



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

JUL - 2 2014

J.J. McHugh
Captain, U.S. Navy
Commanding Officer
Naval Base Ventura County
311 Main Road, Suite 1
Point Mugu, California 93042-5033

Dear Captain McHugh:

Enclosed is an Incidental Harassment Authorization (IHA) issued to the U.S. Navy, Naval Base Ventura County, under the authority of section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), to harass small numbers of marine mammals, by Level B harassment, incidental to the San Nicolas Island, California, roads and airfield repairs project, from August 1 through November 30, 2014.

You are required to comply with the conditions contained in the IHA. In addition, you must submit a draft technical report to the National Marine Fisheries Service's (NMFS) Office of Protected Resources within 90 days of project completion. The IHA requires monitoring of marine mammals by qualified individuals before, during, and after repair project activities and reporting of marine mammal observations, including species, numbers, and behavioral modifications potentially resulting from this activity.

If you have any questions concerning the IHA or its requirements, please contact Candace Nachman, Office of Protected Resources, NMFS, at 301-427-8429.

Sincerely,

DSW Donna S. Wieting
Director
Office of Protected Resources

Enclosures



Incidental Harassment Authorization

The U.S. Navy (Navy), Naval Base Ventura County, 311 Main Road, Suite 1, Point Mugu, California 93402, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)), to harass small numbers of marine mammals incidental to specified activities associated with the San Nicolas Island, California, roads and airfield repairs project, contingent upon the following conditions:

1. This Incidental Harassment Authorization (Authorization) is valid from August 1 through November 30, 2014.
2. This Authorization is valid only for the Navy's roads and airfield repairs project activities at Daytona and Coast Guard beaches, as described in the Navy's October 2013 Authorization application.
3. Species Authorized and Level of Take

a. The incidental taking of marine mammals, by Level B harassment only, is limited to the following species and amounts:

- i. Northern elephant seals—250
- ii. Pacific harbor seals—500
- iii. California sea lions—750

b. The taking by injury (Level A harassment) serious injury, or death of any of the species listed in condition 3(a) above or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

4. The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS or her designee at 301-427-8429 or via email to Candace.Nachman@noaa.gov.

5. Mitigation and Monitoring Requirements: The Holder of this Authorization is required to implement the following mitigation and monitoring requirements when conducting the specified activities to achieve the least practicable impact on affected marine mammal species or stocks:

a. All construction activities must occur within the proposed action footprint, and contractors must be provided with maps delineating the area. Stakes will be used to delineate heavy equipment work and driving zones.

b. All construction personnel must attend a mandatory environmental briefing at the start of the work day for work to be performed in pinniped haulout sites, and personnel attendance must be documented.

c. Construction equipment must be inspected before mobilization to ensure no pinnipeds are under or near equipment.

d. If displacement of pinnipeds is conducted, temporary barriers must be used, if necessary, to keep the displaced pinnipeds from re-entering the area during activities.

e. Displacement must be conducted in such a way as to avoid stampedes. Approach of pinnipeds must be conducted gradually.

f. Displacement or flushing of pinnipeds should be avoided, whenever possible, if dependent pups are present.

g. The Navy must suspend activities immediately if an injured marine mammal is found in the vicinity of the activity area and the activities could aggravate its condition further. The incident must be reported to NMFS immediately at 301-427-8429 or Candace.Nachman@noaa.gov and to the NMFS West Coast Regional Stranding Coordinators (telephone: 562-980-3230 or 562- 980-3264 or via email to Justin.Greenman@noaa.gov and Justin.Viezbicke@noaa.gov). Activities cannot resume until notified by NMFS via email or telephone.

h. No oil, fuel or chemicals shall be discharged to waters of the state. Vessels will be equipped with spill kits and cleanup materials, and operators will be trained in responding to an accidental release of oil, fuel, or chemicals. Offloading equipment will be checked for leaks at the start of beach grading and aggregate offloading each day.

i. Measures shall be taken to prevent spillage of aggregate during the barge to barge transfer process. Measures may include, but are not limited to, the use of a tarp or other barrier between the two barges, to capture spillage.

j. The Navy shall monitor marine mammal populations and evaluate interactions related to island activities.

k. The project biologist shall record activities daily and provide electronic versions of biological monitoring reports at least weekly to Naval Facilities Engineering Command Southwest and Naval Base Ventura County.

l. The Navy shall monitor and protect island-wide pinniped breeding and haul-out sites and abide by the conditions for this monitoring program contained in the Integrated Natural Resources Management Plan for Naval Base Ventura County, San Nicolas Island, California.

m. The Navy is required to conduct monitoring of marine mammals present at the activity sites 30 minutes prior to, during, and for 30 minutes after the cessation of activities. Information

to be recorded shall include the following:

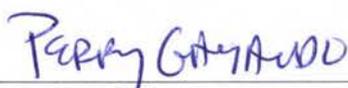
- i. Species counts (with numbers of pups/juveniles); and
- ii. Numbers of disturbances, by species and age, according to a three-point scale of intensity, including: (1) Head orientation in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, or changing from a lying to a sitting position and/or slight movement of less than 1 m; "alert"; (2) Movements in response to or away from disturbance, typically over short distances (1-3 m) and including dramatic changes in direction or speed of locomotion for animals already in motion; "movement"; and (3) All flushes to the water as well as lengthier retreats (> 3 m); "flight."

6. Reporting: The holder of this Authorization is required to submit a draft monitoring report to NMFS Office of Protected Resources within 90 days after the conclusion of the activities. A final report shall be prepared and submitted within 30 days following resolution of any comments on the draft report from NMFS. This report must contain the informational elements described in condition 5(m), at minimum.

7. This Authorization may be modified, suspended, or withdrawn if the holder fails to abide by the conditions prescribed herein, or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

8. A copy of this Authorization must be in the possession of anyone operating under the authority of this Incidental Harassment Authorization.

9. Penalties and Permit Sanctions: Any person who violates any provision of this Authorization is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.



Donna S. Wieting
Director, Office of Protected Resources
National Marine Fisheries Service

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Date