



Surfrider Foundation

July 25, 2003

Stephanie Harlan
c/o Nicole Capps
SAC Coordinator
MBNMS
299 Foam St.
Monterey, CA 93940

RE: Support for a complete ban of Personal Water Craft in Monterey Bay National Marine Sanctuary

Dear Ms. Harlan:

On behalf of the Surfrider Foundation, I am writing to submit comments on the regulation of personal watercraft (PWC) in Monterey Bay National Marine Sanctuary (MBNMS). It is the position of the Surfrider Foundation our San Mateo Chapter, and the San Luis Obispo Chapter that there should be a complete ban on PWC in the Sanctuary to avoid wildlife disturbance. Perhaps more importantly this letter is intended to serve as a notification of the vast support for this position we have received.

The Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches for all people, through conservation, activism, research and education. We are represented by over 37,000 members and 60 local chapters in the United States, including chapters in the MBNMS area.

As of this Friday, July 25, 2003 at 5:00 PM, we have received over 524 letters in support of a complete ban on PWC in the MBNMS.

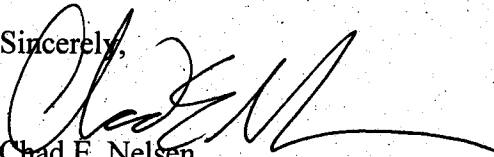
The Surfrider Foundation made a deliberate effort to avoid disruption of the Sanctuary Advisory Council (SAC) individual email systems by collecting these letters ourselves. We intend to demonstrate the authenticity of this collection by presenting them to the SAC at the July 30th hearing.



Enclosed are an actual sample letter collected by Surfrider Foundation. An a summary statement of the letters we have collected to demonstrate the large and far reaching level of support for the complete ban of PWC in the Monterey Bay National Marine Sanctuary.

Thank you for the opportunity to comment on this very important management decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad E. Nelsen", with a long horizontal flourish extending to the right.

Chad E. Nelsen
Environmental Director
Surfrider Foundation

Letters sent to support a complete ban of Personal Watercraft on Monterey Bay National Marine Sanctuary by State

This report includes data up to and including 07/25/2003 12:00 AM ET

<u>State</u>	<u>Letters</u>			
<u>Alaska</u>	1			
<u>Arizona</u>	2			
<u>Armed Forces Pacific</u>	1			
<u>California</u>	444			
<u>Colorado</u>	1			
<u>Connecticut</u>	0			
<u>Florida</u>	3			
<u>Georgia</u>	2			
<u>Illinois</u>	3			
<u>Indiana</u>	1			
<u>Massachusetts</u>	2			
<u>Nevada</u>	1			
<u>New Hampshire</u>	1			
<u>New Jersey</u>	4			
<u>New Mexico</u>	1			
<u>New York</u>	19			
<u>North Carolina</u>	1			
<u>Oregon</u>	1			
<u>Pennsylvania</u>	1			
<u>Rhode Island</u>	1			
<u>South Carolina</u>	2			
<u>Texas</u>	3			
<u>Utah</u>	2			
<u>Washington</u>	2			
<u>Wisconsin</u>	1			
<u>Other</u>	24			
Total	524			

Dear Sanctuary Advisory Council,

I believe that except for public agency search and rescue efforts, PWC should be excluded from the entire MBNMS. At the time it established the MBNMS in 1992, NOAA had already determined that PWC posed a significant, yet avoidable threat to marine mammals and birds that were known to rely heavily upon near shore habitats for refuge, nesting, feeding, and reproduction.

Given the evidence that led NOAA in 1992 to restrict the use of PWC to four designated off-shore zones of the MBNMS, combined with more recent data that led NOAA in 2002 to completely ban PWC use in the adjacent Gulf of the Farallones National Marine Sanctuary, the burden of proof is not on NOAA or the opponents of PWC use, but rather on the PWC industry to provide adequate documentation necessary to support its claim that PWC use in near shore areas does not significantly and adversely impact marine habitats and resources.

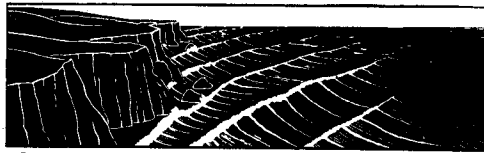
When it established the four designated off-shore zones of the MBNMS in 1992, NOAA's intent was to permanently restrict PWC to these areas in order to protect the sanctuary's unique near shore habitats. However, NOAA's intent was easily circumvented by the PWC industry when it designed and marketed a 3-person PWC which enabled them to claim that this newer and larger craft was not subject to NOAA's original definition of a PWC (2 person). Nonetheless, the original intent of NOAA's decision to restrict all PWC to off shore zones has not changed.

