



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Incidental Harassment Authorization

PRBO Conservation Science (PRBO), 3820 Cypress Drive #11, Petaluma, California 94954 is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107 to harass small numbers of marine mammals incidental to conducting seabird and pinniped research operations on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore, in central California, contingent upon the following conditions:

1. This Authorization is valid from December 12, 2008 through December 11, 2009.
2. This Authorization is valid only for activities associated with seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore. In addition, this Authorization is valid for takes of Steller sea lions (*Eumetopias jubatus*) incidental to elephant seal (*Mirounga angustirostris*) research conducted under Scientific Research Permit (SRP) 373-1868-00 on Southeast Farallon Island.
3. Species Impacted and Level of Takes
 - (a) The taking, by incidental Level B behavioral harassment only, is limited to California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsi*), northern elephant seals (*Mirounga angustirostris*), and Steller sea lions (*Eumetopias jubatus*).
 - (b) The taking by serious injury or death [Level A harassment] of California sea lions, northern elephant seals, Pacific harbor seals and Stellar sea lions is prohibited and may result in the modification, suspension, or revocation of this Authorization.¹
 - (c) In the unanticipated event that any cases of pinniped injury or mortality are judged to result from these activities, the holder of this authorization must immediately cease operations and report the incident, within 48 hours, to the Assistant Regional

¹ SRP 373-1868-00 allows for unintentional serious injury and mortality to Pacific harbor seals caused by the presence or actions of researchers up to the limit in Table 2 of the permit. This includes, but is not limited to; deaths of dependant young by starvation following research-related death of a lactating female; deaths resulting from infections related to sampling procedures; and deaths or injuries sustained by animals during capture and handling, or while attempting to avoid researchers or escape capture.



Administrator (ARA) for Protected Resources, Southwest Region, phone (562) 980-4000 and to the Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service (NMFS), phone (301) 713-2289.

PRBO shall postpone the research activities until NMFS is able to review the incident and determine whether steps can be taken to avoid further injury or mortality or until such taking can be authorized under regulations promulgated under section 101(a)(5)(A) of the Marine Mammal Protection Act.

4. A copy of this Authorization must be in the possession of PRBO, its designees, and field crew personnel (including research collaborators from Point Reyes National Seashore and Oikonos - Ecosystem Knowledge) operating under the authority of this IHA.
5. The holder of this Authorization is required to cooperate with the NMFS and any other Federal, state, or local agency authorized to monitor the impacts of the activity on marine mammals. The holder must notify the ARA for Protected Resources, Southwest Region at (562) 982-4000 at least 24 hours prior to starting pinniped and seabird research activities (unless constrained by the date of issuance of this Authorization).

6. Mitigation

The holder of this authorization is required to follow the conditions listed below when conducting seabird and pinniped research operations on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore:

- (a) Abide by the Terms and Conditions of the Biological Opinion Incidental Take Statement (attached).
- (b) Abide by the Terms and Conditions of Scientific Research Permit 373-1868-00.
- (c) Plan to minimize the potential for disturbance (to the lowest level practicable near known pinniped haul outs by boat travel and pedestrian approach during pinniped and seabird research operations). PRBO and its designees are expected to conduct the activities during the planned dates stated in Table 1 of the attachments.
- (d) To the extent possible, be careful in the route of approach during beach landings. Beach landings on Año Nuevo Island would only occur after any pinnipeds that might be present on the landing beach have entered the water.
- (e) Select a pathway of approach to research sites that minimizes the number of marine mammals harassed, with the first priority being avoiding the disturbance of Steller sea lions at haul-outs.
- (f) Researchers should monitor for offshore predators and not approach hauled out Stellar sea lions if great white sharks or killer whales are seen in the area. If predators are seen, Eastern Steller sea lions must not be disturbed until the area is free of predators.
- (g) Keep voices hushed and bodies low in the visual presence of pinnipeds.
- (h) Conduct seabird observations at North Landing on Southeast Farallon Island within an observation blind to remain shielded from the view of hauled-out pinnipeds.

- (i) Crawl slowly towards seabird nesting boxes on Año Nuevo Island if pinnipeds are within the researchers' field of vision.
- (j) Coordinate visits to intertidal areas of Southeast Farallon Island to reduce potential take.
- (k) Coordinate all research goals on Año Nuevo Island to minimize the number of trips to the island. Once on Año Nuevo Island, researchers would coordinate monitoring schedules so that areas near any pinnipeds would be accessed only once per visit.
- (l) The lead biologist will serve as an observer to evaluate incidental take and halt any research activities should the potential for incidental take be too great.

