



Letter of Authorization

The Monterey Bay National Marine Sanctuary (MBNMS), is hereby authorized under section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA) to take small numbers of marine mammals incidental to commercial fireworks displays in 4 locations within the Monterey Bay National Marine Sanctuary (Sanctuary) subject to the provisions of the MMPA, the Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities (50 CFR Part 217, Subpart B) (the Regulations).

1. This Authorization is valid from June 29, 2017 through June 28, 2022.
2. This Authorization is valid only for take of marine mammals incidental to activities associated with a maximum of 10 fireworks displays annually
3. MBNMS is hereby authorized to incidentally take, by Level B harassment only: 3983 California sea lion (*Eumatopias jubatus*) and 570 harbor seals (*Phoca vitulina*)
4. Taking of this species that exceeds the number and/or intensity indicated in 3 or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.
5. Mitigation Requirements

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

- (1) Limiting the location of the authorized fireworks displays to the four specifically designated areas at Half Moon Bay, the Santa Cruz/Soquel area, the northeastern Monterey Breakwater, and Cambria (Santa Rosa Creek);
- (2) Limiting the frequency of authorized fireworks displays to no more than an average frequency of less than or equal to once every two months in each of the four prescribed areas;
- (3) Limiting the duration of authorized individual fireworks displays to no longer than 30 minutes each, with the exception of two longer shows per year across all four areas not to exceed 1 hour;



(4) Prohibiting fireworks displays at MBNMS between March 1 and June 30 of any year;
and

(5) Continuing to implement authorization requirements and general and special restrictions for each event, as determined by MBNMS. Standard requirements include, but are not limited to, the use of a ramp-up period, wherein salutes are not allowed in the first five minutes of the display; the removal of plastic and aluminum labels and wrappings from fireworks; and post-show reporting and cleanup. MBNMS shall continue to assess displays and restrict the number of aerial salute effects on a case-by-case basis, and shall implement general and special restrictions unique to each fireworks event as necessary.

6. Monitoring and Reporting

The Holder of this Authorization must implement the following monitoring measures:

(1) Counts of pinnipeds in the impact area prior to and after all displays. For the pre-event census, counts should be made as close to the start of the display as possible, with at least one conducted the day before the display and, if possible, another within 30 minutes of the fireworks display. For the post-census, counts should occur in conjunction with beach clean-ups the day following the fireworks display, and

(2) Reporting to NMFS of all marine mammal injury, serious injury, or mortality encountered during debris cleanup the morning after each fireworks display.

(b) Unless specified otherwise in the LOA, MBNMS must submit a draft annual monitoring report to the Director, Office of Protected Resources, NMFS, no later than 60 days after the conclusion of each calendar year. This report must contain:

(1) An estimate of the number of marine mammals disturbed by the authorized activities,

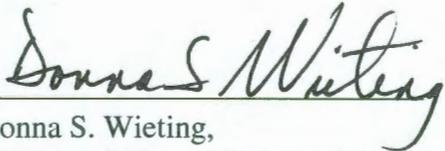
(2) Results of the monitoring required in § 217.16(a), and any additional information required by the LOA. A final annual monitoring report must be submitted to NMFS within 30 days after receiving comments from NMFS on the draft report. If no comments are received from NMFS, the draft report will be considered to be the final annual monitoring report.

(c) A draft comprehensive monitoring report on all marine mammal monitoring conducted during the period of these regulations must be submitted to the Director, Office of Protected Resources, NMFS at least 120 days prior to expiration of these regulations. A final comprehensive monitoring report must be submitted to the NMFS within 30 days after receiving comments from NMFS on the draft report. If no comments are received from NMFS, the draft report will be considered to be the final comprehensive monitoring report.

7. In the event that MBNMS discovers an injured or dead marine mammal, and the marine mammal 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), MBNMS shall immediately report the incident to the Office of Protected Resources, NMFS at (301) 427-8401 and the Southwest Regional Stranding Coordinator at (866) 767-6114. The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS would work with MBNMS to determine whether modifications in the activities are appropriate.
8. In the event that MBNMS 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), MBNMS shall report the incident to the Office of

Protected Resources, NMFS (301) 427-8401 and the Southwest Regional Stranding Coordinator at (866) 767-6114 within 24 hours of the discovery. MBNMS personnel shall provide photographs or video footage or other documentation of the stranded animal sighting to us. MBNMS can continue their survey activities while NMFS reviews the circumstances of the incident.

9. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines that the authorized taking is having a more than a negligible impact on the stock of affected marine mammals or is having an unmitigable adverse impact on the availability of the stock for subsistence uses.
10. A copy of this Authorization must be in the possession of each observer or group operating under the authority of this Letter of Authorization



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

JUN 29 2017

Date