

INCIDENTAL HARASSMENT AUTHORIZATION

The University of California Santa Cruz's Partnership for the Interdisciplinary Studies of Coastal Oceans (PISCO) 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 rocky intertidal monitoring surveys along the California and Oregon coasts, when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid for a period of one year from March 25, 2019 through March 24, 2020.
2. This IHA is valid only for specified activities associated with rocky intertidal monitoring surveys at specific sites along the California and Oregon coasts.
3. General Conditions
 - (a) A copy of this IHA must be in the possession of PISCO, its designees, and work crew personnel operating under the authority of this IHA.
 - (b) The species authorized for taking are the harbor seal (*Phoca vitulina richardii*), California sea lion (*Zalophus californianus*), and northern elephant seal (*Mirounga angustirostris*).
 - (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 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 IHA.
 - (e) PISCO shall conduct briefings prior to the start of all monitoring surveys and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.
4. Mitigation Measures

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

- (a) Researchers shall observe a site from a distance, using binoculars if necessary, to detect any marine mammals prior to approach to determine if mitigation is required.

- (b) Researchers shall approach a site with caution (slowly and quietly), keep bodies low to the ground and avoid pinnipeds along access ways to sites, by locating and taking a different access way if possible.
- (c) Researchers shall 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) Researchers shall monitor the offshore area for predators (such as killer whales and white sharks) and avoid flushing of pinnipeds when predators are observed in nearshore waters.
- (e) Intentional flushing shall be avoided if pups are present. Staff shall reschedule work at sites where pups are present, unless other means of accomplishing the work can be done without causing disturbance to mothers and dependent pups.
- (f) Any site where Steller sea lions, Northern fur seals, or Guadalupe fur seals are present shall not be approached and shall be sampled at a later date.
- (g) Personnel shall vacate the study area as soon as sampling of the site is completed.

5. Monitoring

The holder of this IHA is required to conduct monitoring of marine mammals present at study sites prior to approaching the sites:

- (a) Information to be recorded shall include the following:
 - (i) Species counts (with numbers of pups/juveniles)
 - (ii) Number of disturbances, by species and age, according to a three-point scale of intensity including:
 - (1) 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, "alert";
 - (2) movements in response to 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, "movement"; and
 - (3) All retreats (flushes) to the water, "flush".

(4) Observations of disturbance Levels 2 and 3 are recorded as takes.

- (iii) Descriptions of the disturbance behaviors during the monitoring surveys, including location, date, and time of the event; and
- (iv) Information regarding physical and biological conditions pertaining to a site.

6. Reporting

The holder of this Authorization is required to:

- (a) Report observations of unusual behaviors, numbers, or distributions of pinnipeds, or of tag-bearing carcasses, to NMFS Southwest Fisheries Science Center (858-546-7000).
- (b) Submit a draft monitoring report to NMFS Office of Protected Resources within 60 days after the conclusion of the 2018-2019 field season or 60 days prior to the start of the next field season if a new IHA will be requested. A final report shall be prepared and submitted within 30 days following resolution of any comments on the draft report from NMFS. This report must contain the informational elements described above, at minimum.
- (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 manner prohibited by this IHA, such as an injury (Level A harassment), serious injury, or mortality, PISCO shall immediately cease the specified activities and report the incident to the Office of Protected Resources (301-427-8408), NMFS, and the West Coast Regional Stranding Coordinator (562-980-3230), NMFS. The report must include the following information:
 1. Time and date of the incident;
 2. Description of the incident;
 3. Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
 4. Description of all marine mammal observations and active sound source use in the 24 hours preceding the incident;
 5. Species identification or description of the animal(s) involved;
 6. Fate of the animal(s); and

7. 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 PISCO to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. PISCO may not resume their activities until notified by NMFS.

- (ii) In the event that PISCO 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), PISCO 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 IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with PISCO to determine whether additional mitigation measures or modifications to the activities are appropriate.

- (iii) In the event that PISCO 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), PISCO 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. PISCO shall provide photographs or 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.
- 8. NMFS may issue a second one-year IHA without additional notice when another year of identical or nearly identical activities is planned or the activities would not be completed by the time this IHA expires and a second IHA would allow for completion of the activities beyond that described in Section 1 of this IHA, provided all of the following conditions are met:
 - (a) A request for renewal is received no later than 60 days prior to expiration of the current IHA.
 - (b) The request for renewal must include the following:

- (i) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements.
- (ii) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.
- (c) Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the original findings remain valid.

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

 Date

Table 1. Authorized Take Numbers by Species

Species	Authorized Take
Harbor seal (<i>Phoca vitulina</i>)	255
California sea lion (<i>Zalophus californianus</i>)	90
Northern elephant seal (<i>Mirounga angustirostris</i>)	50