

INCIDENTAL HARASSMENT AUTHORIZATION

The St. George Reef Lighthouse Preservation Society (Society) 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 conducting helicopter operations and maintenance and restoration activities on the St. George Reef Lighthouse Station (Station), when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid for a period of one year from the date of issuance.
2. This IHA is valid only for activities associated with helicopter operations, lighthouse restoration and maintenance activities, and human presence on the Station on Northwest Seal Rock (NWSR) (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 NWSR;
 - (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;
 - (d) Emergency repair events (*e.g.*, the failure of the PATON beacon light) outside of the three-day work session; and
 - (e) Human presence.
3. General Conditions
 - (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 richardii*), the eastern Distinct Population Segment of Steller sea lion (*Eumetopias jubatus*), and the northern fur seal (*Callorhinus ursinus*).
 - (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). The authorized take numbers are shown below:
 - (i) 2,880 California sea lion;

- (ii) 36 Pacific harbor seal;
 - (iii) 2,790 Steller sea lion; and
 - (iv) 18 northern fur seal.
- (d) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in condition 3(b) of the Authorization or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.
- (e) The Society shall conduct briefings between construction supervisors and crews, marine mammal monitoring team, and Society staff prior to the start of all helicopter flights, restoration and maintenance work, and public tours, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.
- (f) Except in the event of an emergency repair event, the Society may not conduct activities between the dates of May 1, 2019 and October 31, 2019.
- (i) In the case of an emergency repair event (*i.e.*, failure of the PATON beacon light) between May 1, 2019 through October 31, 2019, the society shall consult with the Assistant Regional Administrator, West Coast Region, NMFS, to best determine the timing of an emergency repair trip to the Station.
 - (ii) The West Coast Region NMFS marine mammal biologist will make a decision regarding when the Society can schedule helicopter trips to the NWSR during the emergency repair time window and shall ensure that such operations will have the least practicable adverse impact to marine mammals.
 - (iii) The Assistant Regional Administrator, West Coast 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. Mitigation Measures

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

- (a) Conduct restoration and maintenance activities at the Station at a maximum of one session per month. Each restoration session shall be no more than three days in duration. Maintenance of the light beacon shall occur only in conjunction with the monthly restoration activities.
- (b) Ensure that helicopter approach patterns to the NWSR shall be such that the timing techniques are least disturbing to marine mammals. To the extent possible,

the helicopter should approach NWSR when the tide is too high for marine mammals to haul out on NWSR.

- (c) Avoid rapid and direct approaches by the helicopter to the station by approaching NWSR 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 an 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 the 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, shall avoid making unnecessary noise while on NWSR 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.
- (f) The Society shall establish monitoring protocols as described below.

5. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring during helicopter operations. Monitoring and reporting shall be conducted in accordance with the Monitoring Plan. The Society is required to:

- (a) Have a NMFS-approved biologist present on the first flight of each day of activities.
- (b) Record the date, time, and location (or closest point of ingress) of each visit to the NWSR.
- (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 the 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 NWSR.
 - (i) The photographer shall complete a photographic survey of NWSR using the same helicopter that transports Society personnel to the island during restoration trips.
 - (ii) 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 NWSR.
 - (iii) The Society and/or its designees shall forward the photographs to a biologist capable of discerning marine mammal species. The Society shall provide the data to us 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 shall make available the original photographs to NMFS or to other marine mammal experts for inspection and further analysis.

6. Reporting

The holder of this Authorization is required to:

- (a) Report observations of unusual behaviors, numbers, or distributions of pinnipeds, or of tag-bearing carcasses, to NMFS Southwest Fisheries Science Center (858-546-7000).
- (b) Submit a draft report on all monitoring conducted under the IHA within ninety calendar days of the completion of lighthouse maintenance and preservation work in April. This 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.
- (c) Reporting injured or dead marine mammals:
 - (i) In the unanticipated 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, the Society shall immediately cease the specified activities and report the incident to the Office of Protected Resources (301-427-8401), NMFS and the Assistant West Coast Regional Stranding Coordinator (562-980-3264), 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 and active sound source use 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 the Society to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Society may not resume their activities until notified by NMFS.

- (ii) In the event that the Society discovers an injured or dead marine mammal, and the lead observer determines 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), the Society shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS.

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

- (iii) In the event that the Society discovers an injured or dead marine mammal, and the lead observer 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 shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. The Society shall

provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.
8. Renewals - On a case-by-case basis, NMFS may issue a one-year IHA renewal with an expedited public comment period (15 days) when 1) another year of identical or nearly identical activities as described in the Specified Activities section is planned or 2) the activities would not be completed by the time the IHA expires and a second IHA would allow for completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:
 - (a) A request for renewal is received no later than 60 days prior to expiration of the current IHA.
 - (b) The request for renewal must include the following:
 - (i) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements.
 - (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 remain the same and appropriate, and the original findings remain valid.

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

Date