

## **Surfrider Foundation Resolution in support for MPWC restrictions in the Monterey Bay National Marine Sanctuary**

Whereas the Monterey Bay National Marine Sanctuary (MBNMS) has one of the most diverse and abundant assemblages of marine animals in the world, including six species of pinniped, twenty-seven species of cetacean, four species of sea turtles, and one species of sea otter (fissiped);

Whereas MBNMS waters are among the most heavily used by seabirds worldwide, including ninety-four species of seabird that are known to occur regularly within and in the vicinity of the Sanctuary, and approximately ninety species of tidal and wetland birds occur on the shores, marshes, and estuaries bordering Sanctuary waters;

Whereas MBNMS is located on the Pacific Flyway, allowing migratory birds a place to stopover during both north and south migrations between southern wintering grounds and northern breeding sites;

Whereas, nearly all of the mammal and turtle species, and many birds, are protected under the Endangered Species Act, Marine Mammal Protection Act or Migratory Bird Treaty Act;

Whereas, the Sanctuary is mandated to approach resource protection from a broad, ecosystem based perspective that requires consideration of a complex array of habitats, species, and interconnected processes and their relationship to human activities;

Whereas, the MBNMS has been dubbed “the Serengeti of the Sea” because so many large diverse animals are very easy to view and accessible to humans;

Whereas, Motorized Personal Watercraft (MPWC) are small, fast, and highly maneuverable craft that possess unconventionally high thrust capability and horsepower relative to their size and weight that enables them to make sharp turns at high speeds and alter direction rapidly;

Whereas, the MPWC’s small size, shallow draft, instant thrust, and “quick reflex” enable them to operate closer to shore than conventional vessels and in near shore areas;

Water jet-propelled MPWC gained mainstream popularity in the United States in the 1980s, with sales accelerating through the mid 1990s, and are today the fastest growing segment of the boating industry;

Whereas, the use of MPWC within the MBNMS has increased dramatically during the past few years in part due to their increased use to tow surfers into large waves;

Whereas, the use of MPWC to tow surfers at small and medium-sized waves at otherwise paddle in breaks at such surf breaks as Salmon Creek State Beach in Marin County, Ocean Beach in San Francisco County, Montara State Beach in San Mateo County, Steamer Lane in Santa Cruz County, Moss Landing in Monterey County, and elsewhere within the MBNMS has increased dramatically in recent years;

Whereas the MBNMS acknowledges documented cases where use of MPWC in traditional surfing and near shore areas has caused disturbance of wildlife;

Whereas, during the designation of the MBNMS in 1992, the operation of MPWC in nearshore areas was identified as an activity that should be prohibited to avoid such impacts;

Whereas, since 1993 Sanctuary regulations have specifically defined MPWC and restricted use of these craft to four zones outside of the four harbors in the Sanctuary in order to protect marine mammals and seabirds and minimize nearshore multiple use conflicts;

Whereas, many current MPWC designs do not fall within the Sanctuary’s current definition of motorized personal watercraft because the definition was based on prevailing design and performance characteristics in 1992 that quickly became obsolete;

Whereas, newer MPWC have been operating in nearshore areas throughout the MBNMS, contrary to the intent of the Sanctuary’s MPWC restrictions;

Whereas, the 1993 regulations were intended to provide enhanced resource protection by prohibiting operation of MPWC in areas of high marine mammal and seabird concentrations, kelp forest areas, river mouths, estuaries, lagoons and other similar areas where sensitive marine resources are concentrated and most vulnerable to disturbance and other injury from MPWC;

Whereas the adverse environmental impacts of MPWC use on marine resources have been documented in numerous ocean areas including in and around the San Juan Islands in Washington State, and in the Gulf of the Farallones National Marine Sanctuary where a federal ban on their use was established in 2004;

Whereas, the restriction of MPWC use within the MBNMS has been upheld in court (see 1995 U.S. Appellate Court decision- Personal Watercraft Industry Association et. al v. DOC, NOAA);

Be it resolved that:

- 1) The position of the Surfrider Foundation Chapters located within the boundaries of the MBNMS (San Mateo, Santa Cruz, Monterey, and San Luis Bay) on the responsible use of MPWC within the boundaries of the MBNMS is consistent with the National MPWC policy that; 1) recognizes that not all waterways are appropriate for use of MPWC; 2) restricts the use of MPWC in order to reduce negative impacts to aquatic ecosystems, and 3) supports restrictions and buffers to reduce negative impacts to aquatic ecosystems in sensitive ecological areas;
- 2) The National Board supports the position of these Chapters on the responsible use of MPWC within the boundaries of the MBNMS that allows for the recreational use of MPWC within the four designated offshore zones established by NOAA, allows MPWC use for public agency life rescue, safety and enforcement operations, but does not allow for any other private uses of MPWC in any other areas of the MBNMS.