

MEMORANDUM OF UNDERSTANDING  
between the  
NATIONAL MARINE FISHERIES SERVICE  
SOUTHWEST REGION  
and the  
NAVAL AIR STATION, NORTH ISLAND

REGARDING MANAGEMENT AND PROTECTION OF THE MARINE MAMMAL POPULATIONS  
ON SAN CLEMENTE ISLAND

The Regional Director, National Marine Fisheries Service (NMFS), Southwest Region, and the Commanding Officer, Naval Air Station, North Island (NASNI),

ACTING in furtherance of the purposes of the Marine Mammal Protection Act of 1972 (MMPA), 16 U.S.C. Section 1361, et seq.; SECNAVINST 6240.6E, dated 18 August 1977, "Department of the Navy Environmental Protection and Natural Resources Management Program, assignment of responsibilities for;" OPNAVINST 6240.3, dated 5 July 1977, "Environmental Protection Manual;" NAVFACINST 11015.14, dated 5 October 1973, "Fish and Wildlife Management and Annual Conservation Award;" NASNIIINST 11015.2, dated 13 May 1981, "Protection of Natural and Cultural Resources on Lands Administered by NAS North Island;" and

RECOGNIZING THAT:

1. The geographic area included within this agreement is San Clemente Island (SCI) and the rocks, islets, and waters within restricted areas as delineated in Figure 1;
2. the NASNI is responsible for the management of SCI and its resources pursuant to SECNAVINST 6240.6, other Navy directives and instructions and applicable Federal legislation and executive orders; and
3. a significant responsibility of the NMFS is to implement the MMPA which includes efforts to protect the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from adverse effects of human activity;
4. the pinnipeds of SCI include at least four species that haulout, three of which currently breed and nurse their young, on the island;

5. cooperative efforts toward the preservation, management, and study of the pinnipeds on SCI are in the public interest and of benefit to the animals;

DO HEREBY CONCLUDE THIS AGREEMENT TO govern the protection, management, and study of the pinnipeds and stranded cetaceans on San Clemente Island.

ARTICLE I: The parties to this Agreement mutually agree that:

- a. The NMFS will make every effort to fulfill authorized collections for public display which involve capture or removal of any pinniped species frequenting the San Clemente Island region by the use of rehabilitated stranded individuals in accordance with NMFS, Southwest Region collection policy statement (Appendix A);
- b. in the event that pinnipeds for public display are not available from preferred sites/sources (as identified in Appendix A), and the NMFS determines a legitimate request exists, collection from SCI may be authorized only after consultation between the NMFS and the NASNI;
- c. the taking of pinnipeds for scientific purposes, as authorized by a marine mammal permit, may be permitted only after consultation between the NMFS and the NASNI;
- d. the collection of stranded cetaceans from SCI for scientific research or rehabilitative purposes may be permitted by authorized personnel only after consultation between the NMFS and the NASNI.

ARTICLE II: The National Marine Fisheries Service, Southwest Region, hereby agrees to:

- a. Request comments and recommendations from the Commanding Officer, NASNI, regarding all applications to the NMFS for marine mammal permits which might affect the pinnipeds at SCI;
- b. recommend to the Commanding Officer, NASNI, either approval or denial of proposals submitted to the NASNI for research

activities on SCI that may directly or indirectly affect pinnipeds or their habitat;

- c. prepare in consultation with the Southwest Fisheries Center (SWFC), National Marine Mammal Laboratory, the California Department of Fish and Game, and the NASNI, the pinniped sections of the National Resources Management Plan for San Clemente Island;
- d. cooperate with the SWFC to initiate and provide a program for the education and training of NASNI biologists in order that they may carry out management and research activities pursuant to the regulations of the MMPA;
- e. initiate and provide a cooperative program for the education and training of the Base Police of SCI in order that they may carry out enforcement activities pursuant to the regulations of the MMPA.

