



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Gulf of the Farallones National Marine Sanctuary

991 Marine Dr., The Presidio
San Francisco, CA 94129

May 6, 2011

Sheriff Greg Munks
San Mateo County Sheriff's Office
400 County Center
Redwood City, CA 94063

Dear Sheriff Munks:

I am writing on behalf of the National Oceanic and Atmospheric Administration (NOAA) Gulf of the Farallones National Marine Sanctuary (GFNMS) to bring to your attention recent public comments, questions and media coverage we received regarding the near-drowning of surfer Jacob Trette in January 2011, and the drowning of surfer Sion Milosky in March, relating to the use of motorized personal watercraft (i.e. jet skis) for search and rescue off San Mateo County, specifically at the Mavericks surf break. This letter is also intended to provide you with information regarding the ability of NOAA to address and respond to these comments and questions.

Monterey Bay National Marine Sanctuary (MBNMS) includes the waters of San Mateo County, including the Mavericks surf break. GFNMS staff has primary administrative and management responsibilities for the area offshore of San Mateo County. MBNMS has regulations that restrict the recreational use of motorized personal watercraft to specific zones and seasons. *See background information and the enclosed map and regulations for more details.*

In light of the near drowning incident in January 2011, a discussion of ideas related to public safety at Mavericks transpired from the annual joint MBNMS and GFNMS Sanctuary Advisory Council meeting in Half Moon Bay that was held in February 2011. Questions arose and public comment was taken related to the use of motorized personal watercraft at Mavericks. Council members were specifically interested in two things: 1) The sanctuary's regulations related to search and rescue by motorized personal watercraft; and 2) the sanctuary's ability to allow a volunteer search and rescue program.

The Sanctuary Advisory Council provides me, the sanctuary superintendent, with advice on a variety of issues for the sanctuary. The meetings also allow the sanctuary to present information and answer questions. Advisory council members are community liaisons who represent public interest groups, local industry, commercial and recreational user groups, academia, conservation groups, government agencies, and the general public. When the issue of use of motorized personal watercraft at Mavericks was raised, sanctuary staff and NOAA enforcement staff answered questions and clarified our regulations. However, several Council members suggested establishing a volunteer search and rescue program, which is outside the scope of our mandates and regulations.

The National Marine Sanctuaries Act and the establishing documents of MBNMS do not authorize the sanctuary to engage in public health and safety operations, including activities related to search and rescue. However, I explained at the meeting that personal watercraft regulations do not apply to any activity necessary to respond to an emergency threatening life, property, or the environment. At no time have sanctuary regulations prevented the use of these types of craft for assistance with rescue.

It is our understanding that the County of San Mateo, and specifically the Sheriff's Office, can function in this capacity in nearshore county waters. Public safety agencies with ocean rescue mandates have the freedom under our regulations to provide stand-by rescue craft of any kind at Mavericks whenever they deem it necessary. Our regulations recognize your expertise and judgment in these matters. MBNMS and NOAA have made express provisions for bona-fide and accountable government rescue organizations to provide protection during big-wave episodes at Mavericks. By recognizing those agencies with legal mandates to perform a public safety function, we leave the responsibility for determining who qualifies for ocean rescue to the professionals best qualified to make that judgment.

In addition, I advised the council that such an agency is empowered to recruit, train, certify and supervise a volunteer motorized personal watercraft search and rescue patrol and response team. If the San Mateo County Sheriff's Office wanted to assume responsibility for volunteer motorized personal watercraft rescue teams, you can do so. Through our permitting process, an option exists under our regulations for training motorized personal watercraft standby volunteer rescue teams should you determine that such a need exists.

If your Office or another agency of San Mateo County would like to establish a volunteer program, then I am happy to discuss our permitting process, and work with you to find solutions if training activities conflict with national resource protection needs. Additionally, sanctuary staff can meet with your Office and/or host a meeting between you and other public safety agencies including the US Coast Guard and the Pillar Point Harbor Patrol. Finally, members of our Advisory Council can connect you with potential volunteers.

Please feel free to contact me at 415-561-6622 x301 if you would like to further discuss these matters or receive more information. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Maria Brown". The signature is written in a cursive, flowing style.

