

Monterey Bay National Marine Sanctuary

Summary of Scoping Comments

December 11, 2015

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Introduction

In August of 2015, Monterey Bay National Marine Sanctuary (MBNMS) initiated an update of its management plan, a collaborative document, broad in scope, providing important guidance for sanctuary programs and operations. It is time to refresh the 2008 document and update its contents to ensure the sanctuary's natural and cultural resources are better understood and continue to be protected through management informed by current knowledge of this special place and the threats and pressures placed upon it.

A sanctuary management plan is a site-specific planning and management document describing the objectives, policies and activities for a sanctuary, and guides management actions. Management plans summarize existing programs and regulations, articulate visions, goals, objectives, and priorities of the sanctuary, guide management decision-making, guide development of annual operating plans, guide future planning, ensure public involvement in management processes, and contribute to the attainment of national marine sanctuary goals and objectives.

Over time, all management plans should be reviewed and updated to account for changing conditions and needs. At MBNMS, we recognize since our 2008 management plan was implemented, new partners, new issues and new opportunities have emerged. Moreover, much has been implemented and accomplished and no longer needs to be in the plan. Revising the management plan allows the sanctuary superintendent and staff to reflect state-of-the-art marine management approaches and ensures limited resources are focused on priorities. The review examines and potentially changes sanctuary programs and operations, action plans, regulations and boundaries. Management Plan Review (MPR) is the process by which all national marine sanctuaries review and revise their sanctuary management plans and is required under the National Marine Sanctuaries Act. Monterey Bay National Marine Sanctuary's MPR will be conducted in phases over the next few years.

This process involves proactively reaching out to members of the community to gather input, weighing collected information against the best available science and the agency's management expertise, and developing a plan that drives the sanctuary to meet the goals and objectives of the review. The MPR process and Sanctuary Advisory Council will provide guidance and direction for this review. The council is a community-based advisory group established to provide advice and recommendations to the sanctuary superintendent. The council members serve as liaisons between their constituents in the community and the sanctuary and provide expertise on both the local community and sanctuary resources, strengthen connections with the community and help build increased stewardship for sanctuary resources. MBNMS Advisory Council members represent agriculture, business and industry, conservation, diving, education, fishing (commercial and recreational), recreation, research, tourism, local governments, state and federal agencies and the community at large.

This review formally began in August 2015, when a public notice of intent to review the management plan was issued requesting public comments during the scoping period. Scoping comments were received from September 10 through October 30th. Comments on the direction the sanctuary should take to best protect and conserve the living marine resources and submerged

cultural resources of MBNMS were accepted electronically at www.regulations.gov under docket number NOAA-NOS-2015-0099, letters to the Sanctuary Superintendent and at four public meetings held in communities adjacent to the sanctuary. 220 comments were submitted and encompassed a range of topics. Comments may be viewed in their entirety at www.regulations.gov under docket number NOAA-NOS-2015-0099. This document summarizes and groups the variety of comments submitted during the scoping period.

Next Steps

Monterey Bay National Marine Sanctuary and the Sanctuary Advisory Council will use the public comments for guidance to best determine the high priority resource management issues to address in this review and evaluate management alternatives. In the coming year, MBNMS staff and the Advisory Council will develop recommendations, using the input from the scoping meetings, for NOAA to consider, and staff will assess the environmental impacts of these recommendations, which may include modifications or additions to sanctuary regulations. A draft management plan, along with an environmental analysis and possible regulatory changes, will be presented to the public. NOAA will gather public comment on the proposal. Finally, a final management plan and associated documents will be adopted and implemented.

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Comment statistics

Scoping comments on the MBNMS management plan review and regulations were submitted at the public scoping meetings, either as facilitated verbal comments or via comment cards; as letters via the mail; or electronically on line via the e-Rulemaking Portal at www.regulations.gov/#!docketDetail:D=NOAA-NOS-2015-0099. Comments not received electronically were posted to the e-Rulemaking Portal, thereby assembling all the scoping comments into the electronic docket for public viewing.

Comments submitted during the scoping period can be characterized as follows:

- The four scoping meetings produced four scoping summary reports that are posted online.
- 220 comments were submitted. A comment or comment letter may raise several issues and provide more than one suggestion on how to revise the MBNMS management plan.
- Of the 220 comments submitted, 51 comments were either clear duplicates (100%) or near duplicates (80%), rendering the total amount of individual comments as 169 comments.
- The overwhelming majority of comments were submitted by public citizens.
- Government partners submitted six comment letters.
- Educational partners submitted three comment letters.
- User groups submitted seven comment letters.
- Conservation groups submitted six comment letters.

