

**Finding of No Significant Impact
on Issuance of an Incidental Harassment Authorization to the U.S. Navy for
Take of Marine Mammals Incidental to a Wharf Recapitalization Project**

National Marine Fisheries Service

National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27 state that the significance of an action should be analyzed both in terms of 'context' and 'intensity'. Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The U.S. Navy has finalized an Environmental Assessment (EA; *Wharf C-2 Recapitalization at Naval Station Mayport, FL Environmental Assessment*), which we have subsequently adopted. We incorporate that document here by reference. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1. *Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in FMPs?*

The wharf project is of short-term duration and will involve pile installation. Installation of piles will be accomplished primarily by vibratory pile driver. Certain piles may be finished with an impact pile driver if difficult substrate conditions are encountered.

The area encompassed by the Navy's proposed action (project area) extends through the jurisdiction of the South Atlantic Fishery Management Council (SAFMC) and through areas where NMFS has designated EFH for highly migratory species (e.g., tuna, billfish, swordfish, and sharks). As a result, the Navy's proposed action may occur within areas designated as EFH. Species groups that could occur in the project area include highly migratory, coastal migratory pelagics, snapper-grouper, juvenile summer flounder, and shrimp.

The effects of the Navy's action will primarily be from increased levels of sound resulting from pile installation, which will temporarily reduce the quality of water column EFH; these effects are temporary and will result in no long-term impacts to the environment. Pile installation and dredging would also locally increase turbidity and the temporary removal of habitat that provides shelter and/or prey resources in the immediate project vicinity. The water column may experience increased sedimentation and turbidity during operational periods. While some disruption to fish and fish habitat is unavoidable as a result of the activity, these impacts will be temporary in duration, with a minimal and localized zone of influence. Most species may already avoid this area due to the large amount of vessel traffic through the area and dredging activities; further, any behavioral avoidance by fish would not appreciably reduce the amount of fish and marine mammal foraging habitat in the nearby vicinity.

The above information pertains to the Navy's pile driving activity. The NMFS proposed action, which is the authorization of marine mammal take incidental to the wharf project, will result in no damage to ocean and coastal habitats or EFH.

2. *Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?*

The authorization of marine mammal take incidental to the Navy's wharf project will not have a substantial impact on biodiversity or ecosystem function. The Navy's wharf project may temporarily impact ecosystem function by i) temporarily creating elevated levels of underwater sound, thereby disturbing forage fish; ii) degrading water quality as a result of resuspension of bottom sediments from pile driving and dredging operations; and iii) directly damaging the benthos through pile driving, dredging and anchoring. Bottom disturbance would be temporary over a short-term project period and sediments would settle back in the general vicinity from which they rose, or would be dissipated by the strong tidal currents in the area. The temporary increase in turbidity, as well as direct impact to the benthos, is expected to decrease the light available for marine vegetation and to impact benthic organisms; however, these impacts would be minor and temporary in nature.

3. *Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?*

The proposed action is not expected to result in any impacts related to public health and safety. Construction activities are not likely to release hazardous materials into the environment. Construction crews would follow applicable state and federal laws to ensure a safe working environment. Increases in noise levels in public areas adjacent to NSM would be temporary and intermittent, occurring on a maximum of 70 days over a 12-month span. Adverse effects would be limited to behavioral disturbance, and would not be expected to significantly impact recreational users of the St. Johns River. The proposed action would not result in significant adverse impacts to health and safety.

4. *Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?*

Endangered or threatened fish and marine mammal species may occur in the general vicinity of the Navy's wharf project, but are not anticipated to be impacted. The proposed action – NMFS' authorization of incidental marine mammal take – is not expected to have a significant adverse impact on endangered or threatened species. North Atlantic right whales occur offshore from the Navy's project area. Humpback whales are rarely observed in nearshore waters in the vicinity of the project area. Both species are listed as endangered under the Endangered Species Act (ESA), but neither is expected to be affected by the Navy's action. Therefore, no incidental take of right or humpback whales is authorized under the Marine Mammal Protection Act or exempted under the ESA. No other such species will be affected by NMFS' proposed action.

5. *Are significant social or economic impacts interrelated with natural or physical environmental effects?*

The proposed action will not have any social or environmental impacts. The impacts resulting from NMFS' authorization of marine mammal take incidental to the Navy's wharf project will be limited to, at most, temporary behavioral harassment of small numbers of marine mammals. No social or economic impacts will be associated with this authorization.

6. *Are the effects on the quality of the human environment likely to be highly controversial?*

NMFS' issuance of an incidental harassment authorization (IHA) will not have effects on the human environment that are likely to be highly controversial. There is not substantial debate over the proposed action's size, nature, or effect, nor is there such debate over the underlying action (the Navy's wharf project). Due to the limited duration and intensity of the project, and the implementation of appropriate mitigation and monitoring measures, there will not be significant impacts to natural resources in the project area. During the public comment period on the proposed IHA, NMFS only received comments from the Marine Mammal Commission, which did not indicate that the environmental effects of NMFS' action were likely to be highly controversial.

