



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

INCIDENTAL HARASSMENT AUTHORIZATION

The Huna Totem Corporation (HTC), Hoonah, Alaska 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 marina construction project at Hoonah, Alaska.

1. This Incidental Harassment Authorization (IHA) is valid from June 1, 2015 through October 31, 2015.
2. This IHA is valid only for pile driving and falsework removal activities associated with re-development of the Cruise ship terminal in Hoonah, Alaska. Any reference to pile driving in this document is intended to refer to both pile driving and falsework removal.
3. General Conditions
 - (a) A copy of this IHA must be in the possession of HTC, its designees, and work crew personnel operating under the authority of this IHA.
 - (b) The species authorized for taking are humpback whale (*Megaptera novaeangliae*), Steller sea lion (*Eumatopius jubatus*), harbor seal (*Phoca vitulina*), Dall's porpoise (*Phocoenoides dalli*), gray whale (*Eschrichtius robustus*), harbor porpoise (*Phocoena phocoena*), killer whale (*Orcinus orca*), minke whale (*Balaenoptera acutorostrata*), and Pacific white-sided dolphin (*Lagenorhynchus obliquidens*).
 - (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 prohibited and may result in the modification, suspension, or revocation of this IHA.
 - (e) HTC shall conduct briefings between construction supervisors and crews, marine mammal monitoring team, and construction 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

The holder of this Authorization is required to implement the following mitigation measures:

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FOR FISHERIES



- (a) During vibratory pile driving, the area within 10 meters of pile driving activity will be monitored and maintained as marine mammal exclusion zone area in which pile installation will not commence or will be suspended temporarily if any marine mammals are observed within or approaching the area of potential disturbance.
- (b) For impact driving, the area within which the Level A harassment thresholds could be exceeded (the 100 meter radius) will be maintained as a marine mammal exclusion zone, in which impact pile driving will be shut down immediately if any marine mammal is observed within the area.
- (c) For in-water heavy machinery work other than pile driving (using, e.g., standard barges, tug boats, barge-mounted excavators, or clamshell equipment used to place or remove material), if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions. This type of work could include the following activities: (1) movement of the barge to the pile location or (2) positioning of the pile on the substrate via a crane (i.e., stabbing the pile).
- (d) If a marine mammal approaches or enters the shutdown zones described in 4(a) and 4(b), all pile driving activities shall be halted. If pile driving is halted or delayed 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, or 15 minutes have passed for small odontocetes and pinnipeds and 30 minutes have passed for large and medium-sized whales without re-detection of the animal.
- (e) 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.
- (f) HTC will utilize soft start techniques for both impact and vibratory pile driving. HTC will initiate sound from vibratory hammers for fifteen seconds at reduced energy followed by a thirty-second waiting period, with the procedure repeated two additional times. For impact driving, we require an initial set of three strikes from the impact hammer at reduced energy, followed by a thirty-second waiting period, then two subsequent three strike sets. Soft start will be required at the beginning of each day's pile driving work and at any time following a cessation of pile driving of 30 minutes or longer (specific to either vibratory or impact driving).
- (g) 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) HTC 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, to include at minimum:
 - (i) Date and time that monitored activity begins or ends;
 - (ii) Construction activities occurring during each observation period;
 - (iii) Weather parameters (e.g., percent cover, visibility);
 - (iv) Water conditions (e.g., sea state, tide state);
 - (v) Species, numbers, and, if possible, sex and age class of marine mammals;
 - (vi) Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;
 - (vii) Locations of all marine mammal observations; and
 - (viii) Other human activity in the area.
- (c) HTC shall establish monitoring locations as described in the Marine Mammal Monitoring Plan (Monitoring Plan; attached). The area within the Level B harassment threshold for impact driving (shown in Figure B-2 of Appendix B of the revised marine mammal monitoring plan) will be monitored by the field monitor stationed either on the pile driving rig or in the vicinity, and by a second qualified field monitor stationed on or in the vicinity of Halibut Island near the 2,150 meter limit of the Level B harassment zone. A third qualified observer will also monitor from a boat that is conducting a transect along the 2,154 meter limit of the Level B harassment zone. Marine mammal presence within this Level B harassment zone, if any, will be monitored, but impact pile driving activity will not be stopped if marine mammals are found to be present. Any marine mammal documented within the Level B harassment zone during impact driving would constitute a Level B take (harassment), and will be recorded and reported as such.
- (d) During vibratory pile driving, the area within 10 meters of pile driving activity will be monitored and maintained as marine mammal buffer area in which pile installation will not commence or will be suspended temporarily if any marine mammals are observed within or approaching the area of potential disturbance. The Level B harassment area will be monitored by three qualified observers (Figure B-3). One individual will be stationed either on the pile driving rig or in the immediate vicinity, a second individual will be stationed on either Halibut Island or a location in the vicinity, and a third observer will be located on a vessel that is conducting meander transects throughout the Level B harassment zone.

Any marine mammal documented within the Level B harassment zone during impact driving would constitute a Level B take (harassment), and will be recorded and reported as such.

- (e) Monitoring shall take place from 30 minutes prior to initiation of pile driving activity through 30 minutes post-completion of pile driving activity. Pre-activity monitoring shall be conducted for 30 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 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 must be visible to the naked eye).

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 under 5(b), at minimum.
- (b) Reporting injured or dead marine mammals:
 - (i) 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, HTC shall immediately cease the specified activities and report the incident to the Office of Protected Resources (301-427-8425), NMFS, and the Alaska Regional Stranding Coordinator (907- 586-7248), 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 HTC to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. HTC may not resume their activities until notified by NMFS.

- (ii) In the event that HTC 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), HTC shall immediately report the incident to the Office of Protected Resources, NMFS, and the Alaska 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 HTC to determine whether additional mitigation measures or modifications to the activities are appropriate.

- (iii) In the event that HTC 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), HTC shall report the incident to the Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. HTC 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 NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

for
Perry GAYAWOOD

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

MAY 22 2015

Date

Table 1. Authorized take numbers by Level B harassment, by species

| Species | Authorized takes (Level B harassment) |
|-----------------------------|--|
| Humpback whale | 316 |
| Steller sea lion | 528 |
| Harbor seal | 480 |
| Dall's porpoise | 692 |
| Gray whale | 12 |
| Harbor porpoise | 1288 |
| Killer whale | 412 |
| Minke whale | 8 |
| Pacific white-sided dolphin | 153 |