Comments categorized by topic

When summarizing the public comments, MBNMS staff started with no pre-conceived list of topics or categories. For each comment, staff assessed the issue being discussed and either created a topic heading to describe the issue or binned the comment under a topic heading that had already been created based on an earlier comment. Some comments belong under more than one topic, but not many. Eventually a list 26 topic categories was created, which can be divided into three overarching themes: Collaborative Research and Management; Education, Outreach and Citizen Science; and Regulatory Changes and Clarifications.

COLLABORATIVE RESEARCH AND MANAGEMENT

- Artificial reef
- Beach nourishment
- Birds
- Boundary changes
- Climate change
- Coastal armoring
- Desalination
- Fisheries:
 - anchovy fisheries
 - fishing
- Management plan update/action plans
- Marine debris
- Mooring buoys
- Motorized personal watercraft (MPWC)/jet-ski
- Sanctuary advisory council (AC)
- Science and monitoring
- Sanctuary Ecological Significant Areas (SESAs)
- Water quality protection:
 - miscellaneous
 - regional monitoring
 - run-off of contaminants
- Wildlife disturbance:
 - entanglement
 - harassment
 - soundscape
 - unmanned aircraft systems

EDUCATION, OUTREACH AND CITIZEN SCIENCE

- Citizen science
- Education

REGULATORY CHANGES AND CLARIFICATIONS

- Regulations

Categorized topics

Comments were divided into 26 topic categories (in bold). The topic categories are grouped according to three overarching themes: Collaborative Research and Management; Education, Outreach and Citizen Science; and Regulatory Changes and Clarifications. Under each topic category comments were paraphrased and entered as either “issue or concern”, or “suggested strategies and tools” (to address the issue or concern).

COLLABORATIVE RESEARCH AND MANAGEMENT

Artificial reef

Issue or concern

- Dive community requests an artificial reef (boat, plane, other)
- Artificial reef would contribute to local economy
- Wildlife would attach to and congregate at artificial structure
- Reefs would serve as seed (production) sites for surrounding area
- Divers would come from elsewhere to dive on a wreck
- Sanctuary is not pristine: artificial reefs reverse/restore damage done by human uses
- Less pressure on existing reefs/dive sites
- Artificial reefs are also a draw for recreational fishermen

Suggested strategies and tools

- Raise funds for establishing artificial reef through Kickstarter/Indiegogo campaign.
- Divers or dive boats would pay a fee to the county to fund establishment of artificial reef.
- Divers would be very willing to help with this endeavor, whether financially or by volunteering.
- MBNMS needs to do the necessary research (e.g cost benefit analysis) and research possible beneficial locations for an artificial reef.
- Site an artificial reef that does not impact commercial fishing.
- Ensure hyperbaric chamber operations continue.
- Support the placement of artificial reefs within the MBNMS management framework.
- Permit an artificial reef to include enhanced multiple use opportunities.

Beach nourishment

Issue or concern

- Severe erosion at Surfer’s Beach (Half Moon Bay)

Suggested strategies and tools

- Continue to coordinate with local entities to find a solution.
- Restore sediment transport - need permanent location to place sand.
- Use other sources of clean sand if sand inside breakwater cannot be used.
- Conduct a pilot study on beach erosion - need enough sediment to have effect on curbing erosion.
- Review historic photos to understand severity of beach erosion.
- Consult the Regional Sediment Management Plan for the Santa Cruz Littoral Cell.

- Revise management plan to include beneficial reuse of clean dredged materials to mitigate coastal erosion.
- Amend sanctuary regulations/designation document to allow for the dredge and disposal of clean, compatible sediments from Pillar Point Harbor.

Birds

Issue or concern

- Miscellaneous
- Chumming to attract birds for offshore/pelagic bird observations

Suggested strategies and tools

- Use Sea Bird Company database for Ashy Storm Petrel - species of concern.
- Monitor persistence of dichlorodiphenyltrichloroethane (DDT) to study effects on California Condors.
- Create guidelines for chumming to attract birds.
- Permit chumming to attract birds for educational purposes.
- Change regulation to allow chumming to attract sea birds.

Boundary changes

Issue or concern

- San Francisco - Pacifica Exclusion area near San Mateo
- Chumash Heritage National Marine Sanctuary (CHNMS)

Suggested strategies and tools

- Consider impacts to partners/agencies if any boundaries are changed.
- Evaluate marine renewable energy potential and prepare a “Statement of Energy Effects” for any expanded areas.
- Include the San Francisco - Pacifica exclusion area to MBNMS or Greater Farallones National Marine Sanctuary (GFNMS).
- Expand MBNMS south if NOAA does not move forward with CHNMS designation.

