



Incidental Harassment Authorization

The United States Fish and Wildlife Service, Eastern Massachusetts National Wildlife Refuge Complex (USFWS) 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 research activities in the Eastern Massachusetts National Wildlife Refuge Complex (Complex).

1. This Incidental Harassment Authorization (IHA) is valid from April 1, 2017 through March 31, 2018.

2. This IHA is valid only for activities associated with research activities and human presence (See items 2(a) – (d) in the Complex.

- a. The use of a small vessel to transit to Nomans NWR;
- b. Research activities (*e.g.*, shorebird and seabird nest monitoring and research; Roseate Tern (*Sterna dougallii*) staging count and resighting; Red knot (*Calidris canutus*) stopover study; Northeastern beach tiger beetle (*Cicindela dorsalis*) census; and coastal shoreline change survey) conducted at the Complex;
- c. Human presence

3. General Conditions

- a. A copy of this IHA must be in the possession of the USFWS, its designees, and work crew personnel operating under the authority of this IHA.

b. The species authorized for taking are the gray seal (*Halichoerus grypus grypus*) and the harbor seal (*Phoca vitulina concolor*).

c. The taking, by Level B harassment only, is limited to the species listed in condition 3(b). Authorized take: gray seal (39,280); and harbor seal (1,964).

d. The taking by Level A harassment, injury or death of any of the species listed in item 3(b) of the IHA or the taking by harassment, injury or death 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 IHA is required to implement the following mitigation measures:

a. Conduct research activities in the Complex between April 1, 2017 and November 30, 2017.

b. Ensure that vessel approaches to Nomans NWR will be such that the techniques are least disturbing to marine mammals. To the extent possible, the vessel should conduct a slow and controlled approach to the island as far away as possible from haul outs. USFWS staff will avoid or proceed cautiously when operating boats in the direct path of swimming seals that may be present in the area.

c. Provide instructions to USFWS staff and team members, and if applicable, to tourists, on appropriate conduct when in the vicinity of hauled-out marine mammals. The USFWS research teams will maintain a quiet working atmosphere by avoiding making unnecessary noise and by using hushed voices while near hauled out seals; will remain at least 50 m from seals when possible; and will choose pathways to study sites that will minimize disturbance to seals.

d. Ensure cannon nets will not be used closer than 100 m from seals.

e. Scan the waters surrounding the haul outs for predators (*e.g.*, sharks) before USFWS staff flush seals from the haul outs, and if predators are detected, USFWS staff will not flush any animals.

f. If pinniped mothers and pups are observed near the activity sites, USFWS staff will avoid disturbing them by rescheduling surveys, if possible, or by refraining from activities that may cause disturbance (*e.g.* large movements or flushing) to mothers and pups.

5. Monitoring

The holder of this IHA is required to:

- a. Monitor seals when research activities are conducted in the presence of marine mammals.
- b. Record the date, time, and location (or closest point of ingress) of each of the research activities in the presence of marine mammals.
- c. Collect the following information for each visit:
 - i. Information on the numbers (by species) of marine mammals observed during the activities, by age and sex, if possible;
 - ii. The estimated number of marine mammals (by species) that may have been harassed during the activities based on the 3-point disturbance scale;
 - iii. Any behavioral responses or modifications of behaviors that may be attributed to the specific activities (*e.g.*, flushing into water, becoming alert and moving, rafting);
 - iv. The date, location, and start and end times of the event; and
 - v. Information on the weather, including the tidal state and horizontal visibility.
 - vi. Observations of sick, injured, or entangled marine mammals, and any tagged, marked, or unusual marine mammals. Photographs will be taken when possible.

6. Reporting Requirements

Final Report: The holder of this IHA is required to submit a draft monitoring report to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East West Highway, 13th Floor, Silver Spring, MD 20910 no later than 90 days after the expiration of this authorization. The report must contain the following information:

- a. A summary of the dates, times, and weather during all research activities.
- b. Species, number, location, and behavior of any marine mammals, observed throughout all monitoring activities.
- c. 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 research activities.
- d. 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.

7. Reporting Prohibited Take

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury (Level A harassment), serious injury, or mortality (*e.g.*, stampede, etc.), the USFWS shall immediately cease the specified activities and immediately report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8496 or laura.mccue@noaa.gov and the Greater Atlantic Regional Stranding Coordinator at 978-282-8478.

The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;

- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

The USFWS shall not resume its activities until we are able to review the circumstances of the prohibited take. We shall work with the USFWS to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The USFWS may not resume their activities until notified by us via letter, email, or telephone.

8. Reporting an Injured or Dead Marine Mammal with an Unknown Cause of Death

In the event that the USFWS discovers an injured or dead marine mammal, and the observer determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.*, in less than a moderate state of decomposition as we describe in the next paragraph), the USFWS will immediately report the incident to the Permits and Conservation Division, Office of Protected Resources at 301-427-8496 or laura.mccue@noaa.gov, and the Greater Atlantic Regional Stranding Coordinator at 978-282-8478. The report must include the same information identified in the paragraph above this section. Activities may continue while we

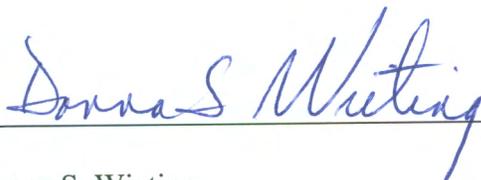
review the circumstances of the incident. We will work with the USFWS to determine whether modifications in the activities are appropriate.

The report must include the same information identified in the paragraph above. Activities may continue while we review the circumstances of the incident. We will work with the USFWS to determine whether modifications in the activities are appropriate.

9. Reporting an Injured or Dead Marine Mammal not Related to the USFWS's Activities:

In the event that the USFWS discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the USFWS will report the incident to the Permits and Conservation Division, Office of Protected Resources at 301-427-8496 or laura.mccue@noaa.gov, and the Greater Atlantic Regional Stranding Coordinator at 978-282-8478, within 24 hours of the discovery. The USFWS's staff will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us.

10. This IHA 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 a more than a negligible impact on the species or stock of affected marine mammals.



Donna S. Wieting

Director, Office of Protected Resources,

National Marine Fisheries Service.

FEB 24 2017

Date