



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

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

Letter of Authorization

The Superintendent of the Monterey Bay National Marine Sanctuary (MBNMS), 299 Foam Street, Monterey, California 93940 is hereby authorized under section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA) to take, by Level B harassment only, small numbers of marine mammals incidental to permitting coastal commercial fireworks displays in the MBNMS, subject to the provisions of the MMPA, the Regulations Governing Small Takes of Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary (50 CFR Part 217, Subpart B) (Regulations), and the following conditions:

1. This Authorization is valid from July 4, 2012 through July 3, 2017.
2. This Authorization is valid only for the unintentional taking of the species of marine mammals identified in 50 CFR § 217.13(b) and Condition 3 of this Authorization incidental to the permitting of fireworks displays in the MBNMS, as described in the preamble to the final rule.
3. This Authorization is valid for the taking, by Level B harassment only, of California sea lions (*Zalophus californianus*) and harbor seals (*Phoca vitulina*). The taking by injury, serious injury, or death of these species, or any taking of 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 within 48 hours of the taking to the National Marine Fisheries Service, Office of Protected Resources, Permits and Conservation Division.
5. Mitigation Requirements:
 - a. When conducting operations identified in 50 CFR § 217.11, the Holder of this Authorization, and any individuals operating under their authority, must implement the following mitigation measures:



- i. Limit the location of the authorized fireworks displays to the four specifically prescribed areas at Half Moon Bay, the Santa Cruz/Soquel area, the northeastern Monterey Peninsula, and Cambria (Santa Rosa Creek).
- ii. Limit the frequency of authorized fireworks displays to no more than a total of 20 displays per year and at an average of no more than one fireworks display every two months in each of the four conditional display areas.
- iii. Limit the duration of permitted individual fireworks displays to no longer than 30 minutes each, with the exception of two longer shows per year not to exceed 1 hour in length.
- iv. Prohibit fireworks displays within the MBNMS between March 1 and June 30 of any year.
- v. Continue to implement MBNMS special conditions for fireworks when authorizing fireworks displays at the MBNMS, which shall include the following restrictions and terms:
 - (1) Delay of aerial "salute" effects until five minutes after the commencement of any fireworks display.
 - (2) Removal of all plastic and aluminum labels and wrappings from pyrotechnic devices prior to use.
 - (3) Required recovery of all fireworks-related debris from the launch site and affected beaches.

6. Monitoring requirements:

- a. For all fireworks displays, the holder of this authorization shall:
 - i. Require the permitted entities to conduct a census of all pinnipeds in the impact area on the day prior to all displays, with observations to occur for no less than 30 minutes.
 - ii. Require the permitted entities to report all marine mammal injury, serious injury, or mortality observed in the vicinity of the display area. Monitoring for injury, serious injury, or mortality shall occur no later than the morning after each fireworks display, and shall occur for no less than 30 minutes.

7. Reporting:

- a. The holder of the Letter of Authorization must implement the following reporting requirements:

- i. Submit a draft annual monitoring report to the Director, Office of Protected Resources, NMFS, no later than 60 days after the conclusion of each calendar year. This report must contain:

- (1) Dates, locations, and permitted entity conducting fireworks; and
- (2) Results of the monitoring required under Condition 6 of this Authorization, including an estimate of the number of marine mammals disturbed by the authorized activities, based on the pre-fireworks census and other available information.

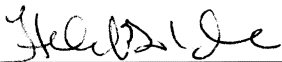
- ii. Submit a draft comprehensive monitoring report on all marine mammal monitoring and research conducted during the period of the Regulations (including a summary) to the Director, Office of Protected Resources, NMFS, at least 120 days prior to expiration of these regulations.

- iii. Both the draft annual and comprehensive reports will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final comprehensive report prior to acceptance by NMFS.

8. Failure to comply with the terms and conditions contained in Subpart B–Taking of Marine Mammals Incidental to Coastal Commercial Fireworks Displays at Monterey Bay National Marine Sanctuary, California (50 CFR 217.11-217.18) may result in the modification, suspension or revocation of this Authorization.

9. A copy of this Authorization and the attached Subpart B of the regulations must be in the possession of each observer or group operating under the authority of this Letter of Authorization.

JUN 28 2012



Helen M. Golde
Acting Director, Office of Protected Resources,
National Marine Fisheries Service

Date