



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Williams/Transcontinental Gas Pipe Line Company, LLC (Transco) (2800 Post Oak Boulevard, Houston, TX 77056) is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107, to harass marine mammals incidental to pile driving and removal during the Rockaway Delivery Lateral Project, subject to the following:

1. This Authorization is valid from June 1, 2014 through October 31, 2014.
2. This Authorization is valid for the Rockaway Delivery Lateral Project off the Rockaway Peninsula, as described in the Incidental Harassment Authorization (IHA) application.
3. Transco is hereby authorized to take, by Level B harassment only, 196 gray seals (*Halichoerus grypus*), 966 harbor seals (*Phoca vitulina*), 98 bottlenose dolphins (*Tursiops truncatus*), 35 short-beaked common dolphins (*Delphinus delphis*), and 14 harbor porpoises (*Phocoena phocoena*) incidental to pile installation and removal associated with the Rockaway Delivery Lateral Project.
4. The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to NMFS' Greater Atlantic Region, 55 Great Republic Drive, Gloucester, MA 01930-2276; phone 978-281-9328, and NMFS' Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910; phone 301-427-8401; fax 301-713-0376.
5. The holder or designees must notify NMFS' Region and Headquarters at least 24 hours prior to the seasonal commencement of the specified activity (see contact information in 4 above).

6. Mitigation Requirements

The holder of this Authorization is required to abide by the following mitigation conditions listed in 6(a)-(e). Failure to comply with these conditions may result in the modification, suspension, or revocation of this Authorization.

(a) Vibratory Pile Driving: A vibratory hammer shall be used for all pile installation and removal in order to reduce in-water sound levels.



(b) Day-light Hours Only: All pile installation and removal shall be conducted when lighting and weather conditions allow of the protected species observer to visually monitor the entire Level B harassment area through the use of binoculars or other devices.

(c) Soft-start Procedures: Soft-start procedures shall be implemented at the beginning of each pile driving session (i.e., at the beginning of each day and after a lapse of activity for at least 30 minutes). Contractors shall initiate the vibratory hammer for 15 seconds at 40 to 60 percent reduced energy, followed by a 1-minute waiting period. This procedure shall be repeated two additional times before full energy is reached.

(d) Shutdown Procedures: If a protected species observer sees any abnormal marine mammal behavior (e.g., tail/flipper slapping, abrupt directed movement, avoidance of the sound source, rapid change in swimming speed, erratic surface movements, or sudden diving at the onset of the sound source), pile driving activities shall be shutdown until the animal has moved outside of the Level B harassment area.

(e) Control of Discharge: All in-water construction activities shall comply with federal regulations to control the discharge of operational waste such as bilge and ballast waters, trash and debris, and sanitary and domestic waste that could be generated from all vessels associated with the Project. All Project vessels shall also comply with the U.S. Coast Guard requirements for the prevention and control of oil and fuel spills.

7. Monitoring Requirements

The holder of this Authorization is required to abide by the following monitoring conditions listed in 7(a)-(b). Failure to comply with these conditions may result in the modification, suspension, or revocation of this Authorization.

(a) General: If the Level B harassment area is obscured by fog or poor lighting conditions, vibratory pile driving shall be delayed until the area is visible. If the Level B harassment area becomes obscured by fog or poor lighting conditions while pile driving activities are occurring, pile driving shall be shutdown until the area is visible again.

(b) Visual Monitoring: Two NMFS-approved protected species observers shall survey the Level B harassment area (~3 miles) for marine mammals 30 minutes before, during, and 30 minutes after all vibratory pile driving activities. The observers shall be stationed on a boat, located about 1.5 miles from the pile hammer. The boat shall circle the pile hammer at a 1.5-mile distance so that the entire Level B harassment area can be surveyed. Information recorded during each observation within the Level B harassment area shall be used to estimate numbers of animals potentially taken and shall include the following:

- Numbers of individuals observed;
- Frequency of observation;
- Location within the Level B harassment area (i.e., distance from the sound source);
- Vibratory pile driving status (i.e., soft-start, active, post pile driving, etc.); and
- Reaction of the animal(s) to pile driving (if any) and observed behavior within the Level B harassment area, including bearing and direction of travel.

8. Reporting Requirements

The holder of this Authorization is required to submit a draft monitoring report to the Office of Protected Resources, NMFS, within 90 days of the conclusion of monitoring.

(a) The monitoring report shall contain the following information:

- A summary of the activity and monitoring plan (i.e., dates, times, locations);
- A summary of mitigation implementation;
- Monitoring results and a summary that addresses the goals of the monitoring plan, including the following:
 - Environmental conditions when observations were made:
 - Water conditions (i.e., Beaufort sea-state, tidal state)
 - Weather conditions (i.e., percent cloud cover, visibility, percent glare)
 - Survey-specific data:
 - Date and time survey initiated and terminated
 - Date, time, number, species, and any other relevant data regarding marine mammals observed (for pre-activity, during activity, and post-activity surveys)
 - Description of the observed behaviors (in both the presence and absence of activities):
 - If possible, the correlation to underwater sound level occurring at the time of any observable behavior
 - Estimated exposure/take numbers during activities; and
 - An assessment of the implementation and effectiveness of prescribed mitigation and monitoring measures.

(b) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner not permitted by the authorization, such as an injury, serious injury, or mortality (e.g., ship-strike, gear interaction, and/or entanglement), Transco shall immediately cease the specified activities and immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to Jolie.Harrison@noaa.gov and Shane.Guan@noaa.gov and the Northeast Regional Stranding Coordinators (Mendy.Garron@noaa.gov or Lanni.Hall@noaa.gov) or by phone at 978-281-9300. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;

- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Transco shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. NMFS will work with Transco to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Transco may not resume their activities until notified by us via letter, email, or telephone.

(c) In the event that Transco discovers an injured or dead marine mammal, and the lead visual observer determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as we describe in the next paragraph), Transco shall immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, at 301-427-8401 and/or by email to Jolie.Harrison@noaa.gov and Shane.Guan@noaa.gov and the Northeast Regional Stranding Coordinators (Mendy.Garron@noaa.gov or Lanni.Hall@noaa.gov) or by phone at 978-281-9300. The report must include the following information: The report must include the same information identified in the paragraph above this section. Activities may continue while we review the circumstances of the incident. NMFS will work with Transco to determine whether modifications in the activities are appropriate.

(d) In the event that Transco discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Transco would report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, at 301-427-8401 and/or by email to Jolie.Harrison@noaa.gov and Shane.Guan@noaa.gov and the Northeast Regional Stranding Coordinators (Mendy.Garron@noaa.gov or Lanni.Hall@noaa.gov) or by phone at 978-281-9300. The report must include the following information: within 24 hours of the discovery. Transco would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us.

9. A copy of this Authorization must be in the possession of the lead contractor on site and protected species observers operating under the authority of this Authorization.

10. 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.

11. Penalties and Permit Sanctions

Any person who violates any provision of this Incidental Harassment Authorization is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.

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for

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

Date