



INCIDENTAL HARASSMENT AUTHORIZATION

The Bureau of Land Management (BLM) 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 incidentally harass marine mammals, under the following conditions:

1. This incidental harassment authorization (IHA) is valid from June 1, 2023 through October 1, 2023.
2. This IHA authorizes take incidental to construction activities, as specified in the BLM's IHA application, associated with Phase 2 of the Punta Gorda Lighthouse Stabilization Project in Humboldt County, California.
3. General Conditions
 - (a) A copy of this IHA must be in the possession of the Holder of the Authorization (Holder), its designees, lead protected species observers (PSOs), and work crew personnel operating under the authority of this IHA.
 - (b) The incidental taking of marine mammals, by Level B harassment only, is limited to the following species and authorized take numbers:
 - (i) Northern elephant seal (*Mirounga angustirostris*), 6,393;
 - (ii) Pacific harbor seals (*Phoca vitulina richardii*), 10,663
 - (iii) California sea lions (*Zalophus californianus*), 73
 - (iv) Steller sea lions (*Eumetopias jubatus*), 30
 - (c) The taking by Level A harassment, serious injury or death of any of the species listed in 3(b) or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA. Any taking exceeding the authorized amounts listed in 3(b) is prohibited and may result in the modification, suspension, or revocation of this IHA.
 - (d) The Holder must ensure that construction supervisors and crews, the monitoring team, and relevant BLM staff are trained prior to the start of construction activity subject to this IHA, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work.
4. Mitigation Requirements

The Holder of this Authorization is required to implement the following mitigation measures:

- (a) At least one trained PSO must travel to and from the construction site each day with the work crew to serve as lead monitor and record incidental take;



- (b) To the extent possible, the Holder must minimize the daily number of vehicle trips between the project area and the construction staging area;
- (c) All personnel and vehicles must maintain a 20-meter (m) minimum separation distance from all observed marine mammals;
- (d) If multiple vehicles are traveling to the work site, they must travel in a group such that animals are not potentially harassed more than once while the vehicles pass;
- (e) All helicopters associated with the project must slowly approach the work site and allow all marine mammals present to flush into the water before setting any hauled materials down on the ground;
- (f) The Holder must erect a fence to keep marine mammals from entering the construction area;
- (g) All personnel must cease or delay visits to the project site if a species for which the number of takes that have been authorized for a species in condition 3(b) are met, or if a species for which take is not authorized is observed; and

5. Monitoring

The holder of this Authorization is required to implement the following monitoring measures:

- (a) At least one NMFS-approved PSO must travel ahead of the work crew to and from the construction site and monitor for marine mammals along the access route;
- (b) At least one NMFS-approved PSO must monitor the beach surrounding the Punta Gorda Lighthouse 10 minutes before work commences and during all construction activities;
- (c) PSOs must record the following information for each day of work at the Punta Gorda Lighthouse:
 - (i) Date, time, and access route of each visit to the work site;
 - (ii) Information on the weather, including tidal state and estimated horizontal visibility;
 - (iii) Composition of marine mammals observed, such as species, sex, and life history stage (*e.g.*, adult, sub-adult, pup) and distances to construction activities;
 - (iv) The numbers (by species) of marine mammals observed during the activities;

- (v) Estimated number of marine mammals (by species) that may have been harassed during the activities according to a three-point scale of intensity;
 1. Level 1 (Alert): Seal head orientation or brief movement 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, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length;
 2. Level 2 (Movement): Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees;
 3. Level 3 (Flush): All retreats (flushes) to the water;
 4. Observations of disturbance Level 2 and Level 3 must be recorded as takes;
- (vi) Location of marine mammals observed during construction activities;
- (vii) Behavioral responses or modifications of behaviors that may be attributed to the specific activities, a description of the specific activities occurring during that time (*e.g.*, pedestrian, vehicle, or helicopter approach), and any mitigation action taken; and
- (viii) Note the presence of any offshore predators (date, time, number, and species) and any relevant observations.

6. Reporting

The holder of this Authorization is required to:

- (a) Report observations of the following to the NMFS West Coast Regional Office (562-980-3264):
 - (i) Mark or tag-bearing pinnipeds or carcasses; and
 - (ii) Unusual behaviors, distributions, or numbers of pinnipeds.
- (b) Submit a draft report on all monitoring conducted under the IHA within ninety calendar days of the completion of marine mammal monitoring, or sixty days prior to the issuance of any subsequent IHA for this project, whichever comes first. A final report must be prepared and submitted within thirty days following resolution of comments on the draft report from NMFS. In addition to raw sightings data, the report must include:
 - (i) Dates and times (begin and end) of all marine mammal monitoring;

- (ii) Construction activities occurring during each daily observation period such as supply transport via ground and/or helicopter, fence installation, trail maintenance, and demolition etc.;
- (iii) PSO locations during marine mammal monitoring; and
- (iv) Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly, and any relevant weather conditions including fog, sun glare, and estimated observable distance.

Prior to the commencement of activities, on each subsequent hour during construction, and before finishing construction each day, PSOs would record and report the following marine mammal observations:

- (v) Name of the PSO who completed the observations and PSO location and activity at the time of recording;
- (vi) Time of observation;
- (vii) The numbers (by species) of marine mammals observed during the activities, by age and sex, if possible, and distances to construction activities. Data may be reported according to groups in cases where animals are concentrated together;
- (viii) The behavioral response of marine mammals (by species, age, and sex as possible) to construction activities based on the 3 point scale (Table 2), including distances to construction activities and descriptions of construction activities occurring at the time of observance. When pinnipeds are concentrated in groups, closest distance of the group to construction activities may be reported;
- (ix) 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.

Separately, the same information should be recorded and reported each time Level 2 and Level 3 harassment of marine mammals is observed.

- (c) Reporting injured or dead marine mammals:
 - (i) In the event that the Holder discovers an injured or dead marine mammal, the Holder must report the incident to the NMFS Office of Protected Resources (OPR) (*PR.ITP.MonitoringReports@noaa.gov*) and to the West Coast Regional Stranding Coordinator (1-866-767-6114) as soon as feasible. If the death or injury were clearly caused by the specified activity, the Holder must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine

what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The Holder must not resume their activities until notified NMFS. The report must include the following information:

1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
 2. Species identification (if known) or description of the animal(s) involved;
 3. Condition of the animal(s) (including carcass condition if the animal is dead);
 4. Observed behaviors of the animal(s), if alive;
 5. If available, photographs or video footage of the animal(s); and
 6. General circumstances under which the animal was discovered.
7. This Authorization may be modified, suspended or revoked if the holder fails to abide by the conditions prescribed herein (including, but not limited to, failure to comply with monitoring or reporting requirements), or if NMFS determines: (1) the authorized taking is likely to have or is having more than a negligible impact on the species or stocks of affected marine mammals, or (2) the prescribed measures are likely not or are not effecting the least practicable adverse impact on the affected species or stocks and their habitat.
8. Renewals
On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities are planned or (2) the specified activities would not be completed by the time this IHA expires and a Renewal would allow for completion of the activities, provided all of the following conditions are met:
- (a) A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (the Renewal IHA expiration date cannot extend beyond one year from expiration of this IHA).
 - (b) The request for renewal must include the following:
 - (i) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed for this IHA, are a subset of the activities, or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, mitigation and

monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

- (ii) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- (c) Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings made in support of this IHA remain valid.

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For Kimberly Damon-Randall
Director, Office of Protected Resources,
National Marine Fisheries Service.

Date