Climate change

Issue or concern

- Climate change
- Ocean acidification
- Sea level rise

Suggested strategies and tools

- Increase coordination and cooperation among science and resource management agencies to improve planning, monitoring, and adaptive management.
- Adopt “Greening the Sanctuary” / reduce carbon footprint.
- Create a climate action plan in the MBNMS management plan with
 - measurable objectives
 - emphasis on outreach/education.
- Assess other action plans for MBNMS and include climate-related measures.

- Prepare better for climate-related coastal hazards (e.g. sea level rise, erosion, etc.).
- Build resilience into coastal communities.
- Expand monitoring of ocean acidification.

Coastal armoring

Issue or concern

- Climate-related sea level rise, increased erosion, shoreline loss
- Coastal erosion of hiking trails from increased tourism

Suggested strategies and tools

- Prioritize and use planned (or managed) retreat as a response measure to climate change.
- Develop an action plan with specific measures in support of the Coastal Regional Sediment Management Plan.
- Increase coordination with other local entities.
- Mitigate impacts from increased tourism through outreach/education and coordination with partners.

Desalination

Issue or concern

- Drought/water shortage
- Three desalination projects proposed within the sanctuary
- Brine discharge is toxic to marine life
- One or more regional desalination projects are of critical importance to our economy and the well-being of our citizens.

Suggested strategies and tools

- Update existing action plan
 - by improving desalination guidance
 - to reflect progress
 - by adding emphasis on monitoring and enforcement.
- Update desalination webpage.
- Educate public on environmental impacts to sanctuary.
- Do not permit brine discharge or allow a desalination plant within the sanctuary
- Permit desalination.
- Issue guidelines, regulations, or permit conditions that balance ocean environmental concerns with the needs of the humans.

Fisheries: anchovy fisheries

Issue or concern

- 99% collapse of anchovy population
- Overfishing of anchovy
- Anchovy filled with domoic acid – not fit for consumption
- Anchovy are the basis of food chain and needed for whales and other marine mammals
- Anchovy are important for the sanctuary ecosystem
- Anchovy are ground up for aquaculture

- Lax regulations
- Waste of dead anchovy found floating in the ocean waters
- Use of ‘seal bombs’ to scare sea lions away from the nets

Suggested strategies and tools

- Conduct a new stock assessment.
- Update catch limits.
- Encourage sustainable harvest.
- Enforce stricter limitations.
- Protect the ecosystem rather than commercial or sport fishing interests.
- Make Monterey Bay a true marine protected area.
- Monitor the harvest of anchovy.
- Consider how anchovy harvest is regulated within MBNMS.
- Establish a closer relationship with NMFS.
- Pursue the restriction of anchovy harvest by presenting an ecosystem-based perspective to fishery managers.
- Halt anchovy fishery.

Fisheries: fishing

Issue or concern

- Overfishing is a problem
- Reckless overfishing in Monterey Bay must be checked
- Fishermen view MBNMS in negative manner and feel alienated from process

Suggested strategies and tools

- Inform the public of the situation.
- Only create fishing regulations (or fishing zones) with support from recreational and commercial fishing leaders. If there is support, advise fishery managers.
- Oppose fishermen’s request to have approval (veto power) of any fishing rules.
- Have Alliance for Communities of Sustainable Fisheries (ACSF) represent fishing interests to MBNMS.
- Halt fishing in the sanctuary.

Management plan update/action plans

Issue or concern

- Revisions are needed
- Limited funding

Suggested strategies and tools

- Update fishing practices in management plan.
- Update action plan on bottom trawling.
- Renew “Fishermen in the Classroom”.
- Prioritize number of action plans
 - consider key ecosystem components and key stressors.

- create a category of action plans that are addressed only when funding is available.
- Collaborate with partners to implement action plans.
- Use best available science when developing action plans.
- Use peer review or consensus process if conflicts arise about science.
- Use community needs to guide revisions of management plan
- Leverage funding and resources with like-minded groups/agencies.

Marine debris

Issue or concern

- Lost fishing gear (fishing line, lead weights, traps, nets)
- Plastics

Suggested strategies and tools

- Support and expand existing discarded or lost fishing gear retrieval programs.
- Reduce sources of plastics entering the sanctuary.
- Expand beach clean-up efforts.
- Maintain and increase education.
- Develop a sign for restaurants “straws upon request.”

Mooring buoys

Issue or concern

- Dive community requests placement of moorings at popular dive sites
- Preserves benthic habitat/no hook-ups on kelp or other living organisms
- Less disturbance to wildlife
- Better dive safety (no slipped anchors)

Suggested strategies and tools

- Add a "mooring due" to all boat charters to pay for installation/maintenance of moorings.
- Allow dive community (e.g., dive clubs, diver charter boats) to fund, set and maintain moorings.
- Permit the placement of mooring buoys in the sanctuary.

