



**U.S. DEPARTMENT OF THE INTERIOR**  
**FISH AND WILDLIFE SERVICE**  
San Francisco Bay  
National Wildlife Refuge Complex  
1 Marshlands Road, Fremont, CA 94555



**U.S. DEPARTMENT OF COMMERCE**  
**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**  
Office of National Marine Sanctuaries  
Monterey Bay National Marine Sanctuary  
Northern Management Area  
991 Marine Drive, the Presidio, San Francisco, CA 94129

Dear Aviator,

We respectfully request your assistance in protecting a sensitive seabird breeding colony by voluntarily maintaining an altitude greater than 1,000 feet Above Ground Level (AGL) near Devil's Slide Rock (see enclosed map). The noise and shadows of aircraft can cause harm to nesting seabirds. Voluntary altitude adjustments by pilots could make a big difference to the health of the colony, while averting the need for future regulatory action to protect this area.

**We hope you will take a moment to read the history below to better understand this request.**

From the 1800s to the 1980s central California's seabird populations were decimated by human activities, including egg-collection, gill-net fishing, and oil spills. The damage was particularly apparent at one breeding colony near Pacifica, California – an offshore sea stack called Devil's Slide Rock, less than 8 kilometers north of Half Moon Bay airport (KHAF). Where there was once a thriving colony of 3,000 Common Murres, each pair returning annually to raise a single chick, only an empty rock remained after the January 1986 *Apex Houston* oil spill.

Three years later, local communities and the Office of National Marine Sanctuaries began working together to protect the central California waters, including the area off Pacifica. In 1992 the Monterey Bay National Marine Sanctuary was established. However, the birds were still absent from Devil's Slide Rock, thus the area was not identified as sensitive wildlife habitat, nor was it included in the overflight regulation zones when the marine sanctuary was designated.

In 1996, after completing the *Apex Houston* oil spill restoration plan, the U.S. Fish and Wildlife Service installed decoys, mirrors and sound recordings on Devil's Slide Rock with the hope of attracting birds back to this historically important nesting site. The restoration project was a success and every year since 1996, increasing numbers of birds have successfully raised chicks on the rock, with one exception!

In 2009, more than 1,000 Common Murres nested on Devil's Slide Rock, but due to a combination of human-caused disturbance, challenging weather and variable food sources, none of the chicks survived.

Every breeding season is important as the birds continue to recover. Every day, seabirds face challenges of finding food and protecting their chicks from weather and predators. Human-caused disturbance is an additional challenge that seabirds can't afford. You can help seabirds survive by giving them the space they need to feel safe and raise their chicks successfully. Please fly above 1,000 feet AGL in this sensitive area.

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The National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service have regulations protecting seabirds and marine mammals from aircraft disturbance. Additionally, West Coast National Marine Sanctuary regulations prohibit motorized flights below 1,000 feet AGL within specific zones.

***Federal Regulations Protecting Seabirds and Marine Mammals:***

- Airborne Hunting Act (1972; 50 CFR 19.11): Disturbance of wildlife by aircraft is a violation, punishable by a \$1,000 citation or a mandatory court appearance that could result in a fine up to \$10,000, one year in jail, aircraft forfeiture, and/or revocation of your pilot's airman certificate.
- National Marine Sanctuaries Act (2000; 15 CFR, Part 922.82 and 922.132): The following is a violation under the National Marine Sanctuaries Act: 1) Disturbing marine mammals or seabirds by flying motorized aircraft at less than 1,000 feet AGL over any overflight regulation zone within Gulf of the Farallones and Monterey Bay National Marine Sanctuaries; 2) Taking any marine mammal, sea turtle or bird in or above the Sanctuary ("take" includes harassment from an aircraft).

Thank you for helping California's seabirds by flying seabird safe! To learn more about our seabirds and regulations visit: <http://sanctuaries.noaa.gov/flight/welcome.html> or contact us at 415-970-5244 or [California.Seabirds@noaa.gov](mailto:California.Seabirds@noaa.gov).