ARTICLE III: Naval Air Station, North Island, hereby agrees to:

- a. Provide comments and recommendations to the NMFS, Southwest Region, regarding all requests to the NMFS for marine mammal permits and other scientific research permits which will affect the pinnipeds on SCI;
- b. consult with the NMFS, Southwest Region, and request its recommendations regarding proposals submitted to the NASNI for research activities on SCI that may directly or indirectly affect pinnipeds or their habitat;
- c. insure that personnel conducting approved research are aware of The Standards for Access to and Behavior on Pinniped Rookeries and Haulout Areas of San Clemente Island (Appendix B);
- d. assist the NMFS in protecting and managing pinnipeds that haulout and/or breed on SCI, including, but not limited to, the following:
  - (1) conduct a census at appropriate times for each species to determine the distribution of each population, the use and location of major rookeries, the recruitment to each

population, and the recording and reporting of tag numbers to the NMFS whenever such are encountered;

- (2) to cooperate with and to assist in the NMFS program for tagging of pinnipeds within the limits of personnel and resources availability, and;
  - (3) on or before December 1 of each year provide to the NMFS, Southwest Region and SWFC, an annual report (including copies of raw data) of marine mammal management and research activities conducted on SCI;
- e. upon specific request from the NMFS, permit NMFS personnel, and any other persons authorized by the NMFS, access to study and manage the pinniped populations on SCI consistent with the MMPA and its implementing regulations;
  - f. cooperate with the NMFS or its designated authority in the investigation of all unauthorized activities regarding the pinnipeds on SCI, and to refer all cases of illegal illegal take, including harassment of pinnipeds to the NMFS, Southwest Region, for appropriate action under the MMPA;
  - g. make every reasonable attempt to notify the NMFS, Southwest Region and SWFC of the stranding of any cetacean(s), within the limits of personnel and resource availability.

ARTICLE IV: It is further mutually understood and agreed that:

- a. The primary purpose of this Agreement is the protection and management of pinnipeds and stranded cetaceans on SCI;
- b. after consultation with each other, either the NMFS or the NASNI may enter into agreements with research organizations, scientific institutions, the State of California, or with other Federal agencies to carry out their responsibilities under this Agreement. No portion of this Agreement will abrogate the requirement for access approval by the Commanding Officer, NASNI, or his designated representative, or the permit requirements of the MMPA;

- c. the NMFS, Southwest Region, and the NASNI, to assure consistent and effective management of marine mammals on SCI, will coordinate the administration of their respective responsibilities under this Agreement.

This Memorandum of Understanding (MOU) will remain in effect unless terminated by thirty (30) days prior written notice to either party, or modified by mutual agreement. The provisions of this MOU will be reviewed biennially during the anniversary month of its establishment. This MOU is effective upon the later date of signing by the Naval Air Station, North Island and the National Marine Fisheries Service, Southwest Region.

*Robert Swatts*

Commanding Officer,  
NAS North Island

8 September 1981  
Date

*Alan L. Fink*

Regional Director,  
National Marine Fisheries Service,  
Southwest Region

Aug. 6, 1981  
Date

Isle  
Rock

Northwest Harbor

SAN CLEMENTE ISLAND

Wilson Cove

RESTRICTED

Eel Point

Seal Cove

Mail Point

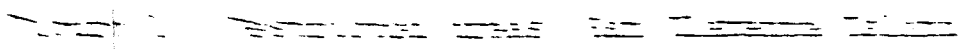
Lost Point



China Point

Pyramid Cove / South Point

RESTRICTED



Appendix A  
NMFS Southwest Regional Policy for the  
Collection of Pinnipeds for Public Display

Introduction:

The Marine Mammal Protection Act of 1972 (MMPA), requires the National Marine Fisheries Service (NMFS) to ensure that activities which may have an impact upon marine mammal populations, including live animal collections, are conducted in a manner, time, and location most appropriate to minimize the potential adverse effects of such activities.

Seven species of pinnipeds (California sea lions, northern sea lions, northern fur seals, Guadalupe fur seals, Hawaiian monk seals, northern elephant seal, and harbor seals) are found within the area administered by the Southwest Region NMFS.

The current breeding range of the Hawaiian monk seal is restricted to the ten northwestern Hawaiian Islands. This species has been designated as "endangered" pursuant to provision of the Endangered Species Act of 1973 (ESA), as amended.

