

Sanctuary, strategies for minimizing impacts, as well as maps and detailed descriptions of prohibited and conditional display areas (see **ADDRESSES**).

In addition, there is an annual limit of 20 displays along the entire Sanctuary coastline to prevent cumulative adverse environmental effects from fireworks. The MBNMS intends on instituting a 5-year permit system for displays that will occur annually at a fixed location and in a consistent manner, such as municipal Independence Day shows. Also, MBNMS has established a seasonal prohibition to safeguard pinniped reproductive periods. Fireworks events will not be authorized between March 1 and June 30 of each year, since this period is the primary reproductive season for many marine species. After considering the factors within each display application, other permit conditions that may be deemed appropriate are to limit the number of aerial "salute" effects used, require the removal of plastic labels and wrappings, and to require post-show reporting and cleanup.

The MBNMS guidelines effectively remove fireworks impacts from 95 percent of the Sanctuary's coastal areas, place an annual quota and multiple permit conditions on the displays authorized within the remaining 5 percent of the coast, and impose a seasonal prohibition on all fireworks displays within the MBNMS. The guidelines were developed to minimize the impacts of fireworks activities on protected species and habitats, and they have been well received by local fireworks sponsors, who have pledged their cooperation in protecting MBNMS resources. Please refer to the MBNMS Fireworks Guidelines (2002) for details on permit conditions and regulations (see **ADDRESSES**).

### Monitoring

Of all the past authorized fireworks display sites within the MBNMS, the City of Monterey site has received the highest level of monitoring effort. The City of Monterey has hosted a marine fireworks display each July 4th since 1988, which is the longest running and largest annual commercial fireworks display within the MBNMS. Because the Monterey Breakwater and natural rock formations near the display area serve as regular haul-out sites for California sea lions and harbor seals, the Monterey site has been studied and censused by government and academic researchers for over 20 years. Consequently, the Monterey site has the best background data available for assessing status and

trends of key marine mammal populations relative to annual fireworks displays. For this reason, the MBNMS proposes that Monterey be monitored as an indicator site to further determine how local California sea lion and harbor seal distribution and abundance are affected by an annual fireworks display.

The MBNMS has monitored commercial fireworks displays for potential impacts to marine life and habitats since 1993. The Sanctuary will conduct a visual census of the Monterey Breakwater and rocks within Monterey Harbor on July 4 and July 5 each year to determine annual abundance, demographic response patterns, and departure and return rates for California sea lions and harbor seals relative to the July 4 fireworks display. Data will be collected by observers aboard kayaks or small boats and from ground stations (where appropriate), using binoculars, counters, and data sheets to census animals. The pre- and post-fireworks census data will be analyzed to identify any significant temporal changes in abundance and distribution that might be attributed to impacts from the annual fireworks display. The data will also be added to past research statistics on the abundance and distribution of stocks at Monterey Harbor.

### Reporting

A draft final report must be submitted to NMFS within 60 days after the conclusion of the annual fireworks permit season. A final report must be submitted to the Regional Administrator within 30 days after receiving comments from NMFS on the draft final report. If no comments are received from NMFS, the draft final report will be considered to be the final report.

### Endangered Species Act

Under section 7 of the Endangered Species Act (ESA), NOAA will consult with the U.S. Fish & Wildlife Service (USFWS) on the proposed issuance of an IHA regarding possible fireworks impacts to sea otters within the MBNMS. Consultation will be concluded prior to the issuance of an IHA.

### National Environmental Policy Act

NOAA prepared a Final Environmental Impact Statement and Master Plan for the MBNMS (FEIS) in June 1992. That document is available for viewing at on the internet (see Electronic Access). NMFS is reviewing this FEIS to determine whether supplemental documentation is needed prior to making a final determination on issuance of an IHA.

### Preliminary Conclusions

NMFS has preliminarily determined that the short-term impact of fireworks displays, as described in this document and in the application for an IHA, would result in no more than Level B harassment of small numbers of California sea lions and harbor seals. The effects of coastal fireworks displays will be limited to short term and localized changes in behavior involving relatively small numbers of pinnipeds. Although seals and sea lions may modify their behavior, including temporarily vacating haulouts to avoid the sight and sound of commercial fireworks, these fireworks are expected to have a negligible impact on the animals. In addition, no take by injury and/or death is anticipated, and harassment takes will be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document.

### Proposed Authorization

NMFS proposes to issue a 1-year IHA to the MBNMS for the potential harassment of small numbers of harbor seals and California sea lions incidental to permitted coastal fireworks displays within the MBNMS, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

### Information Solicited

NMFS requests interested persons to submit comments and information concerning this proposed IHA and the application for regulations request (see **ADDRESSES**).

### Electronic Access

Additional information on harbor seals and California sea lions found in Central California waters can be found in Forney et al. (2002), which is available online at:

[http://www.nmfs.noaa.gov/prot\\_res/PR2/Stock\\_Assessment\\_Program/individual\\_sars.html](http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program/individual_sars.html).

The MBNMS's FEIS is also available online at:

[http://www.mbnms.nos.noaa.gov/intro/mbnms\\_eis/welcome.html](http://www.mbnms.nos.noaa.gov/intro/mbnms_eis/welcome.html).

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