



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Ocean Service
Monterey Bay National Marine Sanctuary
99 Pacific Street, Building 455
Monterey, California 93940

February 27, 2015

Ms. Helen Golde
Acting Director
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Mr. Rodney McInnis
Regional Administrator
Southwest Region
National Marine Fisheries Service
501 West Ocean Blvd, Ste 4200
Long Beach, CA 90802

Ms. Diane Noda
Field Supervisor
US Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Ms. Susan Moore
Field Supervisor
US Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

SUBJECT: Reporting Required by the USFWS Biological Opinion and the NMFS Incidental Harassment Authorization for Fireworks Displays within Monterey Bay National Marine Sanctuary during 2014.

Dear Ms. Golde, Mr. McGinnis, Ms. Noda and Ms. Moore:

The Monterey Bay National Marine Sanctuary (MBNMS) has issued four Authorizations of other-agency permits for the discharge of pyrotechnic devices into Sanctuary waters during the 2014 calendar year. Authorizations are issued by the Sanctuary Superintendent under special circumstances for non-research, or non-education related activities, that would be otherwise prohibited by Sanctuary regulations. In the instance of fireworks displays within the MBNMS, an Authorization is issued in conjunction with a valid lease, permit, license, approval or other authorization issued by any Federal, State, or local authority of competent jurisdiction.

The pyrotechnic displays conducted in the MBNMS during 2014 were at locations where these activities have occurred for many years, in some cases, before MBNMS designation. As stated in previous reports, these sites were approved for each display based on their proximity to urban areas and the pre-existence of high human use patterns; seasonal considerations, acclimation of wildlife to human activities; elevated ambient noise levels in the area; and previous usage for fireworks detonation.

Background

In March of 2001 the MBNMS initiated consultation with both the National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS) on fireworks impacts to species within the Monterey Bay National Marine Sanctuary that are protected by the Endangered Species Act and the Marine Mammal Protection Act.



The US Fish and Wildlife Service issued its Biological Opinion on June 22, 2005. This Biological Opinion is effective into perpetuity unless re-initiation is necessary. The USFWS Biological Opinion requires a monitoring requirement for visual post-event monitoring census to determine if any protected species have been injured or killed as a result of fireworks displays.

On June 28, 2012 the NMFS issued regulations under the authority of Section 101(a)(5)(A) of the Marine Mammal Protection Act to harass small numbers of California sea lions and harbor seals incidental to the permitting of coastal commercial fireworks displays adjacent to the MBNMS (effective July 4, 2012—July 3, 2017).

Reporting requirements

Both the USFWS and the NMFS require annual reporting related to these authorizations. Conditions of both agencies reports are outlined below.

The US Fish and Wildlife Service Biological Opinion states “The Administration must provide a written annual report to the Ventura and Sacramento Fish and Wildlife Offices within 90 days following the end of each calendar year that this biological opinion is in effect”. This due date effectively translates to March 31st.

The USFWS would like the following information contained in the report:

1. The number of listed animals that are killed or injured as a result of fireworks events and
2. Describe the number and location of fireworks events that are authorized each year.

The NMFS would like the following information contained in the report:

1. Dates, locations, and permitted entity conducting fireworks; and
2. Results of the monitoring required under Condition 6 of the Authorization, including an estimate of the number of pinnipeds disturbed by the authorized activities, based on the pre-fireworks census and other available information.

Summary of Monitoring Results

In order to meet the reporting requirements and needs of both agencies, a synthesized comprehensive report for fireworks authorizations conducted within the MBNMS during calendar year 2014 is included here. Monitoring results detailed in this report fulfill both agencies’ monitoring requirements, including the National Marine Fisheries Service (NMFS) Incidental Harassment Authorization requirements and regulations found in 50 CFR Part 216. In addition, the results include data on any injured or dead protected species as required by the US Fish & Wildlife Service.

Authorized permit holders were required to perform pre-event live marine mammal surveys and post-event injured or dead wildlife censuses. These surveys are typically conducted 400 meters to the north and south of the firework detonation area. Summaries of each site are as follows:

Cambria Independence Day Fireworks

The Cambria American legion conducted a pre-event survey on July 3, 2014 and found no marine mammals present. A post-event census was completed on July 5, 2014 and did not find any dead marine mammals.

Pacific Grove Feast of Lanterns

A pre-event survey was conducted on July 25, 2014 and noted the presence of two harbor seals and three sea otters. A post-event census was completed on July 27, 2014 and did not find any dead marine mammals.

City of Santa Cruz 100-year Celebration of the Wharf

A pre-event survey was conducted on October 3, 2014 and noted the presence of two harbor seals, 130 sea lions, and one sea otter. A post-event census was completed on October 5, 2015 and did not find any dead marine mammals.

Monte Foundation Fireworks Fundraising Event

A pre-event survey was conducted on October 9, 2014 and noted the presence of one live Harbor Seal, seven sea otters, and one dead harbor seal. A post-event census was completed on October 11, 2014 and did not find any dead marine mammals.

See attached data sheets located in the Appendix for more detail.

Comprehensive Monitoring Summary

The Incidental Harassment Authorization is limited to Level B Harassment. The current five-year permit allows incidental harassment of 4,219 California Sea lions and 230 harbor seals annually.