Six other species of pinnipeds reside along the California coast where important populations use the Channel Islands as breeding and hauling grounds. On San Miguel Island, all six of these species may be found in close proximity; five of which pup, nurse, and breed at this location. Such pinniped species diversity is found nowhere else in the world.

Recognizing the value of this unique resource and the need to restrict disturbance to the various species present, the Southwest Region (SWR) of NMFS has developed, in consultation with the various agencies and groups that have a responsibility or an interest in pinniped management (e.g., Marine Mammal Commission, National Park Service, California Department of Fish and Game, and NMFS researchers) this policy for the provision and collection of these pinniped species for the purposes of public display as authorized by the MMPA.

This policy emphasizes the desirability of using rehabilitated beached, and/or stranded, individuals to satisfy permit requests. Where this source is deemed inadequate, the policy allows for live capture from the wild; collection sites and methods are prioritized in order to provide to the greatest extent possible, protection of the various species present.

Collections of all pinniped species occurring within the Region will be evaluated on a species by species basis. The sites identified as suitable for the collection of the California sea lion are: (1) Santa Cruz Island and (2) San Nicolas Island. However in recognition of the management policy of the National Park Service, California sea lion collections will be limited to San Nicolas Island as long as continued levels of collection do not disadvantage that population. Public display permits for the collection of northern elephant seal are limited to San Nicolas Island.

Adherence to the policy will fulfill the legitimate demand for various species, ensure the least amount of disturbance, and permit sound management of pinniped species based on the fundamentals of population biology and the spirit of the MMPA, 1972.

General:

1. The National Marine Fisheries Service recognizes the need for and the educational benefits attendant to the public display of pinnipeds in approved facilities. The Marine Mammal Protection Act of 1972 specifically provides that permits may be issued by the NMFS for the taking of pinnipeds for this purpose.
2. The use of stranded or beached individuals which have been rehabilitated is preferred to collecting from the wild. The SWR will make every attempt to utilize these individuals; during specific breeding seasons they may be the sole source of animals for public display.
3. Collections from the wild will be authorized when rehabilitated individuals have not been available for a legitimate waiting period of 90 days.
4. Collections will not be authorized from sites on the mainland. These locations may be in the process of recolonization; operations would be highly visible to the general public. Similarly, operations at sites subject to heavy human use on the offshore islands should be avoided.
5. No collections will be authorized to occur at a breeding location during a species' breeding period. Collections from known hauling areas during the breeding period will be authorized only with an NMFS observer in attendance. The observer will evaluate the population for age class and sex ratio of individuals present to determine the status of the group (breeding colony, an incipient rookery, non-breeding haulout site).
6. Collections will not be authorized from an incipient rookery during the breeding season. An incipient rookery site is defined as an area where, during the breeding season, the subject species composition by age, class and sex ratio approaches or is representative of established breeding groups, where various behaviors associated with breeding activities occur, and/or the presence of pups has been observed on a recurrent basis. It is preferable that the classification of a site as an incipient rookery be based on observations collected over several seasons; however, such a determination could be made by a NMFS observer from a single site visit if the situation so warranted.
7. Non-breeding season collections will be first authorized at established haulout sites (non-breeding), established rookery sites, and least preferably from an incipient rookery.
8. Collections will be authorized in Channel Islands National Park only if continued levels of collecting from San Nicolas Island has the potential for disadvantage to the local population.



### Species and Sites:

The collection of any pinniped for public display from the Southwest Region will be authorized by the Regional Director on a species by species basis. The determination will consider an evaluation of the current regional population status based on the best scientific information available.

#### Hawaiian monk seal

There are no provisions in the ESA for the collection of endangered species for public display. Therefore, no permits will be granted for this purpose.

#### Northern fur seal

Irrespective of the management authority vested in the North Pacific Fur Seal Commission, the northern fur seal population within the Southwest Region deserves special evaluation and consideration. In view of this species' recent recolonization of San Miguel Island, the uniqueness of a colony location so far removed from the major breeding islands, and the scientific value of studying this still expanding colony, the SWR recommends that no collections should be authorized.

#### Guadalupe fur seal

Believed to be formerly abundant within the Southwest Region, only a remnant population persists; this recovering group is located on Guadalupe Island, Mexico. The current Regional population is restricted to the seasonal occurrence of a few individuals. No collections will be authorized.

