



LETTER OF AUTHORIZATION

Point Blue Conservation Science (Point Blue) is hereby authorized under section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(A)), to harass marine mammals incidental to seabird research activities in California, subject to the provisions of the MMPA and the Regulations Governing the Taking of Marine Mammals Incidental to Seabird Research Activities in Central California (50 CFR Part 217, Subpart M) (Regulations).

1. This Letter of Authorization (LOA) is valid for a period of five years from July 1, 2021 through June 30, 2026.
2. This LOA 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, described in the preamble to the Regulations.
3. General Conditions
 - (a) A copy of this LOA must be in the possession of Point Blue, its designees, and work crew personnel operating under the authority of this LOA.
 - (b) The species authorized for taking are the harbor seal (*Phoca vitulina richardii*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), northern elephant seal (*Mirounga angustirostris*), northern fur seal (*Callorhinus ursinus*), and Guadalupe fur seal (*Arctocephalus philippii townsendi*).
 - (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 for numbers of take authorized.
 - (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 LOA.

4. Mitigation Measures

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

- (a) All persons must slowly approach beaches for boat landings to avoid stampede, provide animals opportunity to enter the water, and avoid vessel strikes.
- (b) All persons 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.*, if 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) All persons must avoid pinnipeds along access ways to sites by locating and taking a different access way. All persons 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) All persons must avoid visits to sites when pups are present, if the number of takes that have been authorized are met, or if species for which authorization has not been granted are present.
- (e) All persons 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) All persons must keep voices hushed and bodies low to the ground in the visual presence of pinnipeds.
- (g) All persons must conduct seabird observations at North Landing on Southeast Farallon Island in an observation blind, shielded from the view of hauled out pinnipeds.
- (h) All persons 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 activities for Año Nuevo Island to minimize the number of trips to the island.
- (j) Beach landings on Año Nuevo Island must only occur after any pinnipeds that might be present on the landing beach have entered the water.

5. Monitoring

The holder of this LOA 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, including species, gender, and life history stage (*e.g.*, adult, sub-adult, pup);
 - (ii) The number of individual pinnipeds (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, based on 3(c) below;
 - (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) Record marine mammal disturbances under condition 5(b)(iii) according to a three-point scale of intensity (see Table 2). 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 NMFS West Coast Regional Office (562-980-3264):
 - (i) Marked or tag-bearing pinnipeds or carcasses; and
 - (ii) Unusual behaviors, distributions or numbers of pinnipeds.
- (b) Submit a draft annual report on all monitoring conducted under the LOA, covering the period of January 1 through December 31 of each year, to NMFS Office of Protected Resources by April 1 of each year. A final report must be prepared and submitted within 30 days following resolution of any comments on the draft report from NMFS. If no comments are received from NMFS on the draft report, the draft report will be considered the final report. In addition to raw sightings data, the report must include all monitoring information required to be collected under conditions 5(a) – (d) above. The report must also include a description of the implementation and effectiveness of the monitoring and

mitigation measures of the LOA and full documentation of methods, results, and interpretation pertaining to all monitoring.

- (c) Submit a draft final report to NMFS Office of Protected Resources within 60 days after the conclusion of the fifth year of activities. The final annual report after year five may be included as part of the final report. The final report must include the informational elements described above, at minimum. A final report must be prepared and submitted within 30 days following resolution of any comments on the draft report from NMFS. If no comments are received from NMFS on the draft report, the draft report will be considered the final report.
- (d) 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 LOA, 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 NMFS Permits and Conservation Division, Office of Protected Resources (301-427-8401) and the NMFS West Coast Regional Stranding Coordinator (562-980-3264).
 - 1. The report must include the following information:
 - A. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
 - B. Species identification (if known) or description of the animal(s) involved;
 - C. Condition of the animal(s) (including carcass condition if the animal is dead);
 - D. Observed behaviors of the animal(s), if alive;
 - E. If available, photographs or video footage of the animal(s); and
 - F. General circumstances under which the animal was discovered.
 - 2. 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 biologist 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), Point Blue must immediately report the incident to the NMFS contacts listed in 6(d)(i). The report must include the same information identified in condition 6(d)(i)(1). 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(d)(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.

MARZIN.CATHERIN
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Catherine Marzin,
Acting Director, Office of Protected Resources,
National Marine Fisheries Service.

Date

Table 1. Authorized Annual Take Numbers by Species

Species	Authorized annual take by Level B harassment
California sea lion	40,059
Northern elephant seal	239
Pacific harbor seal	321
Steller sea lion	72
Northern fur seal	20
Guadalupe fur seal	5

Table 2. Levels of Pinniped Behavioral Disturbance

Level	Type of Response	Definition
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*	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*	Flush	All retreats (flushes) to the water.