Motorized Personal Watercraft (MPWC)/jet-ski

Issue or concern

- Modern MPWC are largely used as personal lifeguards for big wave surfers
- Legal use of MPWCs at Mavericks is unrealistic (27 conditions): mostly a two buddy system
- MPWC use at other high surf locations
- Need areas and opportunity to practice surfer rescue
- MPWC's are a multiple-use (National Marine Sanctuaries Act mandates ONMS to facilitate multiple use) and should therefore be allowed

Suggested strategies and tools

- Conduct an independent peer-review of science justification to ban all vessels (instead of go-slow areas).
- Prioritize training of public safety personnel using MPWC.
- Have official on site to monitor activity during all conditions.
- Study current MPWC use and the wave conditions in which they are used.
- Increase utility and effectiveness of the existing MPWC use zones
- Expand recreational opportunities of MPWC to other locations to allow for practice of rescue methods.
- Allow MPWC use at other selected big wave areas under “large surf warning” conditions.
- Allow for MPWC use as a safety tool, and for increased recreational opportunity.
- Amend the MBNMS rule on MPWC use to allow their use at Maverick’s in “high surf advisory” condition.
- Review and amend the existing sanctuary rule which prohibits the use of MPWC in most of the sanctuary.
- Prohibit MPWC use in the sanctuary, except under special circumstances.

Sanctuary advisory council (AC)

Issue or concern

- Sanctuary AC operations
- Business has little representation on Sanctuary AC

Suggested strategies and tools

- Explore establishing the Sanctuary AC under a local joint-powers authority.
- Add a renewable energy industry representative to Sanctuary AC
- Add a tribal representative to Sanctuary AC

Science and monitoring

Issue or concern

- Miscellaneous

Suggested strategies and tools

- Study contribution of Marine Life Protection Act sites to ecosystem health.
- Conduct more research to inform policy.
- Conduct more characterization, research and monitoring to understand sanctuary ecosystem.
- Provide to science collaborators funding, ship time, dive services, etc.
- Distribute and stress research on the natural cycles of MBNMS ecosystem.
- Study effects of sea lion population on ecosystem.

Sanctuary ecological significant areas (SESAs)

Issue or concern

- Need more information

Suggested strategies and tools

- Conduct more research in SESAs.
- Continue following the EFH review process.
- Continue collaborative research and pilot management activities with fishermen in SESAs.

Water quality protection: miscellaneous

Issue or concern

- Beach Closure and Contamination Action Plan
- Water quality concerns at San Simeon creek
- Habitat degradation due to pumping (e.g., steelhead)
- Drought
- Fukushima radiation
- USS Independence radiation
- Nuclear dump site by Farallon Islands
- Chemical use to eradicate non-natives
- Industrial ags use of GMOs and toxins

Suggested strategies and tools

- Identify focus areas toward which to direct more sanctuary resources.
- Include Surfrider's volunteer Blue Water Task Force labs into the on-line portal.
- Collaborate with local municipalities and focus on identifying and fixing the sources of pollution at beaches.
- Collaborate with other agencies to maintain water quality in local watersheds.
- Maintain whole lifecycle of fish.
- Balance and control amount of tourism.
- Monitor radiation impacts from 2011 Fukushima accident in Japan and educate public of findings.
- Monitor radioactive impacts from USS Independence and nuclear dump site off of Farallons and educate public of findings.
- Support multi-benefit water supply and conservation projects in local communities, such as "Ocean Friendly" gardens.
- Increase public education and outreach with like-minded organizations.
- Limit impairment to watersheds from collection of watershed waters.

Water quality protection: regional monitoring

Issue or concern

- Coordinated regional monitoring program
- Marine species as sentinels for water quality

Suggested strategies and tools

- Establish a coordinated regional monitoring network, building on successful models elsewhere.
- Participate in the Central Coast Regional Water Quality Control Board's efforts to list and remedy Clean Water Act Section 303(d) water bodies.

- Incorporate marine species mortalities into regional monitoring reports.

Water quality protection: run-off of contaminants

Issue or concern

- Reduce non-point sources of pollution from landscapes
- Harmful algal blooms (HABs) in the ocean
- HABs that occur within watersheds that feed into the sanctuary

Suggested strategies and tools

- Include training and outreach to the professional and amateur landscaping/gardening communities.
- Conduct trainings around retrofitting public landscapes that could be used as demonstration projects for implementation of best management practices.
- Eliminate fires on beaches.
- Encourage beach clean ups after holidays.
- Conduct more monitoring of HABs.
- Develop better regulations on “Roundup” discharge.

