foot delineation in its regulatory prohibition is an altitude disturbance threshold for federally protected marine mammal and seabird communities – not an FAA airspace restriction. In other words, flying below 1000 feet MSL in any sanctuary overflight prohibition zone triggers a natural resource violation – not a flight rule violation.

In response to NOAA's regulatory changes (finalized in February 2012), the FAA is now updating the Los Angeles and San Francisco sectional charts and terminal area charts to advise pilots of NOAA's regulations and accurately display the sanctuary's four overflight prohibition zones along the coast. Since the aeronautical charts will now accurately reflect NOAA's regulations, pilots will be held more accountable for compliance than in the past. Please inform your fellow pilots about these chart revisions.

NOAA has created a web page on the National Marine Sanctuaries web site that describes the summer 2012 changes to several west coast sectional and terminal area charts. Go to <http://sanctuaries.noaa.gov/flight/welcome.html> for a description of chart changes and the reasons behind them.

The following additional resources are also available on-line or upon request to our office:

- For a list of **Frequently Asked Questions (FAQs)** about MBNMS overflight regulations, go to <http://montereybay.noaa.gov/intro/mp/flight/faq.html>.
- For a **large-scale map** of the four MBNMS overflight prohibition zones, go to http://montereybay.noaa.gov/intro/maps/overflight1_lg.jpg.
- For a **regulatory description of the MBNMS overflight prohibition zones**, go to <http://montereybay.noaa.gov/intro/mp/regs.html#appendixB>.
- For the **text of the MBNMS overflight regulation**, go to <http://montereybay.noaa.gov/intro/mp/regs.html#prohibitions> and scroll down to paragraph "6".

If you have any further questions about the regulation or chart changes, or if you would like a presentation to your group about this topic, I invite you to contact our office at 831-647-4251.

Sincerely

Paul Michel

Paul Michel
Superintendent

