

CBNMS and GFNMS National Marine Sanctuaries Frequently Asked Questions about Proposed Sanctuary Expansion

Q1: What action is NOAA Office of National Marine Sanctuaries proposing?

A: In response to public interest, NOAA Office of National Marine Sanctuaries has released a proposal for the expansion of Cordell Bank and Gulf of the Farallones national marine sanctuaries (CBNMS and GFNMS). This includes a proposed rule that outlines regulatory changes, a draft environmental impact statement and amended management plans for Cordell Bank and Gulf of the Farallones national marine sanctuaries.

Q2: Why is NOAA proposing this expansion of the sanctuaries?

A: The proposal aims to further protect the existing sanctuaries and the ecosystem off of the Marin, Sonoma and southern Mendocino County Coasts. This proposed boundary expansion encompasses the entire Point Arena upwelling system that consistently produces some of the most intense and productive upwelling in North America. The Point Arena upwelling center is ecologically linked with the current sanctuaries because the upwelling center provides nutrient rich water that is the foundation for the regionally rich food web that supports a dynamic and internationally important marine ecosystem, important commercial and recreational fisheries, and a flourishing tourist economy.

Q3: What is the size of the proposed sanctuary expansion area?

A: The proposed action would extend CBNMS west and north of the current boundaries in federal waters and would increase the size of CBNMS from 529 mi² to 1286 mi². The proposed action would extend GFNMS from Bodega Bay, Sonoma County to a point a few miles north of Point Arena lighthouse at Manchester State Park (at latitude 39° north) in southern Mendocino County, and would include state and federal waters. The area protected by GFNMS would increase from 1279 mi² to 3293 mi².

Q4: How long is the comment period and how may I provide comments?

A: The release of the proposal on April 14, 2014 begins a public comment period that will end June 30, 2014. The proposed expansion is a public process and we encourage you to comment on the proposed rule, the draft environmental impact statement and either of the draft revised management plans. The public may submit comments three ways:

1. Attend Public Hearings (see dates below)
2. Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov and search for docket NOAA-NOS-2012-0228. click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
3. Mail: Maria Brown, Sanctuary Superintendent, Gulf of the Farallones National Marine Sanctuary, 991 Marine Drive, The Presidio, San Francisco, CA 94129

Public Hearings

May 22, 2014

U.S. Army Corps of Engineers Bay Model Visitor Center, 6 pm
2100 Bridgeway Blvd., Sausalito, CA 94965

June 16, 2014

Point Arena City Hall, 6 pm
451 School St., Point Arena, CA 95468

June 17, 2014

Gualala Community Center, 6 pm
47950 Center St., Gualala, CA 95445

June 18, 2014

Grange Hall, 6 pm
1370 Bodega Ave., Bodega Bay, CA 94923

Q5: Why are you proposing this now?

A: NOAA is responding to requests from the Administration and the public to expand the boundaries of the two sanctuaries.

- In 2001, NOAA received public comment during the joint management plan review requesting GFNMS and CBNMS expand their boundaries to the north and west.
- In response, GFNMS and CBNMS revised management plans in 2008 included strategies to facilitate a public process for proposed expansion.
- Former California Representative Lynn Woolsey introduced legislation to expand the sanctuaries in every U.S. House of Representatives session from 2004- 2012. For much of this same time period, Senator Barbara Boxer offered companion legislation in the U.S. Senate.
- In accordance with the National Marine Sanctuaries Act, in 2012 NOAA initiated a review of the boundaries for CBNMS and GFNMS to evaluate and assess the environmental impacts of proposed expansion of the sanctuaries.
- NOAA is now proposing to expand the boundaries, amend the regulations and revise the management plans for GFNMS and CBNMS. NOAA is seeking public comment on this proposal.

Q6: Would there be any regulatory changes?

A: The proposed action would carry over some existing regulations into the expansion area, amend current regulations for GFNMS and CBNMS, and add new regulations. All regulatory information can be found in the Proposed Rule at www.regulations.gov. Search for docket NOAA-NOS-2012-0228.

Q7: Would there be there any restrictions on fishing activities?

