



## INCIDENTAL HARASSMENT AUTHORIZATION

The U.S. Navy (Navy), Naval Base Kitsap Bangor, Washington, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)), to harass marine mammals incidental to a wharf construction project in the Hood Canal, Washington.

1. This Incidental Harassment Authorization (IHA) is valid from July 16, 2014 through February 15, 2015.
2. This IHA is valid only for pile driving and removal activities associated with construction of Explosive Handling Wharf #2 (EHW-2) in the Hood Canal, Washington.
3. General Conditions
  - (a) A copy of this IHA must be in the possession of the Navy, its designees, and work crew personnel operating under the authority of this IHA.
  - (b) The species authorized for taking are the harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), killer whale (transient only; *Orcinus orca*), Steller sea lion (*Eumetopias jubatus*), and the harbor porpoise (*Phocoena phocoena*).
  - (c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 (attached) for numbers of take authorized.
  - (d) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in condition 3(b) of the Authorization or any taking of any other species of marine mammal is not authorized and may result in the modification, suspension, or revocation of this IHA.
  - (e) The Navy shall conduct briefings between construction supervisors and crews, marine mammal monitoring team, and Navy staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.
4. Mitigation Measures

In order to ensure the least practicable impact on the species listed in condition 3(b), the holder of this Authorization is required to implement the following mitigation measures:

  - (a) During impact pile driving, the Navy shall implement a minimum shutdown zone of 20 m radius around the pile, to be effective for all species of pinniped, and a minimum shutdown zone of 85 m radius around the pile, to be effective for all



species of cetacean. If a marine mammal comes within the relevant zone, such operations shall cease.

- (b) During vibratory pile driving and removal, the Navy shall implement a minimum shutdown zone of 10 m radius around the pile for marine mammals. If a marine mammal comes within this zone, such operations shall cease.
- (c) The Navy shall similarly avoid direct interaction with marine mammals during in-water heavy machinery work other than pile driving that may occur in association with the wharf construction project. If a marine mammal comes within 10 m of such activity, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions, as appropriate.
- (d) The Navy shall establish monitoring locations as described in the Marine Mammal Monitoring Plan (Monitoring Plan; attached). For all pile driving activities, a minimum of one observer shall be assigned to each active pile driving rig in order to monitor the shutdown zones, while at least two additional observers shall be positioned for optimal monitoring of the surrounding waters within the Waterfront Restricted Area (WRA). These observers shall record all observations of marine mammals, regardless of distance from the pile being driven, as well as behavior and potential behavioral reactions of the animals.
- (e) Monitoring shall take place from 15 minutes prior to initiation of pile driving activity through 30 minutes post-completion of pile driving activity. Pre-activity monitoring shall be conducted for 15 minutes to ensure that the shutdown zone is clear of marine mammals, and pile driving may commence when observers have declared the shutdown zone clear of marine mammals. In the event of a delay or shutdown of activity resulting from marine mammals in the shutdown zone, animals shall be allowed to remain in the shutdown zone (i.e., must leave of their own volition) and their behavior shall be monitored and documented. Monitoring shall occur throughout the time required to drive a pile. The shutdown zone must be determined to be clear during periods of good visibility (i.e., the entire shutdown zone and surrounding waters within the WRA must be visible to the naked eye).
- (f) If a marine mammal approaches or enters the shutdown zone, all pile driving activities at that location shall be halted (i.e., implementation of shutdown at one pile driving location may not necessarily trigger shutdown at other locations when pile driving is occurring concurrently). If pile driving is halted or delayed at a specific location due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or 15 minutes have passed without re-detection of the animal.
- (g) Monitoring shall be conducted by qualified observers, as described in the Monitoring Plan. Trained observers shall be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator.