The San Mateo Surfrider Foundation Chapter, along with the San Luis Obispo Surfrider Foundation Chapter and a number of other environmental organizations, did develop a compromise plan for PWC use in the MBNMS. This included an exception for tow-surfing at Mavericks. However, this attempt at a compromise for tow surfing at Mavericks only was declined by PWC representatives.

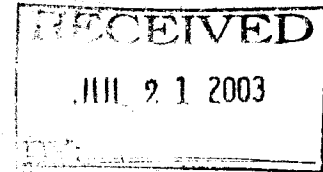
As an avid fan of the coast and ocean, I feel that "Sanctuary" means a place of refuge, shelter, or protection. A National Marine Sanctuary is a special place that deserves a higher level of protection.

Sincerely,

Ellen Lougee
870 Fen Way
Laguna Beach, CA 92651



SAVE OUR SHORES



July 13 2003

Dan Basta
Director, Office of National Marine Sanctuaries
NOAA National Ocean Service
Building 4, Room 11523
1305 East West Highway
Silver Springs, MD 20910

Dear Mr. Basta,

Save Our Shores (SOS) would like to voice our support for the Monterey Bay National Marine Sanctuary (MBNMS) management plan review process, particularly the concerted effort to engage the public in this monumental process. As you are aware, initial efforts to involve the public in the management plan review produced more than 12,500 written comments that assisted the Sanctuary Advisory Council in prioritizing resource issues. Such thorough public consultation provided the National Marine Sanctuary Program with insight into the critical issues that MBNMS region residents, users and stakeholders believe require further management attention.

Save Our Shores is concerned that special user group interests may undermine components of the MBNMS management plan review process. Specifically, it has come to our attention that efforts are being made to postpone regional decision-making processes and assign the Motorized Personal Water Craft (MPWC) issue to a national task force. We have worked for more than thirteen years to address MPWC on a regional scale and believe, due to extensive civic involvement in this issue, that public support would be eroded if this process were redirected to a national task force.

MPWC use within the MBNMS is historically a very contentious issue that has involved the positions of many stakeholders, including; recreational users, coast and lifeguard operations, local sanctuary residents, conservationists, state park officials, harbor personal, tour operators and local, state and federal officials. The current management plan review process has enabled a thorough review of MPWC use and provided an opportunity for local stakeholders to develop compatible solutions to address the issue. SOS believes that any decisions made outside of this process will be detrimental to the public interests and successes to date, and strongly recommends that this issue be addressed by the regional Sanctuary Advisory Council and local community.

Since 1990 the community has voiced opinions on the need to restrict MPWC use within the MBNMS. In 1992 the public strongly supported the establishment of four zones and access routes, which were chosen to avoid injury to kelp beds and sea otters, and to minimize conflicts with other recreational users (page 45, Final EIS/ Management Plan for MBNMS 1992). The public and many stakeholders were appalled at industries attempt in 1995 to eliminate zones (*PWIA vs. the Department of Commerce* [48 F.3D 540, 310 U.S.APP.D.C 364]). Save Our Shores, with the support of its many members, filed a

P.O. Box 1163

2222 East Cliff Drive, Suite 5A
Santa Cruz, CA 95062

Sanctuary Watch Hotline 800-9-SHORES
website: www.saveourshores.org

Unit 5, 89 Avenue Portola
El Granada, CA 94018

Phone 831-462-5660 = Fax 831-462-6070

RECYCLED PAPER

Phone 650-560-9533 = Fax 650-560-9433

**Brenda Donald
146 2nd Street, Montara, CA
Mail: P.O. Box 14, El Granada, CA 94018**

MBNMSAC

July 20, 2003

SUBJECT: PERSONAL WATER CRAFT

Dear Monterey Bay National Marine Sanctuary Advisory Council Member:

I am writing to support the positions of Save Our Shores, the Conservation Working Group and San Mateo County Chapter of the Surfrider Foundation on personal watercraft regulation in the MBNMS.

Only consider a permitted special event use if the permitted users would bring more direct benefit to the event area than damage from overuse. Events including PWC's burden not just wildlife but also locally funded districts and law enforcement.

