

PETITION

The Environmental Action Committee of West Marin County petitions the Department of Commerce, National Oceanic and Atmospheric Administration to ban outright the use of motorized personal water craft (a.k.a.. Jet Skis, Wet Bikes, Surf Jets, Wave Runners, and "Thrill Craft") within the Gulf of the Farallones National Marine Sanctuary.

The Gulf of the Farallones Marine Sanctuary (henceforth "the Sanctuary") was designated in 1981 under Title III of the Marine Protection, Research and Sanctuaries Act. The Act was passed in 1972, in response to a growing awareness of the intrinsic environmental and cultural value of American coastal waters.

The Sanctuary encompasses 948 square miles of nearshore and offshore waters of the eastern Pacific Ocean and includes within its boundaries the coastal estuaries of Estero Americano, Estero de San Antonio and Bolinas Lagoon. As the first National Marine Sanctuary designated north of Point Conception, it is unique in representing and protecting the biodiversity of the estuarine and marsh lands of the eastern North Pacific. This Marine Sanctuary adjacent to the mainland provides easy access from San Francisco Bay and the coasts of Marin and Sonoma counties. This accessibility is both a blessing and potential hazard. The fragile alliance between humans and wildlife is a model of cooperative management. However, it is also threatened by changing modes of human endeavor within the Sanctuary.

The Sanctuary's vitality is the result of its biodiversity, among the richest in North America -- healthy and growing populations of marine mammals, vast rookeries of marine birds, an array of marine invertebrates, as well as a thriving commercial fishery. The Sanctuary also serves to protect many rare, threatened and endangered species (see attached list) and provides crucial

habitat for recently recovering populations. For the purpose of this petition we are concerned primarily with those coastal access points, particularly the four estuaries and the Bodega Bay that provide critical habitat for rare, threatened and endangered species.

The nearshore waters and their associated estuaries (particularly Tomales Bay, largest of the four) support recovering populations of marine mammals, birds, plants, anadromous fishes and a multitude of invertebrates that are vulnerable to human disturbance. Since establishment of the Sanctuary, many of the indigenous species have improved. Today the area is hosting recovering populations of Northern elephant seals, blue whales, coho salmon and California Gray whales. In recent years there have even been indications that sea otter -- once abundant, now extinct in these waters are returning -- probably in response to the recovering kelp beds along the intermediate coast. It is EAC's intention to foster the recovery of these various species and insure that the process of the last two decades continues.

We submit our petition with the sincere belief that the use of Motorized Personal Water Craft (MPWC) (AKA. jet ski, wet bike, wave runner, surf jet and thrill craft) is completely incompatible with the existence of a marine sanctuary. There is, we acknowledge, a need and justification for the safe and responsible use of small motorized boats (inboard and outboard) for fishing, transport, rescue, scientific research and approved recreational activities; but there is, we assert, no rational justification for MPWC anywhere in a Sanctuary created to assure serenity, peace and tranquillity.

For the purpose of this petition we define MPWC as follows:

"ANY MOTORIZED VEHICLE THAT IS LESS THAN FIFTEEN FEET IN LENGTH AS MANUFACTURED, IS CAPABLE OF EXCEEDING A SPEED OF FIFTEEN KNOTS PER HOUR, AND HAS THE CAPACITY TO CARRY NOT MORE THAN THE OPERATOR AND ONE OTHER PERSON WHILE IN OPERATION. THE TERM INCLUDES, BUT IS NOT LIMITED TO, JET SKIS, WET BIKES, SURF JETS, WAVE RUNNERS, MINIATURE SPEEDBOATS, AIR BOATS AND HOVERCRAFT."

The danger that the use of MPWCs pose to biological resources of the area, such as marine mammals, wildfowl, kelp beds, anadromous fish and other marine life, as well as to other human users of the sanctuary, particularly divers, swimmers and surfers, necessitates a complete

prohibition of the craft. Also problematic are noise, water and air pollution, along with threats to mariculture and other commerce throughout the Sanctuary. MPWCs also create a hazard to non-motorized small craft particularly sailboats, wind surfers, open-water rowing shells and kayaks, which are widely used throughout the Sanctuary.

Although MPWC use is relatively new in the United States their human hazards are well documented. The craft in fact has one of the sorriest safety records of any vehicle in existence. In 1994 their use caused serious accidents involving 3,002 vessels, up from 1660 in 1992. Deaths during the same years climbed from 34 to 56. In addition the Coast Guard reports many minor accidents involving MPWCs. Sadly, most serious injuries involving MPWCs have been suffered by people other than the operators, like the [San Diego] scuba diver who in 1995 was decapitated upon surfacing from a dive.

Human accidents and incident reports documenting injury to wildlife and wildlife habitat in Monterey and other marine sanctuaries adjacent to high densities of inshore flora and fauna, suggest that the Farallones Sanctuary will soon experience similar episodes as the introduction of MPWC increases.

