

DEPARTMENT OF TRANSPORTATION

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April 15, 2013

Helen Golde
Acting Director of Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Attention: Shane Guan

Dear Ms. Golde,

The purpose of this letter is to request renewal of the existing Incidental Harassment Authorization (IHA) issued to the California Department of Transportation (Department) on January 7, 2013, for the San Francisco-Oakland Bay Bridge (SFOBB) East Span Seismic Safety Project (SFOBB Project).

Construction activities for the replacement of the SFOBB east span commenced in 2002 and are currently ongoing. On November 10, 2003, National Marine Fisheries Service (NMFS) issued an IHA to the Department, authorizing the take of a small number of marine mammals incidental to the construction of the SFOBB Project. The authorization was issued based on information provided in the Department's IHA application submitted to NMFS in September 2001. The Department has been issued five subsequent IHAs for the SFOBB Project to date.

The Department submitted its most recent renewal application for an IHA to the NMFS, on October 19, 2011. After receiving comments on the IHA application regarding monitoring measures, the Department re-submitted a revised IHA application to NMFS on April 23, 2012. NMFS issued the IHA on January 8, 2013 (2013/2014 IHA), with an expiration date of January 7, 2014. A detailed project description and incidental take assessment was included as well as monitoring, mitigation, and reporting measures in the April 23, 2012, IHA application and the NMFS' August 21, 2012, Federal Register notice.

The current 2013/2014 IHA, issued under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1316 et seq.), provides for the taking, by level B harassment, of small numbers of marine mammals incidental to the construction/dismantling of the SFOBB. Construction activities that may result in the incidental take of marine mammals include the driving of 0.45-meter, 0.61-meter, 0.91-meter (18-inch, 24-inch, and 36-inch) diameter pipe piles and mechanical dismantling of marine foundations. The species authorized for take by incidental harassment are the California sea lion (*Zalophus californianus*), Pacific harbor seal (*Phoca vitulina richarsi*), harbor porpoise (*Phocoena*

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phocoena) and gray whale (*Eschrichtius robustus*).

The current 2013/2014 IHA requires the establishment and monitoring of marine mammal exclusion and Level B harassment zones. The size of the initial exclusion and Level B harassment zones for different types of activities are provided in Table 1 below. The size of the initial exclusion and Level B harassment zones are based on hydroacoustic measurements taken in 2008 and 2009 during the driving of 1.07-meter (42-inch) diameter pipe piles for the Self-Anchored Suspension Span Temporary Towers. Once hydroacoustic measurements of the pile driving of 0.45-meter, 0.61-meter, 0.91-meter (18-inch, 24-inch, and 36-inch) diameter pipe piles and mechanical dismantling activities have been conducted, the Department will provide NMFS the hydroacoustic measurements along with the initial marine mammal monitoring results. The Department will then revise (reduce) the size of the zones based on the actual hydroacoustic measurements.

Table 1. Temporary Exclusion and Level B Harassment Zones for Various Pile Driving and Dismantling Activities.

| Pile Installation Method | Pile Size (in) | Distance to Level B 120 dB RMS (m) | Distance to Level B 160 dB RMS (m) | Distance to Level A 180 dB RMS (m) | Distance to Level A 190 dB RMS (m) |
|-----------------------------|----------------|---|---|---|---|
| Vibratory Driving | 24 | 2,000 | NA | NA | NA |
| | 36 | 2,000 | NA | NA | NA |
| Vibratory Driving | Sheet Pile | 2,000 | NA | NA | NA |
| Attenuated Impact Driving | 24 | NA | 1,000 | 235 | 95 |
| | 36 | NA | 1,000 | 235 | 95 |
| Unattenuated Proofing | 24 | NA | 1,000 | 235 | 95 |
| | 36 | NA | 1,000 | 235 | 95 |
| Unattenuated Impact Driving | H-pile | NA | 1,000 | 235 | 100 |
| Dismantling | NA | 2,000 | NA | 100 | 100 |

The Department has not yet performed pile driving or dismantling activities under its current 2013/2014 IHA. Pile driving activities for the dismantling of the existing east span are anticipated to commence in the summer or fall of 2013. Due to time required for the renewal of the IHA, the renewal process will need to start before actual hydroacoustic measurements have been taken. Therefore, the Department requests that the proposed 2014/2015 IHA include the same mitigation and monitoring requirements as were included in the current 2013/2014 IHA.

There has been no change in the scope of work for the SFOBB Project from what was outlined in the April 23, 2012, IHA application project description. SFOBB construction

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activities that may result in the incidental take of marine mammals by Level B harassment consist of: vibratory and impact pile driving, dredging and dredged material disposal, and the dismantling of marine foundations by mechanical means. As discussed in the April 23, 2012, IHA application a maximum of 2,540 temporary piles may be installed to support all temporary structures required for bridge dismantling.

All or a portion of in water work planned for the completion of the new east span and for the dismantling of the Cantilever portion of the existing east span may be performed under either the current 2013/2014 IHA or the proposed 2014/2015 IHA, including a maximum of 690 piles over two years for the construction of temporary falsework and trestles. Since these temporary structures will be designed by the contractor, their exact nature (size, type, quantity, etc.) will not be known until the contractor submits plan to the Department. The April 23, 2012 IHA application includes a detailed description of anticipated structures, pile sizes, and pile installation methods.

The Department requests that the IHA renewal be issued prior to the expiration of the current 2013/2014 IHA on January 7, 2014. Should you have any questions or need further clarification please do not hesitate to contact Stefan Galvez, SFOBB Environmental Compliance Manager at (510) 867-6785 or his staff, Oliver Kanner at (510) 599-7310.

Sincerely,

TONY ANZIANO
Program Manager
Toll Bridge Program

By


STEFAN GALVEZ-ABADIA
SFOBB Environmental Compliance Manager

cc: Jolie Harrison, Supervisor, Incidental Take Program, Permit and Conservation
Division, NOAA-Fisheries Office of Protected Resources
Shane Guan, Fisheries Biologist, NOAA-Fisheries Office of Protected Resources
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