ESTIMATED NUMBER OF SEALS OR SEA LIONS TEMPORARILY DISTURBED BY FIREWORKS
DURING 2014 CALENDAR YEAR

Site	2014 Harbor seal / CA sea lion presence
Pacific Grove	2 / 0
Cambria	0 / 0
City of Santa Cruz	2 / 130
Capitola - Monte Foundation	1 / 0

It is clear from annual reporting that on average only an infinitesimal percentage of animals have been temporarily disturbed, relative to the population size. MBNMS staff are confident, based upon annual monitoring results, that annual fireworks activities within or adjacent to MBNMS have only a negligible short-term adverse impact on pinnipeds. The MBNMS has not observed any evidence of injury or mortality upon pinnipeds as a result of these permitted activities.

Future Action

MBNMS is poised to continue Authorizing other-agency permits allowing fireworks displays to occur adjacent to, or within, the National Marine Sanctuary. In most instances the MBNMS authorizes Marine Event Permits from the US Coast Guard, the lead federal agency from the permitting perspective. The USCG issues permits for marine events, including annual coastal fireworks celebrations, on both the Atlantic and Pacific coasts, upon the nation’s navigable waterways, and within Monterey Bay National Marine Sanctuary.

Given the current NMFS Letter of Authorization remains in effect until July 3, 2017, no immediate action from NMFS is required at this time. Should you have any questions regarding the reporting requirements or the content of this report, please contact me in the MBNMS office by phone at 831-647-4207 or via email at deirdre.whalen@noaa.gov.

Sincerely,



DEIRDRE WHALEN

Permit Coordinator

Appendix

Summary of Mortality Events for Fireworks Displays within the MBNMS

Event Title	Date	Display Location	Number of animals killed or injured as a result	Reports of pinniped injury or mortality as a result
The Cambria American Legion Annual 4 th of July Fireworks	07/04/2014	Shamel Park, Cambria, CA	0	0
Pacific Grove Feast of Lanterns	07/26/14	Pacific Grove, CA	0	0
City of Santa Cruz 100-year Celebration of the Wharf	10/04/2014	Santa Cruz, CA	0	0
Monte Foundation Fundraiser	10/10/2014	Capitola, CA	0	0

Comments:

Marine Mammal Survey Form
Cambria Independence Day Fireworks

Observer Terry Farrell

Date 07/03/2014

Time survey began 9:00 am

Location Shamel Park

Tidal height 0.74@0845

Time survey ended shortly after 9am

Site	Time Count began	Pinniped Species	Total Number of Individuals
400 meters North and South of the detonation area	9:00 am	None	0
Waters immediately adjacent to the site	9:00 am	None	0

Post-Fireworks Injured or Dead Wildlife Survey Form
Cambria Independence Day Fireworks

Observer Terry Farrell Date 07/05/2013 Time began 8:00 am Tidal height 1.48 @ 10:07am

Marine Mammal Species	No. of Individuals	Alive? Y or N	Condition of Animal or Carcass	Location	Photos? Y or N
None	0	n/a	n/a	Shamel Park Beach	n/a

Comments:

Marine Mammal Survey Form
Pacific Grove Feast of Lanterns Fireworks

Observer Jonathan Dale

Date 07/25/2014

Time survey began 5:00 pm

Location Fountain Ave / Ocean Ave Tidal height low/ rising

Time survey ended 6:00pm

Site	Time Count began	Pinniped Species	Total Number of Individuals
400 meters North and South of the detonation area	5:00 pm	Harbor seal	2
		Sea otter	3

Comments:

All animals observed in water.

Post-Fireworks Injured or Dead Wildlife Survey Form
Pacific Grove Feast of Lanterns Fireworks

Observer Jonathan Dale

Date 07/27/2014

Time 12:00pm

Tidal height high

Marine Mammal Species	No. of Individuals	Alive? Y or N	Condition of Animal or Carcass	Location	Photos? Y or N
0	0				

Comments:

No injured or dead animals observed.

Marine Mammal Survey Form
 Santa Cruz Wharf's 100th Anniversary Fireworks

Observer Jon Bombaci

Date 10/03/2014

Time survey began 10:00am

Location Main, Seabrightbeach, SC Wharf Tidal height 2.5

Time survey ended 12:00pm

Site	Time Count began	Pinniped Species	Total Number of Individuals
400 meters North and South of the detonation area	10:00 am	Harbor Seal	e
		Sea Lion	130
		Sea otter	1

Comments:

Count was taken at AM low tide to facilitate more accurate count of hauled out animals

Post-Fireworks Injured or Dead Wildlife Survey Form
 Santa Cruz Wharf's 100th Anniversary Fireworks

Observer Jon Bombaci

Date 10/05/2014

Time 7:00am

Tidal height 1.5

Marine Mammal Species	No. of Individuals	Alive? Y or N	Condition of Animal or Carcass	Location	Photos? Y or N
0	0				

Comments:

Marine Mammal Survey Form
 Monte Foundation Fundraiser Fireworks

Observer Jon Toal Date 10/10/2014 Time survey began 5:10pm

Location Capitola Beach Tidal height +0.33 to -0.44 Time survey ended 6:25 pm

Site	Time Count began	Pinniped Species	Total Number of Individuals
400 meters North and South of the detonation area	5:15pm	Sea Otter	7
		Harbor Seal	1
		Dead Harbor Seal (pre-event)	1

Comments:

Post-Fireworks Injured or Dead Wildlife Survey Form
 Monte Foundation Fireworks

Observer Jon Toal Date 10/12/2014 Time 9:56am Tidal height 3.28

Marine Mammal Species	No. of Individuals	Alive? Y or N	Condition of Animal or Carcass	Location	Photos? Y or N
0	0				

Comments: