



United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Francisco Bay National Wildlife Refuge Complex
1 Marshlands Road
Fremont, California 94555



August 17, 2012

Michelle Magliocca
National Marine Fisheries Service
Office of Protected Resources
1315 East West Highway
Silver Spring, MD 20910

Dear Michelle:

The following letter contains comments and understandings that we recently discussed in regard to the proposed Federal Register Notice RIN 0648-XC139, titled "Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Bird Mitigation Research in the Farallon National Wildlife Refuge".

Based on our phone conversation today, you will have a conversation with Monica DeAngelis early next week in order to clarify the quantitative definition of a LEVEL B harassment to individual marine mammals and how USFWS will quantify this number for the sake of documentation and reporting to NOAA. Based on how we are advised to quantify the harassment level to marine mammals, we may or may not need to reevaluate the numbers that are currently in the draft Federal Register. At this time, it is understood that the current draft form of the Federal Register is permitting a LEVEL B harassment using a 4 times multiplier to the numbers originally submitted by USFWS. We hope to have this clarification resolved and a permit authorized by November 1, 2012 so that we can proceed with planning and implementing the bird mitigation research trial.

Also based on our discussion today; the Federal Register will contain language to the effect that the monitoring of sound levels of biosonics, pyrotechnics and zon guns will not be a requirement for these techniques to take place, but will occur only if funding and personnel are available for us to achieve this type of monitoring. At a minimum the amount monitoring and documentation that will occur will be the behavioral responses of marine mammals by designated Marine mammal observers during the above stated activities. It is understood that USFWS will submit resumes for your approval of the training and experience of the designated Marine mammal observers.

USFWS also understands that if an unanticipated LEVEL A harassment occurs, the technique which caused said harassment will cease in the proximate vicinity in which it occurred and NOAA will be contacted immediately for consultation on how to proceed. USFWS would be allowed to continue other non-harassment activities or similar activities which caused the harassment, but only in areas where LEVEL A harassment would be unlikely to occur. USFWS also requests contact information of a designated NOAA representative that could be reached 24/7 during the bird mitigation research trial because these activities will continue to occur



during non-office hours and weekends.

It should be noted that the house mouse eradication from the South Farallon Islands is still in the NEPA process and no Record Of Decision has been filed on the proposed action alternatives that may be implemented. The observational data collected from the bird mitigation research trial will not only aid in the efficacy of an implementation phase of a house mouse eradication, but may directly influence on whether the proposed action alternatives are feasible and that non-target impacts are at an acceptable and negligible level. If the action alternative to use a rodenticide is chosen for an implementation phase of the house mouse eradication, the data collected during the bird mitigation research trial will be used to determine which are the most effective hazing techniques in a particular area that have the least amount of marine mammal disturbance. With this being said, we suggest the following language for the Federal Register: **“The USFWS plans to conduct a research trial to assess potential bird hazing methods that could be used to minimize the risk of rodent bait ingestion by non-target species *if such an alternative action is chosen during a proposed house mouse eradication.*”**

The proposed Federal Register Notice describes “South Farallon Island” as a single island. In actuality, the South Farallon Islands is an island group composed of Southeast Farallon Island, West End Island, Aulon Islets, and Saddle Rock. These are the major islet components of the South Farallon Islands. The South Farallon Islands acreage is closer to 120 acres, rather than the 70 acres cited in the document, with Southeast Farallon Island containing a land area of approximately 73 acres.

I hope that this accurately depicts what we discussed today. Please let Gerry McChesney or myself know of your thoughts and the conclusions you and Monica reach regarding the quantification of LEVEL B takes.

Sincerely,
Jonathan Shore