The very qualities that give MPWCs the nickname "thrill craft"-- small size, maneuverability and high speed (up to 65 mph), are the characteristics that pose the greatest threat to natural resources and innocent humans. Marine animals such as sea otters, seals, sea lions, elephant seals, sea birds and shore birds are either unable to avoid MPWCs or are alarmed enough to significantly modify their behavior -- cessation of feeding, abandonment of young and the loss of needed rest periods. Harbor seals may be disturbed by far less obtrusive craft. Even kayaks are a well documented problem in the Farallones Sanctuary. The introduction of additional MPWCs can only exacerbate an already serious condition.

Of special concern to managers of the Farallones Sanctuary should be anadromous fish which once enjoyed a vast and productive habitat in the area. Due to assorted anthropogenic disturbances the estuarine systems that migrating fish used, became unusable. Today, at great expense to the federal government, breeding fish runs are being restored throughout the Sanctuary. It would seem foolhardy, therefore, to allow another anthropogenic disturbance to threaten the progress that has been made, particularly one that has no commercial, scientific or aesthetic justification. Progress

made in the effort to diminish harbor seal disturbances will also be set back by an increase in MPWC use.

In response to the anticipated suggestion that restricted areas be opened for MPWC use, we submit that there are no appropriate areas within the boundaries of this Sanctuary for thrill craft. There is simply no shoreline areas without high marine mammal and/or seabird concentrations; nor are there areas that are not within easy reach of kelp forests, river mouths, estuaries, creek deltas, salt marshes, sand spits, lagoons and other areas containing sensitive marine life and other flora and fauna vulnerable to disturbances and other injury from MPWCs.

The "solution" of bordering an area open to MPWCs with bright colored buoys , as practiced on other coastlines, defeats the aesthetic rationale of a marine sanctuary. Furthermore, the effective patrolling of bordered areas is virtually impossible given the speed and maneuverability of the craft and the shortage of agency personnel. In short a partial ban or area restriction would, we believe, present an untenable management problem to NOAA's sanctuary personnel, would not protect resources, and put the viability of the entire Sanctuary at risk.

Marine sanctuaries are created by law to protect "areas of biological significance." It seems foolhardy and counterproductive to allow loud, obtrusive, high speed vehicles, with no utilitarian value, into a sanctuary, particularly one that harbors such an abundance of rare, threatened and endangered species.

GULF OF THE FARALLONES MARINE SANCTUARY: SPECIES OF SPECIAL CONCERN

COMMON NAME	SCIENTIFIC NAME	STATUS
PLANTS		
Eelgrass*	<i>Zostera marina</i>	LC
Point Reyes bird's beak	<i>Cordylanthus maritimus</i> var. <i>pallustris</i>	FC
Salt marsh bird's beak	<i>Cordylanthus maritimus</i> var. <i>maritimus</i>	FE, SE
INVERTEBRATES		
California freshwater shrimp *	<i>Syncaris pacifica</i>	SE, FE
FISHES		
Chinook Salmon (winter run)	<i>Onochrychus tshawytscha</i>	SE, FT
Siver Salmon *	<i>Orcorhynchus kisutch</i>	FC
Steelhead *	<i>Salmo gairdneri</i>	FC
Pacific Herring *	<i>Clupea pallasii</i>	LC
Tidewater goby * (if present)	<i>Eucyclogobius newberryi</i>	FT
BIRDS		
California Brown Pelican	<i>Pelicanus occidentalis californicus</i>	SE, FE
Black Brant *	<i>Branta bernicla</i>	LC
American Peregrine Falcon	<i>Falco peregrinus anatum</i>	SE, FE
California Black Rail *	<i>Laterallus jamaicensis coturniculus</i>	ST, FT
California Clapper Rail *	<i>Rallus longirostris obsoletus</i>	SE,FE
Elegant Tern *	<i>Sterna elegans</i>	FC
MAMMALS		

California Gray Whale	<i>Eschrichtius robustus</i>	FE
Sei whale	<i>Balaenoptera borealis</i>	FE
Finback whale	<i>Balaenoptera physalus</i>	FE
Blue whale	<i>Balaenoptera musculus</i>	FE
Humpback whale	<i>Megaptera novaeangliae</i>	FE
Sperm whale	<i>Physeter catodon</i>	FE
Southern Sea Otter *	<i>Enhydra lutris nereis</i>	FT

* species most prone to negative impacts by MPWC

Status: FE = Federally Endangered

FT = Federally Threatened

FC = Federal candidate species; currently under petition

CE = California Endangered

CT = California Threatened

LC = Local concern; Sancturay includes critical habitat for a species vulnerable to non-cyclical population declines.