



MARINE MAMMAL COMMISSION

19 March 2012

Mr. P. Michael Payne, Chief
Permits, Conservation, and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13635
Silver Spring, MD 20910

Dear Mr. Payne:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the application submitted by Glenn VanBlaricom, Ph.D., under section 101(a)(5)(D) of the Marine Mammal Protection Act. Dr. VanBlaricom is seeking authorization to take small numbers of California sea lions, Pacific harbor seals, and northern elephant seals by harassment incidental to abalone research on San Nicolas Island, California. The Commission also has reviewed the National Marine Fisheries Service's 29 February 2012 *Federal Register* notice (77 Fed. Reg. 12246) requesting comments on its proposal to issue the authorization, subject to certain conditions. The Marine Mammal Commission previously commented on similar incidental harassment authorization requests for this project from 2005–2008.

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

Dr. VanBlaricom proposes to continue conducting research on abalone populations during extreme low tides at nine permanent study sites on San Nicolas Island. He has been surveying those populations since 1979 and plans to augment the surveys by determining genetic relatedness and growth and mortality rates of the abalone populations. Two field biologists would conduct the research on foot, and access to some of the sites would require close approaches to pinniped haul-out sites or rookeries. Based on his considerable experience conducting the surveys, Dr. VanBlaricom has concluded that only two of the nine survey sites can be occupied without disturbing at least one species of pinniped. Sites could be visited for up to four hours five times per year, primarily from October through February, and during daylight hours only. Increased presence of humans would be the main source of disturbance of pinnipeds.

The Service preliminarily has determined that, at most, the proposed activities temporarily would modify the behavior of 3,340 California sea lions, 212 harbor seals, and 9 elephant seals. 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—

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- (1) restricting the timing of proposed activities to the non-pupping season for California sea lions and harbor seals (i.e., October–February) at the study sites where pupping and breeding occurs;
- (1) avoiding the proximity to hauled out elephant seal females and pups from January–March;
- (2) selecting cautious approaches to the study sites, avoiding close contact with hauled out pinnipeds, and using extreme caution upon approach to the sites;
- (3) suspending the proposed activities if a Guadalupe fur seal is observed;
- (4) using qualified personnel to monitor and document pinniped reactions to the proposed activities;
- (5) reporting unusual behaviors, numbers, or distributions of pinnipeds to the Service, the Navy’s Environmental Planning and Management Department, and Hubbs-SeaWorld Research Institute;
- (6) reporting carcasses with tags and rare or unusual marine mammal species to the Service and the Department;
- (7) immediately reporting any observed injury or death resulting from the proposed activities or take of a species for which authorization has not been granted to the Service and suspending activities until it determines how to proceed; and
- (8) submitting a final 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 any questions concerning this recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive, flowing style.

Timothy J. Ragen, Ph.D.
Executive Director