



NOV 08 2013

MEMORANDUM FOR: The Record

FROM: Donna S. Wieting, Director
Office of Protected Resources 

SUBJECT: Adoption of the U.S. Navy's Environmental Assessment on *Pier 6 Pile Replacement Naval Base Kitsap* -- DECISION
MEMORANDUM

I. Background

I.A. NMFS' Proposed Action

NMFS is proposing to issue an Incidental Harassment Authorization (IHA) for the unintentional taking of marine mammals incidental to pile driving associated with the Navy's pier maintenance project at Naval Base Kitsap Bremerton, WA. The Navy's proposed action would occur during designated in-water work windows over three years. The first IHA issued for this action would be valid for the period of December 1, 2013 through March 1, 2014; subsequent IHAs, if issued, would be valid for in-water work windows from June 15, 2014 to March 1, 2015 and June 15, 2015 to March 1, 2016.

Under the Marine Mammal Protection Act (MMPA), the Secretary of Commerce shall allow the incidental taking of marine mammals if the Secretary finds that the total of such taking will have a negligible impact on the species or stock, and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses, provided that the permissible methods of taking pursuant to the specified activity and other means of effecting the least practicable adverse impact on the species or stock and its habitat are prescribed. In addition, requirements related to monitoring and reporting must be set forth.

On June 12, 2013, NMFS received a complete and final application from the Navy requesting authorization for the incidental taking of two species of marine mammal incidental to construction activity associated with the project at Naval Base Kitsap Bremerton (NBKB). The requested authorization is for incidental take by Level B harassment only, as a result of sound produced by the specified activities. During the period of validity for the proposed IHA, the Navy would conduct 20 days of vibratory pile removal and 45 days of pile installation with an impact hammer. These activities constitute the specified activity considered in NMFS' proposed IHA. Additional detail regarding the Navy's proposed action is provided below.

The IHA would allow for the incidental take of marine mammals during the described activities and specified timeframes, and would prescribe the permissible methods of taking and other



means of effecting the least practicable impact on marine mammal species and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking. NMFS' preliminary determinations under the MMPA were made after analyzing the Navy's proposed action, as presented in the Navy's EA and application for incidental take authorization.

I.B. U.S. Navy's Proposed Action

NBKB serves as the homeport for a nuclear aircraft carrier and other Navy vessels and as a shipyard capable of overhauling and repairing all types and sizes of ships. Other significant capabilities include alteration, construction, deactivation, and dry-docking of naval vessels. Pier 6 was completed in 1926 and requires substantial maintenance to maintain readiness. Over the length of the entire project, which is expected to require three years of work conducted only during designated in-water work windows, the Navy proposes to remove up to 400 deteriorating fender piles and to replace them with up to 330 new pre-stressed concrete fender piles. During the first in-water work window, and under the proposed IHA, the Navy would conduct 20 days of vibratory pile removal and 45 days of pile installation with an impact hammer.

I.C. Comparison of U.S. Navy's Proposed Action to NMFS' Proposed Action

NMFS' proposed action (issuance of an IHA) would authorize take of marine mammals incidental to a subset of the activities analyzed in the Navy's EA that are anticipated to result in the take of marine mammals, i.e., pile installation and removal activities. Thus, these components of the Navy's proposed action are the subject of NMFS' proposed MMPA regulatory action. Other components of construction not expected to result in incidental take of marine mammals are not the subject of NMFS' proposed action. The Navy's EA contains a thorough analysis of the environmental consequences of their proposed action on the human environment, including specific sections addressing the effects of underwater sound on marine mammals and describing potential mitigation measures specific to marine mammals.

NMFS participated in the development of the Navy's EA by identifying additional mitigation measures (for marine mammals) that should be considered in the Navy's analysis and by ensuring that any additional information and analyses necessary to support NMFS' proposed action and allow for consideration of adoption of the document for NMFS' NEPA compliance were included in the EA.

II. Alternatives and Impact Assessment

II.A. Summary of the Alternatives Considered by the Navy

The Navy's EA considers a No-Action Alternative and one Action Alternative.

No-Action Alternative: The No-Action Alternative is required by Council on Environmental Quality (CEQ) regulations as a baseline against which the impacts of the Proposed Action are compared. Under the No-Action Alternative, the Navy would not implement maintenance work on Pier 6, resulting in continued deterioration and compromised pier integrity and mission readiness. The No-Action alternative was rejected as not meeting the purpose and need of the

proposed action, which is to maintain the existing Pier 6 in working condition and to ensure structural integrity, but is carried forward as a baseline for the analysis.

Action Alternative (Preferred Alternative): Under the proposed action, the Navy would conduct maintenance repairs to the existing pier.

II.B. Summary of Alternatives Considered by NMFS

For the proposed action, the EA includes consideration of a variety of mitigation and monitoring measures through incorporation of the IHA application. Mitigation and monitoring measures include the establishment of exclusion zones for prevention of injury, the use of protected species observers, and implementation of soft start for impact pile driving. Some of these measures are specifically developed to minimize adverse impacts on marine mammals, while others may benefit marine mammals indirectly. NMFS aided in development of the EA by identifying additional mitigation measures (for marine mammals) that should be considered. As a result of this interaction, additional mitigation measures were discussed and considered in the EA that will reduce impacts to marine mammals to the level of least practicable impact. The inclusion of these mitigation measures strengthens the EA's support and coverage of NMFS' alternatives, which are listed below.

- NMFS would not issue an IHA to the Navy for the take of marine mammals incidental to activities described in the preferred alternative (for NMFS, this constitutes the NEPA-required No Action Alternative). The effects of NMFS' No Action Alternative are substantially the same as those of the Navy's No Action alternative.
- NMFS issues an IHA authorizing take of marine mammals incidental to activities described in the preferred alternative, with the mitigation, monitoring and reporting measures presented in the EA.

II.C. Environmental Consequences

The EA analyzed the impacts to biological resources as well as impacts to water quality, the physical and biological environment, cultural resources, and other aspects of the human environment. The principal types of impacts during project construction would primarily be limited to include underwater noise (and its effects on marine biota) and turbidity. The expected impacts are not considered significant. The action alternative would be expected to result in noise levels that may affect marine mammals; these effects are expected to be limited to behavioral disturbance. NMFS' proposed action concerns only the potential effects to the biological component of the marine environment.

The anticipated impacts of the proposed action are primarily from increased levels of underwater sound resulting from pile installation and removal. The analysis in the EA indicated these impacts would be short term in nature (a maximum of 65 total days over the course of the in-water work window). Airborne and underwater sound associated with pile driving could have an effect on wildlife as well as on humans in the Bremerton vicinity. As such, the EA analyzed the impacts to wildlife as well as impacts to humans, marine vegetation, fish and benthic

invertebrates and other environmental resources. The EA concludes the impacts associated with the proposed action are minor and temporary and result in no significant impacts, including impacts on species listed under the Endangered Species Act. No marine mammals are anticipated to be exposed to sound levels resulting in injury or mortality during construction activities. Socioeconomics, environmental justice, the protection of children and the regional economy would not be significantly impacted as a result of the proposed action. There will be no disproportionately high and adverse environmental, human health and socioeconomic effects to minority and low income populations. Recent and proposed projects at NBKB and other projects in the area were examined to determine possible cumulative impacts. All resource areas analyzed in the EA have been evaluated for cumulative impacts including past, present and reasonably foreseeable future actions. The analysis indicates that no significant cumulative impacts are anticipated because of the relative scale of projects and the nature and magnitude of specific impacts. The Navy's analysis indicates that the project would not result in significant impacts to the human environment; however, mitigation measures have been designed by the Navy and NMFS to further reduce project impacts to marine mammals and other resources.

II.D. Public Involvement

NEPA requires that environmental information supporting a decision be made available to the public, agencies, and other stakeholders. The Navy's public involvement process for the Proposed Action was designed to inform stakeholders of the Navy's proposed action early in the NEPA process, to provide stakeholders with the opportunity to comment on the Navy's proposed action and assessment of the proposed action and to keep stakeholders informed throughout the NEPA process. The Navy's public involvement plan for the proposed action included the following:

- Public Review of the Draft EA. The draft EA was made available to the public for review and comment. A notice of availability (NOA) was published in the local newspaper from May 27-29, 2013, and the draft EA was posted on the internet for review and comment from May 27 through June 10, 2013.
- Release of the Final EA and Finding of No Significant Impact (FONSI). The final EA and FONSI will be made available to the public.

In addition, NMFS made the draft EA available on the internet for public review concurrently with the publication of the proposed IHA. During the public comment period, NMFS received comments from the Marine Mammal Commission.

III. NMFS Review

The NMFS Office of Protected Resources has reviewed the EA and concludes that the impacts evaluated are substantially the same as the impacts of NOAA's proposed action to issue an IHA to the Navy. In particular, the EA contains an adequate evaluation of the direct, indirect and cumulative impacts on marine mammals and ESA-listed species. In addition, the Office of Protected Resources has evaluated the EA and found that it includes all required components for adoption by NOAA:

- sufficient evidence and analysis for determining whether to prepare an environmental impact statement or FONSI;
- brief discussion of the purpose and need for the proposed action;
- listing of the alternatives to the proposed action;
- description of the affected environment;
- description of the environmental impacts of the proposed action and alternatives, including cumulative impacts; and
- list of agencies and persons consulted.

As a result of this review, the Office of Protected Resources has determined that the Navy's EA is complete and adequate to support NMFS' proposal to issue an IHA. It is therefore not necessary to prepare a separate EA or environmental impact statement to issue an IHA to the Navy and adoption of the EA is appropriate.

IV. Conclusion and Findings

NOAA's proposed action is to issue an IHA to the Navy for the incidental take of marine mammals, by Level B harassment only, related to the pier maintenance project. NMFS' issuance of the IHA is conditioned upon the implementation of mitigation and monitoring measures as described in the Navy's application.

These measures include the establishment of shutdown and buffer zones around each driven pile and monitoring of the action area for marine mammals.

Based on this review and analysis, NMFS' Office of Protected Resources has adopted the EA under the Council on Environmental Quality's Regulations for Implementing the National Environmental Policy Act (40 CFR 1506.3) and issued a separate FONSI.