Sincerely,

**Gerry McChesney**

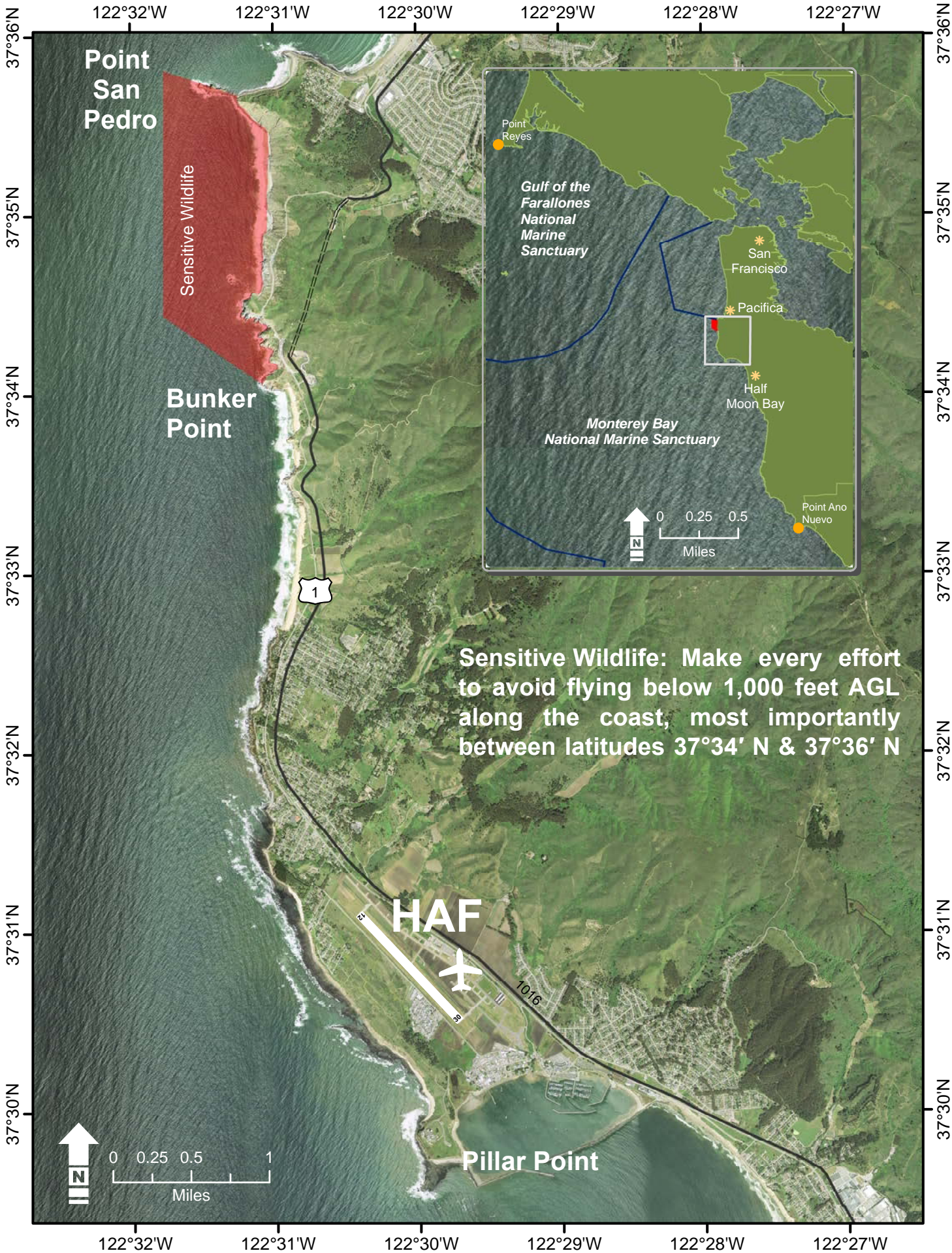
Gerry McChesney, Seabird Program Manager  
USFWS

**Paul Michel**

Paul Michel, Superintendent  
Monterey Bay NMS



Maria Brown, Superintendent  
Gulf of the Farallones NMS



Sensitive Wildlife

Point San Pedro

Bunker Point

HAF

Pillar Point

Sensitive Wildlife: Make every effort to avoid flying below 1,000 feet AGL along the coast, most importantly between latitudes 37°34' N & 37°36' N

