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October 3, 2012

Ms. Maria Brown
Sanctuary Superintendent
Gulf of the Farallones National Marine Sanctuary
991 Marine Drive
San Francisco, CA 94129

Re: Revisions of Boundaries for the Monterey Bay National Marine Sanctuary; Intent to Prepare an Environmental Impact Statement; Scoping Meetings

Ms. Brown,

The Aircraft Owners and Pilots Association (AOPA), representing more than 400,000 members nationwide, submits the following comments in response to the National Oceanic and Atmospheric Administration's (NOAA) planned environmental impact statement (EIS) for the boundary expansion of the Monterey Bay National Marine Sanctuary. AOPA is extremely concerned with the potential impact of any revision to the Monterey Bay National Marine Sanctuary boundaries which would enable an expansion of overflight restriction airspace. AOPA strongly urges NOAA to declare its intentions with regard to overflight restrictions as any expansion has the potential to significantly impact general aviation and would result in a very different EIS.

Aeronautical Impacts Ignored

The proposed expansion of the Monterey Bay National Marine Sanctuary will have immediate and lasting effects on general aviation. According to the Federal Aviation Administration's (FAA) Advisory Circular 91-36D, pilots are encouraged to avoid flight operations below 2,000 feet above ground level (agl) over National Marine Sanctuaries. The proposed expansion area is frequently used to transit north-south around the San Francisco airport (SFO) Class B airspace. Given the frequent fog and low ceilings in the San Francisco Bay, pilots are often forced to fly at low altitudes – below 2,000 feet agl - in order to comply with FAA regulations. Any attempt to reduce the available airspace in this area will have a substantive impact on the safety, access, and efficiency of general aviation to transit the area.

This marine sanctuary boundary revision opens the door to expanding the associated overflight restriction areas. However, because the overflight restriction regulation would be promulgated under a separate rulemaking process, NOAA is under no obligation to identify, evaluate, or analyze the safety and economic impacts to aviation caused by expanded overflight restriction areas as part of this EIS. The public has no opportunity to provide comments on the safety and economic impacts of this action during the EIS process. This loophole allows NOAA to establish restricted airspace without properly analyzing the impacts associated with overflight restrictions.

Regardless of nomenclature, NOAA's Monterey Bay Marine Sanctuary already has restricted airspace that could easily be expanded following a revision to the existing marine sanctuary boundaries. When the FAA

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establishes similar restricted airspace, the agency is required to complete an EIS under the National Environmental Protection Act (NEPA) that identifies and mitigates safety and economic impacts on aviation. Unfortunately, NOAA frames the airspace restrictions uniquely so as not to trigger this analysis under NEPA.

Failure to identify and analyze the potential impacts to aviation caused by this expansion would be an abdication by NOAA of the spirit and intent of NEPA regulations. AOPA urges NOAA to formally declare whether or not the agency plans to expand overflight restrictions if and when the Monterey Bay sanctuary boundaries are modified. AOPA also urges NOAA to identify and analyze the economic and safety impacts on general aviation caused by both the expanded Marine Sanctuary boundaries and the potential expansion of overflight restrictions.

Overflight Restrictions Unreasonable

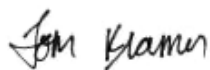
Any attempt to restrict general aviation flight operations in an area where commercial jet traffic routinely exceeds 100 decibels is laughable. It is simply impossible for a piston-powered aircraft operating at 1,000 feet to exceed the noise level of commercial jet aircraft departing SFO at full power. This does not even take into account the volume of commercial jet traffic at SFO (the 7th busiest airport in the United States) relative to occasional overflight by piston-powered general aviation aircraft.

NOAA simply cannot restrict general aviation overflights of the proposed boundary expansion without also restricting overflights by much louder, more frequent commercial jet aircraft departures from SFO. Any restriction on general aviation flight operations in this area would be arbitrary, without merit, and do nothing to further the Office of National Marine Sanctuary's Mission to conserve, protect, and enhance protected marine areas.

Summary

While AOPA appreciates the mission and ongoing work of the Office of National Marine Sanctuaries, this proposed action threatens the safety, access, and economic vitality of general aviation. AOPA strongly urges NOAA to include an analysis of safety and economic impacts on general aviation as a result of both the expanded marine sanctuary boundaries, and any potential for additional overflight restrictions. We appreciate the opportunity to submit comments on the environmental study's scope and look forward to a resolution that mitigates the potential impacts on general aviation.

Sincerely,



Tom Kramer
Manager, Airspace and Modernization

cc David Kennedy
Dan Basta
Dennis Roberts