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

LETTER OF AUTHORIZATION

The Sonoma County Water Agency (SCWA) 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 estuary management activities in Sonoma County, California, subject to the provisions of the MMPA and the Regulations Governing Taking of Marine Mammals Incidental to Russian River Estuary Management Activities (50 CFR Part 217, Subpart A) (Regulations).

1. This Letter of Authorization (LOA) is valid from April 21, 2017, through April 20, 2022.

2. This LOA is valid only for take incidental to the specified estuary management activities in Sonoma County, California, and described in the preamble to the Regulations.

3. General Conditions

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

   (b) SCWA is hereby authorized to incidentally take, by Level B harassment only, 4,692 harbor seals (*Phoca vitulina richardii*), 34 California sea lions (*Zalophus californianus californianus*), and 34 northern elephant seals (*Mirounga angustirostris*). These numbers represent the annual take authorization for five years.

   (c) Taking of these species that exceeds the numbers and/or intensity indicated in 3(b) or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this LOA.

   (d) If SCWA observes a pup that may be abandoned, it shall contact the National Marine Fisheries Service (NMFS) West Coast Regional Stranding Coordinator immediately (562-980-3230; Justin.Viezbicke@noaa.gov) and also report the incident to NMFS Office of Protected Resources (301-427-8425; Benjamin.Laws@noaa.gov) within 48 hours. Observers shall not approach or move the pup.

4. Mitigation Measures

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

   (a) SCWA crews shall cautiously approach the haul-out ahead of heavy equipment.

Printed on Recycled Paper

(b) SCWA staff shall avoid walking or driving equipment through the seal haul-out.

(c) Crews on foot shall make an effort to be seen by seals from a distance.

(d) During breaching events, all monitoring shall be conducted from the overlook on the bluff along Highway 1 adjacent to the haul-out.

(e) A water level management event may not occur for more than two consecutive days unless flooding threats cannot be controlled.

(f) Equipment shall be driven slowly on the beach and care will be taken to minimize the number of shut-downs and start-ups when the equipment is on the beach.

(g) All work shall be completed as efficiently as possible, with the smallest amount of heavy equipment possible.

(h) Boats operating near river haul-outs during monitoring shall be kept within posted speed limits and driven as far from the haul-outs as safely possible.

(i) SCWA shall implement the following mitigation measures during pupping season (March 15-June 30):

(i) SCWA shall maintain a one week no-work period between water level management events (unless flooding is an immediate threat). During the no-work period, equipment must be removed from the beach.

(ii) If a pup less than one week old is on the beach where heavy machinery will be used or on the path used to access the work location, the management action shall be delayed until the pup has left the site or the latest day possible to prevent flooding while still maintaining suitable fish rearing habitat. In the event that a pup remains present on the beach in the presence of flood risk, SCWA shall consult with NMFS and CDFW to determine the appropriate course of action. SCWA shall coordinate with the locally established seal monitoring program (Stewards of the Coast and Redwoods) to determine if pups less than one week old are on the beach prior to a breaching event.

(iii) Physical and biological monitoring shall not be conducted if a pup less than one week old is present at the monitoring site or on a path to the site.

5. Monitoring

The holder of this Authorization is required to conduct baseline monitoring and shall conduct additional monitoring as required during estuary management activities.

Monitoring and reporting shall be conducted in accordance with the approved Pinniped Monitoring Plan.

(a) Baseline monitoring shall be conducted each week, with two events per month occurring in the morning and two per month in the afternoon. These censuses shall continue for four hours, weather permitting; the census days shall be chosen to ensure that monitoring encompasses a low and high tide each in the morning and afternoon. All seals hauled out on the beach shall be counted every 30 minutes from the overlook on the bluff along Highway 1 adjacent to the haul-out using high-powered spotting scopes. Observers shall indicate where groups of seals are hauled out on the sandbar and provide a total count for each group. If possible, adults and pups shall be counted separately.

(b) Peripheral coastal haul-outs shall be visited concurrently with baseline monitoring in the event that a lagoon outlet channel is implemented and maintained for a prolonged period of over 21 days.

(c) During estuary management events, monitoring shall occur on all days that activity is occurring using the same protocols as described for baseline monitoring, with the difference that monitoring shall begin at least one hour prior to the crew and equipment accessing the beach work area and continue through the duration of the event, until at least one hour after the crew and equipment leave the beach. In addition, a one-day pre-event survey of the area shall be made within one to three days of the event and a one-day post-event survey shall be made after the event, weather permitting.

(d) For all monitoring, the following information shall be recorded in 30-minute intervals:

i. Pinniped counts by species;

ii. Behavior;

iii. Time, source and duration of any disturbance, with takes incidental to SCWA actions recorded only for responses involving movement away from the disturbance or responses of greater intensity (e.g., not for alerts);

iv. Estimated distances between source of disturbance and pinnipeds;

v. Weather conditions (e.g., temperature, percent cloud cover, and wind speed); and

vi. Tide levels and estuary water surface elevation.

6. <u>Reporting</u>

The holder of this Authorization is required to:

(a) Submit an annual summary report on all activities and marine mammal monitoring results to the Office of Protected Resources, NMFS. This report must be submitted within 90 days following the end of each calendar year. SCWA shall provide a final report within 30 days following resolution of comments on the draft report. The report must contain the following information:

i. The number of seals taken, by species and age class (if possible);

ii. Behavior prior to and during water level management events;

iii. Start and end time of activity;

iv. Estimated distances between source and seals when disturbance occurs;

v. Weather conditions (e.g., temperature, wind, etc.);

vi. Haul-out reoccupation time of any seals based on post-activity monitoring;

vii. Tide levels and estuary water surface elevation;

viii. Seal census from bi-monthly and nearby haul-out monitoring; and

ix. Specific conclusions that may be drawn from the data in relation to the four questions of interest in SCWA's Pinniped Monitoring Plan, if possible.

(b) Submit a comprehensive summary report to NMFS in conjunction with any future submitted request for incidental take authorization.

(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 prohibited manner, SCWA shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. The report must include the following information:

A. Time and date of the incident;

B. Description of the incident;

C. Environmental conditions;

D. Description of all marine mammal observations in the 24 hours preceding the incident;

E. Species identification or description of the animal(s) involved;

F. Fate of the animal(s); and

G. Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with SCWA to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. SCWA may not resume their activities until notified by NMFS.

ii. In the event that SCWA discovers an injured or dead marine mammal and 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), SCWA shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional 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 SCWA to determine whether additional mitigation measures or modifications to the activities are appropriate.

iii. In the event that SCWA 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, or scavenger damage), SCWA shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. SCWA shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

iv. Pursuant to sections 6(c)(ii-iii), SCWA may use discretion in determining what injuries (i.e., nature and severity) are appropriate for reporting. At minimum, SCWA must report those injuries considered to be serious (i.e., will likely result in death) or that are likely caused by human interaction (e.g., entanglement, gunshot). Also pursuant to sections 6(c)(ii-iii), SCWA may use discretion in determining the appropriate vantage point for obtaining photographs of injured/dead marine mammals.

7. Validity of this Authorization is contingent upon compliance with all applicable statutes and permits, including NMFS's 2008 Biological Opinion for water management in the Russian River watershed. 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 species or stock of affected marine mammals.

APR 1 9 2017

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

Date