



MARINE MAMMAL COMMISSION

4 September 2020

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 for 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) 28 August 2020 notice (84 Fed. Reg. 22504) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions.

A few weeks ago the Commission provided comments in its [11 August 2020 letter](#) regarding Point Blue's request for regulations that would authorize the incidental taking of marine mammals during the same activities. Point Blue would be required to implement similar mitigation¹, monitoring, and reporting measures² as specified under the proposed rule. The final rule is expected to be issued on 1 January 2021, with the incidental harassment authorization providing coverage until that time. 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 and contingent on inclusion of a condition in the final incidental harassment authorization stipulating that the final rule, when issued, will supersede the authorization. Please contact me if you have questions regarding the Commission's recommendation.

Sincerely,

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

Peter O. Thomas, Ph.D.
Executive Director

¹ Point Blue would be required under the final incidental harassment authorization to avoid sites when northern fur seals and Guadalupe fur seals are present, while the final rule would authorize incidental taking of those species.

² The Commission informally noted that the items required to be collected under 5(a) through (d) of the draft authorization would not be required to be included in the monitoring report under condition 6(b) and that the raw sightings data were not required to be included in the monitoring report either. NMFS indicated that both requirements would be included in the final authorization.