



MARINE MAMMAL COMMISSION

9 November 2015

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) 26 October 2015 notice (79 Fed. Reg. 9170) requesting comments on its proposal to issue the authorization, subject to certain conditions. The Commission has commented on similar incidental harassment authorization requests for this project since 2009.

The Society proposes to conduct aircraft operations restoration and maintenance activities at the St. George Reef Light Station between November 2015 and November 2016. 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 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—

- (1) limiting the frequency of activities to once per month for up to three days;
- (2) restricting activities from 1 May to 31 October to minimize disturbance during the pinniped pupping season;
- (3) limiting the timing of helicopter approaches to high-tide periods to minimize disturbance of hauled-out pinnipeds;
- (4) 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;

- (5) 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;
- (6) 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;
- (7) 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 identifying marine mammal species to judge the effects of the three-day work session on pinnipeds;
- (8) reporting other injured and dead marine mammals to NMFS and the local stranding network using NMFS's phased reporting approach and suspending activities, if appropriate; and
- (9) submitting a final monitoring report to NMFS.

The Commission understands that NMFS included an outdated method for estimating the number of takes of Steller sea lions. NMFS indicated it now plans to use the same take estimation method it used for the other species¹, which would equate to 900 Steller sea lion takes. The Commission concurs with that approach 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

¹ The maximum number of animals observed * 6 months of activities.