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

Mr. Guy Towers
St. George Reef Lighthouse Preservation Society
P.O. Box 577
Crescent City, CA 95531

APR 09 2014

Dear Mr. Towers:

Enclosed is an Incidental Harassment Authorization (Authorization) issued to the St. George Reef Lighthouse Preservation Society, under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), to take, by Level B harassment only, small numbers of California sea lions (*Zalophus californianus*); Pacific Harbor seals (*Phoca vitulina*); Steller sea lions (*Eumetopias jubatus*); and northern fur seals (*Callorhinus ursinus*) incidental conducting helicopter operations and restoration and maintenance work on the St. George Reef Light Station (Station) on Northwest Seal Rock in the northeast Pacific Ocean. The Authorization is valid from April 11 through April 30, 2014 and November 1, 2014 through April 10, 2015.

You are required to comply with the conditions contained in the IHA. In addition, you must cooperate with any federal, state or local agency authorized to monitor the impacts of your activities.

If you have any questions concerning the Authorization or its requirements, please contact Jeannine Cody, Office of Protected Resources, NMFS, at (301) 427-8401.

Sincerely,

Donna S. Wieting

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

Enclosure

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

Department Of Commerce
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National Marine Fisheries Service

INCIDENTAL HARASSMENT AUTHORIZATION

The St. George Reef Lighthouse Preservation Society (the Society), P.O. Box 577, Crescent City, CA 95531, 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 marine mammals incidental to conducting helicopter operations and restoration and maintenance work on the St. George Reef Light Station (Station) on Northwest Seal Rock in the northeast Pacific Ocean.

1. This Incidental Harassment Authorization (IHA) is valid from April 11 through April 30, 2014 and November 1, 2014 through April 10, 2015.

2. This IHA is valid only for activities associated with helicopter operations and restoration and maintenance activities (See items 2(a) – (d)) on the Station on Northwest Seal Rock (41° 50'24'' N, 124° 22'06'' W) in the northeast Pacific Ocean.

   (a) The use of a small, compact, 4-person helicopter with two-bladed main and tail rotors fitted with noise-attenuating blade tip caps to transit to and from Northwest Seal Rock;

   (b) restoration activities (e.g., painting, plastering, welding, and glazing) conducted on the Station;

   (c) maintenance activities (e.g., bulb replacement and automation of the light system) conducted on the Station; and

   (d) emergency repair events (e.g., the failure of the PATON beacon light) outside of the three-day work session.

3. <u>General Conditions</u>

   (a) A copy of this IHA must be in the possession of the Society, its designees, and work crew personnel operating under the authority of this IHA.

   (b) The species authorized for taking are the California sea lion (*Zalophus californianus*), Pacific Harbor seal (*Phoca vitulina*), the eastern Distinct Population Segment of Steller sea lion (*Eumetopias jubatus*), and the eastern Pacific stock of northern fur seal (*Callorhinus ursinus*).

   (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b) (See Table 1 for take numbers, attached).

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

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(e) In the case of an emergency repair event (*i.e.*, failure of the PATON beacon light) between May 1, 2014 through October 31, 2014, the Society will consult with the ARA, Southwest Region, NMFS, to best determine the timing of an emergency repair trip to the Station.

(i) The Southwest Region NMFS marine mammal biologist will make a decision regarding when the Society can schedule helicopter trips to the Northwest Seal Rock during the emergency repair time window and will ensure that such operations will have the least practicable adverse impact to marine mammals.

(ii) The ARA, Southwest Region, NMFS will also ensure that the Society's request for incidental take during an emergency repair event would not exceed the number of incidental take authorized in this IHA.

4. Cooperation

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, NMFS at (562) 982-4020 at least 24 hours prior to starting helicopter operations and restoration and maintenance activities (unless constrained by the date of issuance of this IHA).