Wildlife disturbance: entanglement

Issue or concern

- Whale and turtle entanglement

Suggested strategies and tools

- Focus on prevention, response, data collection, and collaborative working group.
- Increase effectiveness of entanglement response.
- Develop best fishing practices to reduce entanglements – ACSF will participate.
- Oppose Navy’s plan for increasing sonar buoys, which are an entanglement risk.
- Continue with Pacific leatherback sea turtle as a focal species.
- Explore a sister sanctuary program with Indonesia (for leatherbacks).

Wildlife disturbance: harassment

Issue or concern

- Harassment of sea otters, whales, seals, and marine birds by
 - kayakers
 - paddle boarders
 - drones (see Wildlife disturbance: unmanned aircraft system)
 - increased tourism
 - fishermen using bombs and other noise making devices
 - MPWC
 - low overflights
 - Radio-frequency radiation (RF)

Suggested strategies and tools

- Add more enforcement.
- Support funding for enforcement.

- Cross deputize enforcement officers.
- Initiate a wide-spread public education program, using the public media.
- Support more on-site trained Bay Net and Team OCEAN docents/volunteers.
- Support funding for Bay Net and Team OCEAN.
- Adopt a kayak company by Bay Net/Team OCEAN volunteers.
- Install effective signage.
- Develop training videos for kayak/paddle board rental shops
- Identify key areas for nesting, hauling out, mating, and feeding for key species and outline methods for reducing disturbance.
- Consider alternative and/or additional measures to reduce disturbances while seeking to continue to allow responsible recreational access.
- Study impacts from RF on wildlife, including RF tagging, webcams, cell towers, and Wi-Fi.
- Add Devil's Slide rock to overflight restricted zones.
- Add Ano Nuevo Island to overflight zones or enforce existing 1000' overflight restriction.
- Explore setting a spectator or approach distance from marine mammals.
- Raise the approach distance to at least 100 feet (10 kayak lengths).
- Regulate, not just recommend, the distance for approaching marine mammals.
- Ban the use of seal bombs by fishermen.
- Regulate kayak companies to display their name and identifying number on each kayak.

Wildlife disturbance: soundscape

Issue or concern

- Acoustic impacts to wildlife
- Sonar and electromagnetic field (EMF) testing by Navy and research institutions

Suggested strategies and tools

- Coordinate research to better understand the sanctuary soundscape.
- Define dangerous levels of high-energy seismic testing.
- Participate in the NOAA-level effort to understand soundscapes.
- Study the range of acoustic impacts on MBNMS resources.
- Ban all sonar and EMF testing in sanctuary.

Wildlife disturbance: unmanned aircraft systems

Issue or concern

- Drones used in Elkhorn Slough
- Disturbances of seabird colony and marine mammal haul out areas
- Drones are useful for some research projects

Suggested strategies and tools

- Educate user group of regulations and impacts to wildlife.
- Implement geo-fencing
- Continue use of drones for some research programs.
- Ban drones from the sanctuary.

EDUCATION, OUTREACH AND CITIZEN SCIENCE

Citizen science

Issue or concern

- Citizen science needs to be a priority
- Creating more ocean stewardship needs to be a priority
- Invest in future generations of ocean stewards
- Missed opportunities for additional public outreach, involvement, and education in the most direct and relevant manner by not having sufficient Bay Net and Team OCEAN volunteers.

Suggested strategies and tools

- Expand partnerships and other external support to help ensure continuation of the Bay Net, Team OCEAN, and BeachCOMBER programs.
- Standardize and merge programs with GFNMS, e.g., Beach COMBERS and Beach Watch.
- Expand Bay Net, Team OCEAN with more funding.
- Hire a full-time volunteer coordinator.
- Develop citizen science programs.
- Support LiMPETS in the Cambria area of MBNMS.
- Expand NOAA Ocean Guardian School.

Education

Issue or concern

- Need improvements to education and outreach

Suggested strategies and tools

- Develop NOAA branding for Coastal Discovery Center, San Simeon Cove Beach and throughout Cambria and San Simeon.
- Implement live webcams at San Simeon Cove and audio on Friends of the Elephant Seal webcam.
- Improve readability of SIMon website.
- Purchase Sanctuary Exploration Center (SEC) as access for divers.
- Provide more support for SEC.
- Collaborate with schools to create learning opportunities for elementary thru high school.
- Communicate cause and effect of sea star wasting disease.

