



MARINE MAMMAL COMMISSION

14 January 2011

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 the St. George Reef Lighthouse Preservation Society under section 101(a)(5)(D) of the Marine Mammal Protection Act. The Society is seeking authorization to take small numbers of pinnipeds by harassment incidental to aircraft operations and restoration and maintenance work on 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 22 December 2010 *Federal Register* notice (75 Fed. Reg. 80471) requesting comments on its proposal to issue the authorization, subject to certain conditions. The Marine Mammal Commission previously commented on a similar incidental harassment authorization for this project in a letter dated 29 October 2010.

RECOMMENDATION

Based on its review of the application and *Federal Register* notice, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested authorization, subject to inclusion of the proposed mitigation and monitoring measures.

RATIONALE

The proposed activities could result in the taking of four species of marine mammals: California sea lion, Steller sea lion, harbor seal, and northern fur seal. The taking would be incidental to aircraft operations and restoration and maintenance activities that would occur between 15 February and 30 April and between 1 November and 31 December 2011.

The Service does not anticipate any take of marine mammals by death or serious injury. Rather, it has determined preliminarily that the proposed activities would result at most in a temporary modification in the behavior of small numbers of individuals from the four species. It also believes that the potential for temporary or permanent hearing impairment will be at the least practicable level because of the proposed mitigation measures.

The proposed mitigation measures are as follows. The Society would conduct the proposed activities no more than once per month, with each session lasting no more than three days. In addition, a qualified biologist would be present during one three-day work session to document use of the island by the pinnipeds, the numbers and species of pinnipeds present, and any associated disturbance. During other three-day work sessions, a skilled photographer would photograph the haul-out sites before the initial helicopter landing and after the final helicopter landing for a before-

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and-after comparison. All photographs would be taken at altitudes above 300 m and provided to a qualified biologist capable of discerning marine mammal species. In the event of any observed Steller sea lion injury or death or the presence of a newborn pup, the applicant immediately would notify the National Marine Fisheries Service's Southwest Regional Office.

The Commission concurs that these mitigation and monitoring measures should be adequate to ensure that the proposed effects are negligible. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the requested authorization, subject to inclusion of the proposed mitigation and monitoring measures.

Please contact me if you have any questions concerning this recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director