



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

MAR 04 2011

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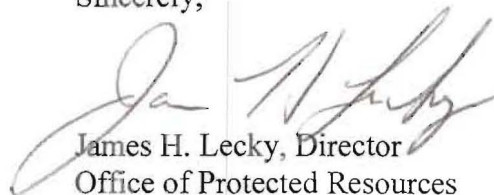
Dear Dr. Rode:

Enclosed is an Incidental Harassment Authorization (IHA) issued to the U.S. Fish and Wildlife Service 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 two species of marine mammals incidental to a polar bear capture-recapture program in the U.S. Chukchi Sea. The IHA is valid from March 14, 2011, through May 31, 2011.

You are required to comply with the conditions contained in the IHA. In addition, you must submit a final report to the National Marine Fisheries Service (NMFS) Office of Protected Resources within 90 days after expiration of the IHA. The IHA requires the monitoring of marine mammals by qualified individuals during activities and reporting of marine mammal observations, including species, numbers, and behavioral modifications potentially resulting from aircraft overflights.

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





## Incidental Harassment Authorization

The U.S. Fish and Wildlife Service (USFWS) 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 harass small numbers of marine mammals incidental to a polar bear capture-recapture program in the U.S. Chukchi Sea, contingent upon the following conditions:

1. This Authorization is valid from March 14, 2011, through May 31, 2011.
2. This Authorization is valid only for activities associated with the polar bear capture-recapture program in the U.S. Chukchi Sea, as specified in the USFWS' November 16, 2010, request.
3. Species Impacted and Level of Takes
  - (a). The taking, by incidental Level B harassment only, is limited to the species listed under condition 3(b) below. The taking by Level A harassment, injury, or death of these species, or the taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.
  - (b). The species authorized for taking by Level B harassment are:
    - Ringed seal (*Phoca hispida*)
    - Bearded seal (*Erignathus barbatus*)
  - (c). The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 48 hours to the Regional Administrator, Alaska Regional Office, National Marine Fisheries Service (NMFS), Telephone (907) 586-7221 and the Director, Office of Protected Resources, NMFS, Telephone (301) 713-2332.
4. Mitigation Requirements
  - (a). The Holder of this Authorization shall maintain a 1 mi (1.61 km) radius when flying over areas where seals are concentrated in groups of 5 or more, such as cracks or areas of thin ice with multiple breathing holes, except when needed to do so for safety reasons.
  - (b). The Holder of this Authorization shall not land on ice within 0.5 mi (0.8 km) of a hauled out seal.



(c). The Holder of this Authorization shall fly at altitudes higher than 300 ft (91.4 m) when closer to shore, unless personnel safety prohibits flying at this lower altitude, as polar bears are less likely to be found within 30 mi (48 km) of the coast.

(d). To ensure no unmitigable adverse impact on subsistence uses of marine mammals, the Holder of this Authorization shall:

(i). Consult regularly with the communities of Point Hope and Kivalina to identify temporal and spatial no fly zones.

(ii). Restrict flights to avoid the areas 15 mi (24 km) to the south and west of Point Hope and within a 15 mi (24 km) radius of Kivalina.

5. Monitoring Requirements

(a). The Holder of this Authorization shall have two trained biologists on each flight.

(b). During the course of the capture efforts, the Holder of this Authorization shall devote a staff member to monitoring the number of seals encountered and species continuously throughout the flights, with the exception of when they are following polar bear tracks or have initiated a polar bear capture.

(c). The Holder of this Authorization shall conduct dedicated monitoring over 1 hour time periods daily and record age group (when possible, but at a minimum pups vs. adult females; adult male bearded seals can be identified) and the type of reaction (i.e., tracking helicopter, moving on ice, entering water, etc.). The other biologist and the pilot shall continue searching for polar bears to capture. These flights shall continue to occur at 300 ft (91.4 m) altitude. Surveys shall occur on days that vary in weather conditions since the number of seals encountered greatly depends on weather, including temperature, cloud cover, and wind speed.

6. Reporting

(a). The Holder of this Authorization shall submit a report on marine mammal monitoring and mitigation to NMFS Office of Protected Resources within 90 days after the expiration of the IHA.

(b). The report shall include the following:

(i). A description of the activities conducted;

(ii). The methods and results of the ice seal monitoring;

(iii). Marine mammal sightings (including species/age/sex to the extent practicable);

(iv). Estimates of the number of seals encountered; and

(v). Seal reactions to the activities.

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

8. Penalties and Permit Sanctions

Any person who violates any provision of this IHA is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.



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

MAR 04 2011

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Date