7. *Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?*

Access to NSM, including the project site, is controlled by the Navy and is restricted to authorized military personnel, civilians, and contractors. Since no public recreational uses occur at the project site, the proposed action would have no direct impact to recreational uses or access in the surrounding community. Traditional resources would not be impacted. The wharf project will occur in a shoreline area that already contains multiple built structures, and will not significantly degrade the existing environment. No other unique characteristics of the geographic area are known. NMFS' issuance of an IHA would not result in substantial impacts to any such places. NMFS is aware that an area adjacent to the project site has been proposed as critical habitat for loggerhead sea turtles. NMFS' proposed action will not adversely affect that habitat area.

8. *Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?*

The effects of the Navy's proposed action are primarily related to the input of sound, resulting from pile driving, into the environment. Pile driving is a relatively well-studied action, and wildlife and the environment in the vicinity of Mayport are relatively well understood. The implementation of mitigation and monitoring measures included in NMFS' IHA will ensure that no marine mammals are injured or killed, and that impacts to marine mammals are limited to, at most, temporary behavioral harassment. Monitoring of marine mammals that are behaviorally harassed, as well as numerous documented accounts of marine mammal behavior before, during, and after behavioral harassment, demonstrates that behavioral harassment of limited duration

will not result in any permanent changes to the manner in which marine mammals utilize the vicinity of the Navy's wharf project. While NMFS' judgments on impact thresholds are based on somewhat limited data, enough is known for NMFS and the regulated entity (here the Navy) to develop precautionary monitoring and mitigation measures to minimize the potential for significant impacts on biological resources. As such, the effects of NMFS' issuance of an IHA are not highly uncertain, and the action does not involve unique or unknown risks.

9. Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

NMFS' issuance of an IHA is not related to other actions that may have cumulatively significant impacts. NMFS has no other proposed or current actions in the project area. The Navy considered cumulative impacts from its proposed action and other past, present, and reasonably foreseeable projects and found that they were not significant. Specifically, the Navy found that environmental impacts of their proposed action may result in only temporary changes to the noise environment and sediment and water quality of the NSM turning basin and, as such, there is limited potential for such temporary impacts to affected resources to interact in cumulatively significant ways with impacts that may arise from other actions.

10. Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources?

No structures eligible for the NRHP will be affected by the proposed action. No submerged archaeological sites are expected to occur in the project area. Traditional resources would not be impacted. Cultural resources were not carried forward for detailed analysis in the Navy's EA, as potential impacts were considered to be negligible or non-existent.

11. Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

Neither the proposed action nor the underlying Navy action is expected to result in the spread of any nonindigenous species. Sufficient precautionary measures will be taken by the Navy to ensure that no introduction or spread of such species occurs.

12. Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

The Navy may have additional future projects at NSM that involve pile driving. However, subsequent applications for incidental take authorizations will be independently analyzed on the basis of the best scientific information available. A finding of no significant impact for the wharf project, and for NMFS' issuance of an IHA, may inform the environmental review for future projects but would not establish a precedent or represent a decision in principle about a future consideration.

13. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for the protection of the environment?

The proposed action – NMFS' issuance of an IHA – is conducted in conformance with the MMPA. NMFS has made all appropriate determinations under other applicable statutes, and NMFS' action will not violate any laws or requirements. The Navy's wharf project requires issuance of multiple permits. The Navy is pursuing all required permits; each agency will review the Navy action as appropriate to ensure that no federal, state, or local laws or requirements will be violated.

14. Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

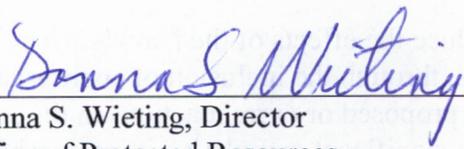
NMFS' issuance of an IHA is specifically designed to reduce the effects of the Navy's wharf project to the least practicable impact to marine mammals, through the inclusion of appropriate mitigation and monitoring measures. NMFS has no other proposed or current actions in the project area, and the issuance of an IHA does not result in significant cumulative impacts when considered with all other past, present, and reasonably foreseeable projects.

Similarly, the cumulative effects of the Navy's wharf project and other past, present, and reasonably foreseeable projects are not considered significant. Specifically, the Navy concluded that their proposed action is likely to result in no more than temporary changes to the noise environment and sediment and water quality. Therefore, there is limited potential for those effects to interact cumulatively with the effects of other past, present, and reasonably foreseeable projects. The Cumulative Impacts section of the Navy's EA addresses this topic in greater detail.

Implementation of the proposed action, in conjunction with other past, present, and reasonably foreseeable future actions, would not be expected to result in significant cumulative impacts to the environment. As such, the proposed action will not result in cumulative adverse effects that could have a substantial effect on species in the action area.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting EA prepared for the Navy's wharf project and application for an IHA, it is hereby determined that NMFS' issuance of an IHA will not significantly impact the quality of the human environment as described above and in the supporting documents. The proposed IHA was published in the *Federal Register*, and all public comments were considered and addressed. These public comments presented no new information that affects this determination. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.



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Date