7. Monitoring

The holder of this Authorization is required to:

- (a) Record the date, time, and location (or closest point of ingress) of each visit to the research site. See Table 2 for an example of a data collection sheet.
- (b) Collect the following information for each visit:
 - i. composition of the marine mammals sighted, such as species, gender and life history stage (e.g., adult, sub-adult, pup);
 - ii. information on the numbers (by species) of marine mammals observed during the activities;
 - iii. the estimated number of marine mammals (by species) that may have been harassed during the activities;
 - iv. any behavioral responses or modifications of behaviors that may be attributed to the specific activities and a description of the specific activities occurring during that time (e.g., pedestrian approach, vessel approach); and
 - v. information on the weather, including the tidal state and horizontal visibility.
- (c) Observers will record marine mammal behavior patterns observed before, during, and after the activities; in the following manner:
 - i. flushing into the water;
 - ii. stampeding into water;
 - iii. moving more than 1 meter (m), but not in the water;
 - iv. becoming alert and moving, but did not move more than 1 m; or
 - v. changing the direction of current movement.
- (d) If applicable, note observations of marked or tag-bearing pinnipeds or carcasses, as well as any rare or unusual species of marine mammal.
- (e) If applicable, note the presence of any offshore predators (date, time, number, species).

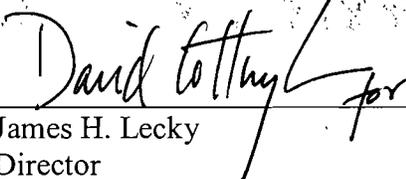
8. Reporting

The holder of this Authorization is required to:

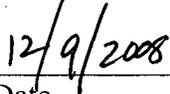
- (a) Report observations of unusual behaviors of pinnipeds on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore to Monica DeAngelis, Fishery Biologist, Southwest Region at (562) 982-3232 so that any potential follow-up observations can be conducted by the appropriate personnel.
- (b) Submit a draft final report to the ARA for Protected Resources, Southwest Region and to the Chief, Permits, Conservation, and Education Division, Office of Protected Resources, Headquarters, NMFS within 90 days after the expiration of the IHA. The report will include the information gathered pursuant to the monitoring requirements above, along with an executive summary.
- (c) Submit a final report to the ARA for Protected Resources, Southwest Region and to the Chief, Permits, Conservation, and Education Division, Office of Protected Resources, Headquarters, NMFS within 30 days after receiving comments from NMFS on the draft final report. If NMFS decides that the draft final report needs no comments, the draft final report will be considered to be the final report.

9. Penalties and Permit Sanctions

Any person who violates any provision of this IHA is subject to civil and criminal penalties, and modification, suspension, or revocation as authorized under the MMPA.



James H. Lecky
Director
Office of Protected Resources
National Marine Fisheries Service



Date

Attachments

Attachment

Table 1. Schedule of PRBO Seabird and Pinniped Research Operations in central California.

Location	Dates	Frequency	Duration
Southeast Farallon Island			
Daily observations	Year round	1-3 times/day	~10 min/visit
Murre Observations	mid Apr- mid Aug	1 time/day	2-5 hour/visit
Field Station resupply	Year round	1 time/2 wks	1-3 hours
NES Winter Surveys	Dec - Feb	5 times/year	~2 hours
Año Nuevo Island			
Nest box observations	April - Aug	1 time/ wk	~15 min/visit
Intermittent research visits	Sept - Mar	1 time/mo or 2 mo	~30 min/visit
Habitat restoration	Sept - Nov	3 times/yr	4-8 hours/visit
Point Reyes National Seashore			
Seabird nesting observations	Mar - Sep	1 time/mo or 2mo	~15 min/visit
Intermittent visits	variable	2 to 3 times/yr	~15 min/visit
Habitat restoration	Sep - Nov	1-3 times/mo	2-5 hour/visit

Table 2. California Sea Lion (CSL) counts and responses during activities associated with seabird and pinniped research activities (example).

Date	Location	Activity	Time	Response	# CSL non-pups	# CSL pups
15 - Apr - 09	SEFI	walking to site	before	alert	100	0
			during	flush	40	0
			after	alert	60	0