Thanks

Brenda Donald

From: Dan Haifley <dhaifley@oneillseaodyssey.org>
Date: Wed Jul 23, 2003 7:50:07 AM US/Pacific
To: Nicole Capps <nicole.capps@noaa.gov>
Subject: Fw: I Oppose MPWC Access at Monterey Bay
Reply-To: Dan Haifley <dhaifley@oneillseaodyssey.org>

Print this one and bring it to July 30...

----- Original Message -----

From: "Deborah Yee" <alaskaluv@msn.com>
To: " Dan Haifley" <dhaifley@oneillseaodyssey.org>
Sent: Tuesday, July 22, 2003 7:19 PM
Subject: I Oppose MPWC Access at Monterey Bay

Deborah Yee
6548 Tartan Vista Drive
Alexandria, VA 22312

July 22, 2003

Dear Haifley:

While I own and operate personal watercraft, and believe that many waters are appropriate for their use (such as Lake Mead and Lake Powell), I must oppose the use of personal watercraft within Monterey Bay National Marine Sanctuary.

I recently had the wonderful experience of kayaking in Monterey Bay and observing seals, sea lions and otters from a responsible distance. Kayaks seem to be a much better and more responsible means of experiencing this special marine environment. The purpose of a PWC is to have fun going fast and being bad. I worry that on my PWC I would be too focused on that type of fun and might accidentally hit an otter or seal. I am sure I would at a minimum disturb them.

So there it is, the voice of a responsible PWC user (there are a few of us) who understands that PWC riding has its place, but that place is not Monterey Bay. Please prohibit PWC use within the Sanctuary.

Sincerely,

Deborah Yee

From: Edward Herold <edwardherold@sbcglobal.net>
Date: Mon Jul 14, 2003 9:04:17 PM US/Pacific
To: nicole.capps@noaa.gov
Cc: petermel@towsurfer.com
Subject: PWC in MBNMS

Nicole,

7/14/03

Thank you for reading my letter.

I am an advocate for the use of personal watercraft(PWC) in the Monterey Bay. I have been a surfer for 30 years in California and have a good grasp of the issues concerning protection of our environment. California certainly is not what it was at the turn-of-the-century nor even what it was like in the 1960's. However, surfers have not been the purveyors of the destruction of habitat. Overfishing, overdevelopment, pollution, redirection of waterways, offshore oildrilling, and the construction of harbors have done more to damage the environment than surfing ever has or will. Surfers are environmentally conscious souls who take great pride in living within a thriving natural ecosystem.

I agree that the old two-stroke "jet-skis" were noisy and polluting and to that end I believe that only the newer 4-stroke clean PWC's certified as low-emission watercraft should be allowed in offshore and inland waterways. However, the opponents to all PWC's cite destruction of habitat and pollution as well as safety issues as the reason for banning PWC's from our waters. This is simply false and they are making an argument with regard to environmental issues to stop the use of PWC's. Environmentalism always strikes a chord as it should with caring citizens but if it is not true then it is simply being used as a weapon to stop a sport with few advocates. As to the safety issue more people have been saved by the use of PWC's than harmed in the ocean.

I strongly urge yourself and those involved in the regulation of PWC's within the Monterey Bay to separate the smoke from reality and see that PWC's are not the dreadful advance of poisonous machines into our waters but simply another facet of a sport which has been populated by the good citizens of our local and world oceans.

Sincerely,

Edward Herold, M.D.
Staff at Dominican Hospital Santa Cruz
edwardherold@sbcglobal.net

From: Dan Haifley <dhaifley@oneillseaodyssey.org>
Date: Wed Jul 23, 2003 11:38:38 AM US/Pacific
To: Nicole Capps <nicole.capps@noaa.gov>
Subject: Fw: Support MPWC Access at Monterey Bay
Reply-To: Dan Haifley <dhaifley@oneillseaodyssey.org>

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----- Original Message -----

From: "Gloria Ketchpel" <gloria@industrialforming.com>
To: " Dan Haifley" <dhaifley@oneillseaodyssey.org>
Sent: Wednesday, July 23, 2003 11:35 AM
Subject: Support MPWC Access at Monterey Bay

Gloria Ketchpel
964 carissa ct.
Camarillo, CA 93012

July 23, 2003

Dear Haifley:

I support continued access for motorized personal watercraft at Monterey Bay National Marine Sanctuary. I am a responsible boater who uses my PWC to access waterways in the same fashion as "traditional" boaters.

