



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

Jan Roletto  
Research Coordinator  
Gulf of the Farallones National  
Marine Sanctuary  
991 Marine Drive, the Presidio  
San Francisco, California 94129

NOV 08 2012

Dear Ms. Roletto:

Enclosed is an Incidental Harassment Authorization (IHA) issued to NOAA's National Ocean Service's Gulf of the Farallones National Marine Sanctuary 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 five species of marine mammals incidental to rocky intertidal monitoring surveys on the South Farallon Islands, California. The IHA is valid from November 8, 2012, through November 7, 2013.

You are required to comply with the conditions contained in the IHA. In addition, you must submit a final report to the National Marine Fisheries Service (NMFS) Office of Protected Resources within 60 days after the conclusion of the 2012-2013 field season or 60 days prior to the start of the next field season if a new IHA will be requested. The IHA requires the monitoring of marine mammals during activities and reporting of marine mammal observations, including species, numbers, and behavioral modifications potentially resulting from surveys.

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

Sincerely,

Helen M. Golde, Acting Director  
Office of Protected Resources

Enclosure





## INCIDENTAL HARASSMENT AUTHORIZATION

NOAA's National Ocean Service's Gulf of the Farallones National Marine Sanctuary (GFNMS) 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 marine mammals incidental to specified activities associated with rocky intertidal monitoring surveys on the South Farallon Islands, California, contingent upon the following conditions:

1. This Incidental Harassment Authorization (IHA) is valid from November 8, 2012, through November 7, 2013.
2. This IHA is valid only for specified activities associated with rocky intertidal monitoring surveys at specific sites on Southeast Farallon and West End Islands, California.
3. General Conditions
  - (a) A copy of this IHA must be in the possession of personnel operating under the authority of this authorization.
  - (b) The species authorized for taking are the harbor seal (*Phoca vitulina richardii*), California sea lion (*Zalophus californianus*), northern elephant seal (*Mirounga angustirostris*), northern fur seal (*Callorhinus ursinus*), and Steller sea lion (*Eumetopias jubatus*).
  - (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 (attached) for numbers of take authorized.
  - (d) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in item 3(b) of the IHA or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.
4. Mitigation Measures

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

  - (a) Field biologists must approach study sites cautiously and quietly, such that any disturbance of pinnipeds is minimized. The pathway and rate of approach must be chosen judiciously, avoiding to the extent possible any deliberate approach of hauled-out pinnipeds. If deliberate approach is unavoidable, field biologists must approach gradually such that stampeding of pinnipeds is avoided. Specific care must be taken to avoid any disturbance that may place elephant seal pups at risk. Site visits should be limited to no more than 4 hours in the absence of extenuating



circumstances, and personnel shall vacate the area as soon as sampling of the site is completed.

- (b) GFNMS staff shall coordinate sampling efforts with other permitted activities (i.e., PRBO Conservation Science and the U.S. Fish and Wildlife Service).
- (c) Staff shall use binoculars to detect pinnipeds before close approach to avoid being seen by the animals.
- (d) Staff shall monitor the offshore area for predators (such as killer whales and white sharks) and avoid flushing of pinnipeds when predators are observed in nearshore waters.
- (e) Staff shall reschedule work at sites where pups are present, unless other means to accomplishing the work can be done without causing disturbance to mothers and dependent pups.
- (f) In the event of finding pinnipeds breeding or nursing, GFNMS staff shall redirect activities to sites where these life function behaviors are not occurring.

#### 5. Monitoring

The holder of this IHA is required to conduct monitoring of marine mammals present at study sites prior to approaching the sites.

- (a) 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 IHA is required to:

- (a) Report observations of unusual behaviors, numbers, or distributions of pinnipeds, or of tag-bearing carcasses, to PRBO Conservation Science and NMFS Southwest Fisheries Science Center (SWFSC).
- (b) Submit a draft monitoring report to NMFS Office of Protected Resources within 60 days after the conclusion of the 2012-2013 field season or 60 days prior to the start of the next field season if a new IHA will be requested. 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 above, at minimum.

(c) Reporting injured or dead marine mammals:

i. In the event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury (Level A harassment), serious injury, or mortality, GFNMS shall immediately cease the specified activities and report the incident to the Office of Protected Resources (301-427-8429), NMFS, and the Southwest Regional Stranding Coordinator (562-980-3230), NMFS. The report must include the following information:

1. Time and date of the incident;
2. Description of the incident;
3. Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
4. Description of all marine mammal observations in the 24 hours preceding the incident;
5. Species identification or description of the animal(s) involved;
6. Fate of the animal(s); and
7. Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with GFNMS to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. GFNMS may not resume the activities until notified by NMFS.

ii. In the event that an injured or dead marine mammal is discovered and it is determined that the cause of the injury or death is unknown and the death is relatively recent (e.g., in less than a moderate state of decomposition), GFNMS shall immediately report the incident to the Office of Protected Resources, NMFS, and the Southwest Regional Stranding Coordinator, NMFS.

The report must include the same information identified in 6(c)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with GFNMS to determine whether additional mitigation measures or modifications to the activities are appropriate.

iii. In the event that an injured or dead marine mammal is discovered and it is determined 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), GFNMS shall report the incident to the Office of Protected Resources, NMFS, and the Southwest Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. GFNMS shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS. Activities may continue while NMFS reviews the circumstances of the incident.

7. This IHA 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. GFNMS is required to comply with the Terms and Conditions of the Incidental Take Statement (ITS) corresponding to NMFS's Biological Opinion issued to NMFS's Office of Protected Resources.

NOV 08 2012



\_\_\_\_\_  
Helen M. Golde,  
Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.

\_\_\_\_\_  
Date

**Table 1. Authorized take numbers, by species**

<b>Species</b>	<b>Authorized Take</b>
California sea lion ( <i>Zalophus californianus</i> )	6,850
Harbor seal ( <i>Phoca vitulina richardii</i> )	175
Northern Elephant seal ( <i>Mirounga angustirostris</i> )	225
Northern Fur seal ( <i>Callorhinus ursinus</i> )	20
Steller sea lion ( <i>Eumetopias jubatus</i> )	95