



Incidental Harassment Authorization

Venoco LLC (Venoco), is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA, 16 U.S.C. 1371 (a)(5)(D)) and 50 CFR 216.107 to take, by Level B harassment, small numbers of marine mammals incidental to conducting their Fender Pile Replacement Project at Casitas Pier in Carpinteria, CA, contingent upon the following conditions:

1. This incidental harassment authorization (IHA) is valid for 1 year from November 1, 2017 through October 31, 2018.
2. This IHA is valid only for pile driving and removal activities associated with the fender pile replacement project at Casitas Pier.
3. General Conditions
 - a. A copy of this IHA must be in the possession of Venoco, its designees, and work crew personnel operating under the authority of this IHA.
 - b. The species authorized for taking are summarized in Table 1.
 - c. The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 for numbers of take authorized.

Table 1. Authorized Take Numbers.

Species	Level B
Harbor seal	125
California sea lion	38
Killer whale	40

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

4. Mitigation Measures

The holder of this IHA is required to implement the following mitigation measures.

a. For all pile driving, Venoco shall implement a shutdown zone of 50 m radius of the construction activity. If a marine mammal comes within or approaches the shutdown zone, such operations shall cease.

b. Venoco shall shutdown activity as appropriate upon observation of any species for which take is not authorized. Activity shall not be resumed until those species have been observed to leave the relevant zone or until 30 minutes has elapsed.

c. Venoco shall implement a minimum shutdown zone of 10 m radius around each pile for all construction methods other than pile driving (or removal) for all marine mammals.

d. Venoco shall establish monitoring locations as described below. Please also refer to Venoco's application (see www.nmfs.noaa.gov/pr/permits/incidental/construction.htm).

i. For all pile driving activities, a minimum of two observers shall be deployed, with one positioned on the pier and one on the bluff above the rookery.

ii. These observers shall record all observations of marine mammals, regardless of distance from the pile being driven, as well as behavior and potential behavioral reactions of the animals.

iii. All observers shall be equipped for communication of marine mammal observations amongst themselves and to other relevant personnel (*e.g.*, those necessary to effect activity delay or shutdown).

(d) Monitoring shall take place from 30 minutes prior to initiation of pile driving activity through 30 minutes post-completion of pile driving activity. In the event of a delay or shutdown of activity resulting from marine mammals in the shutdown zone, animals shall be allowed to remain in the shutdown zone (*i.e.*, must leave of their own volition) and their behavior shall be monitored and documented. Monitoring shall occur throughout the time required to drive a pile. The shutdown zone must be determined to be clear during periods of good visibility (*i.e.*, the entire shutdown zone and surrounding waters must be visible to the naked eye).

(e) If a marine mammal approaches or enters the 52m shutdown zone, all pile driving activities at that location shall be halted. If pile driving is halted or delayed due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or fifteen minutes have passed without re-detection of small cetaceans and pinnipeds.

(f) Using delay and shut-down procedures, if a species for which authorization has not been granted or if a species for which authorization has been granted but the authorized takes are met, approaches or is observed within the Level B harassment zone, activities will shut down immediately and not restart until the animals have been confirmed to have left the area.

(g) Venoco shall use soft start techniques recommended by NMFS for impact pile driving. Soft start requires contractors to provide an initial set of strikes at reduced energy, followed by a thirty-second waiting period, then two subsequent reduced energy strike sets. Soft start shall be implemented at the start of each day's impact pile driving and at any time following

cessation of impact pile driving for a period of thirty minutes or longer.

- (h) Pile driving shall only be conducted during daylight hours.
- (i) Pile driving shall only occur during July to November months.

5. Monitoring

The holder of this IHA is required to conduct marine mammal monitoring during pile driving and removal activities. Marine mammal monitoring and reporting shall be conducted in accordance with the monitoring measures in the application.

a. Venoco shall collect sighting data and behavioral responses to pile driving for marine mammal species observed in the region of activity during the period of activity. All observers shall be trained in marine mammal identification and behaviors, and shall have no other construction-related tasks while conducting monitoring.

b. Monitoring shall be conducted by qualified observers. Trained observers shall be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator. Observer training must be provided prior to project start and in accordance with the monitoring measures in the application, and shall include instruction on species identification (sufficient to distinguish the species listed in 3(b)), description and categorization of observed behaviors and interpretation of behaviors that may be construed as being reactions to the specified activity, proper completion of data forms, and other basic components of biological monitoring, including tracking of observed animals or groups of animals such that repeat sound exposures may be attributed to individuals (to the extent possible).

c. For all marine mammal monitoring, the information shall be recorded as described in the monitoring measures section of the application.

6. Reporting

The holder of this IHA is required to:

a. Submit a draft report on all monitoring conducted under the IHA within 90 days of the completion of marine mammal monitoring, or 60 days prior to the issuance of any subsequent IHA for projects at the Project area, whichever comes first. A final report shall be prepared and submitted within thirty days following resolution of comments on the draft report from NMFS. This report must contain the informational elements described in the application, at minimum (see www.nmfs.noaa.gov/pr/permits/incidental/construction.htm), and shall also include:

i. Detailed information about any implementation of shutdowns, including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal, if any.

ii. Description of attempts to distinguish between the number of individual animals taken and the number of incidents of take, such as ability to track groups or individuals.

iii. An estimated total take estimate extrapolated from the number of marine mammals observed during the course of construction activities, if necessary.

b. 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 a serious injury or mortality, Venoco shall immediately cease the specified activities and report the incident to NMFS' Office of Protected Resources (301-427-8401) located at 1315 East West Highway, Silver Spring, MD 20910, and NMFS' West Coast Regional Stranding Coordinator, Justin Viezbicke (562) 980-

3230 at 501 West Ocean Boulevard, Suite 4200 Long Beach, CA 90802. The report must include the following information:

- A. Time and date of the incident;
- B. Description of the incident;
- C. Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- 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 Venoco to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Venoco may not resume their activities until notified by NMFS.

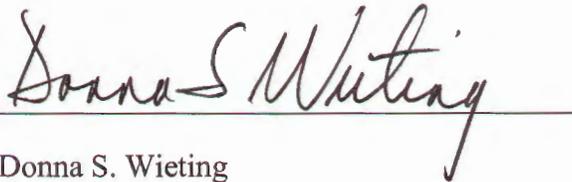
ii. In the event that the Venoco discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.*, in less than a moderate state of decomposition), Venoco shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator.

The report must include the same information identified in 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with

Venoco to determine whether additional mitigation measures or modifications to the activities are appropriate.

iii. In the event that Venoco 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, scavenger damage), Venoco 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. Venoco 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.



Donna S. Wieting

Director, Office of Protected Resources,
National Marine Fisheries Service.

OCT 27 2017

Date

