



DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Incidental Harassment Authorization

National Marine Fisheries Service (NMFS), Alaska Region (AKR), P.O. Box 21668, Juneau, Alaska 99802-1688, 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 harass small numbers of marine mammals incidental to the replacement and repair of fur seal research observation towers and walkways on St. Paul Island, Alaska, contingent upon the following conditions:

1. This Authorization is valid from April 20 through June 7, 2010, and December 1 to 31, 2010.
2. This Authorization is valid only for NMFS AKR activities associated with conducting replacement and repair of fur seal research observation towers and walkways on St. Paul Island, Alaska, as described in the application and Environmental Assessment.
3. Species Authorized and Level of Takes
 - (a) The incidental taking of individual marine mammals, by Level B harassment only, is limited to no more than 579 adult male and 1,000 sub-adult male northern fur seals (*Callorhinus ursinus*).
 - (b) The taking by injury (Level A harassment), serious injury or death of any of the species listed in 3(a) above or the taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.
4. The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Office of Protected Resources, NMFS, at 301-713-2289.
5. The holder of this Authorization is required to cooperate with the NMFS and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals.
6. Mitigation Requirements

The holder of this Authorization is required to:

(a) Avoid visits to sites used by northern fur seals during periods of molting, pupping, breeding, and rearing. Construction operations shall not be conducted at construction sites (as described in the application for this IHA) when dependent breeding animals are present.

(b) Plan to minimize the potential for disturbance (to the lowest level practical) near known pinniped haul-outs and rookeries by field personnel approach during construction operations. NMFS AKR is expected to conduct the activities during the planned dates stated in the application and above.

(c) Be judicious in the route of approach to construction sites, avoiding close proximity with pinnipeds hauled-out on shore. In no case will marine mammals be directly or deliberately approached by field crew personnel, and in all cases every possible measure will be taken to select a pathway of approach to sites that minimizes the number of marine mammals harassed.

(d) Conduct the replacement and repair of fur seal research observation towers and walkways on St. Paul Island by field crew personnel as quickly as possible. After each visit to a haul-out site and/or rookery, the site will be vacated as soon as possible so that it can be re-occupied by any hauled-out pinnipeds that may have been disturbed.

7. Monitoring Requirements

The holder of this Authorization is required to:

(a) Record the date, time, and location or closest point of approach of each visit to or near a haul-out site or rookery and collect the following information:

(1) Visually locate, identify and count all marine mammals present by species and life history stage (e.g., adult, sub-adult, etc.) when possible.

(2) Counts and descriptions of behaviors of marine mammals disturbed by the construction activities, by species and life history stage of the animals and the activity that is occurring. Observers will record the number of animals that respond to construction activities in the following ways: flushing into the water; moving more than 1 m (3.3 ft), out not into the water; becoming alert and moving, but do not move more than 1 m; and changing the direction of current movement. Also, observers will record any instances of flushing, stampeding, or other unusual behavior of pinnipeds incidental to construction operations.

(b) Report observations of unusual behaviors, numbers, or distributions of marine mammals on St. Paul Island to the NMFS' Alaska Fisheries Science Center (AFSC), National Marine Mammal Laboratory (NMML), and U.S. Fish and Wildlife Service (if necessary) so that any potential follow-up observations can be conducted by the appropriate personnel. Also, report to NMFS, chance observations of marked or tag-

bearing pinnipeds or carcasses, as well as any rare or unusual species of marine mammals.

(c) Report weather conditions during all construction operations and marine mammals observations as they have strong influence on the presence/absence and behavior of pinnipeds, in addition to possible propagation characteristics of human scent.

8. Reporting Requirements

The holder of this authorization is required to:

(a) Submit a draft final report on all activities and monitoring results to the ARA for Protected Resources, NMFS AKR, and the Chief of the Permits, Conservation and Education Division, Office of Protected Resources, NMFS within 90 days after the completion of the construction project. This report must contain and summarize the following information:

(i) Dates, times, locations, weather conditions, and associated activities during construction operations and marine mammals sightings.

(ii) Species, number, location, distance, and behavior of any marine mammals, as well as the associated activity observed throughout all monitoring activities.

(iii) An estimate of the number (by species) of marine mammals that are known to have been taken by Level B harassment, with a discussion of any specific behaviors those individuals exhibited.


(iv) A description of the implementation and effectiveness of the monitoring and mitigation measures of the IHA, as well as any conservation recommendations for minimizing potential adverse effects of the action on marine mammals.

(b) Submit a final report to the Chief, Permits, Conservation, and Education Division, Office of Protected Resources, NMFS, within 30 days after receiving comments from NMFS on the draft report. If NMFS decides that the draft report needs no comments, the draft report will be considered to be the final report.

