



MARINE MAMMAL COMMISSION

29 October 2009

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 applicant is seeking authorization to take small numbers of California sea lions, Steller sea lions, Pacific harbor seals, and northern fur seals 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 Culver City, California. The Commission also has reviewed the National Marine Fisheries Service's 29 September 2009 *Federal Register* notice (74 Fed. Reg. 49852) requesting comments on its proposal to issue the authorization, subject to certain conditions.

The Service believes that taking of the subject species could result from noise and visual disturbance from aircraft operations and restoration and maintenance activities carried out between 1 November 2009 and 30 April 2010. The proposed activities would be conducted no more than once a month, with each session lasting no more than three days. The Service has preliminarily determined that the proposed activities will result, at most, in temporary modification of pinniped behavior and, therefore, will have a negligible impact on the subject species. This preliminary determination anticipates the adoption of proposed monitoring and mitigation measures, including restrictions on the timing and frequency of activities, the use of helicopter approach and timing measures to minimize disturbance to the animals, and measures to avoid exposing animals to visual and acoustic stimuli associated with the proposed activities.

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 the inclusion of the proposed monitoring and mitigation measures.

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

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen".

Timothy J. Ragen, Ph.D.
Executive Director