



MARINE MAMMAL COMMISSION

23 May 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 Point Blue Conservation Science's (Point Blue) application to renew its authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act to take small numbers of marine mammals by harassment. The taking would be incidental to conducting seabird research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in California during a one-year period. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 16 May 2017 notice (82 Fed. Reg. 22504) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

Point Blue, along with partners Oikonos Ecosystem Knowledge and Point Reyes National Seashore, plan to conduct seabird research activities. The proposed activities would include (1) monitoring and censusing seabird colonies, (2) observing seabird nesting habitat, (3) restoring nesting burrows, and (4) resupplying a field station. Vessel- and 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, northern elephant seals, and Steller sea lions¹. 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—

- postponing beach landings on Año Nuevo Island until pinnipeds that may be present on the beach have slowly entered the water;
- operating vessels slowly with caution and approaching beaches slowly for all beach landings;

¹ The Commission clarified with NMFS that it should be authorizing, and Point Blue should be reporting, only takes of pinnipeds incidental to conducting the various seabird research and resupply activities. All directed taking to prevent damage to critical infrastructure and to ensure human safety (including moving animals from paths, parking lots, and boat ramps) should be conducted in accordance with the authorities available under sections 101(a)(4) or 109(h) of the MMPA. See the Commission's [3 November 2015](#) letter on this matter.

- selecting a pathway of approach to research sites that minimizes the number of marine mammals harassed;
- avoiding visits to sites when pups are present or species for which authorization has not been granted (i.e., northern fur seals or Guadalupe fur seals)² are present;
- monitoring for offshore predators (i.e., great white sharks and killer whales) and restricting approaches of hauled-out pinnipeds if predators are present;
- keeping voices hushed and bodies low to the ground in the visual presence of pinnipeds;
- conducting seabird observations at North Landing on Southeast Farallon Island from an observation blind that is shielded from the view of hauled-out pinnipeds;
- crawling slowly to access seabird nest boxes on Año Nuevo Island if pinnipeds are within view;
- coordinating research visits to intertidal areas of Southeast Farallon Island to reduce the number of pinniped takes;
- coordinating research goals for Año Nuevo Island to minimize the number of trips to the Island;
- coordinating monitoring schedules on Año Nuevo Island so that areas near any pinnipeds would be accessed only once per visit;
- using qualified observers to monitor and evaluate incidental takes;
- reporting observations of unusual behaviors or numbers of pinnipeds to NMFS's West Coast Region;
- reporting marked or tag-bearing pinnipeds or carcasses or rare or unusual species to NMFS's West Coast Region;
- reporting injured and dead marine mammals to NMFS's Office of Protected Resources and West Coast 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 requested incidental harassment authorization, subject to 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

² NMFS informed the Commission that it incorrectly omitted from the *Federal Register* notice this measure, which would be clarified in the final authorization