I am concerned that the Sanctuary will take action to ban MPWC or severely restrict the boats without showing any actual evidence of impact on the Sanctuary's natural resources. To date, the Sanctuary has provided no data - including MPWC usage or impact - to support such confining MPWC into four square miles of a 4,000 square mile part of the Pacific Ocean.

Other human activities which have actually impacted animals and other resources within the Sanctuary, like fishing, motorboat strikes on marine mammals, whalewatchers who harass whales, and kayakers who have been seen disturbing wildlife, have not been so regulated.

MPWC operators should receive the same treatment as other users of the Sanctuary: Users should be educated and the laws enforced.

I support reasonable regulations such as buffer zones or non-motorized zones in sensitive habitat areas.

I strongly OPPOSE any effort to ban MPWC.

Sincerely,

Gloria O. Ketchpel

From: "David LaTour" <uommosca@pacbell.net>
Date: Wed Jul 23, 2003 4:29:40 PM US/Pacific
To: <nicole.capps@noaa.gov>
Subject: PWC Issue

I'd like to voice my opposition to the "PWC Ban." I believe that PWCs are not a legitimate threat to marine wildlife, and a ban would only take away a great asset and convenience in the water.

Thanks

David LaTour
30145 Bridgeview Way
Hayward, CA 94544

kenneth agle
139 campo bello lane
menlo park, ca 94025

Stephanie Harlan
Chair of the Sanctuary Advisory Council
299 Foam Street
Monterey, CA 93940

~~Re: PWC's~~

Dear Ms. Harlan,

We are completely opposed to the use of personal water craft ("jet skies") in coastal waters - with the exception of their use in very restricted and controlled areas - for two reasons:

- 1) Their adverse impact on wildlife and
- 2) Their adverse impact on the experience of the ocean by people on shore

The result of allowing unfettered access to the coastal waters by PWC's is, in essence, to reserve the ocean for the users and owners of PWC's: it is to put the pleasure of a few above the enjoyment and rights of many.

Sincerely,



Barbara Kaiser

Kenneth Agle
Barbara Kaiser

650.678.5546

From: "David Jenkins" <davej@acanet.org>
Date: Fri Jul 25, 2003 12:17:22 PM US/Pacific
To: <nicole.capps@noaa.gov>
Subject: MPWC Definitions
Reply-To: <davej@acanet.org>

Ms. Capps:

I recently submitted comments to you on behalf of the American Canoe Association (ACA) regarding MPWC use in MBNMS. Since submitting those comments, I read that the MPWC working group had difficulty crafting a revised definition of MPWC that met the Sanctuary's regulatory needs. I would like to suggest the following definition that ACA has proposed to the United States Coast Guard (USCG). I have inserted the MBNMS term, but ACA's petition to the USCG requested new nomenclature for PWC such as *Personal Jet Craft* or *Personal Water Jet*.

The term *Motorized Personal Watercraft* means any watercraft that uses an engine powering a water-jet pump, caged propeller, or other form of jet thrust, as its primary source of propulsion, and which is designed to be operated by a person/persons sitting or standing on or astride the craft, rather than within the confines of the hull. These craft are typically designed specifically for high-speed use and performance, and are often capable of carrying multiple passengers and gear. The term *Motorized Personal Watercraft* encompasses but is not limited to such trade and brand names as: Sea-Doo, Kawasaki, Polaris, Yamaha, Arctic Cat, Honda, Jet Ski, JetBike, Waverunner, Tigershark, Wet Jet, etc.

ACA also submitted terminology for similarly designed jet-powered boats.

The term Jet Boat means any watercraft that uses an engine powering a water-jet pump, or other form of jet thrust, as its primary source of propulsion, and which is designed to be operated from within the confines of the hull or cockpit. These craft are typically designed specifically for high-speed use and performance, and are often capable of carrying multiple passengers and gear. The term *Jet Boat* encompasses but is not limited to such trade and brand names as: Sea-Doo, Kawasaki, Polaris, Yamaha, Arctic Cat, Jet Ski, JetBike, Waverunner, Tigershark, Wet Jet, etc.

Please feel free to contact me if you have any questions.

Dave

David E. Jenkins

Director of Conservation and Public Policy

American Canoe Association

(703) 451-0141 ext.20