



MARINE MAMMAL COMMISSION

29 December 2016

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 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) 23 December 2016 notice (81 Fed. Reg. 94326) requesting comments on its proposal to issue the authorization, subject to certain conditions.

The Society proposes to conduct aircraft operations and restoration¹ and maintenance activities at the St. George Reef Light Station between February 2017 and February 2018. The proposed activities would be conducted no more than once per month², 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.

NMFS preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of small numbers of Steller sea lions, California 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 measures. The mitigation, monitoring, and reporting measures include—

- limiting the frequency of activities to once per month for up to three days;
- restricting activities from 1 May to 31 October to minimize disturbance during the pinniped pupping season;

¹ Public tours also could occur during restoration activities, but only on Sundays and after restoration activities have begun.

² November through April.

- limiting the timing of helicopter approaches to high-tide periods to minimize disturbance of hauled-out pinnipeds;
- 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;
- instructing personnel to avoid making unnecessary sound, stay out of sight of pinnipeds hauled out at the base of the lighthouse, and keep closed the lower platform door where pinnipeds haul out;
- using a biologist 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 to judge the effects of the three-day work session on pinnipeds;
- reporting rare or unusual species, numbers, or behaviors of marine mammals to NMFS;
- reporting injured and dead marine mammals to NMFS and the Assistant West Coast Regional Stranding Coordinator using NMFS's phased reporting approach and suspending activities, if appropriate;
- reporting tagged pinniped carcasses to the appropriate personnel; and
- submitting a final monitoring report to NMFS.

The Commission understands that NMFS incorrectly used 150 rather than 155 as the daily maximum number of Steller sea lions that could occur at the project site. Thus, NMFS plans to increase the number of Steller sea lion takes³ from 2,700 to 2,790. The Commission concurs with that modification and recommends that NMFS issue the requested incidental harassment authorization, subject to inclusion of the proposed mitigation, monitoring, and reporting measures. Please contact me if you have questions concerning the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director

³ Based on the daily maximum count multiplied by 18 days of proposed activities.