9. In the unanticipated event that any taking of a marine mammal in a manner prohibited by this Authorization occurs, such as an injury, serious injury or mortality, and is judged to result from these activities, NMFS AKR will immediately report the incident to the NMFS AKR Stranding Department at PRD, AKR, NMFS, at 907-586-7236, and the Chief of the Permits, Conservation, and Education Division, Office of Protected Resources (NMFS), at 301-713-2289. NMFS AKR will postpone construction activities until NMFS is able to review the circumstances of the take. NMFS will work with NMFS AKR to determine whether modifications in the activities are appropriate and necessary, and to notify the permit holder that they may resume construction operations.

In the event that NMFS AKR discovers an injured or dead marine mammal and the injury or death is judged not to have resulted from these activities, NMFS AKR will contact and report the incident to the Chief of the Permits, Conservation, and Education Division, Office of Protected Resources, NMFS, at 301-713-2289 within 24 hours of the discovery.

10. A copy of this Authorization must be in the possession of all contractors and field crew personnel operating under the authority of this Incidental Harassment Authorization.



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

APR 16 2010

Date

Attachments

Attachments

Table 1. Authorized taking, by Level B harassment, of northern fur seals (*Callorhinus ursinus*) incidental to the replacement and repair of fur sea research observation towers and walkways on St. Paul Island, Alaska.

	Prior to April 25, 2010	Week 1	Week 2	Week 3	Week 4	Week 5	Total
Adult Male Northern Fur Seal	0	8 seals taken 58 times	115 seals taken 811 times	232 seals taken 1,621 times	463 seals taken 3,242 times	579 seals taken 4,053 times	579 seals taken 9,785 times
Sub- adult Male Fur Seal	50 seals taken once	50 seals taken once	150 seals taken once	200 seals taken once	250 seals taken once	300 seals taken once	1,000 seals taken once

Table 2a. Estimated daily take of adult male northern fur seals on Reef rookery for the last week of April. Estimate based on one percent of the maximum 2006 bull counts.

Class Bull	Section										
	1	2	3	4	5	6	7	8	9	10	11
2	0.13	0.26	0.27	0.1	0.22	0.21	0.05	0.27	0.22	0.11	0.03
3	0.48	0.81	0.63	0.46	0.67	0.7	0.01	0.66	0.37	0.28	0.04
5	0.08	0.27	0.4	0.47	0.31	0.13	0.15	0.31	0.34	0.72	1.42
Total Taking by Harassment Week 1: 58											

Table 2b. Estimated daily take of adult male northern fur seals on Reef rookery for the first week of May. Estimate based on 10 percent of the maximum 2006 bull counts.

Class Bull	Section										
	1	2	3	4	5	6	7	8	9	10	11
2	1.3	2.6	2.7	1	2.2	2.1	0.5	2.7	2.2	1.1	0.3
3	4.8	8.1	6.3	4.6	6.7	7	0.1	6.6	3.7	2.8	0.4
5	0.8	2.7	4	4.7	3.1	1.3	1.5	3.1	3.4	7.2	14.2
Total Taking by Harassment Week 2: 311											

Table 2c. Estimated daily take of adult male northern fur seals on Reef rookery for the second week of May. Estimate based on 20 percent of maximum 2006 bull counts.

Class Bull	Section										
	1	2	3	4	5	6	7	8	9	10	11
2	2.6	5.2	5.4	2	4.4	4.2	1	5.4	4.4	2.2	0.6
3	9.6	16.2	12.6	9.2	13.4	14	0.2	13.2	7.4	5.6	0.8
5	1.6	5.4	8	9.4	6.2	2.6	3	6.2	6.8	14.4	28.4
Total Taking by Harassment Week 3: 1,621											

Table 2d. Estimated daily take of adult male northern fur seals on Reef rookery for the third week of May. Estimate based on 40 percent of maximum 2006 bull counts.

Class Bull	Section										
	1	2	3	4	5	6	7	8	9	10	11
2	5.2	10.4	10.8	4	8.8	8.4	2	10.8	8.8	4.4	1.2
3	19.2	32.4	25.2	18.4	26.8	28	0.4	26.4	14.8	11.2	1.6
5	3.2	10.8	16	18.8	12.4	5.2	6	12.4	13.6	28.8	56.8
Total Taking by Harassment Week 4: 3,242											

Table 2e. Estimated daily take of adult male northern fur seals on Reef rookery for the last week of May. Estimate based on 50 percent of maximum 2006 bull counts.

Class Bull	Section										
	1	2	3	4	5	6	7	8	9	10	11
2	6.5	13	13.5	5	11	10.5	2.5	13.5	11	5.5	1.5
3	24	40.5	31.5	23	33.5	35	0.5	33	18.5	14	2
5	4	13.5	20	23.5	15.5	6.5	7.5	15.5	17	36	71
Total Taking by Harassment Week 5: 4,053											