

January 13, 2011

Dr. Debra Malek  
Office of National Marine Sanctuaries  
1305 East-West Highway 11th Floor  
Silver Spring, MD 20910



Re: Amendments to NMS Regulations Regarding Low Overflights in Designated Zones (RIN 0648-AX79)

Dear Ms. Malek:

The Marin Conservation League (MCL) appreciates the opportunity to comment on the proposed regulations referenced above, as published in the Federal Register (75 Fed. Reg. 76319). MCL is one of the oldest conservation organizations in the San Francisco Bay Area (founded 1934). We continue to pursue our mission of protecting, preserving, and enhancing the natural assets of Marin County. Tomales Bay is one of Marin County's treasured natural assets.

We note that Bolinas Lagoon, the Farallon Islands, and designated "Areas of Special Biological Significance" like the Pt. Reyes Headlands are covered by the proposed amendments to the regulations. Tomales Bay is also an "area of special biological significance." Among other biological riches, the Bay provides wintering and breeding habitat for thousands of shorebirds and waterfowl, supports a colony of breeding cormorants, and provides breeding, molting, and hauling out habitat for harbor seals.

We concur with the general intent of the proposed Amendments to National Sanctuary Regulations Regarding Over-flights, but urge that Tomales Bay be added as a "designated zone" to other protected areas. Low-flying aircraft have become a continuing problem over Tomales Bay. These aircraft include sightseeing planes that cruise over the Bay at an altitude of a few hundred feet or less and low-flying helicopters landing on beaches. The effect is to flush seabirds and marine mammals as well as disturb the tranquility of the Bay for humans. The specific effects on harbor seals are well established. Research conducted by the National Park Service and the Gulf of the Farallones National Marine Sanctuary in Tomales Bay has demonstrated that harbor seals are particularly sensitive to disturbance in Tomales Bay and that pupping success can be affected by such disturbance.

In conclusion, we urge you to adopt restrictions on low over-flights flying below 1,000 feet, and to add a designated zone within the Gulf of the Farallones National Marine Sanctuary to include Tomales Bay.

Sincerely,

A handwritten signature in black ink that reads "Nona Dennis".

Nona Dennis, President

cc: Congresswoman Lynn Woolsey

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