A: The proposed expansion of the sanctuaries does not include any fishing regulations under the National Marine Sanctuaries Act.

- National marine sanctuaries work with diverse partners and stakeholders to promote responsible, sustainable ocean uses that ensure the health of our most valued ocean places.
- National marine sanctuaries have a long history of working with recreational and commercial fishermen and they offer resource protection while allowing compatible activities.
- Some of the most productive fisheries are within national marine sanctuaries.
- Fishing within the existing and proposed footprints for GFNMS and CBNMS will continue to be managed by California Department of Fish and Wildlife, and NOAA Fisheries with advice from the Pacific Fishery Management Council.

Q8: Are there restrictions proposed on oil and gas development?

A: Oil and gas exploration and development is prohibited in the existing sanctuaries, and the prohibition would be extended to the expanded sanctuary boundaries under this proposal. Extraction of minerals would be added to the oil and gas prohibitions in GFNMS.

Q9: Why is NOAA proposing to expand these two sanctuaries in uncertain budget times?

A: The management of an expanded site would rely on the existing staff and programs and would continue to be funded under the current budget.

- If these two national marine sanctuaries were expanded, once the decision became final, prohibitions that would provide added environmental protections, such as the prohibition on oil and gas development, would be immediate.

- NOAA will continue to evaluate future resource needs of all sanctuaries in its formulation of annual budget requests.
- If the sanctuary is expanded, we would work to strengthen community partnerships for education, outreach, research, resource protection, and enforcement. We would also partner with local, state and other federal agencies to leverage resources and implement programs.

Q10: How will the sanctuary rules affect low overflight over the proposed expansion area?

A: The proposed regulations for low overflights are designed to avoid disturbance of marine mammals and seabirds.

- Aircraft would be able to fly at any elevation above sea level throughout the sanctuary, except in two new zones within the expansion area that would prohibit flying lower than 1,000 feet. The total combined size of these zones would be approximately 24 square nautical miles (31.9 square miles). However, the time an aircraft would spend transiting over these zones is short.
- Zone 1 would extend south along the coast from Havens Neck approximately 10 miles to Del Mar Point, and from the Mean High Water Line approximately 1.75 miles seaward. The overflight time, lengthwise, would be about 200 seconds (3.33 minutes) for an aircraft traveling at 120 miles per hour. Zone 2 would extend south along the coast from Windermere Point approximately 14 miles to Duncans Point and from the Mean High Water Line approximately 1.85 miles seaward. The overflight time, lengthwise, would be about 375 seconds (6.25 minutes) for an aircraft traveling at 120 miles per hour.

Q11: Are there any restrictions proposed on offshore energy development?

A: There is no explicit proposed prohibition of offshore alternative, renewable energy development including wind, wave, solar or tidal. Should an offshore wind, wave, tidal, or other alternative energy project require placement of a structure on the submerged lands of the sanctuary, that activity would be prohibited. GFNMS and CBNMS may, however, issue permits for activities otherwise prohibited, should that activity meet the sanctuaries' permit issuance criteria for furthering research or monitoring, education, salvage, or assisting with the management of the sanctuary.

- The Bureau of Ocean Energy Management (BOEM) currently prohibits issuing renewable energy leases in sanctuary waters, however their jurisdiction encompasses offshore renewable energy development only in Federal waters outside of state waters. CBNMS is located solely in Federal waters. The proposed regulations for GFNMS would give the sanctuary the ability to authorize alternative energy projects, both within the existing boundaries and in the expansion area in state waters (outside of BOEM managed areas) if that project is permitted by another valid federal, state, or local lease, permit,

license, or approval, and if the project complies with terms and conditions determined by NOAA designed to best protect sanctuary resources and qualities.

Q12: *How will the sanctuary regulations be enforced in the expanded areas without additional resources?*

A: If GFNMS and CBNMS are expanded, NOAA would also continue to work with federal and state enforcement partners, both within the current boundaries and in the expansion area, to maintain on water and aerial surveillance, update patrol guides and regulatory handbooks, and conduct interpretive/outreach patrols.
