



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

MAR 30 2010

Grant Davis  
Interim General Manager  
Sonoma County Water Agency  
404 Aviation Blvd  
Santa Rosa, California 95403

Dear Mr. Davis

Enclosed is an Incidental Harassment Authorization (IHA) issued pursuant to Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), to take small numbers of marine mammals, by Level B harassment, incidental to the Sonoma County Water Agency's Russian River Estuary Water Level Management Activities.

You are required to comply with the conditions contained in the IHA, including all mitigation, monitoring and reporting requirements. In addition, you must cooperate with any Federal, state, or local agency monitoring the impacts of your activities. Along with mitigation measures to be incorporated, the IHA requires monitoring for the presence and behavior of marine mammals prior to, during, and after all management events.

If you have any questions concerning the IHA or its requirements, please contact Jaclyn Daly, Office of Protected Resources (NMFS), at 301-713-2289.

Sincerely,

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

Enclosure



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## INCIDENTAL HARASSMENT AUTHORIZATION

The Sonoma County Water Agency (herein after "Agency") is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107, to harass small numbers of marine mammals incidental to Russian River Estuary water level management and monitoring activities, Jenner, California.

1. This Authorization is valid from April 1, 2010 through March 31, 2011.
2. This Authorization is valid only for water level management and monitoring activities, as described in the Agency's MMPA application. These activities include mechanical breaching, mechanical lagoon outlet channel creation and maintenance, and physical and biological monitoring of the Russian River Estuary.
3. This Authorization allows the incidental taking, by Level B harassment only, of the following number of marine mammals, by species: 2,861 harbor seals (*Phoca vitulina richardii*), 16 California sea lions (*Zalophus californianus*), and 11 northern elephant seals (*Mirounga angustirostris*).
4. The taking by Level A (injurious) harassment, serious injury or death of any of the species listed in Condition 3 above or the taking of any species of marine mammal not listed in 3 above is prohibited and may result in the modification, suspension or revocation of this Authorization.
5. The taking of any marine mammal in a manner not allowed for under this Authorization must be reported immediately to the Southwest Region (NMFS) 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802; phone (562) 980-4020; fax (562) 980-4027, and the Office of Protected Resources (NMFS); 1315 East-West Hwy, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 713-0376.
6. Mitigation Measures

The Agency is required to abide by the following mitigation measures listed in 6(a)-(k). Failure to comply with these conditions may result in the modification, suspension or revocation of this Authorization.

*Pupping Season (March 15- June 30): The following mitigation measures apply only during the pupping season:*

- (a) If a pup less than one week old is on the beach where heavy machinery would be used or on the path used to access the work location, the breaching event will be delayed until the pup has left the site or the latest day possible to prevent flooding while still

maintaining suitable fish rearing habitat. Pups less than one week old should be characterized by being up to 15 kg, thin for their body length, or an umbilicus or natal pelage is present. The Agency shall coordinate with the locally established seal monitoring program to determine if pups less than one week old are on the beach prior to a breaching event;

(b) A water level management event may not occur for more than two consecutive days unless flooding threats cannot be controlled;

(c) The Agency must maintain a one week (7 day) “no work” period between water level management events (unless flooding is a threat to the low-lying residential community) to allow for adequate disturbance recovery period. During the “no-work” period, equipment must be removed from the beach;

(d) If crew or marine mammal observers sight any pup which may be abandoned, the Agency must contact NMFS stranding response network [Marine Mammal Center, 415-289-7350] immediately and report the incident to NMFS’ Southwest Regional Office and NMFS Headquarters within 48 hours. Observers are not to approach or move the pup; and

(e) Physical and biological monitoring, as described in Table 2 in the application, shall not be conducted if a pup less than one week old is present at the monitoring site or on a path to the site.

*Year-Round: The following mitigation measures apply year-round:*

(f) Agency crew shall slowly and cautiously approach the haulout ahead of heavy equipment to minimize the potential for flushes to result in a stampede;

(g) Agency staff shall avoid walking or driving equipment through the seal haulout;

(h) Crews on foot will take caution to approach the haulout slowly and to make an effort to be seen by the seals from a distance, if possible, rather than appearing suddenly at the top of the sandbar;

i) Equipment will be driven slowly on the beach and care will be taken to minimize the number of equipment shut-downs and start-ups;

(j) The Agency will contact NMFS’ Southwest Regional Office, Santa Rosa Office, and Headquarters to inform them of the potential flooding threat and event schedule; and

(k) Physical and biological monitoring, as described in Table 2 of the application, shall be conducted in a manner which results in the least amount of pinniped harassment

practical. Agency personnel shall approach the haulout slowly and cautiously and only when necessary to carry out monitoring.

## 7. Monitoring Measures

The Agency is required to abide by the following monitoring measures listed in 7(a)-(f). Failure to comply with these conditions may result in the modification, suspension or revocation of this Authorization.

(a) Pinnipeds will be monitored from the overlook on the bluff along Highway 1 adjacent to the haulout with high powered spotting scopes. The method and disturbance behavior would be recorded following Mortenson (2006).

(b) During the pupping season (March 15- June 30), the Agency will conduct a pre-lagoon outlet channel survey one to three days prior to an event to determine the number of animals on the beach and if any pups are present.

(c) The day of an event, the Agency will begin pinniped monitoring at least one hour prior to crew and equipment accessing the beach.

(d) Monitoring will continue for the duration of an event to determine how many animals have been taken and end no sooner than one hour after equipment leaves the beach.

(e) In addition to event days, seal counts will also be conducted twice monthly when no machinery is on the beach to determine if any long terms impacts are occurring at the haulout, as described in the Agency's Russian River Estuary Management Activities Pinniped Monitoring Plan, dated September 9, 2009. On these days, seals will be counted in ½ hour increments starting early in the morning (e.g., dawn) and ending eight hours later, weather permitting. Census days will be scheduled to capture a low and high tide each in the morning and afternoon.

f) Nearby coastal and upriver haulouts shall also be monitored, as described in the Agency's Russian River Estuary Management Activities Pinniped Monitoring Plan, dated September 9, 2009.

## 8. Reporting

The Agency is required to submit a report on all activities and marine mammal monitoring results to the Office of Protected Resources, NMFS, and the Southwest Regional Administrator, NMFS, 90 days prior to the expiration of the IHA if a renewal is sought, or within 90 days of the expiration of the permit otherwise. This report must contain the following information:

- (a) the number of seals taken, by species and age class (if possible);
  - (b) behavior prior to and during water level management events;
  - (c) start and end time of activity;
  - (d) estimated distances between source and seals when disturbance occurs;
  - (e) weather conditions (e.g., temperature, wind, etc.);
  - (f) haulout reoccupation time of any seals based on post activity monitoring;
  - (g) tide levels and estuary water surface elevation; and
  - (h) seal census from bi-monthly and nearby haulout monitoring.
9. A copy of this Authorization must be in the possession of the lead contractor and marine mammal observer operating under the authority of this Incidental Harassment Authorization.

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

**MAR 30 2010**  
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Date