MARIA BROWN
Superintendent, Gulf of the Farallones National Marine Sanctuary

Enclosures

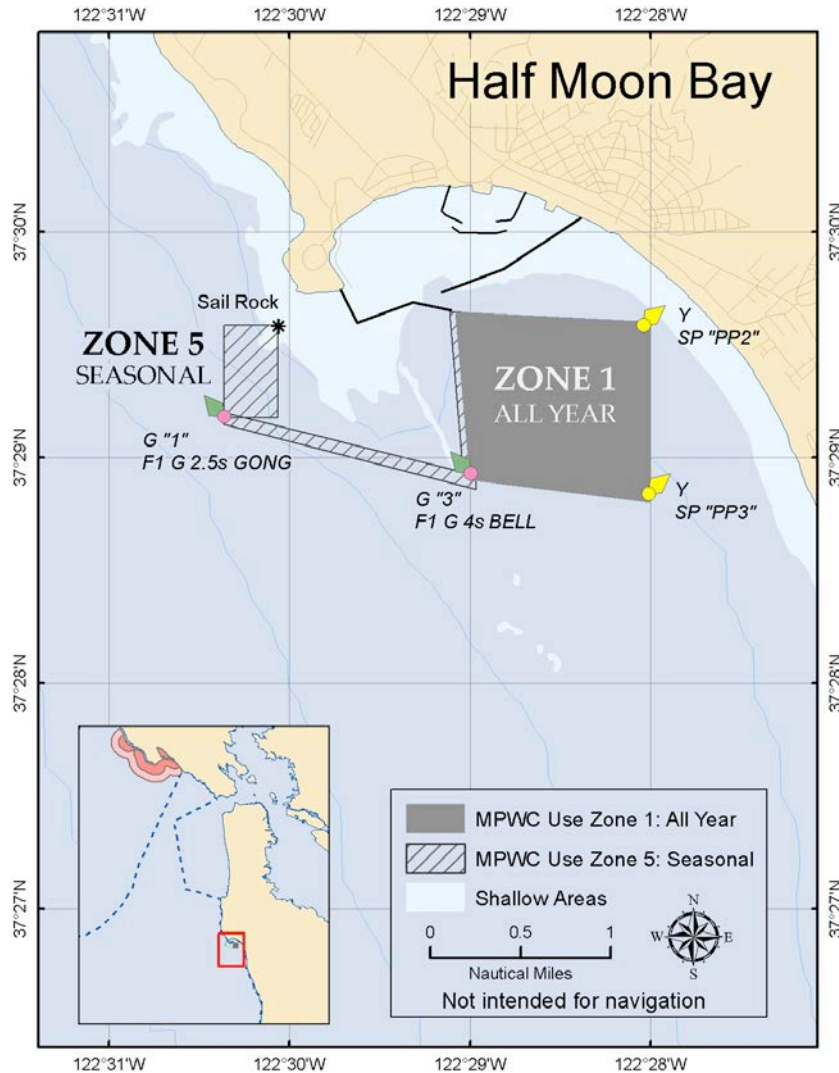
BACKGROUND

MBNMS was established as part of the National Marine Sanctuary System under the authority of the Marine Protection, Research and Sanctuary Act of 1972. The Act authorizes regulation of certain activities in order to improve the protection of natural resources. In 1992, four zones were established to allow for recreational use of motorized personal watercraft. Motorized personal watercraft have been restricted in areas outside these zones because these craft pose unique threats to the sanctuary environment and wildlife due to their speed and agility.

NOAA's process to refine the initial regulations regarding the use of motorized personal watercraft began in 2003 when the Advisory Council formed a working group to discuss new zones, in which San Mateo County officials Peter Grenell and Dan Temko were participants. The 2003 process resulted in the establishment of a new motorized personal watercraft zone at Mavericks in 2008. This five-year effort yielded extensive public comment. During both processes, some surfers and other water recreationalists also expressed concerns for their own safety by threats from fast-moving vessels in the surf zone, mainly motorized personal watercraft.

There are now two zones off the coast of San Mateo accessible via prescribed paths from the Pillar Point Harbor: Zone 1 next to the Pillar Point Harbor, in which motorized personal watercraft can be used year-round for any purpose; and, Zone 5 at Mavericks, which is seasonal and conditional; it exists only from December through February, when a National Weather Service High Surf Warning (not Advisory) is in effect for the San Mateo County coast. Mavericks' Zone 5 was established as an accommodation to allow surfers to be towed in to large waves during a time when the potential impact to wildlife would be low. This approach was a compromise to protect user impacts to wildlife, specifically the nearby pupping harbor seals at Fitzgerald Marine Reserve as well as the many sea otters that feed in this area, while allowing for recreational use. Many surfers objected to conflicts from "tow in" surfing and motorized personal watercraft, however when the waves at Mavericks are very large, over 30 feet faces, most "paddle in" surfers can not or choose not to try to catch waves.

Motorized Personal Watercraft Zones off the Coast of Half Moon Bay



Zone 1: MOTORIZED PERSONAL WATERCRAFT ALLOWED USE - Pillar Point - All
 MPWC must operate ONLY within Zone 1 and the 100-yard wide access corridor from the harbor entrance. 15 CFR § 922.132(a)(7)

Boundaries/Markers: Zone marked by charted two yellow can buoys and Coast Guard navigational aid buoy: G "3" bell.

Zone 5: MOTORIZED PERSONAL WATERCRAFT ALLOWED USE -Mavericks (Dec–Feb Seasonal Zone Only) - Zone Five exists only during a High Surf Warning (NOT a high surf advisory) for San Mateo County and only during December, January, and February. 15 CFR § 922.132(a)(7)

Boundaries: Zone marked on Southwest corner by G "1" gong buoy, and on the Northeast corner by sail rock. Entrance to zone from Pillar Point Harbor entrance along a 100 yard wide access route southeast along a true bearing of approximately 174° true to the G "3" bell buoy and then along a 100 yard wide access route along a true bearing of approximately 284° true to the G "1" gong buoy.