#### Northern (Steller) sea lion

A substantial decline in numbers within the Southwest Region has been documented. Alaskan populations have been recently determined to be at or above the lower level of OSP (Alaska Waiver Decision, 1978). Therefore, Southwest Region policy will be to refer collections of the northern sea lion to Alaskan populations.

#### Harbor Seal

Requests for the collection of harbor seals for public display will be evaluated on a case by case basis as they are received.

#### Northern elephant seal

1. The population of northern elephant seals has been increasing at a geometric rate since 1890 and appears to still be expanding albeit at a somewhat lesser rate. It is believed that authorized collections for public display should have no adverse impact on this sizeable population.

2. Collections at known breeding sites will only be authorized between February 15 and December 14 in order to avoid pupping, breeding and nursing activities. Collections will not be authorized at sites judged by NMFS to be an incipient rookery during the above period.

3. The designated collection site for northern elephant seals is San Nicolas Island.

4. Land capture is the method authorized for collection of northern elephant seals.

#### California sea lion

1. The population growth of California sea lions is believed to be leveling off or slightly increasing; therefore, it is believed that authorized collections for public display should have no adverse impact on the currently sizeable population.

2. The collection of California sea lions from rookery sites will be authorized to occur only during the periods extending from February 15 - May 20 and July 20 - December 15. These periods have been established in order to avoid disturbing the nursing, breeding, and nursing activities of *Zalophus* (May 20 - July 20) and northern elephant seals (December 15 - February 15) which often inhabit the same beaches as *Zalophus*.

Collection of *Zalophus* from haulout (non-rookery) sites will be authorized between July 2 and May 20 (provided no other breeding pinniped is present). Prior to any breeding season collection at a haulout site, site population status will be assessed to determine if the haulout site should be classified as an incipient rookery.

3. The designated collection site for California sea lions is San Nicolas Island. Land capture is the recommended method at San Nicolas Island; this is dictated by the isolated sandy coves which limit disturbance and the unfavorable offshore weather conditions which frequently preclude water based operations. However, water capture may be authorized when conditions (weather, military operations, etc.) preclude land based collection attempts.

4. Should continued levels of collecting at San Nicolas Island be shown to potentially have an adverse impact to that population, collections will be directed to Santa Cruz Island pending review and comment by the National Park Service. Net capture in the water will be the recommended method at Santa Cruz Island due to the topographically favorable cove configurations and essentially inaccessible boulder stewn beaches.

## APPENDIX B

STANDARDS FOR ACCESS TO AND BEHAVIOR ON THE PINNIPED  
ROOKERIES AND HAULOUT AREAS OF SAN CLEMENTE ISLAND

1. Except for those purposes listed below, only those personnel or organizations possessing a valid marine mammal permit issued under the MMPA will be allowed access to the pinniped rookeries and haulout areas of SCI. Any activities on SCI authorized by marine mammal permits may be monitored by a NMFS Observer.

2. Except as otherwise authorized by a Marine Mammal Permit, research approved by the Commanding Officer, NASNI, and the NMFS shall be conducted in a manner which will not harass, disturb, or disrupt pinnipeds. In particular:

a. access to the rookeries and haulout areas located between Eel Point and Lost Point, between China Point and South Point, at Bird Rock (Northwest Harbor), and all offshore rocks utilized by pinnipeds, will be permitted only on a case-by-case basis after consultation between NASNI and NMFS;

b. access to other beach areas will be contingent upon prior approval from the Commanding Officer, NASNI, or his representative;

c. persons must maintain a sufficient distance, as determined by the Commanding Officer, NASNI, or the NMFS, from all pinnipeds to prevent harassment of any kind;

d. at no time will any person separate a healthy female and her pup for any reason, except as specifically authorized by a marine mammal permit for scientific research; and

e. persons will pass high on the beach when the pinnipeds are near the water's edge. Persons will not pass between pinnipeds beach access to the ocean.

3. Entry periods and specific points of access to rookeries and haulout areas at SCI will be established on a case-by-case basis through consultation between NASNI and the NMFS.