REGULATORY CHANGES AND CLARIFICATIONS

Regulations

Issue or concern

- Miscellaneous
- Beach nourishment
- Birds
- Boundary change

- Desalination
- Fisheries: anchovy fisheries
- Fisheries: fishing
- Motorized Personal Watercraft (MPWC)/jet-ski
- Water quality protection: run-off of contaminant
- Wildlife disturbance: harassment
- Wildlife disturbance: soundscape

Suggested strategies and tools

- Clarify the application of MBNMS' regulations on "abandoned" vessels.
- Enforcement officers shouldn't be allowed to speed through kelp.
- Require boats are cleaned before they are moved to prevent spread of invasive species.
- Amend sanctuary regulations/designation document to allow for the dredge and disposal of clean, compatible sediments from Pillar Point Harbor.
- Change regulation to allow chumming to attract sea birds.
- Include the San Francisco - Pacifica exclusion area to MBNMS or Greater Farallones National Marine Sanctuary (GFNMS).
- Expand MBNMS south if NOAA does not move forward with CHNMS designation.
- Issue desalination guidelines, regulations, or permit conditions that balance ocean environmental concerns with the needs of the humans.
- Halt anchovy fishery.
- Halt fishing in the sanctuary.
- Expand recreational opportunities of MPWC to other locations to allow for practice of rescue methods.
- Allow MPWC use at other selected big wave areas under "large surf warning" conditions.
- Allow for MPWC use as a safety tool, and for increased recreational opportunity.
- Amend the MBNMS rule on MPWC use to allow their use at Maverick's in "high surf advisory" condition.
- Review and amend the existing sanctuary rule which prohibits the use of MPWC in most of the sanctuary.
- Develop better regulations on "Roundup" discharge.
- Add Devil's Slide rock to overflight restricted zone.
- Add Ano Nuevo Island to overflight zone or enforce existing 1000' overflight restriction.
- Explore setting a spectator or approach distance from marine mammals.
- Raise the approach distance to at least 100 feet (10 kayak lengths).
- Require, not just recommend, the distance for approaching marine mammals with regulations.
- Ban the use of seal bombs by fishermen.
- Regulate kayak companies to display their name and identifying number on each kayak.
- Ban all sonar and EMF testing in sanctuary.
- Ban drones from the sanctuary.

Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the ADDRESSES section of this proposed rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface in the International Falls, MN area. This action would contain aircraft while in IFR conditions under control of Minneapolis ARTCC by safely vectoring aircraft from en route airspace to terminal areas.

Class E airspace areas are published in Paragraph 6006 of FAA Order 7400.9Y, August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, “Environmental Impacts: Policies and

Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, is amended as follows:

Paragraph 6006 En Route Domestic Airspace Areas

* * * * *

AGL MN E6 International Falls, MN [New]

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 49°00′00″ N., long. 095°00′00″ W.; to lat. 49°00′00″ N., long. 093°30′00″ W.; to lat. 48°06′30″ N., long. 090°06′00″ W.; to lat. 47°53′00″ N., long. 090°55′00″ W.; to lat. 48°34′00″ N., long. 094°00′00″ W.; to lat. 48°40′00″ N., long. 095°00′00″ W., thence to the point of beginning, excluding that airspace within Federal airways.

Issued in Fort Worth, TX, on August 13, 2015.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–21087 Filed 8–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

Initiation of Review of Management Plan and Regulations of the Monterey Bay National Marine Sanctuary; Intent To Conduct Scoping and Prepare Draft Environmental Impact Statement and Management Plan

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Initiation of review of management plan and regulations; intent to conduct scoping and prepare environmental impact statement.

SUMMARY: Monterey Bay National Marine Sanctuary (MBNMS or sanctuary) was designated in September 1992. It spans 4,601 square nautical miles (6,094 square miles) of marine waters off the central California coast, encompassing several large, nearshore submarine canyons, an offshore seamount and numerous marine habitats representative of the central California coastal and marine ecosystem. The present management plan was written and published in 2008 along with a final environmental impact statement in accordance with the National Environmental Policy Act (NEPA). In accordance with Section 304(e) of the National Marine Sanctuaries Act, as amended, (NMSA), the Office of National Marine Sanctuaries (ONMS) of the National Oceanic and Atmospheric Administration (NOAA) is initiating a review of the MBNMS management plan, to evaluate substantive progress toward implementing the goals for the sanctuary, and to make revisions to the plan and regulations as necessary to fulfill the purposes and policies of the NMSA. NOAA anticipates regulatory and management plan changes will require preparation of an environmental analysis under the National Environmental Policy Act (NEPA). NOAA will conduct public scoping meetings to gather information and other comments from individuals, organizations, tribes, and government agencies on the scope, types and significance of issues related to the MBNMS management plan and regulations and the proper scope of environmental review for the project. The scoping meetings are scheduled as detailed below.

DATES: Written comments should be received on or before October 30, 2015.