5. Mitigation Measures

In order to ensure the least practicable impact on the species listed in condition 3(b), the holder of this Authorization is required to:

(a) Conduct restoration and maintenance activities at the Station at a maximum of one session per month between from April 11 through April 30, 2014 and November 1, 2014 through April 10, 2015. Each restoration session will be no more than three days in duration. Maintenance of the light beacon will occur only in conjunction with the monthly restoration activities.

(b) Ensure that helicopter approach patterns to the Northwest Seal Rock will be such that the timing techniques are least disturbing to marine mammals. To the extent possible, the helicopter should approach Northwest Seal Rock when the tide is too high for the marine mammals to haul-out on Northwest Seal Rock.

(c) Avoid rapid and direct approaches by the helicopter to the station by approaching Northwest Seal Rock at a relatively high altitude (e.g., 800 - 1,000 ft; 244 - 305 m). Before the final approach, the helicopter shall circle lower, and approach from area where the density of pinnipeds is the lowest. If for any safety reasons (e.g., wind conditions or visibility) such helicopter approach and timing techniques cannot be achieved, the Society must abort the restoration and maintenance session for that day.

(d) Provide instructions to the Society's members, the restoration crew, and if applicable, to tourists, on appropriate conduct when in the vicinity of hauled-out marine mammals. The Society's members, the restoration crew, and if applicable, tourists, will avoid making unnecessary noise while on Northwest Seal Rock and must not view pinnipeds around the base of the Station.

(e) Ensure that the door to the Station's lower platform shall remain closed and barricaded at all times.

6. Monitoring

The holder of this Authorization is required to:

(a) Have a NMFS-approved biologist present during all three workdays at the Station at least once during the period between from April 11 through April 30, 2014 and November 1, 2014 through April 10, 2015. This requirement may be modified depending on the results of the monthly monitoring reports. The biologist shall document use of the island by the marine mammals (i.e., dates, time, tidal height, species, numbers present, frequency of use, weather conditions, and any disturbances), and note any responses to potential disturbances.

(b) Record the date, time, and location (or closest point of ingress) of each visit to the Northwest Seal Rock. See Table 2 for an example of a data collection sheet.

(c) Collect the following information for each visit:

(i) information on the numbers (by species) of marine mammals observed during the activities;

(ii) the estimated number of marine mammals (by species) that may have been harassed during the activities;

(iii) any behavioral responses or modifications of behaviors that may be attributed to the specific activities (e.g., flushing into water, becoming alert and moving, rafting); and

(iv) information on the weather, including the tidal state and horizontal visibility.

(d) Employ a skilled, aerial photographer to document marine mammals hauled out on Northwest Seal Rock for comparing marine mammal presence on Northwest Seal Rock pre- and post-restoration.

(i) The photographer will complete a photographic survey of Northwest Seal Rock using the same helicopter that will transport the Society's personnel to the island during restoration trips.

(ii) For a pre-restoration survey, photographs of all marine mammals hauled-out on the island shall be taken at an altitude greater than 300 m (984 ft) during the first arrival flight to Northwest Seal Rock.

(iii) For the post-restoration survey, photographs of all marine mammals hauled-out on the island shall be taken at an altitude greater than 300 m (984 ft) during the last departure flight from Northwest Seal Rock;

(iv) The Society and/or its designees will forward the photographs to a biologist capable of discerning marine mammal species. The Society shall provide the data to NMFS in the form of a report with a data table, any other significant observations related to marine mammals, and a report of restoration activities (see Reporting). The Society will make available the original photographs to NMFS or to other marine mammal experts for inspection and further analysis.

7. Reporting Requirements

The holder of this Authorization is required to:

(a) Interim Report: Submit an interim report on all activities and monitoring results to the ARA for Protected Resources, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4020; and to the Chief, Permits, Conservation and Education Division, Office of Protected Resources, NMFS, at (301) 713-2289, no later than 30 days after the conclusion of each monthly work session. This report must contain the following information:

(i) A summary of the dates, times, and weather during all helicopter operations, and restoration and maintenance activities.

