UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Letter of Authorization

The National Park Service (NPS) 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 take marine mammals incidental to research and monitoring activities in Southern Alaska, subject to the provisions of the MMPA and the Regulations Governing the Taking of Marine Mammals Incidental to Research and Monitoring in Southern Alaska National Parks (50 CFR Part 217, Subpart C) (Regulations).

1. This Letter of Authorization (LOA) is valid from March 7, 2019, through February 29, 2024.

2. This LOA is valid only for take incidental to the NPS research and monitoring activities in Southern Alaska, including Glacier Bay National Park (GLBA NP), described in the preamble to the Regulations.

3. General Conditions

   (a) A copy of this LOA must be in the possession of the NPS, its designees, and additional survey crew personnel operating under the authority of this LOA.

   (b) The species authorized for taking is the harbor seal (*Phoca vitulina*).

   (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 (attached) for numbers of take authorized.

   (d) The taking by injury (Level A harassment), serious injury, or death of the species listed in condition 3(b) of the LOA or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this LOA.

   (e) Before all surveys, the lead NPS biologist must instruct additional survey crew on appropriate conduct when in the vicinity of hauled-out marine mammals. This training must brief survey personnel on marine mammals (inclusive of identification as needed, *e.g.*, neonates).

   (f) Under this LOA, on an annual basis NPS researchers may conduct a maximum of five days of gull monitoring at each of the following locations: South Marble Island, Boulder Island, Lone Island, Geikie Rock, Flapjack Island, and Tlingit Point Islet.

   (g) Under this LOA, on an annual basis NPS researchers may conduct a maximum of three days of activities related to climate monitoring on Lone Island.

4. Mitigation Measures

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

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(a) NPS is required to conduct pre-survey monitoring before deciding to access a study site.

(b) Prior to deciding to land onshore, NPS must use high-powered binoculars before approaching at distances greater than 500 m to determine and document the number, species, and location of hauled-out marine mammals.

(c) During pre-survey monitoring, vessels must maintain a distance of 100 to 500 m from the shoreline.

(d) If a harbor seal pup less than one week of age (neonate) is present within or near a study site or a path to a study site, NPS must not access the site nor conduct the study at that time. In addition, if during the activity, a pup less than one week of age is observed, all research activities must conclude for the day.

(e) NPS must maintain a distance of at least 100 m from any Steller sea lion.

(f) NPS must perform controlled and slow ingress to islands where harbor seals are present.

(g) NPS must monitor for offshore predators at the study sites during pre-survey monitoring and must avoid research activities when killer whales (*Orcinus orca*) or other predators are observed within a 1 mile radius.

(h) NPS must maintain a quiet working atmosphere, avoid loud noises, and must used hushed voices in the presence of hauled-out pinnipeds.

(i) NPS must avoid interaction with any marine mammal species for which take is not authorized (or any species for which authorized take numbers have been met). For humpback, killer, and beluga whales, NPS must avoid operation of a motor vessel within 1/4 nautical mile of these cetaceans. If accidentally positioned within 1/4 nautical mile of these cetaceans, NPS must slow the vessel speed to 10 knots or less and maintain course away from the marine mammal until at least 1/4 nautical mile of separation exists.

5. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring during research and monitoring activities.

(a) NPS must collect species counts of marine mammals (including numbers of adults/juveniles) observed during its research and monitoring activities as well as the number of disturbances, by species and age, according to a three-point scale of intensity, with a Level 2 (Movement greater than twice the animal's body length) and Level 3 (Flush) reaction recorded as a take by Level B harassment (Table 2).

(b) NPS must record information on weather conditions, including tidal state and horizontal visibility.

(c) NPS must note the presence of any offshore predators including information on date, time, number, and species.

(d) NPS observers must note unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel; marked or tag-bearing pinnipeds or carcasses, allowing transmittal of the information to appropriate agencies; and any rare or unusual species of marine mammal for agency follow-up. The observer must report that information to NMFS's Alaska Fisheries Science Center and/or the Alaska Department of Fish and Game Marine Mammal Program.

6. Reporting

The holder of this Authorization is required to report as follows:

(a) NPS must submit an annual draft report on all monitoring conducted under the LOA within ninety days following the end of a given year. NPS must provide a final report within thirty days following resolution of comments on the draft report from NMFS. This report must include:

(i) A summary and table of the dates, times, and weather during all research 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 exposed to acoustic or visual stimuli associated with the research activities; and

(iv) A description of the implementation and effectiveness of the monitoring and mitigation measures of the Authorization and full documentation of methods, results, and interpretation pertaining to all monitoring.

(b) NPS must submit a comprehensive 5-year report covering all activities under the Regulations (including GLBA NP and Southwest Alaska Monitoring Network activities) at least 90 days prior to expiration of the Regulations if new incidental take authorizations are sought or 90 days after expiration of the Regulations.

(c) Reporting injured or dead marine mammals:

(i) Discovery of injured or dead marine mammal – In the event that personnel involved in the survey activities covered by the authorization discover an injured or dead marine mammal, the LOA-holder shall report the incident to the Office of Protected Resources (OPR) (301-427-8401), NMFS and to the Alaska Regional Stranding Coordinator (907-586-7209,

kate.savage@noaa.gov) as soon as feasible. 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.

(ii) In the event that NPS 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), NPS must immediately report the incident to the Office of Protected Resources, NMFS, and the Alaska Stranding Coordinator, NMFS. The report must include the same information identified in 6(c)(i) of this LOA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with NPS to determine whether additional mitigation measures or modifications to the activities are appropriate.

(iii) In the event that NPS discovers an injured or dead marine mammal and determines that the injury or death is not associated with or related to the specified activities (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), NPS must report the incident to OPR and the Alaska Stranding Coordinator, NMFS, within 24 hours of the discovery. NPS must provide photographs or video footage or other documentation of the stranded animal sighting to NMFS. NPS can continue their research activities.

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.

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

MAR 0 8 2019

Date

Table 1. Authorized take numbers, by species

Species	Authorized Take (Level B)[1]
Harbor seal (*Phoca vitulina*)	265

[1] These takes may be by Level B harassment only. The number represents the annual take authorization during the period of validity for this LOA.

Table 2. Three-Point Scale (Seal response to 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. Alerts would be recorded, but not counted as a 'take'.
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. These movements would be recorded and counted as a 'take'.
3	Flush	All retreats (flushes) to the water. Flushing into the water would be recorded and counted as a 'take'.