Scoping meetings will be held on:

(1) September 10, 6–8 p.m., Monterey Conference Center, Monterey, CA.

(2) September 23, 6–8 p.m., Loudon Nelson Center, Santa Cruz, CA.

(3) October 23, 6–8 p.m., Veteran's Memorial Hall, Cambria, CA.

ADDRESSES: You may submit comments on this document, identified by NOAA–NOS–2015–0999, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NOS-2015-0999, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* 99 Pacific Street, Bldg. 455A, Monterey, California 93940, Attn: Paul Michel, Superintendent.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Dawn Hayes, 831.647.4256, mbnmsmanagementplan@noaa.gov.

SUPPLEMENTARY INFORMATION: Reviewing the MBNMS management plan may result in proposed changes to existing plans and policies to address contemporary issues and challenges, and better protect and manage the sanctuary's resources and qualities. The review process is composed of four major stages: (1) Information collection and characterization; (2) preparation and release of a draft management plan and environmental impact statement, and any proposed amendments to the regulations; (3) public review and comment; (4) preparation and release of a final management plan and environmental document, and any final amendments to the regulations. NOAA will also address other statutory and regulatory requirements that may be required pursuant to the Endangered Species Act, Marine Mammal Protection Act, Essential Fish Habitat provisions of

the Magnuson-Stevens Act, and the National Historic Preservation Act.

Preliminary Priority Topics

NOAA has prepared a preliminary list of priority topics to consider during the MBNMS management plan review process. We are interested in public comment on these topics, as well as any other topics of interest to the public or other agencies in the context of the MBNMS management plan review. This list does not preclude or in any way limit the consideration of additional topics raised through public comment, government-to-government and interagency consultations, and discussions with partner agencies.

Collaborative Research and Management

There is a continuing need for characterization, research and monitoring to understand baseline conditions of marine resources within the sanctuary, ecosystem functions, and status and trends of biological and socioeconomic resources. NOAA relies on the continued support of multiple partners and volunteers, and strives to address critical resource protection through collaborative multi-stakeholder management efforts. In addition to updating existing action plans in the management plan, NOAA is considering adding strategies and activities to address the following issues:

Climate Change—Climate change is widely acknowledged, yet there is considerable uncertainty about current and future consequences at local, ecosystem and oceanic scales. Increased coordination and cooperation among science and resource management agencies are required to improve planning, monitoring and adaptive management to address this phenomenon as it pertains to the protection of MBNMS resources.

Wildlife Disturbance—MBNMS is an active area with abundant human use, offering some of the most significant marine wildlife viewing in the world. NOAA is concerned about a variety of human activities that have the ability to disturb marine wildlife. The harassment of wildlife, in particular marine mammals, has increased in recent years due to increased numbers (and proximity) of certain whale species and humans involved in on-the-water activities. Impacts to the MBNMS soundscape are also a concern, as the cumulative effects of underwater noise generated by a variety of human activities have grown over the past half century. Expanded use of unmanned aircraft systems over the sanctuary may also require additional analysis to

determine the degree to which these aircraft may, or may not, be causing harm to wildlife.

Water Quality Protection—Water quality is key to ensuring protection for all sanctuary resources. Given the level of coastal development along MBNMS's extensive coastline, runoff of contaminants such as sediments, nutrients, fecal bacteria, pesticides, oil, grease, metals, and detergents from the approximately 7,000 square miles of coastal watershed areas makes the sanctuary vulnerable to coastal water pollution problems. Although MBNMS has an award-winning water quality protection program, NOAA believes that more focused attention on specific water quality issues is needed, as well as a coordinated regional monitoring program to provide meaningful information on conditions, trends, and contaminant loads.

Marine Debris—Coastal marine debris is a persistent and poorly diagnosed problem within the sanctuary that negatively impacts natural and socioeconomic resources and qualities, including marine mammals, turtles and seabirds. NOAA is seeking input on innovative source controls and cleanups could help minimize impacts to sanctuary waters and habitats.

Regulatory Changes and Clarifications

NOAA is considering several modifications to MBNMS regulations and definitions to facilitate resource protection, clarify legal intent, and enhance public understanding. These include: Clarifying the extent of the shoreward sanctuary boundary line and the means by which some of the zones within MBNMS are delineated; clarifying the intent of the prohibition on the take of historical resources; and prohibiting tampering with MBNMS signage and buoys. Other regulatory changes may be considered based on public scoping comments and staff work to adjust various action plans within the management plan.

Other potential regulatory modifications on which NOAA is seeking public input include:

(1) Reducing the required High Surf Warning (HSW) condition for Motorized Personal Watercraft operations at Mavericks to a High Surf Advisory (HSA) condition.