(ii) Species, number, location, and behavior of any marine mammals, observed throughout all monitoring activities.

(iii) An estimate of the number (by species) of marine mammals that are known to have been exposed to visual and acoustic stimuli associated with the helicopter operations, restoration and maintenance activities.

(iv) A description of the implementation and effectiveness of the monitoring and mitigation measures of the IHA and full documentation of methods, results, and interpretation pertaining to all monitoring.

(b) Final Report: The holder of this authorization is required to submit a final monitoring report to the ARA for Protected Resources, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4020; and to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East West Highway, 13th Floor, Silver Spring, MD 20910; phone (301) 427-8401 no later than 90 days after the project is completed. The report must contain the following information:

(i) A summary of the dates, times, and weather during all helicopter operations, restoration, and maintenance activities.

(ii) Species, number, location, and behavior of any marine mammals, observed throughout all monitoring activities.

(iii) An estimate of the number (by species) of marine mammals that are known to have been exposed to visual and acoustic stimuli associated with the helicopter operations, restoration, and maintenance activities.

(iv) A description of the implementation and effectiveness of the monitoring and mitigation measures of the IHA and full documentation of methods, results, and interpretation pertaining to all monitoring.

8. Reporting Prohibited Take

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury (Level A harassment), serious injury or mortality (*e.g.*, stampede), the Society shall immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427–8401 and/or by email to Jolie.Harrison@noaa.gov and ITP.Cody@noaa.gov and to the Southwest Regional Stranding Coordinator at (562) 980–3230 (Justin.Greenman@noaa.gov).

The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities will not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with the Society to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Society may not resume their activities until notified by NMFS via letter, email, or telephone.

9. Reporting an Injured or Dead Marine Mammal with an Unknown Cause of Death

In the event that the Society discovers an injured or dead marine mammal, and the biologist (if present) determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), the Society will immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427–8401 and/or by email to Jolie.Harrison@noaa.gov and ITP.Cody@noaa.gov and to the Southwest Regional Stranding Coordinator at (562) 980–3230 (Justin.Greenman@noaa.gov).

The report must include the same information identified in the paragraph above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with the Society to determine whether modifications in the activities are appropriate.

10. Reporting an Injured or Dead Marine Mammal not Related to the Society's Activities

In the event that the Society discovers an injured or dead marine mammal, and the lead biologist (if present) determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the Society will report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427–8401 and/or by email to Jolie.Harrison@noaa.gov and ITP.Cody@noaa.gov and to the Southwest Regional Stranding Coordinator at (562) 980–3230 (Justin.Greenman@noaa.gov), within 24 hours of the discovery.

The Society will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS.

11. 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 a more than a negligible impact on the species or stock of affected marine mammals.

APR 09 2014

Donna S. Wieting

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

Date

Table 1. Authorized Take Numbers for Each Species on Northwest Seal Rock (2013 Season)

Species	Authorized Take for Northwest Seal Rock in the Pacific Ocean
Steller sea lion (*Eumetopias jubatus*) Eastern Distinct Population Segment	172
California sea lion (*Zalophus californianus*)	204
Pacific harbor seal (*Phoca vitulina*)	36
Northern fur seal (*Callorhinus ursinus*)	6

Table 2. California Sea Lion (CSL) counts and responses during activities associated helicopter operations and maintenance and restoration activities. (Example).

Date	Location	Activity	Weather Tidal	Time	# CSL non-pups
12/13/2013	NWSR	Helicopter approach 1	Cloudy Low tide	8:30 am	60 total on initial approach 35 flushed and rafting 20 remain hauled out
12/13/2013	NWSR	Helicopter departure 1	Cloudy Low tide	8:40 am	5 more animals flushed 15 remain hauled out 40 CSL rafting near NWSR

Notes: