



MARINE MAMMAL COMMISSION

4 March 2014

Ms. Jolie Harrison
Incidental Take Program Supervisor
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 St. George Reef Lighthouse Preservation Society (the Society) under section 101(a)(5)(D) of the Marine Mammal Protection Act (the MMPA). The Society is seeking authorization to take small numbers of pinnipeds by harassment incidental to aircraft operations and restoration and maintenance activities at the St. George Reef Light Station on Northwest Seal Rock off the coast of Crescent City, California. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 18 February 2014 notice (79 Fed. Reg. 9170) requesting comments on its proposal to issue the authorization, subject to certain conditions. The Marine Mammal Commission has commented on similar incidental harassment authorization requests for this project since 2009.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested incidental harassment authorization, subject to inclusion of the proposed mitigation and monitoring measures.

RATIONALE

The Society proposes to conduct aircraft operations and restoration and maintenance activities at the St. George Reef Light Station between 1 April 2014 and 31 March 2015. The proposed activities would be conducted no more than once per month, with each work session lasting no more than three days. Pinnipeds could be harassed incidental to helicopter landings/takeoffs, sound generated during restoration and maintenance activities, and human presence. Use of helicopters and increased presence of humans would be the main sources of pinniped disturbance.

NMFS preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of California sea lions, Steller sea lions, harbor seals, and northern fur 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 and monitoring measures. Those measures include—

- (1) limiting the frequency of activities to once per month for up to three days;
- (2) restricting activities from 1 May to 31 October to minimize disturbance during the pinniped pupping season;
- (3) limiting the timing of helicopter approaches to high tide periods to minimize disturbance of hauled out pinnipeds;
- (4) approaching the station at a relatively high altitude (e.g., 244–305 m) and circling/approaching at a lower altitude from the area where the density of pinnipeds is the least;
- (5) instructing personnel to avoid making unnecessary sound and to stay out of sight of pinnipeds hauled out at the base of the lighthouse;
- (6) during one three-day work session, using a qualified biologist to document the numbers and species of pinnipeds present, their use of the island, and any associated disturbance;
- (7) during the other three-day work sessions, using a skilled photographer to take photographs of the haul-out sites at altitudes above 300 m before the initial helicopter landing and after the last helicopter landing for a before-and-after comparison and sharing those photographs with a qualified biologist capable of identifying marine mammal species to judge the effects of the three-day work session on pinnipeds;
- (8) reporting other injured and dead marine mammals to NMFS and local stranding network using NMFS's phased reporting approach and suspending activities, if appropriate; and
- (9) submitting a final monitoring report to NMFS.

The Commission concurs with NMFS's preliminary finding and recommends that NMFS issue the requested incidental harassment authorization, subject to inclusion of the proposed mitigation and monitoring measures.

The Commission is grateful for the opportunity to provide comments on the Society's application. Please contact me if you have questions concerning the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director