



MARINE MAMMAL COMMISSION

3 January 2012

Mr. P. Michael Payne, Chief
Permits, Conservation, and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910

Dear Mr. Payne:

The Marine Mammal 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 under section 101(a)(5)(D) of the Marine Mammal Protection Act. The applicant 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 21 December 2011 *Federal Register* notice (76 Fed. Reg. 79157) requesting comments on its proposal to issue the authorization, subject to certain conditions. The Marine Mammal Commission previously commented on similar incidental harassment authorization requests for this project in 2009 and 2010.

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 St. George Reef Lighthouse Preservation Society proposes to conduct aircraft operations and restoration and maintenance activities at the St. George Reef Light Station between 10 February and 30 April and 1 November and 31 December 2012. 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 landing/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 disturbance of pinnipeds.

The Service 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. The Service 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;

Mr. P. Michael Payne
3 January 2012
Page 2

- (2) restricting the timing of activities to the non-pupping season for pinnipeds, primarily Steller sea lions;
- (3) limiting the timing of helicopter approaches to high tide periods to minimize disturbance of hauled out pinnipeds;
- (4) instructing personnel to avoid making unnecessary noise and to stay out of sight of pinnipeds hauled out at the base of the lighthouse;
- (5) 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;
- (6) 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 discerning marine mammal species to judge the effects of the three-day work session on pinnipeds;
- (7) immediately reporting any observed Steller sea lion injury or death or the presence of a newborn pup to the National Marine Fisheries Service's Southwest Regional Office Administrator and the Director of the Office of Protected Resources;
- (8) reporting other injured and dead marine mammals to the Service and local stranding network using the Service's phased reporting approach and suspending activities, if appropriate; and
- (9) submitting two interim monitoring reports and one final comprehensive monitoring report to the Service.

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

Please contact me if you have any questions concerning this recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Peter O'Thomas, Sr".

Timothy J. Ragen, Ph.D.
Executive Director