



# MARINE MAMMAL COMMISSION

18 January 2017

Ms. Jolie Harrison, Chief  
Permits and Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910-3225

Dear Ms. Harrison:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the application submitted by the Partnership for the Interdisciplinary Study of Coastal Oceans (PISCO) at the University of California Santa Cruz<sup>1</sup> under section 101(a)(5)(D) of the Marine Mammal Protection Act. PISCO is proposing to take small numbers of marine mammals by harassment incidental to conducting rocky intertidal monitoring activities along the California and Oregon coasts. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 12 January 2017 notice (82 Fed. Reg. 3727) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

PISCO proposes to conduct rocky intertidal surveys at numerous sites along the California and Oregon coasts in all months except January, August, and September. The proposed activities are part of a long-term monitoring program that includes (1) surveying permanent photoplot quadrats, permanent transects, and mobile quadrats for algae and invertebrates, (2) assessing and measuring invertebrates, (3) measuring tidal height topographically, (4) characterizing baseline intertidal data associated with new marine protected areas, and (5) monitoring invertebrate recruitment. Research-related sound and the increased presence of humans would be the main sources of marine mammal disturbance.

NMFS preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of California sea lions, harbor seals, and northern elephant seals. It also anticipates that any impact on the affected species and stocks would be negligible. NMFS does not anticipate any take of marine mammals by death or serious injury and believes that the potential for disturbance will be at the least practicable level because of the proposed mitigation measures. The proposed mitigation, monitoring, and reporting measures include—

- rescheduling surveys at sites if Steller sea lions are present;
- rescheduling surveys at sites where pups are present, unless the survey can be conducted without disturbing females and dependent pups;

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<sup>1</sup> Both of which work in collaboration with the Multi-Agency Rocky Intertidal Network as well.

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- using binoculars to detect any marine mammals prior to approaching the site and approaching each site with caution (slowly and quietly) to avoid surprising any hauled-out individuals and to reduce stampeding of individuals;
- keeping a safe distance from and not approaching any marine mammal while conducting research, unless it is absolutely necessary;
- avoiding loud noises (i.e., using hushed voices)<sup>2</sup>;
- avoiding pinnipeds along access paths to sites by locating and taking a different access path and vacating the area as soon as the survey is completed;
- monitoring the offshore area for predators (i.e., killer whales and white sharks) and avoiding flushing pinnipeds when predators are observed in nearshore waters;
- using qualified observers to monitor and evaluate incidental takes;
- reporting tagged pinniped carcasses to the appropriate personnel;
- reporting rare or unusual species, numbers, or behaviors of marine mammals to NMFS;
- reporting injured and dead marine mammals to NMFS and the Southwest Regional Stranding Coordinator using NMFS's phased approach and suspending activities, if appropriate; and
- submitting a final monitoring report.

The Commission concurs with NMFS's preliminary finding and recommends that NMFS issue the incidental harassment authorization, subject to the inclusion of the proposed mitigation, monitoring, and reporting measures. Please contact me if you have questions regarding the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.  
Executive Director

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<sup>2</sup> NMFS informed the Commission that it incorrectly omitted from the *Federal Register* notice this standard measure. It will be included in the final incidental harassment authorization.