

## DRAFT INCIDENTAL HARASSMENT AUTHORIZATION

Point Blue Conservation Science (Point Blue) 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 seabird research activities in California, when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid from the date of issuance through July 6, 2020.
2. This IHA is valid only for specified activities associated with seabird research and resupply activities located on or near Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in California.
3. General Conditions
  - (a) A copy of this IHA must be in the possession of Point Blue, its designees, 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 associated authorized take numbers as shown below:
    - (i) 304 harbor seal; (*Phoca vitulina richardii*);
    - (ii) 32,623 California sea lions (*Zalophus californianus*);
    - (iii) 43 Steller sea lions (*Eumetopias jubatus*); and
    - (iv) 239 northern elephant seals (*Mirounga angustirostris*).
  - (c) 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.

### 4. Mitigation Measures

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

- (a) Researchers must slowly approach beaches for boat landings to avoid stampede, provide animals opportunity to enter water, and avoid vessel strikes.

- (b) Researchers must observe a site from a distance, using binoculars if necessary, to detect any marine mammals prior to approach to determine if mitigation is required (*i.e.*, site surveys must not be conducted if fur seals are present; if other pinnipeds are present, researchers must approach with caution, walking slowly, quietly, and close to the ground to avoid surprising any hauled-out individuals and to reduce flushing/stampeding of individuals).
- (c) Researchers must avoid pinnipeds along access ways to sites by locating and taking a different access way. Researchers must keep a safe distance from and not approach any marine mammal while conducting research, unless it is absolutely necessary to flush a marine mammal in order to continue conducting research (*i.e.*, if a site cannot be accessed or sampled due to the presence of pinnipeds).
- (d) Researchers must cease or delay visits if the number of takes that have been granted for a species are met, if a species for which takes were not granted is observed (*e.g.*, northern fur seals and Guadalupe fur seals), or if pups are present at a site.
- (e) Researchers must monitor for offshore predators and must not approach hauled-out pinnipeds if great white sharks (*Carcharodon carcharias*) or killer whales (*Orcinus orca*) are observed. If Point Blue and/or its designees see pinniped predators in the area, they must not disturb the pinnipeds until the area is free of predators.
- (f) Researchers must keep voices hushed and bodies low to the ground in the visual presence of pinnipeds.
- (g) Researchers must conduct seabird observations at North Landing on Southeast Farallon Island in an observation blind, shielded from the view of hauled out pinnipeds.
- (h) Researchers must crawl slowly to access seabird nest boxes on Año Nuevo Island if pinnipeds are within view.
- (i) Researchers must coordinate research visits to intertidal areas of Southeast Farallon Island (to reduce potential take) and coordinate research goals for Año Nuevo Island to minimize the number of trips to the island.
- (j) Beach landings shall be required on Año Nuevo Island and must only occur after any pinnipeds that might be present on the landing beach have entered the water.

## 5. Monitoring

The holder of this IHA is required to:

- (a) Record the date, time, and location (or closest point of ingress) of each visit to the research site.
- (b) Collect the following information for each visit:
  - (i) Composition of the marine mammals sighted, such as species, gender and life history stage (*e.g.*, adult, sub-adult, pup);
  - (ii) Information on the numbers (by species) of marine mammals observed during the activities;
  - (iii) Estimated number of marine mammals (by species) that may have been harassed during the activities;
  - (iv) Behavioral responses or modifications of behaviors that may be attributed to the specific activities and a description of the specific activities occurring during that time (*e.g.*, pedestrian approach, vessel approach); and
  - (v) Information on the weather, including the tidal state and horizontal visibility.
- (c) Researchers must record marine mammal disturbances according to a three-point scale of intensity including:
  - (i) Level 1: 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 au-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length "alert";
  - (ii) Level 2: Movements in response to 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, "movement"; and
  - (iii) Level 3: All retreats (flushes) to the water, "flush".
  - (iv) Observations of disturbance Level 2 and Level 3 must be recorded as takes.
- (d) If applicable, note the presence of any offshore predators (date, time, number, and species).
- (e) The lead biologist must serve as an observer to record incidental take.

## 6. Reporting

The holder of this Authorization is required to:

- (a) Report observations of the following to the West Coast Regional Office (562-980-3264):
  - (i) Marked or tag-bearing pinnipeds or carcasses; or
  - (ii) Unusual behaviors, distributions or numbers of pinnipeds.
- (b) Submit a draft monitoring report to NMFS Office of Protected Resources by April 1, 2020 covering the period of January 1, 2019 through December 31, 2019. A final report shall be prepared and submitted within 30 days following resolution of any comments on the draft report from NMFS.
- (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, Point Blue must immediately cease the specified activities and report the incident to the Permits and Conservation Division, Office of Protected Resources (301-427-8401) and the West Coast Regional Stranding Coordinator (562-980-3264). 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; L  
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    6. Fate of the animal(s); and
    7. Photographs or video footage of the animal(s).
    8. Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with Point Blue to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA

compliance. Point Blue may not resume their activities until notified by NMFS.

- (ii) In the event that Point Blue 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 modest state of decomposition), Point Blue must immediately report the incident to the NMFS contacts listed in 6(c)(i). The report must include the same information identified in 6(c)(i). Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Point Blue to determine whether additional mitigation measures or modifications to the activities are appropriate.
- (iii) In the event that Point Blue 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), Point Blue must report the incident to the NMFS contacts listed in 6(c)(i). Point Blue shall provide photographs, 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.

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

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