(2) Minimizing disturbance from low overflights in the area of the Common Murre colony at Devil's Slide, a restoration site just beyond the MBNMS boundary line at Point San Pedro (San Mateo County).

(3) Designating of specific zones where fireworks may be permitted within MBNMS.

(4) Updating regulations to clarify the extent of the shoreward sanctuary boundary line.

(5) Ensuring that salvers operating within MBNMS meet minimum industry standards for safety, liability, capacity, and environmentally sensitive salvage techniques during both emergency and non-emergency operations.

(6) Clarifying the definition of “cruise ship” to include not only ships with berths for hire as is currently defined, but also ships with condominiums under private ownership.

(7) Clarifying the intent and applicability of the existing prohibition on deserting a vessel in MBNMS.

Education, Outreach and Citizen Science

Enhancing the public’s awareness and appreciation of sanctuary resources is a cornerstone of MBNMS’s mission. Recent initiatives, such as visitor centers, video media production, and partnering with recreation and tourism industry offer opportunities for NOAA and other entities to expand educational and outreach contributions and reach larger audiences. NOAA is seeking the public’s view on developing and enhancing programs designed to enhance public awareness, including opportunities to participate in environmental research and monitoring.

Condition Report

To inform the MBNMS management plan review, NOAA is updating the Monterey Bay National Marine Sanctuary Condition Report, which was first published in 2009. The 2009 report provided a summary of resources in MBNMS, pressures on those resources, current conditions and recent trends within the Sanctuary, and management responses to mitigate negative impacts. The 2015 Condition Report will update current conditions and recent changes for water quality, habitat, living resources and maritime archaeological resources in the sanctuary. It will also include an assessment of the Davidson Seamount Management Zone which NOAA added to MBNMS in 2009.

A summary of the 2015 Condition Report will be available to the general public during the public scoping period and on the Internet at: <http://sanctuaries.noaa.gov/science/condition/welcome.html>. The final report will be made available in late December 2015 on the same Web site.

Public Comments

NOAA is interested in hearing the public’s view on:

- The potential impacts of the proposed actions discussed above and ways to mitigate these impacts.

- The topics discussed above for the next five to ten years and whether these are the right topics, the priority topics, or if there are additional topics NOAA should consider.

- The effectiveness of the existing management plan in meeting both the mandates of the NMSA and MBNMS goals and objectives.

- The public’s view on the effectiveness of the MBNMS programs, including programs focused on: Resource protection; research and monitoring; education; volunteer; and outreach.

- NOAA’s implementation of MBNMS regulations and permits.

- Adequacy of existing boundaries to protect sanctuary resources.

- Assessment of the existing operational and administrative framework (staffing, offices, vessels, etc.).

Federal Consultations

This document also advises the public that NOAA will coordinate its consultation responsibilities under section 7 of the Endangered Species Act (ESA), Essential Fish Habitat (EFH) under the Magnuson Stevens Fishery Conservation and Management Act (MSA), section 106 of the National Historic Preservation Act (NHPA, 16 U.S.C. 470), and Federal Consistency review under the Coastal Zone Management Act (CZMA), along with its ongoing NEPA process including the use of NEPA documents and public and stakeholder meetings to also meet the requirements of other federal laws.

In fulfilling its responsibility under the NHPA and NEPA, NOAA intends to identify consulting parties; identify historic properties and assess the effects of the undertaking on such properties; initiate formal consultation with the State Historic Preservation Officer, the Advisory Council of Historic Preservation, and other consulting parties; involve the public in accordance with NOAA’s NEPA procedures, and develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects on historic properties and describe them in any environmental assessment or draft environmental impact statement.

Authority: 16 U.S.C. 1431 *et seq.*

Dated: August 20, 2015.

John Armor,

Acting Director, Office of National Marine Sanctuaries.

[FR Doc. 2015–21132 Filed 8–26–15; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–109813–11]

RIN 1545–BK18

Residence Rules Involving U.S. Possessions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the regulations for determining whether an individual is a bona fide resident of a U.S. territory. These proposed amendments affect individuals establishing bona fide residency in a U.S. territory by allowing additional days of constructive presence in a U.S. territory.

DATES: Written or electronic comments and requests for a public hearing must be received by November 25, 2015.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–109813–11), room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–109813–11), Courier’s Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically, via the Federal eRulemaking Portal at www.regulations.gov (IRS REG–109813–11).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Stephen Huggs, (202) 317–6941; concerning submission of comments and/or requests for a hearing, Oluwafunmilayo (Funmi) Taylor, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under section 937 of the Internal Revenue Code (Code). Section 937 was added to the Code by the American Jobs Creation Act of 2004 (Public Law 108–357, 118