



# MARINE MAMMAL COMMISSION

9 October 2012

Mr. P. Michael Payne, Chief  
Permits and Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910-3225

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the PRBO Conservation Science's application seeking 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 and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in California. The research activities would occur year-round from November 2012 to November 2013. The Commission also has reviewed the National Marine Fisheries Service's 27 September 2012 notice (77 Fed. Reg. 59377) announcing receipt of the application and proposing to issue the authorization, subject to certain conditions. The Commission previously commented on similar incidental harassment authorizations.

## **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 PRBO Conservation Science, along with partners Oikonos Ecosystem Knowledge and Point Reyes National Seashore, plan to conduct seabird and pinniped research activities. The proposed activities would include (1) monitoring and censusing seabird colonies, (2) observing seabird nesting habitat, (3) restoring nesting burrows, (4) observing breeding elephant seals, and (5) resupplying a field station. Vessel- and research-related sound and the increased presence of humans would be the main sources of marine mammal disturbance.

The Service 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 lions. 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) abiding by the terms and conditions listed in the incidental take statement for the Service's 2008 biological opinion;
- (2) abiding by the terms and conditions listed in scientific research permit 17152, when issued;
- (3) postponing beach landings on Año Nuevo Island until pinnipeds that may be present on the beach have slowly entered the water;
- (4) selecting a pathway of approach to research sites that minimizes the number of marine mammals harassed, prioritizing avoidance of hauled out Steller sea lions;
- (5) avoiding visits to sites used by pinnipeds for pupping;
- (6) monitoring for offshore predators (i.e., great white sharks and killer whales) and restricting approaches of pinnipeds if predators are present;
- (7) keeping voices hushed and bodies low to the ground in the visual presence of pinnipeds;
- (8) conducting seabird observations at North Landing on Southeast Farallon Island from an observation blind that is shielded from the view of hauled out pinnipeds;
- (9) crawling slowly to access seabird nest boxes on Año Nuevo Island if pinnipeds are within view;
- (10) coordinating research visits to intertidal areas of Southeast Farallon Island to reduce the number of pinniped takes;
- (11) coordinating research goals for Año Nuevo Island to minimize the number of trips to the island;
- (12) coordinating monitoring schedules on Año Nuevo Island so that areas near any pinnipeds would be accessed only once per visit;
- (13) using qualified observers to monitor and evaluate incidental takes;
- (14) reporting injured and dead marine mammals to the Service and local stranding network using the Service's phased approach and suspending activities, if appropriate; and
- (15) submitting a final monitoring report.

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 questions regarding the Commission's recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director