



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

**SEP 10 2009**

D.L. Fleisch  
Captain, U.S. Navy, Acting  
Naval Base Ventura County  
311 Main Road, Suite 1  
Point Mugu, California 93042-5033

Re: 5090 Ser N45VCS/0281

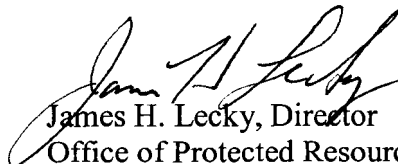
Dear Captain Fleisch:

Enclosed is an Incidental Harassment Authorization (IHA) issued to Naval Base Ventura County Point Mugu under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) to take, by Level B harassment only, small numbers of harbor seals incidental to the boom deployment exercise drills in Mugu Lagoon, California. The IHA is valid from September 14, 2009, through January 31, 2010.

You are required to comply with the conditions contained in the IHA. In addition, you must cooperate with any Federal, state, or local agency monitoring the impacts of your activity and submit a draft report to the National Marine Fisheries Service's (NMFS) Office of Protected Resources, within 90 days after completion of the work authorized herein. Along with other mitigation measures to be incorporated, the IHA requires monitoring for the presence and behavior of marine mammals.

If you have any questions concerning the IHA or its requirements, please contact Candace Nachman, Office of Protected Resources, NMFS at (301) 713-2289 ext. 156.

Sincerely,

  
James H. Lecky, Director  
Office of Protected Resources

Enclosure





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## Incidental Harassment Authorization

The Department of the Navy, Naval Base Ventura County, Point Mugu, 311 Main Road, Suite 1, Point Mugu, California, 93042, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107 to take, by Level B harassment only, small numbers of marine mammals incidental to conducting boom deployment exercises in Mugu Lagoon, California, contingent upon the following conditions:

1. This Authorization is valid from September 14, 2009, through January 31, 2010.

2. This Authorization is valid only for activities associated with the boom deployment exercises in Mugu Lagoon, California.

### 3. General Conditions

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

(b). The taking, by Level B harassment only, is limited to the species listed in condition 3(a). The taking by Level A harassment, injury or death of this species or the taking by harassment, injury or death of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

(c). The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service (NMFS) at (301) 713-2289 and to the Southwest Regional Office, NMFS at (562) 980-3232.

(d). If a freshly dead or seriously injured Pacific harbor seal is found during activity monitoring, it must be reported within 48 hours to the parties listed above in 3(c).

### 4. Cooperation

The holder of this Authorization is required to cooperate with NMFS and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals.



5. Mitigation: In order to ensure the least practicable impact on Pacific harbor seals, the holder of this Authorization is required to:

(a). Conduct the boom deployment exercise outside of the harbor seal pupping season (February through April).

(b). Move a boat slowly (i.e., not at full speed, just above idle) towards any animals on the haul-out site if seals are hauled out within the exercise area before commencement of the exercise in order to have the animals move slowly into the water in order to avoid stampedes.

(c). Keep a boat active in the immediate activity area when tides are high enough for boat activity/movement to reduce the chances of seals hauling out in the exercise area during periods of low activity.

(d). Refrain from boat movements in the exercise area if the boom placement appears to be holding successfully.

(e). Conduct the boom deployment exercise at moderate to high tides.

## 6. Monitoring

(a). The holder of this Authorization must designate biologically-trained, on-site individual(s), approved in advance by NMFS, to record the effects of the boom deployment exercise activities on Pacific harbor seals.

(b). NMFS must be informed immediately of any changes or deletions to any portions of the proposed monitoring plan.

(c). Biological observers shall survey the exercise area prior to the commencement of the boom deployment exercise activities to count the number of seals present on the haul-out site.

(d). During periods of active boom deployment, biological observers shall monitor the haul-out areas to document and characterize any observed responses by Pacific harbor seals to the boom deployment exercise. If the boom is in place and holding, and there is no need for boats to re-enter the water, then no monitoring is required, other than surveys every two (2) hours (as described in condition 6(e)). If boats again are required to enter the exercise area, biologists will return immediately to the drill site to continue with the monitoring.

(e). Biological observers shall conduct survey counts of Pacific harbor seals every two (2) hours and identify haul-out locations.

(f). Documentation by the biological observers during the surveys described in conditions 6(c), (d), and (e) shall consist of:

- (1). Numbers of seals (by sex and age class, if determinable);
- (2). Movements of pinnipeds, including number and proportion moving, direction and distance moved, and pace of movement;
- (3). Description of reactions;
- (4). Date and time of activity;
- (5). Tidal state;
- (6). Weather condition;
- (7). Horizontal visibility;
- (8). Occurrence, or planned occurrence of any other event that might result in behavioral reactions by seals within the lagoon and therefore affect numbers hauled out;
- (9). Current state of the exercise (i.e., boom being placed, remains in place); and
- (10). Approximate distance of boat from seals when seals react and enter the water.

## 7. Reporting

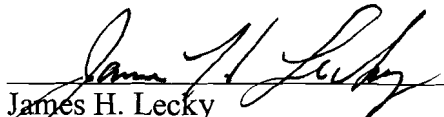
(a). A draft report shall be submitted to the Director, Office of Protected Resources, NMFS, and to the Administrator, Southwest Regional Office, NMFS, within 90 days of completion of the boom deployment exercises. The report must describe: (1) the operations that were conducted; (2) the methods and results of the marine mammal monitoring; (3) marine mammal sightings (species, numbers, dates, times and locations, age/size/gender (if determinable), environmental correlates); (4) estimates of the amount and nature of potential take of marine mammals (by species) by harassment; (5) marine mammal reactions to the activity; and (6) locations and numbers of seals hauled out away from the exercise area.

(b). The draft report shall be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. The draft report will be considered the final report for this activity under this Authorization if NMFS has not provided comments and recommendations within 90 days of receipt of the draft report.

8. Activities related to the monitoring described in this Authorization and as described in the holder's application do not require a separate scientific research permit issued under section 104 of the Marine Mammal Protection Act.

9. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

10. A copy of this Authorization must be in the possession of each observer or group operating under the authority of this Incidental Harassment Authorization.

  
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James H. Lecky  
Director, Office of Protected Resources,  
National Marine Fisheries Service

**SEP 10 2009**

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Date