- (h) Approved sound attenuation devices shall be used during impact pile driving operations. The Navy shall implement the necessary contractual requirements to ensure that such devices are capable of achieving optimal performance, and that deployment of the device is implemented properly such that no reduction in performance may be attributable to faulty deployment.
- (i) The Navy shall use soft start techniques recommended by NMFS for impact pile driving. The soft start requires contractors to provide an initial set of strikes from the impact hammer at reduced energy, followed by a 30-second waiting period, then two subsequent reduced energy strike sets. Soft start shall be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.
- (j) Pile driving shall only be conducted during daylight hours.

5. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring during pile driving activity. Marine mammal monitoring and reporting shall be conducted in accordance with the Monitoring Plan.

- (a) The Navy shall collect sighting data and behavioral responses to pile driving for marine mammal species observed in the region of activity during the period of activity. All observers shall be trained in marine mammal identification and behaviors, and shall have no other construction related tasks while conducting monitoring.
- (b) For all marine mammal monitoring, the information shall be recorded as described in the Monitoring Plan.

6. Reporting

The holder of this Authorization is required to:

- (a) Submit a draft report on all marine mammal monitoring conducted under the IHA within 90 calendar days of the end of the in-water work period. A final report shall be prepared and submitted within 30 days following resolution of comments on the draft report from NMFS. This report must contain the informational elements described in the Monitoring Plan, at minimum (see attached).
- (b) Response and reporting for stranded, injured or dead marine mammals:
  - (i) In the event that a live marine mammal is found stranded, whether on shore or in or on any structure or vessel, the following steps shall be taken:
    1. Project personnel making the discovery shall immediately notify the most appropriate onsite personnel with relevant expertise (e.g., marine mammal observers) as well as the Navy (if non-Navy project personnel initially discover the animal).

2. The Navy shall then immediately notify the West Coast Regional Stranding Coordinator (206-526-6550), NMFS, and, in consultation with the Stranding Coordinator, shall immediately notify the most appropriate qualified individual (i.e., biologist or veterinarian) to respond to the event.
  3. In the interim, or in the event that no qualified individual other than onsite marine mammal observers is available to respond to the event, the Navy shall manage event response and shall take action to prevent any further deterioration of the animal's condition, to the extent possible. Appropriate action may be specific to the event. At minimum, the Navy should provide shade for the animal (if possible), shall not move the animal or cause the animal to move, and shall suspend project activity until the situation is resolved.
  4. The Navy shall report the incident to the Office of Protected Resources (301-427-8425), NMFS, within 24 hours.
- (ii) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury (Level A harassment), serious injury, or mortality, Navy shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. The report must include the following information:
1. Time and date of the incident;
  2. Description of the incident;
  3. Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
  4. Description of all marine mammal observations in the 24 hours preceding the incident;
  5. Species identification or description of the animal(s) involved;
  6. Fate of the animal(s); and
  7. Photographs or video footage of the animal(s).

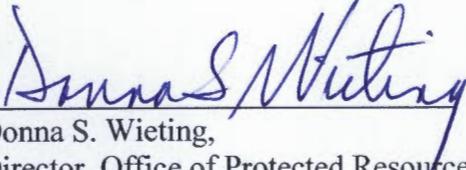
Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with Navy to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Navy may not resume their activities until notified by NMFS.

- (iii) In the event that Navy discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (e.g., in less than a moderate state of decomposition), Navy shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS.

The report must include the same information identified in 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Navy to determine whether additional mitigation measures or modifications to the activities are appropriate.

- (iv) In the event that Navy discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), Navy shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. Navy shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

  
Donna S. Wieting,  
Director, Office of Protected Resources,  
National Marine Fisheries Service.

JUL 14 2014

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Date

**Table 1. Authorized take numbers, by species**

<b>Species</b>	<b>Authorized Take</b>
Harbor seal ( <i>Phoca vitulina</i> )	8,580
California sea lion ( <i>Zalophus californianus</i> )	6,630
Steller sea lion ( <i>Eumetopias jubatus</i> )	585
Killer whale ( <i>Orcinus orca</i> )	180
Harbor porpoise ( <i>Phocoena phocoena</i> )	1,170

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